

REPORT SUMMARY

REFERENCE NO - 22/02304/FULL

APPLICATION PROPOSAL

The redevelopment of the former Cinema Site comprising the demolition of no. 41 Mount Pleasant Road, removal of existing hardstanding and the provision of an extra care retirement community comprising extra care accommodation together with associated facilities (Use Class C2), new commercial floorspace Use Classes E(a), E(b), E(c), E(d) (soft/indoor play only) E(e), E(g i& ii) & Sui Generis Uses (beauty related uses and drinking establishments); access; landscaping, public realm improvement works; engineering and earthworks; associated infrastructure; and the re-alignment of Public Right of Way ref WBX17 and extinguishment of Public Right of Way ref WBX18.

ADDRESS Former ABC Cinema Site Mount Pleasant Road Royal Tunbridge Wells Kent TN1 1PN

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

- There is no objection to the principle of the proposed development as the site is allocated for mixed use purposes in the Site Allocations Local Plan (SALP) under Policy AL/RTW2B
- The proposal would cause less than substantial harm at the lower end of the scale to the character and appearance of the Conservation Area and the significance of nearby listed buildings. It is considered that the harm identified would be outweighed by the public benefits.
- The scale, layout and design of the development would respect the context of the site and preserve the visual amenities of the locality.
- Sustainable design, energy efficiency and renewable energy measures have been satisfactorily incorporated within the proposals.
- The development would not result in significant harm to the amenities of nearby dwellings and other properties.
- The traffic movements generated by the development can be accommodated without detriment to highway safety.
- The development is well served by sustainable transport modes and suitable measures have been proposed to meet the needs of pedestrians, cyclists and bus users.
- Subject to mitigation measures to be secured by means of a Section 106 planning obligation, adequate on-site provision is made for car and cycle parking.
- Other environmental impacts have been assessed and there are not any which are potentially significant and which cannot be controlled by conditions.

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:

- £72,576.86 towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care (£437.21 per dwelling)
- £30,489.22 towards Tunbridge Wells Waste Transfer Station and Household Waste Recycling Centre (HWRC) expansion (£183.67 per dwelling)

- £33,200 to mitigate the impact of the development on The Common (£200 per dwelling)
- £46,670 towards the provision of an electric car club vehicle, electric charging point, operation costs, traffic regulation order, membership for each unit and £20 free driving credit
- £50,000 – towards sustainable transport
- £948 – Travel Plan monitoring fee

TOTAL - £233,884.08

Net increase in numbers of jobs: 87

Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: £667,969

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

Estimated annual council tax benefit for Borough: £32,163

Estimated annual council tax benefit total: £336,940

Estimated annual business rates benefits for Borough: £90,898

REASON FOR REFERRAL TO COMMITTEE

Significant major planning application that is recommended for approval

WARD Culverden	PARISH/TOWN COUNCIL N/A	APPLICANT Retirement Villages Group Limited AGENT Mrs Lucy Wilford
DECISION DUE DATE EOT 16.12.22	PUBLICITY EXPIRY DATE 02/11/22	OFFICER SITE VISIT DATE 16/08/22

RELEVANT PLANNING HISTORY

22/01547/ENVSCR	Development of an extra care retirement community together with associated facilities, in addition to high street commercial floor space with associated access, landscaping and other works	EIA not required	01/06/22
21/00369/LDCEX	Lawful Development Certificate (Existing) - The installation of 10 contiguous piles in the location shown on Plan No 19/01869/FULL, constituting the lawful implementation of planning permission 19/01869/FULL	Approved	04/03/21
19/01869/FULL	Minor material amendment to 17/02262/FULL (mixed use development comprising retail uses, restaurants, cinema, 108 dwellings, car and cycle parking, highway works, public realm improvements, realignment of Public Right of Way WBX17 and extinguishment of Public Right of Way WBX18). Amendments include: Reduction in retail/restaurant floorspace; removal of office accommodation; external and internal alterations including new glazed links,	Approved	12/09/19

	changes to fenestration/doors, extensions to residential blocks; changes to height of building (no higher than tallest element previously approved); reduction in height of cinema and relocation of entrance to ground floor; alterations to parking, delivery, servicing and access arrangements; and alterations to the public realm and landscaped areas.		
17/02262/FULL	Full planning application for mixed use redevelopment comprising 3,039 sqm Gross Internal Area (GIA) retail uses (Use Class A1/A2), 1,895 sqm GIA restaurant use (Use Class A3), 1,049 GIA sqm cinema (Use Class D2) and 99 dwellings (Use Class C3) together with provision of car and cycle parking, highway works, public realm improvements, and associated works, realignment of Public Right of Way ref WBX17 and extinguishment of Public Right of Way ref WBX18, and either:- (a) 9 additional dwellings (Use Class C3) and 372 sqm GIA office uses (Use Class B1); or (b) 1,144 sqm GIA medical centre (Use Class D1)	Approved	02/02/18
17/03555/S257	Application for a Stopping up Order under section 257 Town and Country Planning Act 1990 - order No. WBX17 and No. WBX18 and the creation of a new east/west footpath	Received	
11/03332/CAC	Conservation Area Consent: Demolition of former ABC Cinema, 10-15 Ritz Buildings, Church Road, 41-67 Mount Pleasant Road, Clanricarde House and Hill House, Clanricarde Road	Approved	23/12/11
09/03456/NMAMD	Non-material amendment in relation to TW/08/03119/FULMJ - alteration to line of walkway from Clanricarde Road to Mount Pleasant Road to improve access, safety and security	Approved	20/11/09
09/03185/S257	Application for a Stopping up Order under section 257 Town and Country Planning Act 1990 - order No. WBX17 - Clanricarde Road to Mount Pleasant Road and no. WBX18 - Church Road to WBX17 and the provision of two replacement walkways	Approved	01/03/10

08/03119/FULMJ	Demolition of all existing buildings. Redevelopment of site with mixed use classes including C1 (hotels), B1 (offices), A1 (shops), A2 (professional & financial services) & A3 (restaurants), with servicing and car parking.	Approved	06/01/09
08/03126/CAC	Conservation Area Consent: Demolition of all existing buildings to facilitate comprehensive development of site including: the former cinema site, nos. 10-15 Ritz Buildings, Church Road; nos. 51-67 Mount Pleasant Road; and Hill House and Clanricarde Medical Centre, Clanricarde Road.	Approved	31/10/08
06/00369/CAC	Conservation Area Consent - Variation of terms of Condition 2 of Conservation Area Consent TW/01/02443 to permit demolition of buildings to proceed without compliance with requirement at paragraph (b) thereof	Approved	23/03/06
04/00940/FULMJ	Comprehensive redevelopment of site with mixed use Class A1 (Shops) Class A3 (Food and Drink) Class C3 (Dwellinghouses) and Class D2 (Assembly and Leisure) together with servicing and car parking	Refused	08/10/04
01/02446/FULMJ	Comprehensive redevelopment of site with mixed use class A1 (shops) class A3 (food and drink) class C3 (dwellinghouses) and class D2 (assembly and leisure) together with servicing and car parking	Refused Appeal allowed	09/04/03 16/12/04
01/02443/CAC	Demolition of all existing buildings	Approved	28/05/03

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site lies within the heart of Royal Tunbridge Wells town centre, opposite the Civic complex. Church Road lies to the north of the site; Mount Pleasant to the west; the Pitcher and Piano, a doctor's surgery, offices, a medical centre and Clanricarde Gardens lie to the west; and, other commercial/retail/office development is located to the south.
- 1.02 The site was previously occupied by the ABC cinema, which was constructed in the 1930s. It also previously contained retail/commercial uses (which fronted Mount Pleasant Road and Church Road, with car parking to the rear) and two additional buildings - Clanricarde House (doctor's surgery) and Hill House (dental practice).
- 1.03 The cinema closed in 1999, followed by the shops/cafes. The buildings were demolished in 2014 (with the exception of part of no. 41 Mount Pleasant Road). Consent was granted for the demolition of all buildings, including no. 41 Mount

Pleasant Road as part of 11/03332/CAC. However, for completeness the demolition of no. 41 also forms part of this application. The majority of the demolished buildings were two storeys high, with the exception of the three storey Clanricarde House and the cinema, which was the equivalent of four storeys. Demolition took place at the request of TWBC, following the service of a Section 215 Notice (Untidy Site Notice). The site now comprises bare earth, occasional scrub and is enclosed by hoardings.

1.04 The site is surrounded by a variety of uses. Retail and restaurant/café uses front Mount Pleasant Road. On the opposite side of Church Road is Cote Brasserie, the residential properties of 2 and 3 The Priory and Trinity Theatre and Arts Centre. The Civic complex lies opposite the site. Adjoining the northern part of the site (to the south of Church Road) is the Pitcher and Piano public house, with the seven storey Wellington Gate office block beyond. The area to the west/south west of the site (Lonsdale Gardens, Clanricarde Road and Clanricarde Gardens) comprises residential and office uses as well as a doctor's surgery and children's nursery/pre-school premises. Many of the adjoining properties have windows that face towards the site. To the south of the site is a service road, which serves properties that front onto Mount Pleasant Road. Opposite the southern boundary is a three-storey office block, with plant on the roof.

1.05 The site has a challenging topography:

- west to east - On Church Road, from the Pitcher and Piano boundary to Mount Pleasant Road the ground level drops by 1.9m. Further south, however, the fall from west to east is significantly greater with a level difference of 4.8m from Clanricarde Road to Mount Pleasant Road over a distance of about 50m.
- north to south - the site levels fall from Church Road to the southern end of the site, at 39 Mount Pleasant Road, by 9 metres. On average the gradient in this section of the road is 1:9.

1.06 Mid to long range views of the site are available from Calverley Grounds to the east, and from The Common/Mount Ephraim to the west.

1.07 The site lies within the Royal Tunbridge Wells Conservation Area. There are a number of heritage assets within the immediate vicinity:

Grade II* listed building:

- Holy Trinity Church to the north-west of the site

Grade II listed buildings/structures in the vicinity:

- The Priory (north of Church Road)
- Walls to the north and south of nos. 2 & 3 Church Road
- Wall surrounding Holy Trinity Church
- Civic Complex (Town Hall, Police Station, Community Hub)
- Tunbridge Wells War Memorial
- 82 Mount Pleasant Road (Lloyds Bank)
- 2 lamp supports (Junction of Mount Pleasant Road and Lonsdale Gardens)

Grade II historic park and garden:

- Calverley Park and Calverley Grounds

1.08 There are two vehicular accesses into the site.

- Off Church Road, adjacent to Pitcher and Piano

- Off Clanricarde Road, accessed via Lonsdale Gardens (private road serving predominantly office buildings, but also residential uses and the Lonsdale Medical centre (doctor's surgery).
- 1.09 Two public rights of way (PROW) cross the site:
- A north/south route linking Clanricarde Road with Church Road (route WBX18).
 - An east/west route that links Clanricarde Road with Mount Pleasant Road (route WBX17).
- 1.10 The two PROW currently run across the site between hoardings.
- 1.11 The main line railway passes through a tunnel beneath the site, which runs along the eastern edge of the site, broadly parallel with Mount Pleasant Road.
- 1.12 There are a number of trees surrounding the site. The most significant of which are three London plane street trees on Mount Pleasant Road. These trees are protected by virtue of being within the Conservation Area.
- 1.13 The site lies within the Primary Shopping Area, Tunbridge Wells Central Access Zone (Residential) and Tunbridge Wells Central Parking Zone (Commercial).

2.0 PROPOSAL

- 2.01 The proposal seeks to provide 166 nos. extra care apartments (Use Class C2), comprising 29 nos. one bed homes, 122 nos. two bed homes, 13 nos. two bed plus homes and 2 nos. duplex homes. A number of units would have private balconies or terraces. The scheme also includes the following:
- Reception and lobby
 - Multi-use room
 - Bar
 - Restaurant (opens up onto the courtyard)
 - Offices and admin space, including space for domiciliary care provider
 - Lounge
 - Treatment rooms
 - Gym
 - Hydro pool (85m²) and saunarium
 - Gym and studio for classes and low-impact exercise machines, suitable for use by older people
 - Internal courtyard
 - Roof terraces and roof top gardens
- 2.02 The scheme also includes 908.98m² of commercial/retail floorspace, 61 car parking spaces (including 4 disabled), bicycle storage (31 for residents, 19 for amenities and 8 in the public realm), buggy store and associated infrastructure.
- 2.03 Permission is sought on a flexible basis for the commercial/retail units, which could include the following uses:
- E(a) – retail (formerly A1);
 - E(b) – sale of food and drink principally on the premises (formerly A3);
 - E(c) - financial and professional services (formerly A2)
 - E(d) – soft/indoor play

- E(e) - medical and health services (formerly D1)
 - E (gi & ii) – office uses (formerly B1); and
 - Sui Generis uses for beauty related uses and drinking establishments (the latter formerly A4).
- 2.04 The general public will have access to the following services/facilities, which will be secured by Section 106 legal agreement:
- The internal courtyard
 - Restaurant
 - Bar
 - Health and wellbeing facilities (including gym); and
 - Multi-use room
- 2.05 The proposal consists of four separate blocks, that sit around a central courtyard. Block A would be located adjacent to the junction with Church Road and Mount Pleasant Road. It would be seven storeys high on the corner and then drop down to six storeys (with lower storey), taking into consideration the change in levels on Mount Pleasant Road. It would contain 56 extra care units which would be accessed from either the courtyard or Church Road. This block would include the restaurant and kitchen, reception/lobby, bar, multi-use room, wellness centre (including treatment rooms, gym, studio and hydrotherapy pool), buggy store and administration offices. The studio, gym and lobby would front onto Church Road. There would be roof top terraces on parts of the fifth and sixth storey elements and above the restaurant, which along with the private balconies would provide outdoor amenity space for future residents.
- 2.06 Block B would be five storeys in height. It would contain 35 extra care units and 7 retail/commercial units, which would front onto Mount Pleasant Road. These units could be amalgamated should a prospective tenant require a larger unit. A terrace is proposed above the retail units. The retail/commercial units would be located above the railway tunnel and would be single-storey in height only (responding to the constraints of the railway tunnel below). The residential part of the building would be stepped back from the road to minimise the weight above the railway tunnel.
- 2.07 Block C would be sited to the rear of the Pitcher & Piano. It would be six storeys in height, with the top floor stepped back. It would contain 32 extra units, which would be accessible from the internal courtyard. The ground floor provides servicing, plant space and refuse storage for the development. A double height servicing and loading bay is accessed from Clanricarde Road.
- 2.08 Block D fronts onto Clanricarde Road. It would be six storeys in height, with a lower ground floor car park beneath, containing space for 61 cars. Bicycle and mobility storage is also proposed at lower ground floor level for future residents. The parking area would be accessed from a spur off Clanricarde Road and would have a separate access and egress. Access to the parking area would be controlled by shutters for security reasons. Block D would be solely in residential use and contain 43 extra care units, which would be access from the internal courtyard. A roof top terrace is proposed to provide outdoor amenity space for future residents.
- 2.09 The proposal seeks to extinguish PROW WBX18 and divert PROW WBX17 through the new publicly accessible courtyard, which would be a 3m wide step free route. The courtyard is proposed to be used as a multi-functional space, which is capable of hosting an outdoor cinema, public performances or a small market. Outdoor seating associated with the proposed restaurant would be located within the courtyard. A

piece of public art in the form of a water wall, is proposed adjacent to Block C within the courtyard, which will be visible from the entrance to the courtyard off Mount Pleasant Road.

- 2.10 A drop off area is proposed adjacent to the Church Road frontage, which would have a separate access and egress.
- 2.11 The number of residential units has increased in comparison to the extant scheme, which previously provided 108 residential units for older persons. This is due to the fact that there is no cinema included within the scheme, which releases space for residential accommodation. The amount of retail/commercial floorspace has also been reduced. In comparison to the extant scheme (where the residential units were considered to be overlarge), the size of the residential units has been reduced. All of the extra care units would meet building regulations M4(2) (accessible and adaptable dwellings) and would be fitted with an emergency call system, so that assistance can be called 24 hours per day.

3.0 SUMMARY INFORMATION

	Extant scheme (19/01869/FULL)	Proposed	Change (+/-)
Site Area	0.8ha	0.8ha	No change
No. of residential units	108 (C3 with age restriction)	166 (C2)	+58
Commercial/retail floorspace (GIA)	2,604m ²	908.98m ²	-1,695.02m ²
Cinema (D2)	1,067m ²	0	-1,067m ²
Number of jobs (excluding construction period)	205	87	-118
Car parking spaces (inc. disabled)	60	61	+1
Cycle spaces	58	58	No change
Nos. of storeys (viewed from Church Road)	8	7	-1
Approximate height (using ground level on Church Road and excluding plant)	25.35m	24.2m	-1.15m
Parking ratio	0.56	0.37	-0.18
No. of affordable units	0	0	No change

4.0 PLANNING CONSTRAINTS

- Inside the Limits to Built Development
- Tunbridge Wells Conservation Area (*The Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be paid to preserving or enhancing the character or appearance of conservation areas, in determining applications*)
- Potentially Contaminated Land
- Public Rights of Way Public Footpath - WBX17 & WBX18
- Ashdown Forest 15km Habitat Regulation Assessment Zone
- Local Plan Primary Shopping Area
- Local Plan Economic Development Area
- Local Plan Central Access Zone (Residential)

- Local Plan Central Parking Zone (Commercial)
- Allocated Site (Area of Change) AL/RTW2B - Site Allocations Local Plan 2016
- Public Access Land Tunbridge Wells Common
- Public Access Land Mount Sion Village Green, Berkeley Road, Tunbridge Wells
- Section 106 or 52 Agreement Former Cinema Site, Tunbridge Wells
- Highways Act Land on Corner of Church Road and Mount Pleasant Road
- Air Quality Management Area
- Listed Buildings: *(The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving the special interest of listed buildings and their settings, in determining applications) – (see Para 1.07 for details)*
- Grade II Historic Park & Garden – Calverley Park and Grounds
- Enforcement Notice 41 Mount Pleasant Road, Tunbridge Wells
- Extinguished Pending Diversions PROWS - Pending Diversions Extinguished
- Section 17(1) of the Crime and Disorder Act 1998: *for Local Authorities to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.*

5.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework 2021 National Planning Practice Guidance

Tunbridge Wells Borough Core Strategy 2010

Core Policy 1: Delivery of Development

Core Policy 3: Transport Infrastructure

Core Policy 4: Environment

Core Policy 5: Sustainable Design and Construction

Core Policy 6: Housing Provision

Core Policy 7: Employment Provision

Core Policy 8: Retail, Leisure and Community Facilities Provision

Core Policy 9: Development in Royal Tunbridge Wells

Site Allocations Local Plan 2016

AL/RTW1: Urban Development Framework

AL/RTW2B: Former Cinema Site Area of Change

Tunbridge Wells Borough Local Plan 2006

Policy EN1: Development Control Criteria

Policy EN4: Demolition in Conservation Areas

Policy EN5: Development within a Conservation Area

Policy EN6: Shopfronts

Policy EN8: Outdoor lighting

Policy EN10: Archaeological Sites

Policy EN11: Historic Parks and Gardens

Policy EN13: Tree and Woodland Protection

Policy EN16: Protection of groundwater and other watercourses

Policy EN18: Flood risk

Policy H5: Residential development within the Limits to Built Development

Policy CR1: Location of large-scale (500 sq metres or greater gross floorspace) A1, A2, A3, A4, A5, B1, C1, D1 and D2 Uses within defined Primary Shopping Areas

Policy CR5: Royal Tunbridge Wells Primary Shopping Area

Policy H2: Small and intermediate sized dwellings

Policy H5: Residential development within the Limits to Built Development

Policy TP1: Transport Assessments and Travel Plans
Policy TP3: Multi-Modal Access for large-scale residential development
Policy TP4: Access to Road Network
Policy TP5: Vehicle parking standards
Policy TP6: Tunbridge Wells Central Access Zone (Residential) Vehicle Parking Standards
Policy TP7: Tunbridge Wells Central Parking Zone (Commercial)
Policy TP9: Cycle Parking

Submission Local Plan (November 2021)

STR1: The development strategy
STR2: Place shaping and design
STR3: Brownfield land
STR4: Ensuring comprehensive development
STR5: Infrastructure and connectivity
STR6: Transport and parking
STR7: Climate change
STR8: Conserving and enhancing the natural, built, and historic environment
STR/RTW1: The strategy for Royal Tunbridge Wells
STR/RTW2: The strategy for Royal Tunbridge Wells town centre
AL/RTW1: Former Cinema Site, Mount Pleasant
EN1: Sustainable design
EN2: Sustainable design standards
EN3: Climate change mitigation and adaptation
EN4: Historic environment
EN5: Heritage assets
EN6: Shop fronts
EN8: Outdoor lighting and dark skies
EN9: Biodiversity net gain
EN11: Ashdown Forest Special Protection Area and Special Area of Conservation
EN12: Trees, woodland, hedges and development
EN14: Green, grey and blue infrastructure
EN16: Landscape within the built environment
EN21: Air quality
EN22: Air Quality Management Areas
EN24: Water supply, quality and conservation
EN25: Flood risk
EN26: Sustainable drainage
EN27: Noise
EN28: Land contamination
H1: Housing mix
H2: Housing density
H3: Affordable housing
H6: Housing for older people and people with disabilities
ED3: Digital communications and fibre to the premises
ED11: Primary Shopping Areas and Retail Frontages
TP1: Transport Assessments, Travel Plans and mitigation
TP2: Transport design and accessibility
TP3: Parking standards
OSSR2: The provision of publicly accessible open space and recreation

Supplementary Planning Documents and Guidance (SPDs & SPGs)

Renewable Energy SPD 2007 updated 2016
Recreation Open Space SPD 2006
Noise and Vibration SPD 2014

Affordable Housing SPD 2007
Contaminated land SPD 2016
Royal Tunbridge Wells and Rusthall Conservation Area Appraisal SPG 2000
Green Infrastructure SPD 2014
Landscape & Nature Conservation SPG 2002
Urban Design Framework 2016
Kent Design Guide

Other documents

Kent County Council: Interim Guidance Note 3 (Residential parking)

6.0 LOCAL REPRESENTATIONS

6.01 Six site notices were displayed around the site on 16th August 2022. The application was also advertised in the local press on 26th August 2022. Following the submission of revised plans, further site notices were displayed around the site on 19th October 2022.

6.02 **57 private representations received raising objections to the development on the following grounds:**

- Scheme is contrary to the adopted and emerging Local Plan, which designates the site for mixed town centre uses.
- Work on a Town Centre Action Plan is currently taking place. It would be illogical and premature to approve a project dominating the town centre before that plan and all its options have been developed.
- A scheme targeted at the over eighties is inappropriate in this town centre location.
- The Local Plan recommends 267 extra care units are delivered within the Local Plan timeframe up to 2038. The proposed development would represent 60% of that figure. The Local Plan has demonstrated that there is already ample provision for elderly care in the borough in existing and approved schemes. It is not needed, especially in this location and can be provided elsewhere.
- This iconic town centre site should be developed to provide facilities to attract locals and visitors, in an effort to boost the economy of the town.
- The developer has ignored attempts by stakeholders to improve the design/ content of the scheme, making a mockery of their 'consultation' process.
- Insufficient community involvement, as based on only a small number of replies.
- C2 housing will not contribute to the housing target.
- The scheme provides no affordable housing nor Section 106 contributions, as would be the case with conventional housing. The community is therefore missing out. Unacceptable not to provide financial contributions.
- Town needs more affordable and general market housing, as well as entertainment facilities.
- Proposal would change the demographic of the town.
- The proposal claims to regenerate the area. No guarantee that residents of this retirement complex will frequent local businesses or engage with the local community.
- Wholly inappropriate in scale and intended use and will do nothing to support the vibrancy of the town centre. It would be detrimental to businesses, residents and visitors alike. Shoppers need an attractive town centre.
- The central square is likened to a prison exercise yard. It would not be an asset to the town centre. It would be dark, dismal and probably windy.
- Access to the car park is tight. Far from ideal for elderly drivers who will use it.
- Recommend wait for another scheme that is more suitable for this crucially important site.

- The drawings do not properly represent the height of the development in relation to adjacent listed buildings.
- The topography of the site is not suitable for residents with mobility issues - climbs and descents to the nearest park and station.
- Concentration of elderly will place a burden on the NHS. Existing GP practices already under pressure and proposal will worsen this. Recommend new GP practice or contribution towards NHS included within the scheme.
- Concerned about the impact of the underground car park on the railway tunnel.
- Proposal would create poorly lit rooms which will be overshadowed by balconies with a limited outlook. The internal courtyard will be dark and gloomy.
- Proposal would harm the Conservation Area and historic character of the town.
- Historic England confirm there would be a risk to overshadowing of Grade II* Holy Trinity Church.
- Town Hall has height, weight and mass because of the necessary dignity of the government of the town. A point emphasised in the Conservation Area Appraisal. It should not be overshadowed by a looming housing development.
- The proposal would be over dominant in the street scene and would dwarf neighbouring buildings, even the Civic complex.
- Conservation Area Appraisal (Para 9.7.1) states that new development should not compete with notable buildings e.g.... Town Hall, Great Hall and Opera House. The proposal would be conflict with this.
- Poor design and the proposed materials would harm the historic environment.
- Site should have been compulsory purchased.
- Development should enhance town, not minimise harm to it.
- Development would harm public realm, including War Memorial and Amelia, which was paid for by the tax payer.
- The development is too large, too high, architecturally oppressive and would dominate and harm all that surrounds it, including listed buildings.
- Out of scale with existing buildings.
- The vertical and excessively dominant corner feature is poorly conceived, rivalling the Town Hall it faces, without the same sophistication of scale or details.
- Concerned about materials. Painted metal is not durable, it weathers badly and looks cheap.
- Open balconies with owners' planters, furniture, washing etc will make the development even uglier.
- Retail units will not step down the hill like those opposite. They are of poor design and would fail to respect the scale, proportion, character of lower Mount Pleasant Road – the town's only boulevard style of street. The units are set back from the established building line, rather than follow the natural incline of the street. This creates an unattractive ally way at the back of the current paved street. This will cause pedestrian and servicing access problems and will attract a build-up of litter and debris. The visual impact from the opposite side of Mount Pleasant Road is that the units look like they get smaller as they go up the slope. The shop fronts are not of a uniform size or proportion and do not respect to the vernacular rhythm of the existing street.
- Increased traffic, congestion, noise and pollution in the town centre.
- Concerns about drop off facility in location where there have been a high number of traffic accidents. Access is close to the main crossroads and would disrupt the traffic and is potentially dangerous. Drop off zone will make it difficult for pedestrians, including disabled to access Church Road.
- Limited parking and question where extra cars will park.
- The consented scheme had rear service access for waste and servicing. Object to the proposed arrangement. Servicing and waste removal should be from within the curtilage of the site and should not increase the burden on an already busy public highway. The proposal is to create a dedicated loading bay at no cost to

- the developer, with the loss of 3 parking spaces to the public. This would have a significant detrimental effect on shoppers and existing retailers.
- The Council has introduced on street charging points close by. The proposal would prevent this scheme being extended in the future.
- Footpath will be diverted through a small central courtyard, shaded for most of the day. Object to layout and width of PROW. The proposed route would be dominated by high blocks of flats, restricting natural daylight.
- Question whether the courtyard will attract non-residents to come in and share the space. It will be dark, uninviting and oppressive.
- Plans show steps to PROW, which is not good for wheelchair users or those with restricted mobility.
- Recommend Wiesbaden cycle standards incorporated in the scheme.
- Air quality for vulnerable old and aging residents will be poor. Emissions will be high from diesel buses and trucks stopping and starting on Mount Pleasant.
- The economic benefits statement is misleading and does not indicate how much money will benefit the local economy.
- The developer states that the economics of their proposal renders it marginal financially. Question whether it will ever be built as proposed.
- Local and national shortage of care workers.
- Unable to find details of the water feature or public art on a scale that would be appropriate for a development of this size.
- Where are the nearest public toilets for non-residents congregating in the courtyard?
- Not enough trees proposed.
- Concerned about location next to nightclub (Pitcher & Piano). The proposal will be harmful to the night time economy. Noise disturbance to future residents from existing uses.
- Question length of build period and time to sell the units.
- Elderly should be integrated within the communities, not 100% C2 development.
- Support the retention of the PROW.
- Like the way the design of the building attempts to mirror the design of the Town Hall.

6.03 Twelve private representations received supporting the application, including nine identical letters from local businesses:

- The Local Plan suggests destruction of acres of Green Belt land. Taller buildings are required in town centres to use the limited land more efficiently.
- Proposal will regenerate the town centre and provide new retail spaces that will complement what is already there.
- Proposal will increase footfall and flow of people in the town centre for the benefit of local businesses.
- Release of larger family housing to allow older people to downsize.
- Further residents would contribute towards vitality of town centre.
- Removal of an eyesore/grot spot site which has been vacant for over 20 years.
- Development is consistent in scale to the previously approved scheme.
- Development has to be of a sufficient scale to be viable.
- Site is a blight on the town and a hindrance to local businesses.
- Future purchasers would be aware from the outside of surrounding uses and town centre location.
- The impact of the building could be made more comfortable by creating a mansard type elevation at the top two floors.
- The projecting balconies help to break up the scale of the street facing facades. However, they could be less solid and less imposing.
- The use of white bricks to frame shop fronts will be unsuccessful as they will weather badly very quickly.

- Refusing the scheme would condemn the site for longer and make the town less attractive to businesses/investors.

6.04 **1 neutral representation received raising the following comments:**

- The town needs more active residents with higher than average disposal incomes.
- The development has the potential to release large family sized homes into the market, which is a benefit.

Inner London Road Residents Association (including Church Road)

6.05 **(23/09/22):** Serious concerns about the proposal. The development is too tall and intimidating for its position. The plans suggest a very bland building that would dominate the town centre. Proposal should make a positive or iconic statement of the town character in this prime location.

6.06 The proposal should have facilities which can be shared by all the local community and draw in a population who will add to the vibrancy of the town. Question whether elderly people would want to live so close to the town centre. Unlikely that the retired residents would contribute to the night-time economy. Residents are likely to find the night-time noise in this location disruptive and intimidating. Maintaining the vibrancy requires more young people. Need for affordable, starter housing for working people and young families.

6.07 The proposal will increase the need for medical care and question whether the proposal will contribute towards NHS facilities.

6.08 Concerned about the increase of traffic along Church Road and the parking and access to the proposed accommodation. As Church Road approaches the junction with London Road, it narrows to a point that is unsuitable for an 'A' road. Traffic volume is already too high for the narrow road. The pavement is narrow and often mounted by traffic trying to pass, making it dangerous. During construction, heavy traffic will cause more problems along Church Road. In the longer term, concerns that additional traffic from care service providers and delivery vans is unsustainable along Church Road. No provision for care service providers or delivery vans to park within the scheme.

7.0 CONSULTATIONS

Historic England

7.01 **(25/10/22):** No further comments.

7.02 **(08/09/22):** In principle, Historic England welcomes this proposal to redevelop a long vacant site within the Conservation Area. Historic England acknowledge the public benefits that could arise from the regeneration of a key town centre site.

7.03 Historic England welcome the changes since pre-application discussions, which reduce harm to heritage significance in line with Para 194 of the NPPF. However, it is still considered that the proposal would cause a low level of harm to the significance of the Conservation Area and to the Grade II* listed Holy Trinity Church.

7.04 This Conservation Area derives much of its significance from the quality of its architecture and the way in which this helps tell an interesting story about the town's development from a modest spa resort founded in the 17th century into a much larger settlement attractive to the rising middle classes of the 19th century.

- 7.05 The earliest part of the town is The Pantiles which provided in the 18th century, recreational activities for visitors, such as promenading, games and dancing. As the town became increasingly popular as a place for the middle classes to live in the 19th century major new developments were planned.
- 7.06 Much of this was originally laid out by the architect Decimus Burton from the late 1820s onwards. He was responsible for both Calverley Park, a group of detached villas laid out around communal parkland and for the Calverley New Town. The latter was conceived of as a new urban centre uphill from the older town and serving the grander houses of the Park and included Holy Trinity church (II*), also by Burton. Assisted by the arrival of the railway in 1846, Tunbridge Wells continued to expand in size.
- 7.07 Tunbridge Wells developed as a town with two foci, one the older and highly characterful lower town and the other the different but equally characterful later development of the upper town. Topography plays an important role in how the town is appreciated, as it is built around a series of ridges. There are views from these across the town of which that from Mount Ephraim is of most relevance to this application.
- 7.08 There are few tall structures in the centre of the town. Views are obtainable from one ridge over the roofs of the town to the green tree lined skyline of the next ridge. In these views the towers and steeples of the historic churches built to serve the parishes of the expanding 19th century town are important markers.
- 7.09 It has been the upper town which has developed most as the commercial centre of Tunbridge Wells. The application site occupies a prominent position on a crossroads at the top of the hill climbed by Mount Pleasant, up from the older town. From Burton's new town layout, only his Holy Trinity church remains. The other three corners of the crossroads have been largely replaced by buildings forming part of the heart of the town.
- 7.10 The most prominent of these are the Civic Buildings (Grade II) built in a Neo-Georgian style with Modern details to the design by Thomas and Prestwich after a 1934 architectural competition. The late 19th century purpose-built bank (Grade II) at 82 Mount Pleasant is an appropriately dignified building for its corner location. The remaining corner of the crossroads is the application site which was formerly occupied by the cinema. This was a large building with rows of shops integral to it to help turn the corner. Its dereliction caused harm to this important part of the Conservation Area.
- Impact of the proposal*
- 7.11 The proposed development has the potential to cause a low level of harm to the significance of the Conservation Area and to highly graded listed buildings within it, including the Grade II* listed Holy Trinity Church. The scale of the tallest elements means that the proposed development would diminish the prominence of the tower of Holy Trinity Church, an important aspect of its significance, in a key view of the church and Conservation Area from Mount Ephraim (viewpoint 8).
- 7.12 In the same view the scale of development would also break the distinctive and largely unbroken green ridge which surrounds the Conservation Area and contributes positively to its character and appearance. This would also cause a low level of harm to the Conservation Area.

- 7.13 The mass of the proposed building combined with its increased scale also has the potential to cause a low level of harm to the significance of the Conservation Area as understood in shorter views. This is because, the proposed development is of an even greater mass and scale than existing development and does not relate to any historic buildings which positively contribute to the character and appearance of the Conservation Area. The proposed development has the potential to cause an additional low level of harm to the significance of the Conservation Area because its prominence as a result of scale and massing is at odds with the historic grain and character of surrounding historic townscape, including the civic buildings, and thus it detracts from an appreciation of it. This harmful impact is most understood in viewpoints 1 and 5 (both Mount Pleasant).

Policy

- 7.14 Reference to Section 16 of the NPPF, in particular Paras 195, 200 and 202. Para 200 of the NPPF sets out that *'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'*

- 7.15 If the Council concludes the harm to heritage significance is less than substantial, it will be necessary to weigh the harm against the public benefits of the proposal. Great weight should be given to an asset's conservation as per Para 199 of the NPPF. Para 206 of the NPPF states that *'Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'*

- 7.16 The NPPF also places emphasis on design quality and the historic environment. Para 197(c) notes *'the desirability of new development making a positive contribution to local character and distinctiveness.'* Para 130(c) requires that planning policies and decision should ensure that developments *'are sympathetic to local character and history, including the surrounding built environment and landscape setting'* and (d) which requires that development should *'establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.'*

Historic England position

- 7.17 Historic England provided pre-application advice on this proposal and recommended that the applicant seek ways to avoid or minimise harm in line with Para 194 of the NPPF by reducing the overall scale of the building. In response, the height of the corner block was reduced and this helps minimise harm to heritage significance, though it does not remove it altogether.

- 7.18 The design seeks to reference local landmark buildings. The corner block on Mount Pleasant deliberately addresses and references, through its architectural language, the restrained detailing and motifs of the Grade II listed Town Hall opposite. This helps the development contribute positively to the areas local character and distinctiveness as advocated by Para 197(c) of the NPPF.

- 7.19 Nevertheless, Historic England concludes that this application would cause a low level of harm to the Conservation Area and to the Grade II* listed Holy Trinity Church. The Council will need to weigh the harm identified to designated heritage assets, against the public benefits of the proposal as per Para 202 of the NPPF. Historic England does not consider the application proposes any heritage benefits that may apply to the weighing exercise.

- 7.20 If the Council is minded to approve this application, the fine construction details, landscaping and materials should be covered by conditions to ensure that the proposal delivers development of the high quality warranted by this historically sensitive and important site within the Conservation Area.
- 7.21 In determining this application, the Council should bear in mind the statutory duty of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and Section 72(1) which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Network Rail

- 7.22 **(12/09/22):** No objections

Southern Water

- 7.23 **(06/09/22):** Plan provided showing location of existing combined sewer within the site. The exact position of the public assets must be determined by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. The 300mm public combined sewer requires a clearance of 3m on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance. No new development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water. No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer. All existing infrastructure should be protected during the course of construction works.
- 7.24 It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or development.
- 7.25 The submitted surface water drainage information shows no flows greater than existing levels to be connected to the system proving the betterment of the surface water system which is acceptable by Southern Water.
- 7.26 The supporting documents make reference to drainage using Sustainable Drainage Systems (SUDS). Under certain circumstances SUDS will be adopted by Southern Water, should this be requested by the developer. Where SUDS rely upon facilities which are not adoptable by sewerage undertakers, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. 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.

- 7.27 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangement to secure the operation of the scheme throughout its lifetime.
- 7.28 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.
- 7.29 The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide adequate protection to basements from the risk of flooding.
- 7.30 Recommend details of the proposed means of foul sewerage and surface water disposal are required by condition.

Health & Safety Executive

- 7.31 **(11/10/22): (Planning Gateway One Team):** In relation to the flats and enclosing kitchens, we did not think the enclosure of the kitchens necessarily affected planning considerations (as it could be remedied through internal alteration) and therefore did not form as part of our overall headline response. However, if the Local Planning Authority thinks additional weight should be attached to this issue as a result of wider considerations (such as daylight standards), then that would seem to be a reasonable approach. Alternatively, if the Council think that this issue could be resolved at the Building Regulations stage, then that could also be a reasonable approach to take.
- 7.32 In relation to the Council's concerns regarding the occupancy of flats by very elderly and infirm residents is noted. There is an assumption in Approved Documents that residents will be able to evacuate themselves from a building. The Council may want to consider whether the stated residential use of the flats is correct or whether the level of care associated with the intended occupants is such that it would fall into a different use class for example care home, which currently are not deemed to be relevant buildings for the purpose of Planning Gateway One. HSE assessed the application on the basis that the flats would be occupied by those capable of living independently, as reflected with the residential use class. In any residential environment, flats may be occupied by very elderly and infirm or disabled residents. This may require bespoke evacuation plans, which is a matter for a separate regulatory regime.
- 7.33 In terms of the EV parking and charging points, there is currently no government policy (planning or building regs) which would prevent the provision of EV parking and charging points. However, as a matter of best practice we have routinely mentioned the potential fire safety risks associated with this relatively new phenomenon in the context of higher risk buildings.
- 7.34 **(07/10/22): (Planning Gateway One Team):** In terms of the HSE's position within the context of land use planning and fire safety standards, we are content as reflected in our comment and have no objections.
- 7.35 **(15/09/22): (Planning Gateway One Team):** Each block contains a single stair serving the upper floors. Separate stairs with access from the outside are provided for the lower ground floors (Blocks B, C and D)/ground (Block A) because these represent basements. The protected single stairs serving the upper floors represent the escape stairs as well as the firefighting stairs.

- 7.36 The protected single stairs serving each block will discharge at the ground floor level or upper ground floor level, directly outside or via a residential common corridor. However, in Block A at upper ground floor level the staircase connects to the amenity spaces and in Block C at ground floor level part of the firefighting shaft connects with ancillary spaces. As these amenity/ancillary spaces can be accessed directly from the outside, resolving this issue is unlikely to affect land use planning considerations.
- 7.37 The fire safety standard states that a lift should not continue down to serve a lower ground floor/ground floor, if it is in a building, or part of a building, served by only one escape staircase. Resolving this issue may not affect land use planning considerations such as the design, layout and appearance of the development if, for example separate lifts are to be provided for the lower ground floor/ground floor.
- 7.38 The drawing related to the fifth floor in Block C is not clear about the access doors to all spaces connected to the common corridor, including the stairs and the lifts. Resolving this issue is unlikely to affect land use planning considerations. [OFFICER NOTE: AMENDED FIFTH FLOOR PLANS HAVE BEEN RECEIVED ADDRESSING THIS MATTER].
- 7.39 The development includes open-plan flats with the kitchen not being enclosed. The fire standards states that kitchens should be enclosed in flats exceeding 8m x 4m. The proposed fire engineered solution should provide the equivalent level of fire safety. This will be subject to later regulatory consideration.
- 7.40 It may be advisable to consider the risk to fire safety by the presence of electric vehicles and cycles in the covered car park and cycle stores because they contain lithium-ion batteries. Lithium-ion batteries may suffer thermal runaway and cell rupture, releasing large volumes of toxic gases, heat and smoke before catching fire as well as afterward. When they burn, a large amount of water is needed to flow on the batteries, however, fire keeps flaring up even after it appears to be extinguished. Any consequent design changes may affect land use planning considerations such as layout, appearance and car parking provision of the development.
- 7.41 **(18/08/22):** The application does not fall within any HSE consultation zones. No need to consult HSE on this application. On 1st August 2021, HSE, became a statutory consultee with regard to building safety (in particular fire safety) for buildings containing two or more dwellings that are over 18m or 7 storeys in height. The Planning Gateway One team should be consulted.

Environment Agency

- 7.42 **(30/08/22):** The submitted reports demonstrate that it will be possible to manage the risk posed to controlled waters by this development, subject to the imposition of conditions.
- 7.43 The previous use of the site as a garage and former cinema with heating oil tanks presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development is located upon a secondary aquifer A.
- 7.44 It is noted that lead, sulphate and nickel exceed the DWS in leachate and groundwater samples. However, as a substantial quantity of the made ground will be removed during the excavation of the basements, the Environment Agency concur that the risk to controlled water can be managed by condition.

7.45 The CLAIRE Definition of Waste: Development Industry Code of Practice provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- Excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.

7.46 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically and that the permitted status of any proposed onsite operations are clear.

UK Power Networks

7.47 **(18/08/22)**: Map provided showing location of any electrical lines/plant in relation to the site.

Southern Gas Networks

7.48 **(18/08/22)**: Map provided showing location of any gas infrastructure in relation to the site.

National Health Service

7.49 **(14/09/22)**: No contribution requested.

KCC Highways & Transportation

7.50 **(08/09/22)**: The site is located in the town centre and is accessible to local facilities, the train station and car clubs. Pedestrian access is proposed via Church Road, Mount Pleasant Road and Clanricarde Road.

7.51 KCC Public Transport team have been consulted and have requested contributions to improve the two bus stops in the vicinity of the site on Church Road to include new poles, flags and raised kerbs. Shelters would be an appropriate addition and these would require a commuted sum.

7.52 Vehicular access to the site car park and deliveries and servicing for the residential units is proposed via Clanricarde Road. A drop off area is proposed from Church Road. Swept path drawings are provided and found to be acceptable.

7.53 Servicing for the retail units is proposed from Mount Pleasant Road with the conversion of an existing parking bay on the western side of Mount Pleasant Road to loading only between 08:00 – 18:00 Monday to Saturday. Tracking diagrams have been provided for the loading bay. The arrangements are considered acceptable. The applicant is required to pursue a third party Traffic Regulation Order to amend the existing parking restrictions to facilitate the loading bay. A delivery management plan will be required restricting loading between 08:00 to 18:00 Monday to Saturday.

7.54 A stage 1 safety audit has been completed and found to be acceptable, subject to the designers' comments being addressed at the detailed stage.

7.55 The application proposes 61 car parking spaces for 166 residential units. The parking provision is based on assessments of other extra care retirement communities and is considered appropriate, taking into account the town centre location and close proximity to local facilities, public transport and car clubs. An appropriate level of funding towards car clubs and free membership for residents for a number of years is

recommended to support the reduction in car ownership amongst residents of the development.

- 7.56 The car park layout includes an appropriate proportion of spaces for blue badge holders, EV charging capabilities and cycle parking.
- 7.57 A robust assessment of vehicle trip generation associated with the proposed development has been completed. The proposal would not generate any significant increase in traffic when compared with the vehicle trip generation associated with the consented scheme.
- 7.58 Walking, cycling and travel by public transport is to be supported and encouraged as much as possible and therefore an appropriate contribution towards sustainable transport is required.
- 7.59 A Travel Plan has been prepared which includes the monitoring of targets to reduce single occupancy car journeys and the need for car ownership. This requires collaboration between the Travel Plan Coordinator and KCC Highways. This being the case a Travel Plan monitoring fee of £948 is required.
- 7.60 No objections subject to conditions and securing funding towards sustainable transport (£50,000) and the Travel Plan monitoring fee (£948) being secured by Section 106 agreement.

KCC Flood & Water Management

- 7.61 **(06/09/22):** The principles proposed for dealing with surface water, namely a system of attenuation with a restricted discharge to the neighbouring sewer network, does not increase the risk of flooding. No objections. Recommend condition.

Kent Fire & Rescue Services

- 7.62 **(31/10/22):** As the development involves relevant buildings, this falls under the jurisdiction of the Health & Safety Executive in line with Planning Gateway One. The HSE have provided a response in relation to this project. Kent Fire & Rescue would not comment on the proposals at planning stage as well.

KCC Economic Development

- 7.63 **(26/09/22):** The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. The following contributions are sought:

- £72,576.86 towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care (£437.21 per dwelling)
- £30,489.22 towards Tunbridge Wells Waste Transfer Station and Household Waste Recycling Centre (HWRC) expansion (£183.67 per dwelling)

- 7.64 The new development will generate new users for KCC Community services including libraries, social care and community learning. To mitigate the impact upon these services contributions are required towards the new Tunbridge Wells Cultural Hub, which will make additional provision for all these services to accommodate the increased demand from new developments locally.
- 7.65 KCC is a statutory Waste Disposal Authority, responsible for the safe disposal of all household waste arising in Kent, providing HWRC. Each household produce an

average of a quarter of a tonne of waste per year to be processed at HWRCs and a half a tonne per year to be processed at WTS. Existing HWRCs and WTS are over capacity and additional housing has a significant impact on the manageability of waste in Kent. Recommend condition regarding broadband.

KCC Archaeologist

- 7.66 **(01/11/22):** Do not entirely agree with the applicant's heritage submission. It does not give sufficient consideration to local heritage issues and does not clarify that desk based assessments are not definitive knowledge. Desk based assessments tend to set out 'potential'. The potential is 'low' not non-existent. There is nearly always the chance of as yet unknown archaeology to survive on a site which has not been subject to formal archaeological investigation. This site is likely to have been within a heavy woodland environment from prehistoric to Medieval periods, but routeways of today tend to utilise earlier routeways and as such there is potential for stray artefacts and evidence of use of routeways from Prehistoric period onwards.
- 7.67 The site does have potential for 17th century and later remains. It lies within the historic core of Tunbridge Wells town which developed from the 17th century as an important spa town. Belevdere House is the first documentary evidence of occupation on this site but there may have been earlier "shops" or vendors here selling products to the early visitors to the springs and spas. The 1st Edition OS map suggests part of the site was the landscaped garden around Belvedere House and the site has not been intensively developed until the cinema. Impact from the railway tunnel is not detailed either, so levels of disturbance across the site are not well documented.
- 7.68 Agree the cinema construction, and possibly demolition, has probably caused high levels of disturbance, but the original construction and use of the cinema is of some local heritage interest. Cultural evidence of the 1930s to 1950s use of the cinema would be of local interest and part of the heritage of the site. There may be an unrecorded air raid shelter within the site, again of 20th century civil defence interest, especially if there is any graffiti in basements etc. Although construction and removal of the cinema may have caused disturbance but not total truncation, especially towards the edges of the site.
- 7.69 Recommend a programme of archaeological monitoring is needed to identify any archaeology associated with use of prehistoric or later routeways and with the post 17th century use of the site as Tunbridge Wells developed as an important spa town and thriving modern town. I agree formal archaeological trenching would not be needed, but for a site as sensitively located as this one, some level of archaeological monitoring is definitely justifiable and warranted.
- 7.70 **(08/09/22):** The site lies within the historic core of Tunbridge Wells. The site has been redeveloped several times and it is likely that any post medieval or early archaeology has been impacted. There is still some potential for unrecorded archaeological remains. Recommend condition.

KCC Public Rights of Way Office

- 7.71 **(08/09/22):** For the development to go ahead, it is necessary to extinguish and divert the existing public rights of way (PROW). If planning consent is granted, the development insofar as it affects the PROW must not be started until such time as a diversion and/or extinguishment order has been confirmed. The successful making and confirmation of an order to extinguish and divert the PROW should not be assumed.

- 7.72 With regard to the proposed route, the provision of an accessible, step free route is welcomed. The proposed route has a width of 3m through a wider corridor and crosses the courtyard area. The surface of the PROW is publicly maintainable and as such the surfacing material must be agreed with this office in advance. The preference would be a bound tarmac or resin bonded surface which clearly shows the alignment and extent of the PROW route through the development. However block paving may be acceptable providing the PROW can still be distinguished from the surrounding public open space.
- 7.73 Comments from Kent Police regarding site security and restricting access to the courtyard at night are noted. With the proposed route of the PROW through the courtyard, and assuming a successful diversion order, this would not be possible. The PROW may not be gated and must remain open and available at all times. Recommend informative.
- 7.74 With regard the footpath warden's comments, a walkway agreement to ensure 24 hour access would be superfluous, as the PROW must be open and available at all times, in perpetuity. KCC PROW would not be responsible for any lighting.
- Kent Police**
- 7.75 **(25/10/22 & 05/09/22):** The Design and Access Statement states that the proposed width of the PROW is 3m, which is recommended. The PROW must be as straight as possible, well-lit and maintained, devoid of potential hiding places and enable natural surveillance along the path. Landscaping should be carefully considered in order to avoid obscuring lighting and reducing surveillance.
- 7.76 Bollards, heavy duty planters or similar may be required on pedestrian accesses/footpaths to and from the site to prevent mopeds or similar vehicles accessing the areas.
- 7.77 Full audio-visual door entry access control systems will be required for any apartment block of 5 units or more. Trade buttons and/or timed-release systems should not be installed. Substations, switch rooms, cycle, refuse and buggy stores also require access control and must be well lit. Recommend the inclusion of Secure by Design and Sold Secure Gold standard certified wall or ground anchors for cycle stores. Private amenity spaces, facilities and green roofs require access control (green roofs will also require safety rails/barriers of appropriate height). Recommend access control measures for the courtyard are installed to allow the area to be secured at night. This would prevent misuse of the area and anti-social behaviour often occurring at night, whilst still allowing the courtyard to be open to members of the public during the day.
- 7.78 Recessed doors should be no deeper than 600mm especially if hidden from public view e.g. side or rear, unless on an active street frontage with maximum natural surveillance and public view, but even then, no deeper than 1m. Deeper recesses can provide a potential burglar a secluded area to work and can provide an unofficial smoking area that can lead to nuisance and conflict.
- 7.79 Emergency doors require alarms to prevent unauthorised access or doors being left open in communal areas.
- 7.80 The underground car park should be finished in a light colour and be well lit. Automatic gates or roller shutters should be certified. Visitor spaces should be clearly marked to minimise opportunity for neighbour dispute. EV charge points would

benefit from natural surveillance or the possibility of private CCTV coverage. Ground anchors are recommended for motorbikes, mopeds and electric bikes.

- 7.81 Any lighting plan should be approved by a professional lighting engineer. Lighting of all roads including main, side road and car parking areas should meet the British Standard. Bollard lighting should be avoided as they do not project sufficient light at the right height making it difficult to recognise facial features.
- 7.82 Ground floor windows and balconies are potentially vulnerable and must meet certain standards. Glazing to be laminated as toughened glass alone is not suitable for security purposes. Any ground floor bedroom windows will require defensive treatment for privacy purposes.
- 7.83 Mail delivery for the apartments will need to be carefully considered. If external mailboxes are to be installed, they should meet TS009 security standards. If internal post boxes are to be installed, they should meet same standard and within a secure access-controlled lobby. A second inner door set creating an air-lock should be installed to protect any stair/lift cores. It should not be possible for anyone delivering mail to gain access to other parts of the building.
- 7.84 Security compartmentation is required for developments of over 25 flats. Lifts and stairwells require access control and each resident should have access to their floor only. These measures will prevent unlawful free movement within the building and increase the safety of future occupiers.
- 7.85 Recommend CCTV for the communal residential, underground parking and the courtyard.

Commercial/Retail Units:

- 7.86 The entrances for the retail unit and the residential units should be clearly identifiable and designed to negate the need to enter the private residential areas in order to access the retail units.
- 7.87 Doorsets, windows and glazing should meet Secure by Design commercial standards and be certified. Glazing should be laminated rather than just toughened. A fit for purpose, monitored intruder alarm system should be installed and all fire doors should be fitted with alarms to help prevent unlawful access and trespassing if doors are left unsecured. CCTV provision and management for external entrances and vulnerable elevations, storage rooms and till areas is highly recommended.
- 7.88 If approved, site security is required for the construction phase, which should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

Royal Tunbridge Wells Civic Society

- 7.89 **(12/09/22):** The proposal is unsuitable in purpose and inappropriate in design. The Society was consulted at an early stage and at the developer's suggestion professional members from the Society and the Town Forum engaged in a series of meetings at which we made constructive proposals to make it less damaging. It seems the only positive change has been a slight reduction in the height of the corner block although even the effect of this is reduced by the architect continuing the mass of the corner block around the sides.
- 7.90 The proposal for an extra-care facility `targeted at the over-eighties` conflicts with the adopted and the emerging Local Plan which designate the site for mixed town centre

uses. The emerging Local Plan gives priority to meeting the need for housing, especially affordable housing. The Local Plan shows that the anticipated need for elderly care housing in the borough will be met by existing and forecast developments elsewhere. A decision at this stage on this key site would prejudice the outcome of the Town Centre Area Plan, to which the Council is committed by the new Local Plan and on which work has commenced. The development has not made a convincing case for a development which conflicts in so many ways with established policy.

- 7.91 The scheme dominates nearby listed buildings while failing to maintain the scale and proportions, especially of lower Mount Pleasant, the town's only formal street, where the retail units don't follow the topography by stepping down the hill like those opposite. The access needs of the intended residents dictate a building form where the blocks are deep front-to-back and organised around long corridors, with an overall horizontal emphasis conflicting with the sloping site.
- 7.92 The massing of the scheme appears based on that approved in 2017, criticised by the Society at that time, with an assertively vertical dominant feature on the Town Hall corner. The site is in a Conservation Area, which development is required to conserve or enhance. Of the previous scheme Historic England also wrote of the 'harmful impacts' on its surroundings, and concluded 'We ... believe the application does not provide any direct heritage benefits, except (for) the enhancement of a site in the conservation area which has been blighted for many years'.
- 7.93 The current scheme is out of keeping with the adjacent buildings, is almost twice the height of the listed Lloyds Bank, and would dominate the, also listed, Town Hall and Trinity Arts Centre. It would be similar in bulk to the nearby Wellington Gate and obstruct views to the south in the same way, particularly from Trinity tower now being opened up as a public viewpoint. By apparently channelling the art deco design of the former cinema on a giant scale the design is too assertive for the setting, especially on the town hall corner, by attempting a 'statement' rivalling the Town Hall tower.
- 7.94 The previous, now expired, consent for the site (19/01869 amending 17/02262) was for open-market (age-restricted) housing which would contribute to the housing target. The current proposal for an 'extra care' (C2) facility will not do this. It will also not contribute to affordable housing, or, unlike the previous consent, to other community benefits under Section 106. We do not accept that a population dependent on extra-care facilities will contribute significantly to the economic vitality of the town centre. The economics of the scheme appear to show how much it will actually depend on the residents' intensive use of the care facilities. If the shops prove non-viable they could be converted to residential, including C2, without planning consent, further reducing the contribution of the scheme to commercial activity.
- 7.95 The existing east-west footpath would be diverted through a central courtyard between the four blocks. The courtyard is described as a landscaped public amenity for residents to sit out, for outdoor dining, the general public to gather, for events and even a market, but it is less than 20 yards wide and overlooked by five - seven storey blocks. The plan is unrealistic; the courtyard would be in shade nearly all the time, the proposed user groups would conflict, and the outlook from the adjoining flats would be poor and noisy.
- 7.96 We have tried and failed to negotiate improvements to the original proposal which would enable it to make a positive contribution on this key site. The Council has

excellent policy reasons for refusing it in its present form without any risk of being penalised for costs. Please refuse this unworthy proposal.

Royal Tunbridge Wells Town Forum

- 7.97 **(16/09/22):** Object to the development. The proposal does not align with the NPPF in respect to ensuring the vitality of town centres nor does the application follow the uses within the draft Local Plan. Approval of this application would remove an essential site in the Town Centre Area Plan (TCAP), where work is currently progressing. The TCAP seeks to revitalise the town centre and address the effects of pandemic/online shopping on retail use in the upper town. The site is an essential element within the area and must remain available for mixed uses and C3 residential. Future residents of the scheme (in need of on-site care), would be less vital and active than C3 residents. There is no justification for the change to C2.
- 7.98 The Inspector at the recent Local Plan Examination concluded that this is a key site where high quality design is desired and a list of desired/acceptable uses should be defined. The Inspector felt that there was a danger that the Plan might be informed by an application that had not been submitted at the time of the examination and that there should be a step back on such a key site. In the allocation, TWBC should state the uses they wanted to see, including desired uses such as a cinema.
- 7.99 Para 6.359 of the draft Local Plan foresees a need within the borough for an additional 267 extra-care units in the period to 2038. The application proposes 166 such units which amounts to 66% of the stated need. Moreover, already approved or submitted projects in the borough will meet the specified need. The proposed application for 166 units represents an oversupply and therefore brings with it no justification of need and the proposed change from Mixed-Use with C3 Residential to C2 Residential.
- 7.100 There are inaccuracies and ambiguities in the submitted documents. The sections do not show the relationship with neighbouring buildings. The figures within the Heritage Report were reversed or mirrored, making the report inaccessible and unreliable.
- 7.101 This site is not suitable for age-restricted residential use C2. Concerns due to the topography of the locality - access to the station and Calverley Grounds would be unsuitable for proposed demographic. The existing road does not fall within the scope of Building Regulations. Building Regulations Part M shows a ramp inclined at the pitch of Mount Pleasant, which would be unusable, unsafe or very uncomfortable for a large section of the elderly public. Wrong location for this demographic.
- 7.102 Noise from the adjacent Pitcher & Piano, including noise from the party terrace, late night opening and noise from patrons leaving has not been taken into account. The user group tends to sleep lighting. There would also be noise disturbance from road traffic, including heavy vehicles and buses. Noise mitigation measures will rely on residents keeping their windows closed.
- 7.103 The courtyard is to serve as amenity space for residents. Whilst some residents will be autonomous, others may need to be regularly kept secure from roaming or might not be robust enough to mix with the public. Yet the courtyard cannot be closed to the public because a right of way has been positioned to run through it. In addition to a public right of way, events and engagement with the outside public are planned for this courtyard space and some of the internal spaces which front onto it. However, many of the elderly residents whose accommodation encloses this space, both at courtyard level and higher, will be seeking peace and quiet in order to rest or sleep. These conflicts cannot be resolved within the proposed arrangement.

- 7.104 The arrangement and height of the shops is sub-standard. A minimum of 4m should be provided between finished floor and underside of ceiling. The retail units must be able to draw attention, which will depend on how much one can see. 7 of the 9 units are substandard and not adequate for successful letting or retail performance. The shop units are set back from the established building line and are somehow built into the slope to allow access to one pair which forms a necessary but unfortunate set back area which the architect has proposed to occupy with planting – an odd choice in front of shop windows and one which depends on constant upkeep.
- 7.105 The urban form and architecture do not enhance the Conservation Area, nor do they respect adjacent listed buildings. The building line on Mount Pleasant does not respect the established urban pattern or building line, which is characterised by single storey or modest two storey buildings all the way to and including the station. The designers of Mount Pleasant House understood this too in placing their building in a retiring position behind lower buildings. The ABC cinema designers understood it, placing their mass in a similar position. Over the last 20 years, proposals to develop the application site have all sought to bring the mass of the proposals forward and each time have been met with a consistent outcry about the overbearing effect of it all.
- 7.106 The Conservation Area Appraisal (para 9.7.1) refers to *‘The consistent characteristic of the town centre (being) its network of streets, which are defined in most cases by continuous development frontages without particularly strong focal points to draw the eye from the general street scene. Notable groups such as the Opera House, Great Hall or Town Hall complex are the exception rather than the rule, and it is important that new additions or alterations to the street scene retain reserve and do not try to compete unnecessarily with their surroundings.’* Whereas the current proposal works against this characteristic in crowding forward as a very tall form compared with its built surrounds. The Appraisal also notes that this area is characterised by wide streets with development largely stepping back from the pavement frontage.
- 7.107 The proposal would be higher than the Town Hall and the Lloyds Bank building. Referring again to the Conservation Area Appraisal, the *‘section of Mount Pleasant from Five-Ways down to the junction with Church Road is in many ways the ‘centre of gravity’ of the town centre. Its civic function is of self-evident importance, and it links the main shopping centre to the lower town centre.’* It should not be overshadowed by a looming housing development. The arrangement and dominance of the forms is at odds with what has been established as the notable characteristics of the Conservation Area and this part of the town. In terms of the architectural content and expression the proposals are poor in a number of aspects.
- 7.108 A nod to the former cinema’s single storey art deco entrance has become a shout for attention and has transformed into a soaring corner treatment reminiscent of the demonstrative blind corners of department stores. The windows are often shadowed by projecting balconies which will reduce their important function of bringing natural light into the dwellings. This is particularly inappropriate for the user group who need much more light than younger people as well as a generous outlook. The right approach should have been facades with larger window openings and using shading devices to mitigate where needed against solar gain. Thereby the applicant’s reasoning that openings must be modest to avoid solar gain is incorrect. The architectural character could have been generous but is instead rather mean. These characteristics, brought together in a building mass which is out of scale with its surrounds are unacceptable.

- 7.109 The proposed 'drop off' presents road traffic hazards. This drop off area will be operated for the residents as an alternative to providing sufficient on-site parking. It will be accessible by cars, taxis, minibuses and ambulances. Vehicles will enter and leave the drop-off facility within the site boundary. There are regularly road traffic accidents at this road junction. The introduction of a busy drop-off with a wide range of vehicles trying to gain access to a small space so close to the traffic light junction will significantly increase the risk of further accidents. Neither the developers nor KCC seem to have undertaken the junction capacity modelling fully to reflect this risk. In addition, the introduction of a 'drop-off' will make it more dangerous for pedestrians, including the disabled, to access Church Road.
- 7.110 The Town Forum objects to this application and have serious misgivings about the failure of this proposal to provide significant benefit to the wider community in the town. A C2 project would escape the obligation to contribute towards desperately needed affordable housing and the viability report proposes that other social benefits to the town in the form of section 106 contributions would not be made.

Mid Kent Environmental Protection

- 7.111 **(08/09/22):** Sources of noise are - traffic, plant, the Pitcher & Piano and re-radiated noise and vibration from trains. With regards to windows, the applicant has indicated that it would be impractical to achieve required acoustic performance with a primary glazing system, but that this will be done during subsequent stages when permission is granted. They have indicated that secondary glazing will be utilised on noisy zones and a full height screen will be used to close the gap between Blocks A and C. They have indicated the need to develop the acoustic performance for the building façade and ventilation strategy. They have also identified the need to utilise BS4142 for plant and BS8233 for internal noise levels with the use of NANR45 for low frequency noise.
- 7.112 The submission identifies emission levels that would meet our requirements. It will be necessary to make sure that these are followed through so that we can check actual compliance when it has been finished. They indicate that they will use NANR45 to assess low frequency noise, which they indicate will equate with a 25dB LAeq,T.
- 7.113 Table 14 indicates notional sound insulation values for the proposed zone facades. They acknowledge that the vast majority of flats will require greater amounts of sound insulation based on external noise levels and provision for alternative forms of ventilation.
- 7.114 Happy with the demolition report.
- 7.115 The Stage 3 Vibration Report indicates that there will be no vibration issues and indicates that re-radiated noise (from trains passing under the structure) is predicted to marginally exceed the required standard. They are proposing the use of elastomeric floating floors with a natural frequency of 10-12Hz combined with wall and ceiling linings. They predict a 10dB reduction, which will meet the required levels. They indicate that these mitigation proposals will be optimised as the design passes to stage 3 and beyond. Environmental Protection need to see these details going forward and would like a finished compliance report to ensure the scheme meets the predicted and specified levels.
- 7.116 The acoustic measures have to be balanced with a ventilation strategy that allows for good acoustics, ventilation and thermal comfort as outlined in ProPG Guidance Document.

7.117 The scheme has been discussed in detail with the applicant's consultant. Environmental Protection agree with the outline of the acoustic report, but require further details as the scheme develops. Request a condition for ongoing approval of the acoustic design and mitigation together with a final acoustic report that demonstrates that compliance has been achieved. Some of the units will have their own ventilation/extraction systems, which is a concern. Details of any new plant not identified in any final report should be sought by condition.

7.118 **(19/08/22)**: No objections on grounds of contamination. Recommend condition.

The Commons Conservators

7.119 **(05/09/22)**: The proposed development lies in close proximity to Tunbridge Wells Common, a local wildlife site with significant importance for biodiversity. The Common 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. Para 174a of the 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).*' Policy EN1 of Local Plan states that there should be '*no significant adverse effect on any features of nature conservation importance which could not be prevented by conditions or agreements.*'

7.120 The Conservators have assessed the proposal and are concerned that it does not currently meet the requirements of Para 174a of the NPPF nor Policy EN1 of the Local Plan. Whilst additional green space within the development boundary might facilitate recreation in the form of small-scale informal recreation, the reality is that a walk cannot be accommodated in a site of this size and residents are likely to seek out larger green spaces within walking distance. Given the proximity to The Common, just over 300 metres, and the 256 acres of available land for exercise and recreation, residents of the proposed development will use The Commons, increasing recreational pressure on and disturbance of designated wildlife features. The Commons Conservators are therefore proposing a suitable mitigation strategy for dealing with the impacts of increased recreational pressure.

7.121 Noting the SAMM strategy which applies to Local Planning Authorities impacting on Ashdown Forest and our own historical S106 planning contributions, the Conservators seek a figure of £200 per dwelling to enable implementation of mitigation measures, 166 new properties, £33,200 in total for the whole development.

7.122 A suitable mitigation strategy would require increased resourcing of the day-to-day maintenance costs of The Commons in accordance with our Management Plan, including but not exclusively, habitat surveys, footpath management, pond restoration, tree work, management of our sandstone rocks, litter bin servicing and waste disposal and bench restoration. Alternatively, a specific ringfenced project could be proposed closer to the time of funding release. We would be keen to provide copies of our Commons' trail maps to be included in welcome packs, to encourage new residents to explore and enjoy the beautiful green space on their doorsteps.

TWBC Economic Development Manager

7.123 **(13/09/22)**: Support the application. The proposed commercial (retail/food and beverage) uses at ground floor that will provide an active frontage and act as a linkage along the main spine of the town centre on Mount Pleasant Road. The

scheme has potential for high quality jobs during both the construction and operational phases of the development. A range of roles is suggested requiring different skills and experience. The publicly accessible parts of the development including the health and wellness facilities, multi-use room and restaurant have potential to bring footfall and spend into the town centre. There is potential additional spend in the town's business from both residents and employees of the development.

TWBC Conservation and Urban Design Officer

- 7.124 **(24/10/22)**: Details drawings of the shop front are acceptable to me. The recessed brick panels on the north elevation of Block A and west elevation of Block C and platt band to the north elevation of Block A will help to relieve the blank wall that was originally proposed. However, larger scale details of this are required, particularly the 'stop' to the platt band, which could be sought by condition (section and elevation typical details of architectural features). Secondly, the acoustic wall needs greater detail, for instance the coping to the top (this could be covered by the above condition. I am unclear why it is noted as 'louvers' on the elevation drawing. [OFFICER NOTE: THE AGENT HAS CONFIRMED THIS WAS AN ERROR ON THE DRAWING AND THAT THE ACOUSTIC SCREEN IS TO BE BRICK CLAD, NOT LOUVRED. AMENDED PLANS HAVE BEEN SUBMITTED TO CONFIRM THIS].
- 7.125 **(09/09/22)**: The site is at an important junction within the Royal Tunbridge Wells Conservation Area that, since the early 19th century, has evolved into a major focal point for the upper end of town, with each subsequent layer bringing high quality development that has resulted in all buildings at the junction achieving listed status. The dereliction of the Art Deco cinema, which lost any sense of architectural innovation with the loss of the tower and 'RITZ' individual letter signage much earlier than the closure of the cinema, and its subsequent demolition, has created an area which now detracts from the special character and appearance of the Conservation Area. It has left a weak area of leaked space and exposed elevations of buildings to the west and south which were not meant to be prominent elevations.
- 7.126 The proposals follow a similar approved scheme for a mixed use residential-led development granted approval in 2017. The heritage statement for that proposal identified a low level of less than substantial harm to the parts of the Conservation Area that would be affected by the proposals, largely due to certain viewpoints in the visual assessment (a blank wall of the cinema looking up Mount Pleasant, prominent views of the building from Calverley Grounds, and prominent views of the building from the ridge at Mount Ephraim). It also identified enhancements to landscaping, screening of blank walls of existing buildings, and the principle of redeveloping an empty site in the town centre. The current submitted heritage statement lists enhancements as well (although some of these are considered enhancement in comparison with the consented scheme which, as that scheme has not been implemented, I disagree can be considered an enhancement in NPPF terms) but concludes that the Conservation Area and listed buildings in the vicinity will be conserved, with no harm identified. I disagree with this conclusion and believe that harm on the lower end of less than substantial will be caused to the Conservation Area, the grade II listed The Priory, and the grade II* Trinity Church. Below I also discuss the enhancements (most notably the redevelopment of the long standing empty site) that mitigate this harm, and am mindful of the nature of the site and the difficulties of redevelopment, which may need to be taken into consideration in the overall planning balance.
- 7.127 The proposal is of a similar scale, but design, massing, permeability, and landscaping are different to the consented scheme. The height of the corner section is also lower. This means that my concerns regarding scale (including height and

massing) remain, but that there is some improvement in the other aspects which help to mitigate this harm. The application includes bay studies which demonstrate the quality of detailing (decorative brickwork, deep reveals) proposed for the new buildings, which also mitigates the harm caused by the scale (subject to details of the materials via condition – the brickwork is particularly important). I would also, however, like to see refinement of the landscaping proposals following discussions at a recent meeting.

- 7.128 In summary, I am supportive in principle of the proposals to redevelop the site, as it offers a good opportunity for a new landmark to complement the others at this important node in town. The width and general scale of Mount Pleasant calls for a taller building than the cinema. The proposal allows for an innovative approach to enhance and help to orientate this junction as a destination, with potential for further future improvements and to act as a catalyst for such, whilst taking advantage of, as well as having to mitigate for, the changes in levels in regard to landscaping, elevations and views to it. The bold architectural style and detailing references the Art Deco form of the cinema it replaces, as well as the neo-Georgian simplicity of the Town Hall complex, of a similar period, on the other side of the road. I would have preferred the balconies to have been omitted, but the evolution of the design of these has resulted in an improvement and a better overall coherence of the architectural form, including the horizontal emphasis of the balconies, hierarchy of design, and the proposed bespoke railing design. It has the potential to enhance the setting of the landmark buildings here by creating a set-piece of corner buildings with an improved public realm and delivery of a publicly accessible new square within the complex, including water feature. The relationship of the rear residential blocks with the buildings on Clanricarde Gardens is respectful of the scale and architectural character here. However, due to the overall massing of the development (height combined with width of the corner building, unbroken line of the Mount Pleasant elevation), my conclusion is that harm will be caused to the significance of the affected character areas of the Conservation Area, and to the setting of the listed buildings, mainly Trinity Church and the former priory houses. This harm would be less than substantial harm, in reference to Para 202 of the NPPF.

PRIMARY LEGISLATION AND NATIONAL PLANNING POLICY

- 7.129 The heritage statement lists the assets that are capable of being affected by the proposals. I disagree that Calverley Gardens (grade II registered park and garden) can be discounted, as there will be some change to views from it, given the steep level changes within the gardens (and as seen in Representative View 3 in the TVIA), but I can agree that there is a similar conclusion about effect as that given to the listed buildings on Calverley Park – the visual change is unlikely to be harmful to any particular views, given intervening screening. Otherwise, the Tunbridge Wells Conservation Area, grade II listed Town Hall, grade II listed The Priory and walls, grade II listed 82 Mount Pleasant (Lloyds Bank) and grade II* listed Trinity Church are considered to be affected, and I agree with this.

Conservation Area

- 7.130 In summary, my view is that many aspects of the development would preserve, and enhance, the special character of the area: the use is appropriate to the historic uses of the surrounding area and the inclusion of a new public space, and publicly accessible uses, as well as a strong focal point, is appropriate to the existing character. The appearance of the Conservation Area would also be preserved, and in certain viewpoints enhanced by the quality of design and materials and the creation of a new focal point at this node. However, some of the longer range as well as shorter range views will be negatively impacted by the height and massing of the building, and therefore overall, in my view the appearance will not be preserved. The

height of the Mount Pleasant elevation, for instance, and lack of stepping down as with the buildings opposite, has the potential to look monolithic in comparison. Views from Mount Ephraim will also be notably different, with the massing of the building at a larger scale than the finer-grained surrounding buildings.

- 7.131 Para 202 of the NPPF allows for this harm to be weighed against the benefits. Para 206 guides Local Planning Authorities to look for opportunities to better reveal the significance of heritage assets: this includes the redevelopment of sites within Conservation Areas and within the setting of listed buildings that detract currently. The site for this proposed extra care development, with additional facilities for public use, new public square, and bar/restaurant, is currently empty, having been previously developed as a cinema with retail elements in the 1930s. Conservation Area consent was granted for the demolition of the long-derelict buildings in 2011 and the site has remained empty, with hoardings, since this was implemented in 2014. This is an important nodal site within the Conservation Area and is adjacent to a number of listed buildings of different uses, most importantly the early 19th century neo-Gothic grade II* listed Trinity Church, and the Modern Movement neo-Georgian 1930s grade II listed civic centre complex with museum, library, town hall and police station. This part of town began to form its built character in the early 19th century as residential (whether permanent or boarding house/hotel for spa visitors) development began in a more planned manner than the more organic development around the main attraction to the south, The Pantiles. The church, and the other parts of the architect Decimus Burton's new town development with an intended mix of uses, created a new sense of place at a different scale (larger villas, parkland settings, and some more urban scale development as well, including shops and hotel). The western side was still largely residential and in different ownership, at this corner and to the southwest; to the north and east the development was more mixed, with Lloyd's Bank on one corner, retail to the south and churches, public baths, and institutes to the north. This was the first major change to the character of the area. The second major change was the development of the cinema in 1934 on the site of the large villa, with a small area of pleasure grounds, and then the civic site in the opposite corner in the 1930s, which was the result of a competition. This and subsequent changes to the layout of the road traffic junction created a new node with a purposefully imposing set of buildings and landscaping on the northeast side which marked it out as the administrative and cultural centre as distinct to the more historic leisure cultural centre of the Pantiles.
- 7.132 I am supportive of the design process, which demonstrates an attention to local distinctiveness through use of materials and architectural reference to the former cinema and the Town Hall complex. My view, however, is that the height and massing of the proposal, by competing with the traditional verdant skyline of the Conservation Area which is complemented mainly by church towers (see references to the prominence of these in the conservation area appraisal) and dominating the Mount Pleasant views, will harm the significance of the conservation area. The balconies proposed are also somewhat uncharacteristic of the architectural rhythm of the town centre, which exhibits recesses rather than projections, but following extensive consultation I am satisfied, given the set back of the building on both sides as well, that the form of the balconies relates well to the development's architectural language, including the bespoke railing design. The concern I have relates more to appearance; regarding character, the evolution of this junction as described above has culminated in the 21st century as an important junction that could be characterised by new landmark buildings to complement the existing. The HCA's Urban Design Compendium notes that sloping sites create an opportunity to work with the landscape so that the roofscape emphasises natural forms and makes a place of real distinction (s. 3.6.1). This has been largely successful, particularly in

terms of the permeability of the site and the different levels to negotiate, but that there are some views (namely Mount Ephraim long range views and Mount Pleasant/Crescent Road short range views) where the scale of the building may cause some harm in terms of competition and prominence.

Listed Buildings

TRINITY CHURCH

- 7.133 The contribution of the site towards the setting of the grade II* listed Trinity Church and its former priory houses (grade II listed) is historically as part of a slightly lower density, greener and contrastingly quieter area in comparison with the area to the north, east and southeast. This has been altered by the introduction of the cinema, and detrimentally altered by the introduction of what is now called Wellington House on Church Road, but otherwise in my view the lower scale, lower density immediate surroundings have been maintained. The introduction of the tall corner element in particular, as well as the height of the Church Road elevation, despite the setting back of the building line would not, in my view, preserve the immediate setting of this associated group of listed buildings, due to the change in scale and competition with the church as a landmark. In the longer-range views, I believe that many would preserve the setting of the church in particular as the building has been designed to not compete. The exception to this is the view from Mount Ephraim. This competition, (mainly to do with the height and massing of the proposed blocks), is likely to cause less than substantial harm on the lower end of less than substantial, given that this is just one aspect of significance, and the church tower is still easily identified as a landmark. The site currently does not contribute towards its significance as it is not landscaped nor are there buildings to frame the streetscape, but I disagree with the conclusion in the heritage statement that the proposals represent an enhancement. This would appear to rely on a position that any built form is likely to represent an enhancement if the current leaked space detracts. I agree that built form in general will improve the townscape, but as above the scale tips this over to a harmful effect.

TOWN HALL

- 7.134 The setting of the civic complex would be preserved by the development. The visual relationship with the Town Hall is complementary, including the architectural rhythm and the relationship with the junction (subject to potential revisions to the hard landscaping on the opposite corner, as discussed). Creating a stronger and more welcoming aspect to this junction, which was intended to be the main focus of the civic complex, enhances its setting, and the lower level of the site means that it will not compete. This is demonstrated by the visuals in the Design & Access Statement of the building created with a view through from the main staircase of the Council Chamber on the corner of the Town Hall, and Representative View A.

82 MOUNT PLEASANT

- 7.135 Lloyd's Bank is the other corner building that responds to the junction and would immediately be affected by the development. It is a distinct architectural style in French neo-gothic, but utilising local sandstone, and though of much smaller scale in comparison to the proposed corner building on the cinema site, the contribution of the site towards its setting is minimal and the width of the road and the more flamboyant architectural language will mean that it will still be appreciated without compromising its special character. It also relates more to the Great Hall on this side of the road than the developments on the other side of the road.

DEMOLITION OF UNLISTED BUILDING

- 7.136 Support the demolition of No. 41 as it does not contribute positively to the Conservation Area and is of no particular architectural merit.

COMMENTS ON THE TOWNSCAPE AND VISUAL IMPACT ASSESSMENT

- 7.137 Representative View 1: The residential blocks in this view demonstrate complementary materials and help to better enclose space along this wide thoroughfare. However, the scale and unbroken mass of the flank elevation in comparison to the existing scale on that side of the road is harmful to this view but recognise that opportunity for further redevelopment of this side (the buildings that do not contribute towards the significance of the Conservation Area) could be of a similar scale given the width of the road. Similar concerns were raised about the consented scheme, because of the blank elevation of the cinema in this view.
- 7.138 Representative View 3: The context of this is the landscaped views from Calverley Park and the other Decimus Burton buildings in the same view. The topography and landscaping mean that the massing of the proposal is not prominent or overbearing and the proposed materials to be used should complement the built form in this view. This is a similar effect to the consented scheme.
- 7.139 Representative View 4: This view demonstrates mostly an enhancement with the enclosure of the junction. It does, however, highlight the larger massing of the proposal in comparison with the elegant church tower, but it will be partly obscured behind No. 82.
- 7.140 Representative View 5: This demonstrates the enhancement to the street scene from this vantage point. The introduction of a focal point will assist in orientation and complements the architectural style of the civic centre.
- 7.141 Representative View 6: This elevation shows that, whilst set back from the street, the change in scale of the site as part of the setting of the priory buildings could be harmful. The development appears to relate more in scale to the harmful Wellington House. Having said that, in Conservation Area terms, it will increase the status of the crossroads as a node.
- 7.142 Representative View 7: This vista is improved by the development, which complements the materials and rhythm of the buildings in Clanricarde Gardens.
- 7.143 Representative View 8: The lighter colour of the upper floors assists in reducing the visual impact of the proposal from Mount Ephraim. In comparison with the consented scheme, it is less prominent in this view. However, in relation to the impact on the church and the Conservation Area, it is notably of a larger scale than the surrounding townscape, apart from the (harmful) Wellington House.
- 7.144 Representative View A: There are positive elements to this view, again in terms of orientation (subject to potential amendments to the landscaping strategy at the corner) and improvement to the existing leaked space, and the opportunity taken to provide a landmark building of quality. The lack of stepping down on the Mount Pleasant block is, however, noticeable and one of the slightly harmful elements that add to my conclusion of a lower level of less than substantial harm to the Conservation Area.

COMMENTS ON THE APPLICANT'S BUILT HERITAGE STATEMENT

- 7.145 I do not consider the open site is as harmful as contended by the applicant. Historically it was inhabited by gardens and a two storey house. The negative impact of the open and disused character of the site on the significance of the heritage assets has been slightly exaggerated, and the larger scale of the proposed building in its context underplayed. This is minor but results in a conclusion of no harm. For the reasons set out above, my conclusion is that harm would be caused to the

Conservation Area, Trinity Church and The Priory, and so Para 202 of the NPPF applies.

- 7.146 **CONCLUSION:** I support in principle the redevelopment of this site with a set of quality landmark buildings of appropriate uses. However, the impact on the significance of the Conservation Area in terms of its appearance, and of the setting of some of the listed buildings, would result in less than substantial harm on the lower end of the scale. This has been mitigated by the context-appropriate architectural style, reduction in scale of the building from previous iterations, the townscape benefits of enclosing the streetscape with a new landmark, retail presence to enliven the public realm, significant improvements to the landscaping, and the creation of a new public space. All other material matters will need to be considered to reach a balanced planning recommendation or decision.

TWBC Private Sector Housing

- 7.147 **(14/09/22):** 23% of private housing stock and 18% of owner-occupied properties are considered to be substandard in at least one aspect of residential Health & Safety. Successive governments have stated an intention to see this proportion reduced and various items of legislation have been introduced to support this aim.
- 7.148 Only 50% of the proposed units meet internal daylight standards set out in EN 17037 and at least 27% are deficient in one or more of the other assessment criteria. The Private Sector Housing Team assesses residential properties under the Housing Act 2004 using the Housing Health & Safety Rating System, in which health includes mental health e.g. depression caused by poor living conditions. Para 13.06 of the operating guidance states that *'the elderly and those with impaired vision are more likely to be unable to detect potential hazards, where there is inadequate or excessive lighting. In addition, the vision of the elderly is slow to adjust to changes in light levels.'* This seems particularly relevant given the type of accommodation proposed.
- 7.149 The Private Sector Housing team would not consider a development scheme to be acceptable with a higher than existing percentage of dwellings containing built-in hazards, especially where the hazard is most likely to affect the proposed specialist tenant group.

TWBC Building Control

- 7.150 **(28/09/22):** In relation to the means of escape within the flats, with regard to the nature of the occupants (who are required to purchase a care package), this is not appropriate for flats that are open plan and/or have habitable rooms that are inner rooms. BS9991, Clause 9.7 states *'open plan flat layouts should not be provided for accommodation where the occupants are not capable of independent evacuation.'*

TWBC Landscape & Biodiversity Officer

- 7.151 **(28/09/22):** Given the low ecological value of the existing site and the measures proposed in terms of new planting, I think this scheme will achieve a measurable net gain for biodiversity. Whilst 17% may be questionable it will certainly achieve over 10% and is therefore policy compliant. The PV panels will not have a significant effect on the predicted gain.
- 7.152 **(23/08/22):** The application is supported by a Preliminary Ecological appraisal (PEA) which recommends a bat survey which has also been submitted. Both the PEA and the bat survey have been conducted by suitable professionals to a recognised methodology and the findings are accepted. No bats were recorded as roosting on site but Common pipistrelle, Liesler's and Nathusius pipistrelle were recorded

foraging. Suitable mitigation for urban bird species and bats can be provided within the development.

- 7.153 The application is also supported by a Biodiversity Net Gain Assessment which predicts a gain of 19.78% in area biodiversity units. In general, I agree with the pre and post development habitats and condition scores - the applicant has taken a precautionary approach to these matters. The score exceeds the policy requirement of 10% and is close to the aspirational target being considered by Kent Nature Partnership of 20%. It is suggested that the score may be improved by some further tree planting, but I suggest that at this level and in this particular case it is more important to focus on the quality of the landscape/biodiversity gains being proposed rather than a fixed percentage. I also note that this assessment is subject to final landscape design. We have recently discussed some possible changes to the landscaping scheme, but I do not think that the likely changes will have a significant effect on net gain i.e. the net gain is likely to remain between 10 and 20%, which is acceptable.
- 7.154 Recommend that the net gain calculation is re-run on the final landscape scheme prior to determination. A LEMP for landscape areas and wider enhancements such as bird and bat boxes can be secured by condition.

TWBC Tree Officer

- 7.155 **(12/09/22):** The proposed development will result in the loss of 2 category 'B' (T1 and T7) and 2 category 'C' (T2 and T8) trees. Trees T7 and T8 are located within the footway of Clanricarde Road, which is a private street located to the west of the site. These trees provide amenity to the local area. The loss of trees conflicts with current policy EN13 and emerging policy EN12. However, the indicative landscape plan shows replacement planting would exceed the number of trees lost.
- 7.156 Trees T1 and T2 are located in the north-west corner and are situated on the boundary of a neighbouring property, with T2 identified as being within private property. T2 (European Beech) is located at the end of a row of trees of the same species and its loss would have a limited landscape impact. Tree T2 is on third party property and the application would require the consent of those responsible for the tree prior to its removal.
- 7.157 T1 is a Sycamore, which is most likely self-set specimen located adjacent to the existing retaining wall between it and the development site. This is likely to have limited the tree's root spread, but there will be conflict between its crown and the proposed building. Tree T1 is prominent from the northern end of Clanricarde Road, but trees T3 and T4 behind will continue to provide screening between the properties on Clanricarde Road and Church Road.
- 7.158 The proposal will impact the Root Protection Areas of trees T9 and T11 (12.1% and 4.7% respectively). The report states that the development is unlikely to cause harm, as the foundations of the previous commercial properties were present in this location. Due to the cinema having been demolished in 2014, which appears to have included the breaking up of the base, I am of the opinion that roots may have encroached into this area during this time, especially considering the ability of this species to grow in urban rooting environments. Although, the impact is likely to be less than the percentages calculated, due to the presence of previous buildings, unnecessary damage could occur if roots are struck by a digger and as such it would be advisable to consider appropriate construction methods along the eastern boundary within the RPAs of T9 and T11.

7.159 The current crown extents of T9 and T11 will encroach upon the development site and will cause shading to the commercial units at lower-level floors. This encroachment can be managed through facilitation pruning and can then be dealt with as part of their ongoing maintenance as pollards.

7.160 From an arboriculture perspective I can support this application as the tree loss can be mitigated through suitable replacement planting elsewhere in the site. I do have some concerns with the current methodology outlined within the supplied Arboricultural Method Statement for excavation within the RPA of trees T9 and T11, but this can be addressed within a revised Arboricultural Method Statement as a pre-commencement condition, once additional construction details are known.

TWBC Parking Services

7.161 **(06/09/22)**: Parking Services have discussed the application with KCC Highways and have no comments.

TWBC Client Services

7.162 **(01/09/22)**: The domestic rates properties will receive a domestic collection of waste/recycling. Anything generated from additional services within the building afforded to the occupiers such as communal areas and other businesses within the development will require a private collection service via a registered waste carrier. Documentation of collection and disposal should be retained.

Parish Footpath Warden

7.163 **(07/09/22)**: Any re-alignment or extinguishment of public footpaths WBX17 and WBX18 should not be at the detriment or inconvenience of pedestrians. Recommend that the diverted WBX17 footpath not only remains a PROW but is also accompanied with a walkway agreement that protects it from limitations and conditions, which, if applied, would disadvantage users who are members of the public. This should cover:

1. Guaranteed 24 hours access to the PROW every day of the year in perpetuity, subject to no future redevelopment of the site. In the case of the latter the appropriate planning procedures should be followed.
2. Responsibility for:
 - a) The maintenance, cleaning and drainage of the PROW.
 - b) The lighting of the PROW
 - c) A clear statement of where these responsibilities lie.
3. There should be no limitations or conditions affecting the public use of the PROW and 1 to 3 above should be enforceable by the highway authority or Council, whichever is appropriate. Welcome the opportunity to see an agreement in draft.

8.0 APPLICANT'S SUPPORTING COMMENTS

8.01 For the last 20 years the town centre has been blighted by the void the site leaves in the high street eroding its success as well as the character and quality of the Royal Tunbridge Wells Conservation Area. This application provides an exciting opportunity to secure the redevelopment of this highly sustainable brownfield site, by Retirement Villages Group, owned by AXA.

8.02 The site is heavily constrained and any proposal will face challenges of viability, as demonstrated by its recent planning history. This proposal seeks to address this, by providing the right balance of uses.

- 8.03 Allocated for commercial and residential floorspace through existing and emerging policies that prioritises brownfield development, and with the recent extant permission, incorporating a similar mix of uses, the proposals should be supported.
- 8.04 The proposals further align with a range of planning policy objectives, including:
- Delivering new commercial floorspace complementing the high street's current offer;
 - Delivering much-needed specialist accommodation and contributing to the Council's housing land supply;
 - Freeing up family housing, supporting the availability and affordability of family homes;
 - Securing high levels of carbon reduction and 17.77% biodiversity net gain;
 - New public realm environment and significantly improving the environment of Mount Pleasant Road and Church Road;
 - Meeting the accommodation and health support needs of older residents bringing an estimated saving of £1.5m pa to the NHS;
 - Securing significant economic benefits, through job creation, with 650 jobs created in the construction phase and 87 when operational;
 - Increasing local expenditure supporting the local economy, with an estimated resident expenditure of £1.5m per annum.
- 8.05 Sources for the figures above can be found in the Economic Benefits Statement, submitted with this planning application.
- 8.06 This is a high quality and sustainable development which successfully responds to the site constraints, its environment and appropriately balances the mix and scale of uses, to secure the site's much-needed redevelopment.

9.0 BACKGROUND PAPERS AND PLANS

Design and Access Statement dated July 2022
Ventilation Summary Statement dated July 2022
Statement of Community Involvement dated July 2022
Bat Survey Report dated July 2022
Stage 2 Vibration Report July 2022
Tunnel Report July 2022
Gateway One Fire Statement dated July 2022
Air Quality Assessment dated July 2022
Flood Risk Assessment and Outline Drainage Strategy dated July 2022
Preliminary Ecology Appraisal dated July 2022
Biodiversity Net Gain Assessment dated September 2022
Energy & Sustainability Statement dated July 2022
Demolition Report dated July 2022
Transport Assessment dated July 2022
Travel Plan dated July 2022
Environment Noise Survey dated July 2022
Heritage Statement dated July 2022
Economic Benefits Statement dated July 2022
Arboricultural Impact Assessment and Method Statement dated July 2022
Townscape and Visual Impact Appraisal dated July 2022
Daylight, Sunlight and Overshadowing Report dated July 2022
Internal Daylight Amenity Addendum dated 21st October 2022
Internal Daylight Amenity Memo dated 24th October 2022
Ground Investigation Report dated July 2022
Generic Quantitative Risk Assessment dated July 2022
Financial Viability Appraisal dated July 2022

No. 41 Mount Pleasant Road – Existing Elevations
Letter from agent dated 27th July 2022 including PROW application

CRTW-CCA-ZZ-XX-GA-A-P0.010/P3: Site Block Plan as Proposed
CRTW-CCA-ZZ-XX-GA-A-P0.050/P2: Site Boundary Plan
CRTW-CCA-ZZ-XX-GA-A-P0.055/P1: PROW Plan
CRTW-CCA-ZZ-LG-GA-A-P1.100/P2: Lower Ground Floor Plan
CRTW-CCA-ZZ-00-GA-A-P1.101/P4: Ground Floor Plan
CRTW-CCA-ZZ-UG-GA-A-P1.102/P4: Upper Ground Floor Plan
CRTW-CCA-ZZ-01-GA-A-P1.103/P4: First Floor Plan
CRTW-CCA-ZZ-02-GA-A-P1.104/P4: Second Floor Plan
CRTW-CCA-ZZ-03-GA-A-P1.105/P4: Third Floor Plan
CRTW-CCA-ZZ-04-GA-A-P1.106/P4: Fourth Floor Plan
CRTW-CCA-ZZ-05-GA-A-P1.107/P4: Fifth Floor Plan
CRTW-CCA-ZZ-06-GA-A-P1.108/P4: Sixth Floor Plan
CRTW-CCA-ZZ-07-GA-A-P1.109/P4: Roof Plan
CRTW-CCA-ZZ-ZZ-DT-A-P4.200/P1: Typical 1 Bed Apartment
CRTW-CCA-ZZ-ZZ-DT-A-P4.201/P1: Typical 2 Bed Apartment
CRTW-CCA-ZZ-ZZ-DT-A-P4.202/P1: Typical 2 Bed Apartment
CRTW-CCA-ZZ-ZZ-EL-A-P3.100/P4: East/North Elevation
CRTW-CCA-ZZ-ZZ-EL-A-P3.101/P4: South/West Elevation
CRTW-CCA-ZZ-ZZ-EL-A-P3.102/P4: Courtyard Elevations 1
CRTW-CCA-ZZ-ZZ-EL-A-P3.103/P4: Courtyard Elevations 2
CRTW-CCA-ZZ-ZZ-SE-A-P2.100/P4: Sections Sheet 1
CRTW-CCA-ZZ-ZZ-SE-A-P2.101/P4: Sections Sheet 2
CRTW-CCA-ZZ-ZZ-SE-A-P2.102/P4: Sections Sheet 3
CRTW-CCA-ZZ-ZZ-GA-A-P0.200/P4: Site Sections 1
CRTW-CCA-ZZ-ZZ-GA-A-P0.201/P3: Site Sections 2
CRTW-CCA-ZZ-ZZ-GA-A-P0.202/P3: Site Sections 3
CRTW-PRP-ZZ-ZZ-GA-L-90.200/P1: Landscape Masterplan
CRTW-PRP-ZZ-ZZ-GA-L-90.201/P2: Landscape Public Realm Plan
CRTW-PRP-ZZ-ZZ-GA-L-90.202/P1: Landscape Roof Terraces Plan
CRTW-CCA-ZZ-ZZ-DT-A-P4.501/P2: Envelope Bay Studies Sheet 1
CRTW-CCA-ZZ-ZZ-DT-A-P4.502/P2: Envelope Bay Studies Sheet 2
CRTW-CCA-ZZ-ZZ-DT-A-P4.503/P2: Envelope Bay Studies Sheet 3
CRTW-CCA-ZZ-ZZ-DT-A-P4.504/P2: Envelope Bay Studies Sheet 4
CRTW-CCA-ZZ-ZZ-DT-A-P4.505/P2: Envelope Bay Studies Sheet 5
CRTW-CCA-ZZ-ZZ-DT-A-P4.506/P3: Envelope Bay Studies Sheet 6
CRTW-CCA-ZZ-ZZ-DT-A-P4.507/P3: Envelope Bay Studies Sheet 7
CRTW-CCA-A-P3-104/P1: Return Elevations

10.0 APPRAISAL

Brief Planning History

- 10.01 Planning permission was granted in February 2018 (17/02262/FULL) for a mixed use development comprising a cinema, 99 residential units (Use Class C3), 3,039m² Gross Internal Area (GIA) retail uses (Use Class A1/A2); 1895m² GIA restaurant use (Use Class A3), 1,049m² cinema (Use Class D2), together with the provision of car and cycle parking, highway works, public realm improvements and associated works, realignment of Public Right of Way WBX17 and extinguishment of Public Right of Way WBX18 and either –
- (a) 9 additional dwellings (Use Class C3) and 372m² GIA office use (Use Class B1);
or
 - (b) 1,144m² GIA medical centre (Use Class D1)

- 10.02 A subsequent amendment to this approval was approved in September 2019 (19/01869/FULL) for retail uses, restaurants, cinema, 108 dwellings, parking, highway works and realignment of Public Right of Way WBX17 and extinguishment of Public Right of Way WBX18. This scheme sought amendments to the original consent, which included: a reduction in retail/restaurant floorspace; removal of office accommodation; and minor changes to the design, parking and landscaping.
- 10.03 The former applicant commenced works relating to application 19/01869/FULL in January 2021, but the scheme was not built out. A lawful development certificate was approved in March 2021 confirming the lawful implementation of this consent (ref 21/00369/LDCEX). Application 19/01869/FULL therefore remains an extant consent.
- 10.04 The applicant for the extant scheme (19/01869/FULL) was also a provider of extra care accommodation. Application 19/01869/FULL was for C3 housing, but had a planning condition which required the primary occupant to be over 65 years of age. The proposed scheme requires the primary occupant of each residential unit to be over 65 years of age and in need of at least 2 hours of personal care per week. In addition, the proposed scheme includes a greater level of communal facilities than the extant scheme, including a wellness centre with gym, studio, treatment rooms, small pool, restaurant and multi-use room, which will be open to the public. The Council considers that the proposed development falls within Use Class C2 and justification for this is set out further from Para 10.43 of this report. The age restriction, minimum care requirements and public use of the communal facilities will be secured through the Section 106 agreement.

Principle of the development

- 10.05 Para 86 of the NPPF identifies town centres as the heart of communities and requires local authorities *'to promote their long-term vitality and viability - by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters.'* Para 2 of the NPPF confirms that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.06 The site occupies a prominent town centre location where national and local planning policies support high density, mixed use development.
- 10.07 Policy AL/RTW2B of the Site Allocations Local Plan (SALP) allocates this long-time vacant site for mixed use development. The policy refers to a number of uses that would be appropriate including retail, hotel/conference facilities, offices, restaurants/cafes and residential uses. However, the policy is prescriptive only in respect of retail uses, requiring approximately 3,500m² of retail floorspace.
- 10.08 The proposed development seeks to provide 166 extra care units. Retail/commercial units are proposed at lower ground floor level fronting Mount Pleasant Road at street level and at upper ground floor level on the corner with Church Road. A flexible permission is sought for the retail/commercial units so that they could be used for other uses e.g. food and drink, professional services, soft/indoor play, medical and health services, office uses, drinking establishments or beauty related uses. All of these proposed uses are considered appropriate in this town centre location and would enhance the vitality and viability of the town centre. The units can be set out as seven smaller units (at the most) or four larger units (at the least) offering the flexibility of altering from pairs of units to a single unit. The decision on this layout will depend on the market needs when the lettings are sought. The extant scheme also proposed a similar flexible approach to the retail space. This is considered to be

acceptable and would allow greater flexibility, ensuring that these units are attractive to the market, in line with NPPF advice. A condition will be required to ensure that these units remain in an appropriate use and do not benefit from permitted development rights to convert them to other uses including residential.

10.09 Communal facilities, including a multi-use room and restaurant would be located at street level and accessed via the route between Blocks A and B, which leads to the new publicly accessible courtyard, with realigned public right of way. A lobby for the wellness centre would be accessed from Church Road, which would provide a gym and studio (with classes and low impact exercise machinery suitable for use by older people) fronting Church Road. Other wellness facilities, including a small pool and treatment rooms would be located on the floor below. To integrate the development with the existing community, areas of the development will be publicly available, which is a public benefit. The proposed health and wellness facilities will operate on a membership/pre-bookable basis. The multi-use room will also function on a pre-book basis and be available for booking by local community groups. The restaurant will run like any restaurant in the town and will allow walk in dining and booking, subject to availability. Given the size of the pool and the demographic that the classes and gym equipment is aimed at, it is unlikely that such facilities would be attractive to a broad demographic. However, there are many other gym facilities within close proximity to the site that cater for a wider demographic and the proposed facilities are likely to be attractive to older residents who may not wish to attend a traditional gym.

10.10 The scheme does not include a cinema. The applicant considers that the scheme is only just deliverable based on the current balance of uses and would be rendered undeliverable in the event a cinema was included. The Design and Access Statement states that the provision of a cinema has:

'Proven problematic in architectural design terms as well as in terms of the cost of construction and the difficulty securing an operator willing to take the space long-term. Further exacerbated by the Covid-19 pandemic when cinemas were closed for over a year and many new films were distributed online to secure an audience, the financial 'black hole' of a cinema is a burden that has dragged a number of previous consents on the site below the viability line, and it cannot be supported.'

10.11 There is no requirement within adopted policy AL/RTW2B of the SALP 2016 to provide a cinema on the site and this forms part of the Development Plan. Policy AL/RTW1 of the SLP 2021 allocates the site for mixed use development, where a cinema and numerous other uses are listed as appropriate. This policy was discussed in detail at the Local Plan Examination in Public in July 2022, where the Inspector recommended a more flexible approach to this policy. Should the Local Plan proceed, it is expected that modifications would be made to this policy, which would be subject to further public consultation. Policy AL/RTW1 of the SLP can therefore only be given limited weight.

10.12 At present, this derelict site detracts from the character and retail/commercial offer of the town centre. It has been devoid of active use for over 20 years and has been a vacant plot since demolition was carried out 8 years ago. The proposed retail/commercial units at street level on Mount Pleasant Road would help to improve the vitality of the town centre and the continuity of the retail frontage at this transition point between the upper and lower parts of the town thereby encouraging shoppers and visitors to link the two parts of the town. The amount of retail floorspace proposed (908.98m²) is a lower amount than specified in Policy AL/RTW2B of the SALP (3,500m²). It is noted that the extant scheme (19/01869/FULL) did not fully

comply with this policy, as it provided 2,604m² of retail/commercial floorspace. However, in addition to the retail/commercial units proposed, the current scheme also includes 1,106m² of non-residential space (wellness centre, multi-use room, restaurant, etc.) which will be open to the public and provide further activity and interest along the street frontage. Although there are no doors at ground floor level on Block A facing onto Mount Pleasant Road (multiple access points pose a security risk), the open plan design of the multi-use room enables activity within the building to be viewed from street level, with views through the building to the courtyard beyond. The lack of active frontage along this elevation is considered to be a disbenefit of the scheme, however, the key detail is to ensure the public are drawn through into the courtyard by the PROW and to the restaurant and these directional elements and material usage form part of the scheme's intention. On balance given the seven new retail/commercial units proposed at street level on Block B facing Mount Pleasant Road providing the missing link of retail frontage on this part of the town centre and further retail/commercial units proposed on the corner of Mount Pleasant Road and Church Road, it is considered that the scheme would enhance the vitality and viability of the Primary Shopping Area and town centre and no objection is raised on this ground.

- 10.13 A lobby for the wellness centre would be sited on Church Road, which would provide access to the gym and studio. Along with the lobby for the extra care units, this would provide some activity at street level on this elevation. It is likely that the glass for the windows of the gym and studio would be partially obscured in order to provide some privacy for future users. Further details of this can be required by condition, to ensure an acceptable finish. This part of the scheme is considered to be an improvement when compared to the extant scheme, which had the car park entrance and lobby to the residential units in this location.
- 10.14 As part of the evidence base for the SLP, the Council commissioned a retail and town centre study. The *Tunbridge Wells Retail, Commercial, Leisure & Town Centre Uses Study Update* (February 2021) concluded that there was sufficient existing space available to meet current retail demand within the town centre and that the high number of vacant units is detracting from the town's overall appeal. The study also acknowledged a growing trend for the increase in online shopping and for smaller units, which the proposed development would help to provide. Although the reduction in retail floorspace is regrettable, the scheme seeks to provide nine new retail/commercial units, plus other communal facilities (including multi-use room, restaurant and wellness centre), which would be open to the public, plus a new publicly accessible courtyard. The proposed retail/commercial units would help to provide an active frontage within the primary shopping area and help to fill the gap in commercial/retail frontage on this important transition site between the upper and lower parts of the town. The Study also concluded that there are sufficient existing cinema facilities within the town centre and wider borough to meet the demand in the short-term.
- 10.15 Given current market and retail trends, the reduction in retail floorspace makes the scheme more viable and deliverable. Moreover, it is considered that the wider social and economic benefits to be gained from the delivery of development of this key town site outweighs the reduction of retail floorspace. The Council's Economic Development Manager supports the application stating that the proposed commercial (retail/food and beverage) uses at ground floor that will provide an active frontage and act as a linkage along the main spine of the town centre on Mount Pleasant Road with the publicly accessible parts of the development including the health and wellness facilities, multi-use room and restaurant have potential to bring footfall and spend into the town centre.

Need

- 10.16 The Council's housing land supply position as of 1st April 2022 is 4.49 years. The Council is currently unable to demonstrate a five year housing land supply.
- 10.17 In situations where a local authority is unable to demonstrate a five year housing land supply, the NPPF advises that the Council's policies are deemed to be out of date. It is therefore necessary to assess the degree of consistency of the existing policies with the NPPF and determine the weight that each of these policies carries (NPPF, Para 219).
- 10.18 Para 11 of the NPPF requires that '*decisions should apply a presumption in favour of sustainable development.*' Para 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

'i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

- 10.19 The site does not fall within a protected area as defined at Footnote 7 of the NPPF. There are assets of particular importance (heritage assets), which will be impacted by the development. The heritage section of this report concludes there would be less than substantial harm at the lower end of the scale to existing heritage assets and that this harm would be outweighed by the public benefits of the scheme (see heritage section below for more details). There is therefore no clear reason to refuse the development on heritage grounds.

Whether the proposal constitutes sustainable development

- 10.20 Para 8 of the NPPF explains that there are three dimensions to sustainable development:

'an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

- 10.21 It can be seen 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.

Social Objective

- 10.22 The site lies in a highly sustainable location, within the heart of Royal Tunbridge Wells town centre, where higher residential densities are considered appropriate. It is within easy access of shops, services and facilities. It has excellent access to public transport links, including train and bus services.
- 10.23 Para 62 of the NPPF requires Local Planning Authorities to identify the size, type and tenure of housing needed for different groups in the community, including older people. The Council recognise that the housing needs of older people are diverse and there is a need to provide a choice of suitable housing. The NPPG section entitled 'Housing for older and disabled people' states that *'the need to provide housing for older people is critical'* (Para 001). It states that people are living longer and *'offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems.'*
- 10.24 The development would provide 166 nos. extra care units (Use Class C2), which would equate to 86 units (C2 discounted/C3 equivalent) towards the Council's housing supply, which is considered to be a significant social benefit.
- 10.25 The preamble to Policy H6 of the SLP discusses the need for extra care accommodation within the borough and advises that a prevalence rate of 25 per 1,000 of the population over 75 years is appropriate. This would equate to *'some 431 extra care home dwellings in the borough by 2038, an increase of some 267 dwellings above the current stock (of 164 units)'* (Para 6.359 of the SLP). Given these figures and the Council's pipeline supply/proposed allocations within the SLP, the need for further extra care accommodation has been questioned by objectors.
- 10.26 The appropriate prevalence rate for calculating the need for extra care housing was debated at the Examination in Public for the Local Plan and at the Sandown Park Public Inquiry (both held in the summer 2022). The Sandown Park appeal was for 108 extra care units within the Green Belt. As part of the Sandown Park Inquiry, the Council commissioned a specialist to provide evidence on the need for extra care accommodation within the borough. It was common ground between both parties that the Council has a current supply of 183 extra care units. The prevalence rate for calculating future need was a matter of dispute; with the Council arguing that a rate of 45 per 1,000 population was appropriate and the appellant argued that a figure of 65 per 1,000 was appropriate. The Inspector concluded that a prevalence rate of 45 per 1,000 population *'is not an inappropriate or unreasonable rate to use'* (Para 80 of appeal decision 3289034). Based on a prevalence rate of 45/1,000 there is a need for an additional 593 extra care units (above existing supply) within the Plan period (up to 2038). The proposed development would make a significant contribution to meeting this need on a sustainable, brownfield site within the town centre. The Sandown Park appeal decision is currently being challenged through a Judicial Review as the appellant amongst other matters, considers the need for extra care housing in the borough to be higher.
- 10.27 The *Tunbridge Wells Retail, Commercial, Leisure & Town Centre Uses Study Update* (February 2021) concludes that the retirement living market performs well and states on the matter of retirement living in the town (page 69):

'It is likely that there will be opportunities for retirement living development throughout the plan period. Owing to an ageing population and reasonable values, we anticipate that allocations involving this type of residential use would be delivered.'

10.28 The proposal would provide the following social benefits:

- The development would make a significant contribution towards meeting the identified need for specialist housing for older persons in the area;
- The development would make a significant contribution towards the Council's housing land supply position;
- The development has the potential to release larger homes that are under-occupied by older persons, freeing those up for other households. Further assisting in the supply of housing and reducing pressure on greenfield release, through facilitating movement in the market;
- The on-site health and well-being facilities and communal facilities have the potential to deliver social and health benefits (mental and physical) for future residents and help them to retain their independence for longer;
- The proposal has the potential to reduce demand on local public services and health resources. The provision of an on-site care agency and health and well-being facilities will help residents to stay fitter and healthier for longer, reducing reliance on public health resources. Residents residing in schemes where on-site care is available are also likely to be discharged from hospital sooner than those living in conventional housing, resulting in a cost saving to the NHS.
- The provision of new retail/commercial which will improve the vitality and connectivity of the town;
- Provision of new public open space (courtyard, realigned/improved public right of way and improvements to the public realm e.g. new landscaping); and,
- The provision of communal facilities/wellness centre and restaurant, which will be open to the public.

10.29 The social benefits of the scheme are considered to be significant and given great weight in the decision making process.

Economic objective

10.30 The proposal would generate approximately 87 full time jobs. The proposal would accord with the NPPF's priority to support economic growth. This provides significant weight in favour of the scheme and is supported by the Council's Economic Development who states that the scheme has potential for high quality jobs during both the construction and operational phases of the development. There would also be a short-term economic benefit during construction of the development; however, this would be limited and carries little weight.

10.31 Future occupiers and staff would contribute to the vitality of the town, through the use of shops and services, which would assist in the long-term viability of businesses. A number of representations have been received from local businesses supporting the scheme on the grounds that it has the potential to revitalise the town centre. The existing derelict site detracts from the town centre's appeal and its retail/commercial offer. The proposed development would enhance the retail/commercial offer within the Primary Shopping Area and the heart of the town centre. It would also help to improve the vitality of the town centre and the continuity of the retail frontage at this transition point between the upper and lower parts of the town.

10.32 The Section 106 agreement (see Section 106 section of the report below) secures

£233,936.10 towards community services/facilities (including sustainable transport), which would have economic benefits for the local community.

Environmental objective

- 10.33 The site is located in a highly sustainable location. The proposed development would make effective use of this brownfield site, thus reducing development pressure on greenfield sites elsewhere in the borough. The site is in close proximity to a mainline railway station and bus services. It is also well related to existing services/facilities and public open space and therefore future residents would not be reliant on private motor vehicles.
- 10.34 The proposed development would be highly sustainable and incorporates renewable energy technologies, including air source heat pumps and 600m² of photovoltaic panels. The proposal seeks to be carbon neutral and deliver a 17.7% biodiversity net gain. Policy EN9 of the SLP requires that all proposals provide a minimum of 10% biodiversity net gain and the scheme would therefore comply with this policy. The proposal would result in the loss of four trees, but it is considered that this is mitigated by an increase in tree planting as part of the development.
- 10.35 The Section 106 agreement (see Section 106 section of the report below) secures contributions towards the expansion of the existing car club. The contribution would provide a new electric car club vehicle, with associated charging provision in the town centre. Residents of the scheme would receive free membership of the car club and driving credit to promote use of the car club, this would also be secured through the legal agreement. The new car club vehicle would be of benefit to future residents of the scheme who may not have access to their own vehicle and would also benefit the wider public.

Sustainable development conclusion

- 10.36 The site is located within a highly sustainable location on a brownfield site that has been derelict for many years. The proposal would provide new retail/commercial floorspace, 166 nos. extra care units (plus communal facilities that would be open to the public) and provide enhancements to the public realm. It is considered that the proposed development would provide social, economic and environmental benefits (as set out above) and would therefore equate to sustainable development.

Compliance with the Development Plan

- 10.37 The site is designated as an Area of Change and is covered by its own policy (the Former Cinema Site Area of Change Policy AL/RTW2B of the SALP). It also adjoins another Area of Change i.e. the Civic buildings covered by Policy AL/RTW2A. Both policies require a masterplan to be prepared for their sites, the purpose of which is to ensure that the land within them is not developed in a piecemeal fashion. The proposal involves the development of the whole of the Area of Change, rather than being part of it. There is no question of the proposal prejudicing the development of any remaining land within it. The pre-application process, which involved consultation with the Council, stakeholders and the local community has in effect performed a master-planning function and the planning application (informed by a Design and Access Statement, Townscape and Visual Impact Appraisal and Heritage Statement) is in effect a highly detailed Masterplan for the site.
- 10.38 With regard to the amount of residential development in relation to other uses, Policy AL/RTW2B of the SALP refers to residential uses that are '*supplementary to other uses*' as being acceptable. Whilst a high number of dwellings are proposed, it is not considered that the residential component is achieved at the expense of other uses, as there is a mix of retail/commercial and leisure/community uses at the lower levels

where they can be accessed off the street and walkway. This quantum of extra care units is required to ensure the scheme is viable and deliverable. If Members consider that the residential provision is not supplementary and there is some conflict/departure with the policy, the inclusion of 166 extra care units assists the viability of the whole development and bringing the site back into use would have economic, environmental and social benefits: these represent material considerations that (only in the event that Members considered the residential provision is not supplementary) would justify that conflict/departure.

- 10.39 The site is allocated for development within the SLP. The SLP is currently at an advanced stage and has been through three rounds of public consultation and public examination and can be given some weight in the decision making process.
- 10.40 Policy AL/RTW1 of the SLP seeks to allocate the site for mixed use development to include approximately 100 dwellings, uses falling with commercial use class E(a shops), (b – restaurants), (c - financial services, professional services and other services), (e – medical or health services) (g(i) – offices) and sui generis uses to include a cinema and cafes or drinking establishments.
- 10.41 During the Examination in Public, the Planning Inspector was advised that pre-application discussions had been ongoing on the site for an extra-care housing scheme (without a cinema) and that an application was expected in the summer 2022. The Inspector was advised of the number of extra care units and amount of retail floorspace likely to come forward on this site. The Inspector appeared of the view that the emerging policy should be less prescriptive, which would allow more flexibility for future development on this site. Given the comments raised by the Inspector and the likely forthcoming modifications, it is considered that this policy can only be given limited weight in the decision making process.
- 10.42 In this case, the development fronting the main pedestrian thoroughfares would be within retail, commercial or communal uses (which would be open to the public). The residential development would be sited above ground floor level, when viewed from Mount Pleasant Road and Church Road. The scale of the development proposed would make effective use of this derelict, brownfield site. It would make a significant contribution to the Council's unmet housing needs and need for specialist accommodation for older persons and thus reduce development pressure on greenfield sites. The proposed development would accord with the objectives of Para 86 of the NPPF with regard to town centre developments, as well as with Core Policies 8 and 9 of the Core Strategy and Policy AL/RTW2B of the SALP.

Use Class C2 or C3 and the Need for Affordable Housing Provision

- 10.43 The Use Classes Order sets out the different categories of residential use and makes a distinction between residential institutions (Class C2) and dwellinghouses (Class C3). There is considerable case law (at planning appeals and in the courts) on the definitions of both. There is no government guidance on which use class 'extra care housing' falls into. It is for the decision maker to decide, depending on the individual circumstances of each case, which class a particular use falls into. Para 014 of the NPPG states that '*consideration could, for example, be given to the level of care and scale of communal facilities provided*' (Reference ID: 63-014-20190626).
- 10.44 Para 010 of the NPPG sets out the different types of specialist housing for older people, which include:
- **'Age-restricted general market housing:** *This type of housing is generally for people aged 55 and over and the active elderly. It may include some shared*

amenities such as communal gardens, but does not include support or care services.

- **Retirement living or sheltered housing:** *This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services, but provides some support to enable residents to live independently. This can include 24 hours on-site assistance (alarm) and a warden or house manager.*
- **Extra care housing or housing-with-care:** *This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses.*
- **Residential care homes and nursing homes:** *These have individual rooms within a residential building and provide a high level of care meeting all activities of daily living. They do not usually include support services for independent living. This type of housing can also include dementia care homes.*

There is a significant amount of variability in the types of specialist housing for older people. The list above provides an indication of the different types of housing available but is not definitive. Any single development may contain a range of different types of specialist housing.'

10.45 The SLP defines the different types of older person accommodation. It defines extra care accommodation or housing with care as *'self-contained, with associated facilities, providing 24 hour access to emergency support, as well as on-site facilities such as a residents' lounge, laundry room, and meal provision facilities. In some cases, larger developments may be termed retirement communities or villages. These would normally provide a range of services, with provision for residents to benefit from varying levels of care as time progresses.'* The SLP categorises the different types of older persons' accommodation into the following Use Classes:

- Class C2: Residential Care Homes and Nursing Homes, End of Life, Hospice Care and Dementia Care Accommodation.
- Class C3: Age restricted general market housing, retirement living, sheltered accommodation, extra care accommodation, assisted living, close care and continuing care.

10.46 Para 6.353 of the SLP states *that:*

'The above list is not exhaustive or prescriptive and sets out how different types of housing for older people would generally be viewed in terms of the Use Class Order, taking into account, in particular the level of care that may be provided. However, it is acknowledged that levels of care provision do vary depending on the nature of the scheme put forward, with some schemes including a mix of Class C2 and C3 uses so that residents can remain in the one location, adjusting the level of care they need as their needs change. Consequently, each application will be assessed on its own merits.'

10.47 Para 6.354 of the SLP states that:

'For older persons' housing schemes to be considered as Class C2 accommodation, which are normally exempt from the need to provide affordable housing provision... due to the level of care being provided to the residents, as a minimum, daily assistance should consist of help with personal care, such as washing and preparing food. Planning proposals should be supported by relevant and robust evidence, including details of the minimum care package that all residents are expected to sign up to.'

10.48 Para 6.368 of the SLP states that:

'Schemes for new sheltered, extra care, residential/nursing care homes will be generally suitable on sites allocated for residential development in the Plan, as well as other locations... where they are in line with other Plan policies, particularly if in accessible locations.'

10.49 Core Policy 6 of the Core Strategy requires that affordable housing is provided for residential developments (Use Class C3) of 10 or more units. However, there are no affordable housing requirements for residential institution developments (Use Class C2). Therefore, the key consideration on this matter is which use class the proposed development falls within.

10.50 Planning permission was dismissed on appeal in June 2017 for a C2 development consisting of 12 x 2 bedroom apartments 7 x 2 bedroom bungalows and 3 x 2 bedroom dwellings at Balcombes Hill in Goudhurst (15/510395/FULL). In this case, the Local Planning Authority argued that the proposal, which included self-contained dwellings, with their own private curtilage and had limited communal facilities fell within Use Class C3. The Local Planning Authority considered that affordable housing should be provided in accordance with Core Policy 6 of the Core Strategy.

10.51 The Inspector (ref: M2270/W/16/3161379) stated that:

'The units would be occupied by persons over 65 years old who had been assessed as needing 1.5 hours per week care as minimum... Staff would be on call 24 hours a day and each unit would have an alarm system and the residents would be able to use the communal facilities in the apartment block (Para 47).'

10.52 The Inspector continued to state that:

'The service charges are likely to be well beyond those that might reasonably be expected in non-institutional accommodation. The illusion of independent living would come through the physical self-containment and saleability (to qualifying occupiers) of the individual units, whereas the reality would probably be one of a tightly knit community unified by access to a dedicated enterprise of specialist care and security for the elderly (Para 49).'

10.53 The Inspector concluded that the characteristics of the scheme, when combined with the scope to secure them through the use of a planning condition led them to conclude that the scheme was C2. It was also agreed that the extra care units proposed at Sandown Park (20/01506/OUT) fell within Use Class C2.

10.54 It is considered that the proposed scheme falls within C2 use for the following reasons:

- The proposal seeks to provide extra care accommodation, which will enable residents to increase their level of care as required. Care is provided to residents through a 24 hour domiciliary care service based on the site, which would be registered with the Care Quality Commission.
- The primary occupant of each unit would be aged 65 years or older and in need of at least 2 hours of personal care per week. This would be secured by a legal agreement.
- The proposal includes a significant amount of communal facilities, including a multi-use room, restaurant and wellness centre. There would also be outdoor amenity space for future residents and ancillary offices to run the care community. Higher than average service charges are likely to apply. The application proposes a significantly greater level of communal facilities than in the Balcombes Hill scheme.

10.55 The proposed development is therefore considered to fall within Use Class C2, where there is no policy requirement to provide affordable housing either on site or as a commuted sum for off site provision.

Scale, design and external appearance

10.56 Para 126 of the NPPF states that *'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.'* Para 130 requires that *'planning policies and decisions should ensure that developments:*

- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

10.57 Core Policy 5 of the Core Strategy seeks to ensure that developments are of high-quality design, which will create safe, accessible, legible and adaptable environments and will conserve and enhance the public realm. Additionally, Policy EN1 of the Local Plan sets out criteria that new development should meet. In particular, Criterion 3 seeks to ensure that the design of the proposal should respect the context of the site, in terms of its scale, site coverage, external appearance, roofscape, materials and landscaping. Policy AL/RTW2B of the SALP requires that proposals must be of a high quality design and shall demonstrate how they conserve and enhance the Conservation Area. Policy AL/RTW2B also requires the provision of public art on this site. Additional policy considerations relating to the site's location within a Conservation Area and its proximity to listed buildings are referred to in the heritage section of this appraisal.

Applicant's overall approach to design

- 10.58 The Design and Access Statement describes the site context, explains the evolution of the design, and illustrates the scale and appearance of the proposed buildings. It shows how the proposals have been developed in response to comments made by design consultees, including Historic England, and from feedback provided at pre-application meetings and from the public consultation events.
- 10.59 Members will be aware of the site's somewhat chequered history: the cinema that occupied the site closed in 1999; previously approved schemes have not been built out and the site has lain vacant and hoarded since 2014.
- 10.60 The length of time the site has remained vacant is reflective of the changing economic conditions, but also reflects the complexity of the site constraints and viability challenges. The railway tunnel below the site constrains the weight of buildings that can be constructed above it. There are also significant changes in levels across the site.
- 10.61 The proposal has been appraised by Historic England and the Council's specialist design, conservation and landscape officers. All have made detailed comments, which are summarised earlier in this report. Whilst raising some detailed points, all accept that the proposals represent an appropriate design response to the site. The following paragraphs set out the conclusions on design matters, and also respond to the concerns set out above (matters relating to heritage impacts are set out in the heritage section of this report).

Scale and height

- 10.62 With regard to scale, although the site is currently open, it should be remembered that it used to contain a large cinema and other buildings. The former cinema building was of low architectural significance and fell into a state of disrepair. It became a detractor in the town centre and its demolition was required by the Council. However, in its time, the former cinema building did have a 'presence' at this main cross roads within the town centre and served as a 'wayfinder' in the wider townscape. The proposed scheme would result in a larger and higher building than previously stood on the site. However, this is not considered inappropriate in a town centre location, where higher densities are considered appropriate and planning policies seek to make effective use of sustainable, brownfield sites. The proposal would provide a new landmark building, which would complement others at this important node in town. It is also important to note that the proposed scheme is lower in height than the extant scheme, which the Council previously considered acceptable.
- 10.63 In order to be viable, the proposals need to achieve a certain amount of floorspace or mass. The key question has been how to best distribute that mass across the site, having regard to the site constraints outlined above and the need to respond to the historic townscape context. The proposed building height and mass is considered to achieve the correct balance of providing a development that punctuates and defines the corner, contains the space around the Town Hall, but does not dominate or appear out of scale with the generally domestic scale of town centre. The corner building would not intrude unduly into the skyline from wider viewpoints, as demonstrated through the verified images in the Townscape and Visual Impact Analysis. It is concluded that the corner building would create a landmark building of an appropriate scale at this prominent location, with the flanking buildings being set down as to not appear out of scale with neighbouring buildings.
- 10.64 The proposal has been considered in a wider context, including from Mount Ephraim and the Calverley Grounds to ensure it complements the established townscape.

With regard to impact on longer distance views the roofscape has been carefully considered, in terms of its height, materiality and colouring, with subtle amendments being sought to lessen its impact. It is concluded that the buildings would assimilate into the general skyline and roofscape when viewed from Mount Ephraim. Upper floors are set back and would be of a lighter appearance to minimise their visual appearance.

10.65 Plant is proposed on the roofs, which is generally set back from the side elevations of the buildings and would be of a lighter colour to help minimise its visual impact. However, it would be visible from the public realm, particularly in views from Mount Ephraim. The largest plant structure is proposed on the roof of Block D and would be approximately 3.4m high. This structure would be set very close to the edge of the building. It would be visible in long and short distance views, including from the High Street, Calverley Grounds and Mount Ephraim. Given the amount and height of the proposed plant there would be some harm to the roofscape; however, given the following points it is considered to be on balance acceptable:

- Necessity of the plant;
- The siting of the plant on the least sensitive roofs;
- The plant is generally set back from the side elevations of the buildings;
- The use of lighter colours to minimise its visual appearance; and,
- The fact that the largest plant is required to accommodate the plant for the air source heat pump, which has environmental benefits.

10.66 Full details of plant, including finishes can be sought by condition.

Street level

Design and external appearance - Mount Pleasant Road and Church Road:

10.67 To reflect the different character of the main road frontages to Mount Pleasant Road and Church Road, and the quieter residential character of the rear of the site, the proposals adopt a different, but complementary, design approach to each. The proposals deliberately do not overstate historical features on the elevations, as this would weaken the identity of the building as a contemporary addition to the eclectic townscape.

10.68 Block A would be located adjacent to the junction with Church Road and Mount Pleasant Road. This is the tallest point of the development and would deliver a focal feature with a strong architectural presence. It would be seven storeys high on the corner and then drop down to six storeys (plus lower ground floor storey), which takes into consideration the change in levels on Mount Pleasant Road. It would also step down in height further along Church Road. Block A has been designed to complement the architecture of the Town Hall and address the key townscape node. The proposed development would be lower in height than the extant scheme, which was previously considered acceptable by the Council. The overall height and massing of built form is considered appropriate in this town centre location.

10.69 New tree planting and soft landscaping is proposed on this prominent corner, which would help to green the public realm at this point. Two retail/commercial units are proposed at upper ground floor level (which would have a stepped as well as a level access) and would help to restore vitality to this part of the Primary Shopping Area. Stainless steel cycle stands are proposed within the public realm, which the landscape plan states will match existing Tunbridge Wells stands. The stands typically present in Tunbridge Wells are Wiesbaden bicycle stands, which promote the Council's twinned status with Wiesbaden in Germany. Not only do they provide

cycle parking, but they are also a form of public art. Policy AL/RTW2B states that development on this site *'will be expected to provide public art.'* Although a piece of public art is proposed within the new courtyard in the form of a water wall, no public art is proposed along the street frontages. The provision of Wiesbaden bicycle stands would make a positive contribution to the public realm and can be secured by condition.

- 10.70 The east elevation of Block A (fronting Mount Pleasant Road) is set back behind the existing building line, which reduces the impact on the railway line below and provides a larger area of landscaped, public realm to the front. Windows are provided at street level, which would provide views into the multi-use room, which would be open to the public on a pre-bookable basis and accessible via the route between Blocks A and B.
- 10.71 In order to minimise noise disturbance to future residents from the Pitcher and Piano, no windows or openings are proposed on the side (west) elevation of Block A and side (north) elevation of Block C. These elevations would be largely screened from the public realm by existing buildings. Following concerns raised by Officers, amended plans have been submitted which show brick panelling on these elevations, which helps to provide some design interest. A platt band is also proposed on the side elevation of Block A, which adds further visual interest.
- 10.72 Block B reflects the Regency terraces on the opposite side of Mount Pleasant Road. It would be lower in height than Block A, containing retail/commercial uses at ground floor level (fronting the road) with five storeys of extra care accommodation above. Concern has been expressed that the development does not respect the boulevard character of Mount Pleasant Road and that the height of some of the retail units is substandard. However, the set back of the upper building on this frontage not only avoids the potential structural loading on the railway tunnel beneath, but also reflects the set back of upper floors on the opposite side of the street. At ground level, the proposed retail/commercial units respect the existing building line and follow the sloping topography, allowing for step free access into the units. It is acknowledged that the floor to ceiling height of the retail units reduces further up Mount Pleasant Road (to take account of the change in levels). However, the dimensions of each retail unit are considered acceptable and would not result in substandard unit sizes. The existing street trees along Mount Pleasant Road would be retained. A terrace is provided above the retail units, which would provide some outdoor amenity space for future residents.
- 10.73 Detailed 'bay' studies have been provided as supporting material, which demonstrate the high quality of finish that would be apparent from closer range views. Details and samples of the materials can be secured by condition.
- 10.74 Para 130 of the NPPF requires that developments are visually attractive, appropriately landscaped and optimise the potential to provide green and public space. The proposal provides an opportunity to enhance the public realm experience and landscape at this important town centre location. The scheme includes a diverted PROW through a new publicly accessible courtyard, which will have a high standard of hard and soft landscaping. A proposed water feature/piece of public art would be provided within the courtyard and visible from Mount Pleasant along the access route. New soft landscaping would be provided along Church Road and Mount Pleasant Road, including new street trees, which would help to green the public realm.

- 10.75 Access to the courtyard (including the diverted PROW) would be provided between Blocks A and B. This would also provide the main lobby for Block A and access to the restaurant. The courtyard would provide additional public space within the town centre and could be used for small-scale events, film showing, markets etc. It would also provide an area of outdoor seating for the proposed restaurant. The provision of the public courtyard and new water feature would enhance the public realm.
- 10.76 The extant scheme included a developer contribution towards the implementation of public realm improvements outside the Civic Complex, as required by Policy AL/RTW1 of the SALP. These works have already been carried out.

Clanricarde Road

- 10.77 Block D would contain six storeys of extra care accommodation, with parking provided within the basement below. The upper floor would be recessed and of a lighter material to minimise its visual appearance. Plant would be visible on the roof above. To reflect the more domestic character of Clanricarde Road and Gardens, a red brick is proposed to be used to the facade of Block D with lighter tones to the recessed top level. The massing is broken down with a series of bays using exposed rainwater pipes. The majority of units would have outdoor amenity space in the form of balconies. The ground floor units have Juliette balconies, so as not to impede on the adjacent footpath.
- 10.78 Block C would be visible from Church Road (behind the Pitcher and Piano) and from Clanricarde Road and the public courtyard. At ground floor level it would contain an internal servicing/loading bay, refuse store and infrastructure to run the building. Six storeys of extra care accommodation are proposed above the servicing area. The top floor would be recessed and of a lighter colour to minimise its visual impact. Plant would be provided on the roof. As with Block A (due to the noise constraints associated with the Pitcher and Piano), the northern elevation of Block C would contain no openings. This elevation would be largely screened from the public realm by the existing buildings, but would be particularly visible from patrons using the garden of the Pitcher and Piano. Following concerns raised by Officer's brick panels are proposed in this elevation to help provide some visual interest and breakup the expanse of plain brickwork.
- 10.79 An acoustic wall is proposed between Blocks A and C, which would be six storeys high (from ground level). The applicant has confirmed that this wall is necessary in order to provide the noise mitigation measures required. The wall would be particularly visible from within the new public courtyard. It would effectively join Blocks A and C, which would appear as one large mass. Following discussions with the applicant's and Council's design teams it does not appear that there is any other satisfactory solution to achieve the noise mitigation required. The Council's Conservation and Urban Design Officer raises no objection to this part of the proposal subject to details of external materials and coping.
- 10.80 The Landscape and Biodiversity Officer welcomes the inclusion of green roofs at this town centre location and, following additional clarification of their specification, is satisfied that they can achieve their objectives, although final details can be secured by way of a planning condition.
- 10.81 As required by SALP Policy AL/RTW2B, the proposal includes the provision of public art. The scheme includes a new water feature within the courtyard and Wiesbaden bicycle stands within the public realm adjacent to Church Road. The new courtyard will have high quality hard and soft landscaping, including amphitheatre style seating.

Final details of hard and soft landscaping (including street furniture) can be secured by condition.

- 10.82 Projecting balconies are proposed for the majority of extra care units. Concerns were raised by Officers during the pre-application process that the proposed balconies are uncharacteristic of the architectural rhythm of the town centre, which exhibits recesses rather than projections. During the evolution of this scheme, amendments have been made to the design of the balconies, which have improved their overall design and include bespoke railing design, there is no objection to the provision of balconies on this scheme.

Conclusions on design considerations

- 10.83 Having reviewed the application proposals and considered the responses from consultees and all other interested parties, and notwithstanding the objections from the Civic Society, Town Forum and members of the public, it is considered that the proposals would provide good quality design in respect of the built form and public and private spaces that would be provided. The proposals would also reinforce local distinctiveness as sought by the NPPF.

- 10.84 It is concluded that the proposals would enhance the townscape character and visual appearance of this central part of Tunbridge Wells and will comply with the requirements of the NPPF, NPPG and Core Policy 4 of the Core Strategy, Site Allocations Policy AL/RTW2B and Policies EN1 and EN5 of the Local Plan.

Heritage

- 10.85 The site lies within the Royal Tunbridge Wells Conservation Area and forms part of the setting of a number of listed buildings. The listed gate piers at the entrance of Lonsdale Gardens fall within the red line of the application site.
- 10.86 When determining planning applications, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have *'special regard to the desirability of preserving [a listed building] or its setting'*. Section 72 of the Act also requires Local Planning Authorities to give special attention to the preservation or enhancement of the special architectural or historic character or appearance of a Conservation Area.
- 10.87 Para 189 of the NPPF states that heritage assets are *'an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations.'*
- 10.88 Para 199 of the NPPF states that *'great weight should be given to the asset's conservation (and the more important the assets the greater the weight should be).'*
- 10.89 Core Policies 4 and 9 of the Core Strategy seek to conserve and enhance the borough's heritage assets and have special regard to their settings. Policy EN5 of the Local Plan requires that development in Conservation Areas should *'preserve or enhance the buildings, related spaces, vegetation and activities which combine to form the character and appearance of the area.'* Policy AL/RTW2B of the SALP requires that *'proposals must be of a high quality design and shall demonstrate how they conserve and enhance the Conservation Area.'*
- 10.90 The following heritage assets are located in close proximity to the site:

Grade II* listed building:

- Holy Trinity Church to the north-west of the site

Grade II listed buildings/structures

- The Priory (north of Church Road)
- Walls to the north and south of nos. 2 & 3 Church Road
- Wall surrounding Holy Trinity Church
- Civic Complex (Town Hall, Police Station, Community Hub)
- Tunbridge Wells War Memorial
- 82 Mount Pleasant Road (Lloyds Bank)
- 2 lamp supports (Junction of Mount Pleasant Road and Lonsdale Gardens)

Grade II historic park and garden:

- Calverley Park and Calverley Grounds

10.91 The proposals will also affect the setting and therefore the significance of other listed buildings in the town centre, including the train station and properties further along Church Road, Crescent Road and Mount Pleasant Road. The Great Hall on Mount Pleasant, whilst not listed, is of local heritage interest and considered to be non-designated heritage asset.

10.92 This application also seeks consent for the demolition of no. 41 Mount Pleasant Road. No. 41 Mount Pleasant Road is of no particular architectural merit and does not contribute positively to the Conservation Area. It has already been partially demolished. Consent has previously been granted for the demolition of this building and its demolition remains acceptable.

10.93 The applicant's heritage consultant considers that the proposal would have the following impact on nearby heritage assets:

- Royal Tunbridge Wells Conservation Area – Moderate-High enhancement
- Trinity Arts Centre (Grade II*) – Negligible enhancement
- Town Hall/Civic Centre (Grade II) – Moderate enhancement
- The Priory (Grade II) – Negligible enhancement
- 82 Mount Pleasant Road (Grade II) – Minor enhancement

10.94 The effects on heritage assets and townscape have been considered in detail by Historic England (the government agency responsible for heritage matters) as well as the Council's conservation/urban design and landscape officers. Their comments are extensive and provided at Section 7 of this report.

10.95 With regard to the impact of the proposed development on the Conservation Area, and with reference to Historic England and the Conservation Officer's comments in particular, it is concluded that there are both positive and negative impacts to the Conservation Area:

- The currently vacant site detracts from the character and appearance of the Conservation Area.
- The proposed uses are appropriate to the surrounding historic uses;
- The proposal would create a new landmark building, which would complement others at this important node in town.
- The inclusion of public space and publicly accessible uses, as well as a strong focal point is supported.
- The appearance of the Conservation Area would be preserved and in certain viewpoints enhanced by the quality of design and materials and the creation of a new focal point at this node. However, the height and massing of the building

would result in harm to the Conservation Area from some short and long distance views.

- The height of the Mount Pleasant elevation and lack of stepping down as with the buildings opposite has the potential to look monolithic.
- The massing of the buildings would be larger in scale than the finer grained surrounding buildings.

10.96 Overall, it is concluded that the character and appearance of the Conservation Area would not be preserved as there would be less than substantial harm at the lower end of the scale. The proposal would therefore conflict with Core Policies 4 and 9 of the Core Strategy, Policy EN5 of the Local Plan and Policy AL/RTW2B of the SALP. This conflict needs to be taken into consideration as part of the planning balance, which will be discussed in further detail below.

10.97 With regard to the impact on the setting and significance of nearby listed buildings, the Conservation Officer concludes that the proposed development would preserve the setting of the civic complex, Lloyds Bank and the gate piers/post box. It is considered that the proposed development would also preserve the significance of other listed buildings further away and the non-listed Great Hall. Consideration has been given to the impact on the Grade II registered historic park and garden at Calverley Grounds and adjacent listed buildings at Calverley Park. Whilst parts of the proposed building would be visible from certain viewpoints within the park and adjacent villas, it is not considered that the proposals would have any adverse effect on the significance of these buildings/park due to intervening landscaping and the fact that the proposed development would also be viewed within the context of the existing buildings within the town centre.

10.98 However, it is considered that there would be some harm to the setting of the Grade II* Trinity Church and its former Grade II priory houses (2 – 3 Church Road), which historically were part of a slightly lower density, greener and contrastingly quieter area in comparison with the surrounding areas. The height of the development would diminish the prominence of the tower of Holy Trinity Church in key viewpoints. As with the extant scheme, the Conservation Officer and Historic England are concerned that the introduction of the tall corner element in particular, as well as the height of the Church Road elevation would not preserve the immediate setting of this group of listed buildings. It is relevant to note, however, that the setting of these buildings was altered by the former cinema building, and detrimentally altered by Wellington Gate office block on Church Road. It is also relevant to note that the proposed scheme is lower in height than the extant scheme, which the Council previously found acceptable.

10.99 During pre-application discussions, changes were made to the scheme which included a reduction in height of Block A by omitting the upper floor; providing a more gradual step down for the upper storeys; refinement of the balcony designs; and, enhancements to the public realm/landscaping scheme. Notwithstanding these improvements it is still considered that there would be some residual harm to the appearance of the Conservation Area and the setting/significance of Trinity Church and The Priory listed buildings. It is considered that the harm arising from the development would be less than substantial at the lower end of the scale.

10.100 Para 202 of the NPPF states that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

10.101 The proposed development would provide the following public benefits:

- The development would make a significant contribution towards meeting the identified need for specialist housing for older persons in the area.
- The development would make a significant contribution towards the Council's housing land supply position.
- Make effective use of a brownfield site, reducing the pressure on greenfield release.
- Secure the delivery of a major brownfield site in the town centre, which has remained derelict for over 20 years.
- The development has the potential to release larger homes that are under-occupied by older persons, freeing those up for other households and reducing pressure on greenfield release, through facilitating movement in the market.
- The on-site health and well-being facilities and communal facilities have the potential to deliver social and health benefits (mental and physical) for future residents and help them to retain their independence for longer.
- The proposal has the potential to reduce demand on local public services and health resources.
- The provision of new retail/commercial units would improve the vitality and retail offer of the town.
- Redevelopment will bridge a gap between the north and south of the town.
- Provision of new public open space (courtyard, realigned/improved public right of way and improvements to the public realm e.g. new landscaping).
- The provision of communal facilities/wellness centre and restaurant, which will be open to the public.
- Economic benefits – through job creation during construction and operation phases and additional expenditure in the local economy.
- Financial contributions towards borough facilities/services, including a new electric car club car vehicle
- Highly sustainable development, delivering 17.7% biodiversity net gain.

10.102 In this case, it is considered that the public benefits of the scheme outweigh the less than substantial harm that has been identified to heritage assets.

10.103 The proposed development would have no impact on any known archaeological sites. The archaeological potential of the site is considered to be low for all periods. Previous ground investigations indicate that development and demolition activity across the site would likely have truncated any potential archaeological deposits that may have been present. The County Archaeologist raises no objection to the development, subject to a condition requiring an archaeological watching brief.

Highway safety and parking

10.104 The site is located in a highly sustainable location and can be accessed by a range of modes of transport other than private motor vehicles. A Travel Plan has been submitted with the application to encourage non-car based travel. Secure cycling parking and mobility scooter storage is provided as part of the development.

10.105 Core Policy 3 of the Core Strategy states that '*sustainable modes of transport, including cycling, walking and the use of public transport will be encouraged to reduce dependence on private car use*'. In addition Core Policy 9 of the Core Strategy expects development proposals in Tunbridge Wells to respect and, where necessary, contribute to an integrated approach to improve movement into and around the town, including the promotion of public transport use and improved routes and facilities for cycling and walking.

- 10.106 The Transport Assessment concludes that the development would have a negligible impact on the local highway network. It is predicted that the scheme would result in five two way movements during the AM peak (one more than the extant scheme) and ten two way movements during the PM peak (three more than the extant scheme).
- 10.107 The retail/commercial units that front onto Mount Pleasant Road would be serviced from the street, where an existing parking bay would be changed to a loading bay. This will be secured via the Section 106 agreement. This would be a similar arrangement to existing premises along Mount Pleasant Road. Given the size of the proposed retail units, it is expected that that the servicing demands would be light. Concerns have been raised by private representations that this part of the scheme would result in the loss of parking along Mount Pleasant Road. No objection is raised in this respect by the local highway authority. The site is within close proximity to public car parks and there is alternative on-street parking available nearby. No objection is therefore raised to the loss of on-street parking caused by the proposed loading bay. It is not considered that the loss of parking in this location would significantly harm the vitality of businesses in this locality.
- 10.108 A vehicle drop-off point is proposed outside the residential lobby area on Church Road. The drop off area will be for residents and can accommodate cars, minibuses and ambulances. No servicing will be undertaken from Church Road itself. The drop off point would have a separate access and egress, so that cars will be able to leave the site in a forward gear. Concerns have been raised that this part of the proposal may result in an increase in road traffic accidents and has the potential to impact pedestrian safety. However, vehicular activity along the Church Road frontage would be substantially less than the extant scheme, where access to the underground car park was provided from Church Road. KCC Highways raise no objections to the proposed drop off point, which is not considered to be harmful to highway/pedestrian safety or harm the flow of the road network.
- 10.109 Servicing and deliveries for the extra care part of the scheme would take place from the northern end of Clanricarde Road. The servicing yard is located adjacent to the proposed refuse store. This arrangement minimises the amount of servicing/deliveries that would take place on the main road, which could potentially impact the free flow of traffic. The proposed parking, servicing and delivery arrangements for the scheme would result in increased traffic movements along Lonsdale Gardens and Clanricarde Road; however, these roads are relatively lightly used at present. No objection is raised from the highway authority in this regard and from discussions with the highways department it is clear they consider that these roads have capacity to accommodate the amount of traffic movements proposed.
- 10.110 Policy TP4 of the Local Plan seeks to ensure that there is sufficient capacity within the road network to accommodate new development and that any additional traffic does not adversely affect the safe and free flow of traffic or other road users. Para 111 of the NPPF is clear that '*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'. No objection is raised to the development by the local highway authority on highway safety grounds. It is also considered that the residual cumulative impacts on the road network would not be severe to warrant a refusal on highway grounds.
- 10.111 The site lies within the Tunbridge Wells Central Access Zone (Residential) where Policy TP6 of the Local Plan states that within this zone, the maximum parking provision should be one space per dwelling. The site is also within the Tunbridge

Wells Central Parking Zone (Commercial), where operational parking only should be provided on-site for retail/commercial development (Local Plan Policy TP7).

- 10.112 The extant scheme sought to provide 60 car parking spaces for 108 residential units (Use Class C3), a ratio of 0.55 spaces per unit. The current scheme seeks to provide 61 car parking spaces for 166 units - a ratio of 0.37 spaces per unit. Like the extant scheme, the applicant proposes that the units would be occupied by over 65s. Car ownership is typically lower for this demographic. The proposed extra care scheme (C2 use) also requires the primary occupants to be in need of at least two hours of personal care per week. The applicant is an experienced extra care provider and understands the likely demand for car parking by residents in their facilities. The level of parking provided is considered sufficient for the needs of future residents and is a similar level to that provided on other Retirement Villages schemes, which are sited in less central locations.
- 10.113 The Highways Officer considers the proposed level of car parking is acceptable given the site's sustainable, town centre location and the age of the future residents. As such, a condition/legal agreement restricting occupation of the units to over 65s will be required. In planning policy terms, the proposal complies with Policy TP6 of the Local Plan, which states that within the Central Access Zone a maximum of one parking space per new build residential unit should be provided.
- 10.114 No car parking is proposed for staff or visitors to the extra care or retail/commercial units. The site lies within a highly sustainable location and is accessible by a range of public transport methods/sustainable modes e.g. bus, train, foot and bike. Staff, visitors and residents of the scheme are therefore not reliant on private motor vehicles to access the development. However, for those wishing to travel to the site by car, the site is well related to existing public car parks and there is also time-limited parking on Mount Pleasant Road.
- 10.115 Future residents would not be eligible for parking permits. Section 106 funding has already been paid via the 2019 scheme towards securing this. Future residents if they were unable to secure an on-site parking space would be able to purchase a season ticket to park their car in a town centre car park, subject to availability.
- 10.116 In view of the overall lack of on-site parking for non-residential uses, and the strong reliance on public car parks, KCC Highways have requested a developer contribution of £50,000 towards enhancing sustainable transport within the town, which would help to deter private car trips, ease traffic congestion and improve air quality within the town centre.
- 10.117 A Travel Plan has been submitted with the application. A Travel Plan coordinator will be appointed by the developer who will be responsible for implementing the Travel Plan measures and liaising with KCC's Travel Plan Officer and other parties. All new residents and staff will be provided with a Welcome Pack which will contain information relating to the Travel Plan, including public transport timetables/routes and the measures contained therein. A travel information website will also be set up by the Travel Plan Coordinator. KCC has requested a financial contribution of £948 to cover their costs associated with monitoring the Travel Plan, which will be secured by the Section 106 agreement.
- 10.118 Electric vehicle (EV) charging provision will be provided on site. The Planning Statement states that EV charging will be provided with 20% of spaces with active provision and 50% of spaces fitted with passive provision and converted to active provision as demand requires.

- 10.119 As with the extant scheme, the proposed scheme secures a contribution towards the local car club. The proposed development (particularly due to the lack of on site parking) is likely to increase demand of the local car club, which is currently operating at capacity in the area. To mitigate the impact of the development on the car club scheme and to promote sustainable transport methods, a contribution is secured as part of the Section 106 agreement to provide a new electric car club vehicle, with associated charging provision in the town centre. Residents of the scheme would receive free membership of the car club and driving credit to promote use of the car club, this would also be secured through the legal agreement. The new car club vehicle would be of benefit to future residents of the scheme who may not have access to their own vehicle and would also benefit the wider public.
- 10.120 Given the accessibility of the site, and the proximity of public car parking, the level of on-site car parking is considered to be acceptable, but only when account is taken of the Section 106 contributions proposed to mitigate this.
- 10.121 It is acknowledged that Policy AL/RTW2B of the SALP requires contributions towards junction improvements, however there are no proposals to deliver any improvement schemes on the local road network. In view of the conclusion that the development would not have any severe impact on congestion or safety at any of these junctions, any contribution would fail the Community Infrastructure Regulations test of being *'necessary to make the development acceptable in planning terms'* (NPPF, Para 57) and therefore such a contribution cannot be supported.
- 10.122 Given that that no objection is raised to the scheme on highway safety/network capacity grounds by the local highway authority; the proposal complies with the current maximum parking standards; it is located within a highly sustainable location in close proximity to the train station, bus stops, local car club cars, facilities/services and public car parks; financial contributions towards sustainable transport measures (including car club provision) will be secured by S106 agreement; and Para 111 of the NPPF is clear that *'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe,'* no objection is raised to the development on highway or parking grounds.

Public rights of way (PROW) and pedestrian access

- 10.123 Para 92 of the NPPF promotes safe and accessible developments containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas. Paragraph 100 states that planning policies should protect and enhance PROW. Core Policy 3 of the Core Strategy encourages walking and Policy TP3 of the Local Plan requires larger-scale developments to demonstrate how the needs of pedestrians are met. PROW also have a legal status that provides protection to them.
- 10.124 Two footpaths cross the site, which became designated PROW in July 2009:
- A north/south route linking Clanricarde Road with Church Road (route WBX18)
 - An east/west route that links Clanricarde Road with Mount Pleasant Road (route WBX17) and connects to route WBX18
- 10.125 The proposed scheme seeks to extinguish (stop up) PROW WBX18 and divert WBX17 to a new route, which would connect Mount Pleasant Road to Clanricarde Road, through the new public courtyard space. The proposed development provides

a new publicly accessible courtyard and public realm, which will incorporate landscaping, lighting and a water feature. It will provide a step-free walking route, which would be a minimum of 3m wide throughout. The proposal would be a significant improvement compared to the existing poor quality alleyway, which WBX17 provides and the alleyway configurations within the extant scheme. The proposed development ensures that the permeability of the site would be preserved. The KCC PROW team raise no objections to the proposal.

- 10.126 Concerns have been raised by third parties and the police regarding the potential for crime within the courtyard, which would be partially obscured from the street by the proposed buildings. There would be natural surveillance of the PROW from occupants of the extra care units and users of the terraces, balconies and restaurant. The courtyard would also be lit and monitored by CCTV. The whole development will be covered by 24/7 on-site security and management services. Concerns have also been raised that the PROW could be closed off. The KCC PROW team confirm that the PROW may not be gated and must remain open and available at all times, which given the above security provisions would seem to be the preferable planning solution.
- 10.127 The legal process relating to stopping up and diversion orders can follow a parallel process to planning, although the two processes are independent. The applicant has applied for a stopping up and diversion order, which is currently being dealt with by KCC. The draft order was recently out to public consultation (expiry date 21st October 2022). Such an order can be applied for in advance of planning permission and if planning permission were to be granted it would then be necessary for the order to be 'confirmed' either by TWBC (Planning Committee or, under delegated powers - the Head of Planning Services) or, in the event of objections being raised it would be referred to the Secretary of State for decision.
- 10.128 The temporary closure of the PROW, to enable development to progress, will only be considered once a confirmed diversion/stopping up order is in place.
- 10.129 It is concluded that the proposals satisfy the requirements of the NPPF, Core Strategy and Local Plan with regard to pedestrian routes and that there are legal processes to be followed that will secure long-term public access through the site.

Residential amenity and impact on neighbouring properties

- 10.130 Policy EN1 of the Local Plan requires that new development must not cause significant harm to amenities of the area. The impact on amenities in this case can be divided into two sections – the impact on adjacent properties and the impact on future occupants of the development.
- 10.131 The nearest residential properties that could be affected by the proposal are 2 and 3 The Priory on the opposite side of Church Road and the properties on the opposite side of Mount Pleasant Road. A Daylight, Sunlight and Overshadowing Report has been submitted with the application that confirms that the scheme would cause harm to some residential units on the opposite side of Church Road and Mount Pleasant Road. However, given the distance between properties, this harm is not considered to be significant enough to warrant a refusal on this ground.
- 10.132 The remainder of the surrounding properties are in commercial use, including the Pitcher and Piano, Wellington Gate (offices), 1 Clanricarde Gardens (Lonsdale Medical Centre), 8 Lonsdale Gardens (offices) and Mount Pleasant House (offices). Whilst neighbouring commercial premises are likely to experience some loss of daylight or overshadowing, it is not considered that the development is so

unneighbourly in this town centre context as to be unacceptable in planning terms or substantially different from that previously approved.

- 10.133 The level of vehicular and pedestrian activity along Clanricarde Road, may cause some minor disturbance to properties along Clanricarde Road, but would not be significant enough to warrant a refusal on this ground.
- 10.134 Given the distance between the development and adjacent residential properties, it is considered that the proposed development would not result in a detrimental level of overlooking to the residential amenity of neighbouring properties.
- 10.135 Future residents of the development are likely to experience some overlooking from adjoining buildings (in non-residential use) and also between apartments within the scheme. In some cases, particularly between Blocks C and D, which are sited approximately 6.5 metres apart mutual overlooking would occur. This has been mitigated to some extent by staggering the windows, but harm would still arise. Given this urban location, the need to make effective use of the site, and that it would relate to all prospective occupiers with a choice as to whether they deem it an acceptable situation it is not considered that the harm would be significant enough to warrant a refusal on this ground.
- 10.136 The bin store, servicing/loading bay, generators and plant would be sited directly below the residential units of Block C. Activity at ground floor level e.g. deliveries, people using bins and noise/vibration from plant is likely to cause some disturbance to the residential accommodation. The refuse store would be largely enclosed which would help to minimise the impact of noise and odour on residential amenity. Details of ventilation have been provided (see ventilation section below). No objection is raised by the Council's Environmental Services team on noise or vibration grounds. It is considered that further details can be secured by condition to ensure that the development achieves an acceptable level of noise insulation.
- 10.137 Private balconies are proposed for the majority of units and future residents would also have access to communal terraces and outdoor amenity spaces (e.g. private communal roof terraces and the new public courtyard). The site is also within close walking distance of Calverley Grounds and The Common. It is considered that future residents would have adequate access to outdoor amenity space.
- 10.138 Given the complexity of this scheme, please see the sections below on daylight/sunlight analysis and noise, which provide further details of the impact of these issues on residential amenity. On balance, taking all considerations into account and the fact that this is a high-density town centre scheme, there would be harm to the residential amenity of future occupants and neighbouring properties; however, it is not considered that this harm would be unduly significant to warrant a refusal on residential amenity grounds and the scheme would therefore comply with Policy EN1 of the Local Plan.

Sustainable design and renewable energy

- 10.139 Core Policy 5 of the Core Strategy seeks to promote sustainable design and energy efficient design that helps to mitigate the impacts of climate change. It also expects all development to make efficient use of water resources and protect water quality and be designed to minimise waste creation and disposal throughout the lifetime of the development.

- 10.140 The Council's Renewable Energy SPD and update of 2016 requires that renewable technology be incorporated into new developments in order to reduce predicted carbon dioxide emissions by 10%.
- 10.141 Since the adoption of the Core Strategy in 2010 and the Renewable Energy SPD, the Council has declared a Climate Emergency and has an ambition to be a carbon neutral borough by 2030.
- 10.142 The proposal has been designed with the intention of being whole life net zero carbon. The upfront embodied carbon from building materials will be offset. The proposal seeks to provide a highly energy efficient building fabric to reduce energy demand and carbon emissions. The development will not use gas and will be 100% electric. Air source heat pumps are proposed along with 600m² of photovoltaic panels. The retail/commercial floorspace will achieve BREEAM Very Good standard, which would comply with Policy EN2 of the SLP. Inclusive of passive design measures and renewable energy technologies, the proposal would result in an 85.6% reduction in carbon emissions based on the 2013 Building Regulations. The proposal significantly exceeds the requirements of the Renewable Energy SPD Update.
- 10.143 The scheme proposes to deliver a biodiversity net gain of 17.7%, including new planting, green roofs and other measures to enhance biodiversity on site. Officers have questioned whether the provision of PV panels above the green roofs would reduce their biodiversity benefit. The applicant has advised that the overall biodiversity net gain percentage would not be affected by the provision of PV panels. The Council's Landscape and Biodiversity Officer states that if the biodiversity value of the green roofs were to be affected by the PV panels, then this would only result in a minimum reduction in overall biodiversity net gain and the scheme would still comply with Policy EN9 of the Local Plan which requires a minimum of a 10% net gain for biodiversity.
- 10.144 The proposal also includes electric vehicle charge points, cycle parking and financial contributions towards sustainable transport and the car club, which further enhance the sustainability credentials of the scheme.

Air quality

- 10.145 The north-west part of the site lies within the A26 Air Quality Management Area buffer zone. An Air Quality Assessment has been submitted with the application. The Council's Air Quality Action Plan seeks to improve local air quality by focussing attention on promoting sustainable travel, reducing emissions from traffic and supporting future developments that incorporate low emission strategies. Core Policy 5 of the Core Strategy requires all new development to manage and seek to reduce levels of air pollution.
- 10.146 With regard to the impact on local air quality during the construction phase, the Air Quality Assessment identifies that there is a low risk to human health and a medium risk of dust impacts due to construction activities. However, through good site practice and the implementation of suitable mitigation measures, the effect of dust and particulate matter releases would be significantly reduced. The residual effects generated by construction activities on air quality will therefore be insignificant. A construction management plan can be required by condition to minimise the impact of construction works on local air quality.
- 10.147 The anticipated traffic flows associated with the operation of the development were below the screening criteria for significant impacts and were therefore scoped out of the air quality analysis. It is not considered that the proposed scheme would have a

significant impact on local air quality whilst operational. In addition, measures are included within the scheme which could have a beneficial impact on air quality, including the provision of EV charging points, implementation of a residents' travel plan, provision of cycle parking and contributions towards sustainable transport and the car club. The proposal is considered to comply with Core Policy 5 of the Core Strategy.

Flood risk and drainage

- 10.148 The applicant has submitted a Flood Risk Assessment (FRA) and Surface Water Drainage Strategy. The site is located within Flood Zone 1, which has a low risk of flooding. The proposed surface water drainage strategy will discharge water at a greenfield runoff rate. It respects the drainage hierarchy and will incorporate Sustainable Urban Drainage Systems. It is proposed to have green roofs, along with two concrete attenuation tanks. Surface water will drain to the tanks via gravity, before being discharged via gravity at controlled rates. The drainage network is designed to accommodate runoff in all events up to and including a 100 year event, plus 40% climate change allowance. This would be an improvement to the current situation that has no measures to control runoff rates at times of heavy rain.
- 10.149 Foul water drainage will be discharged into existing Southern Water combined sewers through new connections on Mount Pleasant and Clanricarde Road. Southern Water raise no objection to the development and request further details of foul and surface water drainage by condition.
- 10.150 KCC Flood & Water Management confirm that the proposed surface water drainage strategy would not increase the risk of flooding on or off site. They raise no objection to the development, subject to conditions. The development would not result in any adverse flood risk impact. Subject to conditions, the development would not conflict with the NPPF or Policy EN18 of the Local Plan.

Railway tunnel

- 10.151 A rail tunnel runs beneath the eastern edge of the site in an approximate north-south direction. The tunnel was constructed in the mid-1800s. A Tunnel Report has been submitted with the application, which sets out the ground investigation fieldwork that has been undertaken, including boreholes, trial pits etc. The existing tunnel runs below proposed Blocks A & B. The development has been designed so that the superstructure load is away from the tunnel exclusion zone. A single-storey section of the retail units sits directly above the tunnel. The Tunnel Report states that *'these loads are relatively small and preliminary analysis shows that the loads can be safely applied directly above the tunnel'* (Tunnel Report, page 9). It is important to note that a building was successfully constructed above this tunnel in the 1930s without harm to the railway tunnel.
- 10.152 Network Rail has reviewed the application and raise no objection. The applicant has entered into a Basic Asset Protection Agreement with Network Rail to allow engagement throughout the project. It is considered that the development can be constructed without harming the railway tunnel beneath.

Implications for Ashdown Forest Special Area of Conservation (SAC)

- 10.153 The Ashdown Forest SAC lies approximately 9.8km south-west of the application site. The site lies outside of the current zone of influence for visitor pressure. As with the consented scheme, it is concluded that the proposal would have a negligible impact on air quality within the Ashdown Forest SAC and no objection is raised on this ground.

External lighting

- 10.154 Details of external lighting will be secured by condition in order to ensure the public realm and PROW is appropriately lit and that any lighting is not harmful to the character of the town, biodiversity or residential amenity.

Refuse storage

- 10.155 Adequate provision is made for the storage of residential and commercial waste within the development. Refuse storage for the extra care part of the development is proposed at ground floor level in Block C. Access to the refuse store would be at the northern end of Clanricarde Road. Vehicular tracking has been provided which demonstrates that a refuse vehicle can turn adequately between Blocks C and D. Refuse storage for the retail/commercial units will be managed/provided for within the units themselves. KCC Highways and TWBC Client Services raise no objection to the proposed refuse storage arrangements

Viability

- 10.156 The first permission that granted consent for redevelopment of the site was in 2004. In the 18 years since that permission and despite a series of different owners and revised proposals there has been no material progress to a finished development. The constraints of the site have a significant impact on delivery and make development difficult to construct. The applicant has taken on the site and progressed the proposals with full knowledge of the constraints and their impacts. A Financial Viability Assessment has been submitted with the application that demonstrates that the scheme is deliverable. The removal of the cinema and increase in number of units seeks to improve the viability of the scheme and have a positive effect on deliverability, which has so far not been realised following any of the previous consents. However, build cost inflation over the last year has increased and the Financial Viability Report states that the scheme *'is still not breaking even. Having said this the profit from the scheme exceeds the negative value and does allow for some form of land payment while giving the applicant sufficient comfort to commence on the development.'* The Council has had the viability assessment reviewed by an independent consultant who considered that the scheme would be viable. In this case, there is no policy requirement to provide affordable housing. The applicant has agreed to pay all financial contributions requested through the Section 106 obligation and this has been factored into the scheme's delivery.

Ecology

- 10.157 A Preliminary Ecological Appraisal has been submitted with the application, which demonstrates that the development would not result in any direct or indirect impacts on statutory and non-statutory designated sites.
- 10.158 The habitats surveyed on site were found to be of negligible ecological importance, with the exception of the building at 41 Mount Pleasant Road, which was identified as having potential for bats. The site also has the potential for breeding birds. The partially demolished building is actively used by feral pigeons. The applicant's ecologist recommends that demolition works are carried out under the supervision of a suitably qualified ecologist. The applicant's ecologist also recommends pre-construction checks for bird species prior to demolition/vegetation clearance and supervision by a suitably qualified ecologist, if works are to be progressed between March and August. This can be secured by condition.
- 10.159 A Bat Survey has been submitted with the application. A dusk emergency survey for bats was carried out for the partially demolished building (no. 41 Mount Pleasant Road). No bats were observed emerging from the building during the survey. A bat licence is therefore not required. A number of bat species were recorded foraging

within the site. The applicant's ecologist recommends that the building is demolished within 12-18 months of the emergency survey (16th May 2022). If this is not possible the applicant's ecologist recommends that bats are prevented from entering the building by sealing up access points. The Council's Landscape & Biodiversity Officer recommends that should demolition works take place after November 2023, then this should be under the supervision of a suitably qualified ecologist and this can be required by condition.

10.160 The applicant's ecologist recommends that any external lighting scheme is sensitively designed to minimise the impact on bats. Details of external lighting will be required by condition. The applicant's ecologist also recommends:

- The installation of bat and bird boxes.
- The installation of biodiverse brown roofs to help enhance native plant communities, reduce surface run off and attract invertebrates to the site.
- Inclusion of native plant species to support invertebrates on site.
- Planting of native urban trees.
- The installation of on-site interpretation boards of ecological features

10.161 The application states that all habitats will be maintained through a Landscape and Ecological Management Plan, which can be secured by condition. The proposal would deliver approximately 17.7% net gain for biodiversity, which would comply with Policy EN9 of the SLP.

10.162 The Commons Conservators raise concerns that the proposed development has potential to increase visitors to The Common, which could be harmful to this Local Wildlife Site. To mitigate this impact, a financial contribution towards The Common will be secured by Section 106 agreement (see Section 106 part of this report).

Impact on Trees

10.163 There are no trees within the red line of the application site. The applicant's Tree Survey identifies 12 trees that could be affected by the proposed development. They are not subject to a Tree Preservation Order, but are protected by virtue of being within a Conservation Area. The trees to the east on Mount Pleasant Road are category A and B London Planes. There are five trees to the west of the site, within the car park of the Lonsdale Medical Centre, which are category B and C and consist of a mix of beech, sycamore and holly. There are three trees further south on Clanricarde Road, which are also category B and C and comprise of ash and cherry.

10.164 The development has been designed so not to adversely impact the existing trees on Mount Pleasant Road. These trees will be retained and protected during construction works. Details of tree protection measures can be secured by condition.

10.165 Four individual trees require removal to facilitate the development. T1 and T5 are located within the car park of the adjacent medical centre and are sycamore (category B) and holly (category C). The sycamore has an asymmetric crown and extends across the site boundary. To facilitate the construction of Block D the canopy overhanging the site would need to be cut back. Owing to its asymmetry, the tree would not survive such works and its removal is therefore required. Tree T1 is prominent from the northern end of Clanricarde Road, but T3 and T4 behind will continue to provide screening between the properties on Clanricarde Road and Church Road.

10.166 T7 (ash – category B) and T8 (cherry- category C) also require removal. These are relatively small trees that are located adjacent to the west of the site on Clanricarde

Road. The existing trees contribute to the visual amenity of the locality. However, removal of these trees is necessary to facilitate the development. The scheme includes new tree planting which would exceed the number of trees lost.

- 10.167 T10 (plane tree on Mount Pleasant Road) will require minor pruning of lateral branches by 1m in order to facilitate access for the construction of the façade on Mount Pleasant Road.
- 10.168 The proposal will encroach into the RPAs of T9 and T11 (plane trees – category A), which are sited within the pavement on Mount Pleasant Road. The incursion of the proposed building façade inside the RPA of these trees was calculated to be 12.1% for T9 and 4.2% for T11 of the total RPA. The applicant's arboriculturist considers that any roots that were located within the site have likely been disturbed during demolition works of the former building and it is therefore unlikely that the proposed incursion will negatively impact these trees. The Council's Tree Officer considers that roots may have encroached into the site since the demolition of the former buildings, but considers that the impact is likely to be less than the percentages calculated, due to the presence of previous buildings. Details of appropriate construction methods along the eastern boundary of the site within the RPAs of T9 and T11 will be required by condition.
- 10.169 No objection is raised to the development on tree grounds, subject to conditions. It is considered that the tree loss would be more than mitigated by the extent of replacement tree planting proposed.

Fire Safety

- 10.170 Following the Grenfell Tower disaster, it is now a statutory requirement to consult the Health & Safety Executive on residential developments over a certain height. The proposed development triggers this consultation. A Fire Statement has been submitted with the application, which includes fire safety measures such as the provision of sprinkler systems throughout; provision of two protected staircases in all blocks; and provision of fire detection and alarm systems. The Fire Statement also provides details of means of access in the event of fire and access points for the fire service if required.
- 10.171 In respect to fire safety for buildings of a certain height the NPPG advises that:
- 'Fire safety matters contained in a fire statement are relevant only to the extent they are relevant to land use planning. The level of detail and focus of information should not contain the breadth and depth of information on fire safety which will be submitted at building control application stage. Requirements of the fire statement at planning stage will not duplicate or require compliance with the building regulations or the Fire Safety Order, and local planning authorities will not be responsible for any building regulations matters or enforcement of building control requirements'* (NPPG Reference ID: 71-008-20210624).
- 10.172 The Gateway One Team from the Health and Safety Executive and Council's Building Control Team Leader have reviewed the application and raise a number of points. Overall, the Gateway One Team raise no objection to the development and consider that the matters they have raised can be addressed as part of the building regulation process.
- 10.173 The development includes the provision of open plan flats, with the kitchens not being enclosed. The Gateway One Team advise that the fire standards state that

kitchens should be enclosed in flats exceeding 8m x 4m. The flats in question exceed this size. The Council's Building Control Team Leader also raises concerns about the open plan nature of the flats and advises that a protected hallway is required for each unit for evacuation purposes. The Building Control Team Leader states that such open plan flats are not appropriate and makes reference to BS 9991, Clause 9.7, which states that '*open plan flat layouts should not be provided for accommodation where the occupants are not capable of independent evacuation.*'

10.174 The applicant has been asked to address the issues raised by the Gateway One Team and Building Control and has responded as follows:

'We have had accessibility, building regulations and fire safety advisors on the design team from the outset and have carefully considered these issues. The proposed development is not a care home or nursing care home, but provides supported independent living with personal care available on a domiciliary basis. The baseline package of care and support is not set at or near a level which pre-supposes that people will have such limited mobility, physical or cognitive impairment as to be incapable of independent evacuation. In our experience relatively few residents of such developments are incapable of independent evacuation. This proposal is no different to our development at West Byfleet, which has similar layouts and is currently under construction. We are confident of securing building regulation approval.'

10.175 As the Gateway One Team point out, any changes to the internal layout of the units are unlikely to impact land use planning considerations and can (if required) be dealt with as part of the building regulations process. Given the height of the buildings, the applicant would also need to receive Gateway Two approval before works commence on site and Gateway Three approval when building works have been completed. The Gateways requirements seek to strengthen the regulatory oversight of design and construction and deliver more high-quality, safe and livable buildings.

10.176 The Gateway One Team raise other issues in respect to fire safety, which they consider are unlikely to affect land use planning considerations and could be dealt with under Building Regulations. They also advise that the presence of electric vehicles/cycles within the covered car park and cycle store is explored further due to their potential fire risk. They advise that any consequent changes may affect land use planning, such as layout, appearance and car parking provision of the development. The applicant advises that the EV charging points have been recommended to be linked to detection, so that they shut off the power supply automatically in the event of a fire. A manual shut-off switch is also recommended to be provided at the fire brigade access points. A commercial automatic fire suppression system in accordance with BS EN12845 is proposed within the car park. The car park would be provided with mechanical smoke ventilation. The means of escape stairs are approached by way of a ventilated lobby. The means of escape stairs would be of 60 minutes fire resisting construction and the firefighting shaft would be of 120 minutes fire resisting construction. The applicant states that these provisions and recommendations are enhancements to the current guidance. The Gateway One Team have advised that there is currently no government policy (planning or building regs) which would prevent the provision of EV parking and charging points in such a location and raise no objection overall to the development.

Daylight and Sunlight

10.177 A Daylight, Sunlight, and Overshadowing Report was submitted with the application, which assessed the levels of daylight and sunlight for the proposed development, as well as for adjacent properties using the new 2022 BRE Guidelines and

Supplementary Internal Daylight Amenity Technical Analysis (part of the now withdrawn BRE 2011 guidance, which the extant scheme was assessed against).

- 10.178 The original assessment submitted with this current application concluded that 65% of habitable rooms would meet the minimum targets of 100 lux for bedrooms and 200 lux for lounges, kitchens and dining rooms, for 50% of the area of each room for 50% of daylight hours. Following concerns raised by Officers in respect to the level of daylight/sunlight for some of the proposed units, revisions have been made to the scheme which include increasing the size of windows to allow more natural light and the removal of some of the projecting balconies (replaced with Juliette balconies). This has helped to improve the level of lighting for the worst affected units and brought overall habitable room compliance to 69%.
- 10.179 The applicant has compared the Alternative Daylight Factor (ADF) assessment with the extant scheme. The ADF results are based on LKDs (lounge/kitchen/dining rooms) where the kitchens that have been truncated and the living room/dining area closest to the window being assessed. The applicant's lighting consultant confirms that the total number of rooms that would meet ADF standards of 1% for bedrooms, 1.5% for lounge/dining rooms and 2% for LKD would be 96%. This is an improvement on the extant scheme and originally submitted scheme which achieved 88% compliance.
- 10.180 Para 125(c) of the NPPF states that *'when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living conditions).'* Following amendments to the scheme, the levels of lighting have been improved. Although there would be some rooms which would fall below current and recently withdrawn guidance, overall compliance and lighting levels would be an improvement when compared to the extant scheme.
- 10.181 In terms of internal sunlight amenity, the original report stated that 78% of units have at least one habitable room that meets minimum recommended sunlight criteria. The report states that the vast majority of units that fall below the minimum recommended sunlight criteria are orientated north, west or east and located beneath overhanging balconies. The applicant's consultant states that *'this represents an acceptable level of sunlight performance and is commensurate with similar types of multi-storey development with overhanging balconies and a portion of windows that are orientated north, east or west facing that limit access to sunlight.'* Following amendments to the scheme, this percentage has increased to 81%.
- 10.182 The Daylight, Sunlight and Overshadowing Report confirms that seven (88%) of the eight proposed amenity areas will meet the recommended BRE Guidelines. The amenity area that does not meet the criteria is proposed primarily to be used for planting beds and pathways to the building entrances and has not been designed as an amenity space for siting/outdoor activity. All eight proposed amenity areas will achieve two or more hours of direct sunlight to between 72% and 100% of their areas on 21st June and as such will achieve a high level of direct sunlight when they are most likely to be in use during the summer months. The applicant's consultant considers that the level of daylight and sunlight within the proposed units and amenity areas (including the courtyard) would be acceptable.
- 10.183 In respect to the windows of neighbouring properties. The applicant's consultant states that:

'The vast majority of neighbouring windows and rooms will comply with the recommended BRE Guidelines for daylight and sunlight on the basis of the pre-existing v proposed assessment. Two isolated studios in no. 70 Mount Pleasant Road will fall below the BRE criteria for no sky line however the windows they are served by will fully comply with the vertical sky component (VSC) criteria and will retain in excess of the recommended 27% VSC in the proposed context, which should be ensure that a sufficient view of the sky is retained. Furthermore, the rooms will retain daylight distribution to 71% and 70% of their room areas, whilst this is below the 80% recommended by the BRE Guidelines it should ensure that they remain adequately lit in the proposed context.'

10.184 One isolated window in no. 72 Mount Pleasant Road would also fall below BRE criteria for winter sunlight. This window is oriented west and the BRE guidelines acknowledge that orientation limits the quantum of available sunlight hours. This window will meet the BRE criteria for total sunlight and retain 26% annual probable sun hours in the proposed context, which the applicant's consultant considers should ensure that the window retains sufficient access to sunlight amenity throughout the year with the proposed development in place.

10.185 The proposed development would result in some loss of daylight/sunlight to adjoining properties, but it is not considered to be significant to warrant a refusal on this ground. Overall, the level of daylight and sunlight available to the proposed units would provide future occupants with appropriate living conditions. On balance, it is considered that the levels of daylight/sunlight are acceptable and no objection is therefore raised.

Noise & Vibration

10.186 Core Policy 5 of the Core Strategy expects development to manage and seek to reduce noise pollution levels. The Noise and Vibration SPD seeks to ensure that there is sufficient mitigation for noise to prevent harm to residential amenity.

10.187 The scheme has been subject to detailed pre-application discussions with the Council's Environmental Protection team.

10.188 A Noise Assessment has been submitted with the application. The following are identified as noise sources:

- The Pitcher and Piano
- Noise and vibration from the railway line
- Traffic
- Noise from proposed roof plant

10.189 The locality experiences night-time noise activities from road traffic, taxi drop offs/collections and nearby late night premises. The Pitcher and Piano is located immediately adjacent to the site. It is open until 23:00 hours Monday to Wednesday, 03:00 Thursday to Saturday and 22:30 hours on a Sunday. Music breakout is apparent from the Pitcher and Piano when the rear and front doors are open. Pedestrian activity associated with the Pitcher and Piano, including those queuing or smoking, general activity and patrons using the beer garden to the rear all have the potential to disturb future residents of the development.

10.190 The western elevation of Building A and the northern elevation of Building C are closest to the Pitcher and Piano. There are no windows proposed on these elevations. To achieve the necessary noise insulation, enhanced glazing

specifications are proposed together with appropriate ventilation to prevent overheating when windows are closed.

10.191 The applicant's noise assessment acknowledges that night-time noise levels associated with the Pitcher and Piano have the potential to cause very high levels of noise on various facades of the proposed development. The proposal therefore includes mitigation measures to ensure adequate internal noise levels, which include:

- The provision of secondary glazing to bedrooms within Zones 1 and 8
- Provision of a full height screen to close the gap between Blocks A and C. This would serve to reduce the external noise levels associated with the Pitcher and Piano (in the region of a 15dB reduction) such that the required acoustic performance could be achieved with a primary glazing system.

10.192 Para 185 of the NPPF states that planning decisions should '*mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.*' Policy EN1 of the Local Plan requires that '*the nature and intensity of the proposed use would be compatible with neighbouring uses and would not cause significant harm to the amenities or character of the area in terms of noise, vibration, smell, safety or health impacts, or excessive traffic generation.*' Policy EN27 of the SLP requires that future occupants will not be exposed to unacceptable noise disturbance from existing or planned uses.

10.193 The applicant's acoustic consultant has compared the results of the recent noise survey to that carried out in December 2016 and May 2019 and there have been no significant changes in the prevailing noise conditions. It is important to note that the Council has previously considered that residential development on this site is acceptable.

10.194 With regard to noise impact on external amenity, all balconies on Blocks B, C and D would achieve the Council's upper guideline for external amenity areas. The balconies on Block A overlooking Church Road and Mount Pleasant Road, would marginally exceed the Council's upper guidelines for amenity areas. The majority of the roof terraces would also achieve the Local Authority's requirement for external amenity areas, with the exception of an area of the roof terrace at sixth floor level overlooking Mount Pleasant Road, where approximately 20% of its area will exceed the upper guideline towards the terrace edge. The majority of the terrace achieves the requirement and so users would have access to compliant areas for respite.

10.195 The Environmental Protection Officer acknowledges that the acoustic measures have to be balanced with a ventilation strategy that allows for good acoustics, ventilation and thermal comfort. The Council's Environmental Protection team raise no objection to the development on noise grounds, subject to conditions.

10.196 A Vibration Report has been submitted with the application. The impact of vibration from underground rail activity is not deemed to be a risk to the scheme. In respect to re-radiated noise (vibration within structural elements) induced by vibration that could impact habitable residential rooms, the Council's Noise and Vibration SPD recommends that this does not exceed 35dB_{L_{Amax(s)}}. The Vibration Report considers that the scheme would comply in the majority of areas. However, it does detect marginal non-compliance (<5 dB) for units at the lower level near the south-eastern boundary of the site. In order to mitigate this impact, floating floors have been considered. These would provide a minimum of 10dB insertion loss to the incoming vibration. The Council's Environmental Health Officer raises no objection to the

development on vibration grounds, but has requested a finished compliance report to ensure the scheme meets the predicated and specified levels, which can be secured by condition.

Contamination

10.197 A ground investigation report and risk assessment have been submitted with the application. Ground investigation works included two rotary cored boreholes, five trial pits, four dynamic sampling boreholes and one hand dug inspection pit. Contaminated land was found on site. The applicant's consultant states that *'the majority of the site is proposed to be covered by hardstanding, therefore removing the pathway to future site users and third party neighbours.'* No asbestos was found during the sampling exercise.

10.198 The Environmental Protection Officer raises no objection on contaminated land grounds, subject to a condition. The development can be brought forward safely and complies with the NPPF and Contaminated Land SPD.

Ventilation

10.199 A Ventilation Strategy has been submitted with the application. It confirms that the car park at lower ground floor level will be provided with a mechanical ventilation system to meet the performance requirements of Part F and Part B of the Building Regulations. It is proposed that the system will operate in background mode under normal operation to minimise the build-up of carbon monoxide. The refuse area will also be provided with mechanical extract ventilation.

10.200 The amenity space will be provided with a mechanical ventilation system to deliver fresh air in accordance with Part F of Building Regulations.

10.201 The main kitchen will have a dedicated ventilation system. The extract system will incorporate HEPA filters, UV treatment and active carbon filtration, which will minimise odour and protect air quality. Each dwelling would be fitted with a standalone mechanical ventilation and heat recovery system.

10.202 The Environmental Protection Officer raises concerns that some of the units are proposed to have their own ventilation and extraction systems. They recommend a condition ensuring that details of any new plant not previously identified are approved by the Local Planning Authority.

10.203 No objection is raised to the ventilation strategy by the Environmental Protection Officer. The submitted ventilation strategy is considered acceptable.

Section 106 Contributions

10.204 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.'*

10.205 These tests apply whether or not there is a levy charging schedule for the area. Tunbridge Wells Borough Council does not have a levy charging schedule in place at present.

10.206 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.'*

10.207 Para 5.20 of the Core Strategy states that *'where new development (on allocated and 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... The types of infrastructure and services that developments may be required to provide/contribute towards the provision of during the Core Strategy period may include, but are not limited to...*

- *Housing*
- *Transport*
- *Education*
- *Health*
- *Social Infrastructure*
- *Green Infrastructure*
- *Public Services*
- *Utility Services*
- *Climate Change and Energy Initiatives.'*

10.208 The proposal seeks to provide the following financial contributions:

- £72,576.86 towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care (£437.21 per dwelling)
- £30,489.22 towards Tunbridge Wells Waste Transfer Station and Household Waste Recycling Centre expansion (£183.67 per dwelling)
- £33,200 to mitigate the impact of the development on The Common (£200 per dwelling)
- £46,670 towards the provision of an electric car club vehicle (£30,000), electric charging point installation (£5,000), operational costs (£2,200), traffic regulation order for car club parking space (£2,000), membership for each unit (£25 x 166 = £4,150) and £20 free driving credit (£20 x 166 = £3,320)
- £50,000 – towards sustainable transport/active travel
- £948 – Travel Plan monitoring fee

TOTAL: £233,884.10

Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care

10.209 The new development will generate new users for KCC community services including libraries, social care and community learning. To mitigate the impact upon these services contributions are required towards the new Tunbridge Wells Cultural Hub, which will make additional provision for all these services to accommodate the increased demand for new developments locally. A contribution of £437.21 per dwelling is requested towards providing stock, services and resources for the local area. It is therefore considered that this contribution 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. Ensuring waste is disposed of correctly and encouraging recycling supports the environmental objective of sustainability set out in the NPPF.

Waste

- 10.210 KCC is a statutory 'Waste Disposal Authority', responsible for the safe disposal of all household waste arising in Kent, providing Household Waste Recycling Centres (HWRC) and Waste Transfer Stations (WTS). Each household produces an average of a quarter of a tonne of waste per year to be processed at HWRC's and half a tonne per year to be processed at WTS's. Existing HWRC's and WTS's are current over capacity and additional housing has a significant impact on the manageability of waste in Kent.
- 10.211 A contribution of £30,489.22 is required towards the extension and upgrading of the existing WTS and HWRC in Tunbridge Wells, to mitigate the impact arising from this development, and accommodate the increased range of materials collected kerbside within the borough. It is therefore considered that the contribution towards waste 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. Ensuring waste is disposed of correctly and encouraging recycling supports the environmental objective of sustainability set out in the NPPF.

Sustainable Transport and Car Club provision

- 10.212 One of the fundamental aims of the NPPF is to achieve sustainable development (Section 2). Core Policy 3 of the Core Strategy states that '*sustainable modes of transport, including cycling, walking and the use of public transport will be encouraged to reduce dependence on private car use*'.
- 10.213 The proposed scheme is for 166 extra care units and proposes 61 car parking spaces (ratio of 0.37 spaces per dwelling). No parking is provided on site for staff or visitors to the extra care scheme or staff or customers of the retail/commercial units. Given the lack of on-site parking, it is necessary to mitigate the impact on the highway and existing parking facilities in town through measures to promote active and sustainable transport. A contribution of £50,000 is sought and would be used towards improving two bus stops in the vicinity of the site on Church Road, which would include new poles, flags, raised kerbs and shelters (c.£10,000) and other sustainable transport measures, as outlined below. The development, particularly given its low provision of car parking is likely to put additional pressure on local bus services, where improvements are required. The improvements (particularly the bus shelters) would be of benefit to the residents of the extra care scheme, as well as staff, visitors and the wider public.
- 10.214 Given that no parking is provided for the 87 staff envisaged to be working within the development and only just over a third of the extra care units would have a parking space on site, it is important to enhance active travel opportunities, thus reducing traffic congestion, air pollution and parking pressure in the town centre. The Council is seeking to improve cycle infrastructure within the locality, which would include the provision of designated cycle routes and cycle feasibility opportunities. This is likely to be of particular relevance to the staff/visitors of the development where no on-site parking would be provided. It would also be relevant to the more active elderly within the scheme. The sustainable transport sum would contribute towards assessing the feasibility of providing an electric bicycle scheme within the town centre and/or used towards the provision of new cycling routes within the town.
- 10.215 The proposed scheme secures a contribution towards the local car club. The proposed development (particularly due to the lack of on-site parking) is likely to increase demand of the local car club, which is currently operating at capacity in the area. To mitigate the impact of the development on the car club scheme and to promote sustainable transport methods, a contribution is secured as part of the

Section 106 agreement to provide a new electric car club vehicle, with associated charging provision in the town centre. Residents of the scheme would receive free membership of the car club and driving credit to promote use of the car club, this would also be secured through the legal agreement. The new car club vehicle would be of benefit to future residents of the scheme who may not have access to their own vehicle and would also benefit the wider public.

- 10.216 The sustainable transport and car club contributions are considered to be necessary to make the development acceptable in planning terms, directly related to the development and fair and reasonably related in scale and kind to the development.

The Common (Local Wildlife Site)

- 10.217 The Common Conservators have assessed the proposal and are concerned that it does not currently meet the requirements of Para 174a of the NPPF nor Policy EN1 of the Local Plan. Whilst additional green space within the development boundary might facilitate recreation in the form of small-scale informal recreation, the reality is that a walk cannot be accommodated in a site of this size and residents are likely to seek out larger green spaces within walking distance. Given the proximity to The Common, just over 300 metres, and the 256 acres of available land for exercise and recreation, residents of the proposed development will use The Commons, increasing recreational pressure on and disturbance of designated wildlife features. The Commons Conservators seek a contribution of £200 per dwelling to mitigate the impacts of the development on The Common. It is considered that this contribution directly relates to the development and is fairly and reasonably related in scale and kind to the development. This contribution therefore meets the CIL tests. This contribution would also help the scheme meet the requirements of Policy R2 in respect to recreation open space and Policy EN15 in respect to sites of nature conservation value.

Travel Plan contribution

- 10.218 Para 113 of the NPPF requires that '*all developments that will generate significant amounts of movement should be required to provide a travel plan*'. A Travel Plan was submitted with the original planning application.
- 10.219 KCC Highways raise no objection to the development, subject to conditions, including the provision of a Travel Plan. The aims of a Travel Plan are to encourage and promote more sustainable modes of transport, with the objective of reducing dependence upon private motor car travel and so reducing the environmental impact and traffic congestion. A Travel Plan auditing fee of £948 is sought as part of the Section 106 agreement. It is considered that the Travel Plan auditing fee is necessary to ensure the Travel Plan is effective and helps to mitigate the impact of the development on the local road network.
- 10.220 The Travel Plan auditing fee would be used to cover biennial auditing over five years of the life of the Travel Plan. The fee of £948 equates to 30 hours auditing time. At the charge out rate of £31.60 = £948.
- 10.221 It is considered that the Travel Plan auditing contribution of £948 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.

NHS

- 10.222 The NHS has been consulted on this application and do not request any financial contributions towards healthcare of GP surgeries.

CONCLUSION

10.223 The site is located within a highly sustainable location on a brownfield site that has been derelict for many years. The proposal would provide new retail/commercial floorspace, 166 nos. extra care units (plus communal facilities that would be open to the public) and provide enhancements to the public realm. It is considered that the proposed development would provide social, economic and environmental benefits (as set out above) and would therefore equate to sustainable development. There is no objection to the principle of the development, as the site is allocated for mixed use purposes under Policy AL/RTW2B of the SALP. The proposal would enhance the townscape character and visual appearance of this central part of Royal Tunbridge Wells. The proposed development would result in a lower level of less than substantial harm to designated heritage assets; however, it is considered that the public benefits of the scheme outweigh the harm identified. No objection is raised to the development on highway safety or parking grounds. The traffic movements generated by the development can be accommodated without detriment to highway safety. The development is well served by sustainable transport modes and suitable measures have been proposed to meet the needs of pedestrians, cyclists and bus users. Section 106 contributions have been secured towards community services/facilities, a nearby Local Wildlife Site and sustainable transport (including the car club) to mitigate the impact of the development. The proposal would not result in significant harm to the amenities of nearby dwellings and other properties. Other environmental impacts and fire safety issues have been assessed and there are not any matters which are potentially significant that cannot be controlled by condition or dealt with by other relevant legislation.

11.0 RECOMMENDATION – GRANT Subject to the following:

(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 16 DECEMBER 2022 (UNLESS A LATER DATE BE AGREED BY THE HEAD OF PLANNING SERVICES) TO SECURE THE FOLLOWING:

Developer contributions as follows:

- £72,576.86 towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care (£437.21 per dwelling)
- £30,489.22 towards Tunbridge Wells Waste Transfer Station and Household Waste Recycling Centre expansion (£183.67 per dwelling)
- £33,200 to mitigate the impact of the development on The Common (£200 per dwelling)
- £46,670 towards the provision of an electric car club vehicle (£30,000), electric charging point installation (£5,000), operational costs (£2,200), traffic regulation order for car club parking space (£2,000), membership for each unit (£25 x 166 = £4,150) and £20 free driving credit (£20 x 166 = £3,320)
- £50,000 – towards sustainable transport/active travel
- £948 – Travel Plan monitoring fee

and subject to the following conditions:

Definitions in relation to Condition 24:-

“Partner” means any spouse or civil law or Cohabiting partner of the Primary Resident in Occupation of any Extra Care Unit.

“Cohabiting” means to live together as a couple without being married or where the relationship is such that they each have assumed an obligation to financially support and provide for one another and “Cohabit” shall be construed accordingly.

“Infirmary” a decline in the physical or mental capacity of the Primary Resident due to old age or otherwise, including but not limited to dementia, such that the level of care and support they require can no longer be provided within the Development.

- 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:

CRTW-CCA-ZZ-XX-GA-A-P0.010/P3: Site Block Plan as Proposed
CRTW-CCA-ZZ-XX-GA-A-P0.050/P2: Site Boundary Plan
CRTW-CCA-ZZ-XX-GA-A-P0.055/P1: PROW Plan
CRTW-CCA-ZZ-LG-GA-A-P1.100/P2: Lower Ground Floor Plan
CRTW-CCA-ZZ-00-GA-A-P1.101/P4: Ground Floor Plan
CRTW-CCA-ZZ-UG-GA-A-P1.102/P4: Upper Ground Floor Plan
CRTW-CCA-ZZ-01-GA-A-P1.103/P4: First Floor Plan
CRTW-CCA-ZZ-02-GA-A-P1.104/P4: Second Floor Plan
CRTW-CCA-ZZ-03-GA-A-P1.105/P4: Third Floor Plan
CRTW-CCA-ZZ-04-GA-A-P1.106/P4: Fourth Floor Plan
CRTW-CCA-ZZ-05-GA-A-P1.107/P4: Fifth Floor Plan
CRTW-CCA-ZZ-06-GA-A-P1.108/P4: Sixth Floor Plan
CRTW-CCA-ZZ-07-GA-A-P1.109/P4: Roof Plan
CRTW-CCA-ZZ-ZZ-DT-A-P4.200/P1: Typical 1 Bed Apartment
CRTW-CCA-ZZ-ZZ-DT-A-P4.201/P1: Typical 2 Bed Apartment
CRTW-CCA-ZZ-ZZ-DT-A-P4.202/P1: Typical 2 Bed Apartment
CRTW-CCA-ZZ-ZZ-EL-A-P3.100/P4: East/North Elevation
CRTW-CCA-ZZ-ZZ-EL-A-P3.101/P4: South/West Elevation
CRTW-CCA-ZZ-ZZ-EL-A-P3.102/P4: Courtyard Elevations 1
CRTW-CCA-ZZ-ZZ-EL-A-P3.103/P4: Courtyard Elevations 2
CRTW-CCA-ZZ-ZZ-SE-A-P2.100/P4: Sections Sheet 1
CRTW-CCA-ZZ-ZZ-SE-A-P2.101/P4: Sections Sheet 2
CRTW-CCA-ZZ-ZZ-SE-A-P2.102/P4: Sections Sheet 3
CRTW-CCA-ZZ-ZZ-GA-A-P0.200/P4: Site Sections 1
CRTW-CCA-ZZ-ZZ-GA-A-P0.201/P3: Site Sections 2
CRTW-CCA-ZZ-ZZ-GA-A-P0.202/P3: Site Sections 3
CRTW-PRP-ZZ-ZZ-GA-L-90.200/P1: Landscape Masterplan
CRTW-PRP-ZZ-ZZ-GA-L-90.201/P2: Landscape Public Realm Plan
CRTW-PRP-ZZ-ZZ-GA-L-90.202/P1: Landscape Roof Terraces Plan
CRTW-CCA-ZZ-ZZ-DT-A-P4.501/P2: Envelope Bay Studies Sheet 1
CRTW-CCA-ZZ-ZZ-DT-A-P4.502/P2: Envelope Bay Studies Sheet 2
CRTW-CCA-ZZ-ZZ-DT-A-P4.503/P2: Envelope Bay Studies Sheet 3
CRTW-CCA-ZZ-ZZ-DT-A-P4.504/P2: Envelope Bay Studies Sheet 4
CRTW-CCA-ZZ-ZZ-DT-A-P4.505/P2: Envelope Bay Studies Sheet 5

CRTW-CCA-ZZ-ZZ-DT-A-P4.506/P3: Envelope Bay Studies Sheet 6
CRTW-CCA-ZZ-ZZ-DT-A-P4.507/P3: Envelope Bay Studies Sheet 7
CRTW-CCA-A-P3-104/P1: Return Elevations

Reason: To clarify which plans are approved.

- 3) Prior to the commencement of the development (with the exception of demolition and enabling works) details of the proposed means of foul sewerage disposal shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved details.

Reason: To ensure acceptable means of foul drainage. Such details are fundamental to the application and are therefore required prior to its commencement.

- 4) Prior to the commencement of the development (with the exception of demolition and enabling works), a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the lead local flood authority and Southern Water). The detailed drainage scheme shall be based upon the Flood Risk Assessment and Outline Drainage Strategy dated July 2022 by WSP 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.

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.

- 5) Prior to the commencement of development, a Construction Environmental Management Plan 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.

The Plan shall include:

- I. Routing of construction and delivery vehicles to and from the site.
- II. Parking and turning areas for construction and delivery vehicles and site personnel.
- III. Timing of deliveries.

- IV. Measures to prevent the transfer of mud and extraneous material onto the public highway .
- V. Details of temporary traffic management/signage.
- VI. Measures to minimise the production of dust on the site.
- VII. 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.
- VIII. The location and design of site office(s) and storage compounds.
- IX. The location of temporary vehicle access points to the site during the construction works.
- X. The arrangements for public consultation and liaison during the construction works.

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.

- 6) Notwithstanding the details hereby approved, no development shall take place until details of tree protection in accordance with British Standard BS 5837:2012 have been submitted to and approved in writing by the Local Planning Authority. These details shall be set out in a standalone Arboricultural Method Statement (AMS) and scalable Tree Protection Plan (TPP) or, where appropriate, a combined AMS/TPP or set of statements and plans.

The AMS and TPP shall cover all trees to be retained which could be impacted by the development, and shall include specific measures to protect these trees, where there is encroachment into root protection areas and/or canopy spreads, including:

- details of any necessary site supervision and reporting procedures;
- the methodology for excavation adjacent to trees T9 and T11; and
- details of all required facilitation pruning.

All construction/demolition activities shall be carried out in accordance with the approved AMS and TPP, unless otherwise agreed in writing by the Authority.

Reason: This information is required prior to the commencement of the development in order to safeguard existing trees to be retained and in the interests of visual amenity.

- 7) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved by the Local Planning Authority.

Reason: This condition is required prior to commencement of the development, to ensure that features of archaeological interest are properly examined and recorded.

- 8) Prior to any demolition/vegetation clearance, the site shall be checked for nesting birds. If works are to be progressed between March and August, this should be under the supervision of a suitably qualified ecologist. Any demolition works if not carried out by November 2023 shall be under the supervision of a suitably qualified ecologist.

Reason: To prevent disturbance of nesting birds and roosting bats.

- 9) Prior to the commencement of above ground works, details and/or samples as appropriate of any materials to be used externally (including walls, balustrades and balconies, window frames, doors, rainwater goods, screening/enclosures for rooftop plant and rooftop railings) shall be submitted to and approved in writing by the Local Planning Authority. A sample brick panel relating to each part of the building shall be constructed, measuring at least 1m x 1m showing joint size, mortar finish, and colour and type of brick, with photographs of the panel included in this submission. The development shall be carried out in accordance with the approved materials.

Reason: To safeguard the characteristics of the locality.

- 10) Notwithstanding the details hereby approved, prior to the first occupation of the development, details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include:
- a) Schedules of plants (noting species, plant sizes and proposed numbers/densities);
 - b) Details of hard landscape works, including hard surfacing materials, street furniture and seating;
 - c) Details of external walling, steps, handrails and railing to be used in the public realm along Mount Pleasant Road and Church Road;
 - d) Details of soft landscaping adjacent to the public right of way, including the provision of climbers;
 - e) Details of any bollards, heavy duty planters or similar to prevent mopeds or similar vehicles accessing the courtyard.
 - f) A detailed specification for the construction of the green roofs, including full details of substrate and growing medium, provision of drainage and irrigation, species list and method of cultivation; and
 - g) A programme of implementation.

The details pursuant to part c shall include full construction drawings, sections, levels and details of materials.

The hard and soft landscaping scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which, within a period of ten 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 consent to any variation.

Reason: In the interests of visual amenity and biodiversity.

- 11) Prior to the commencement of above ground works in respect to the shopfronts, a 1:20 section and elevation, including details of materials and finishes for the shopfronts, 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.

Reason: In the interests of visual amenity.

- 12) No building 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 in writing 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.

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.

- 13) No drainage systems infiltration of surface water drainage into the ground is permitted, other than with the prior written consent of 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.

- 14) The developer must ensure a watching brief is carried out by a suitably qualified consultant during demolition and foundation works. If during construction/demolition 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.

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.

- 15) Upon completion of the building works, a Closure Report which includes the following shall be submitted to and approved in writing by the Local Planning Authority:

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in 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.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from the site manager) to show that no contamination was discovered should be included.

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.

- 16) Prior to the commencement of above ground works, details to mitigate the impact of vibration and re-radiated noise within the residential part of the development to

ensure compliance with the Council's Noise and Vibration Supplementary Planning Document 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 prior to the first occupation of the units in which they relate.

Reason: In the interests of residential amenity.

- 17) a) Prior to the commencement of above ground works of each building, final details of the acoustic design and mitigation strategy 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.
- b) Upon completion of the development, a final acoustic report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates compliance with the acoustic mitigation strategy.

Reason: In the interests of residential amenity.

- 18) Prior to the commencement of above ground works of each building, details of extracts and flues for the development 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.

Reason: In the interests of visual amenity.

- 19) Prior to the commencement of above ground works, details of the electric vehicle charge points, as well as suitable connections to enable the future installation of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charge points shall be a minimum of Mode 3 standard (7kW capacity) with SMART technology (enabling WIFI connection), if possible. The points/connections shall be provided in accordance with the approved details prior to first occupation/use of the development.

Reason: In the interests of sustainable development.

- 20) A Landscape and Ecological Management Plan (LEMP) following the principles set out in British Standard 42020:2013 Biodiversity - Code of Practice for Planning and Development shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.

The content of the LEMP shall include the following, as a minimum:

- a) Ecological trends and constraints on site and wider environmental issues that might influence management and in particular consider the likely effects of climate change.
- b) Landscape and ecological aims and objectives of the management.
- c) Appropriate management options for achieving aims and objectives.
- d) Prescriptions for management actions for each identified habitat and feature covered.
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period) with recommendations for periodic review.
- f) Details of the body or organisation responsible for implementation of the plan and the resources both financial and personnel by which the LEMP will be implemented. This shall include details of the legal and funding mechanism(s) by

which the long-term implementation of the plan will be secured post development with the management body(ies) responsible for its delivery.

- g) Ongoing monitoring and remedial measures including regular review by accredited professionals including setting out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning landscape and biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of ecology and visual amenity.

- 21) Prior to the commencement of above ground works for Block A, details of the finish for the glazing for the gym and studio 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.

Reason: In the interests of visual amenity and to promote activity within the building at street level.

- 22) Prior to the commencement of above ground works for Blocks A and C, large-scale details of the brick panels, platt band and details of the top of the acoustic wall 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.

Reason: In the interests of visual amenity.

- 23) Prior to the commencement of above ground works, details of water conservation within the development, 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.

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

- 24) The residential accommodation hereby approved shall be used only as specialist accommodation for older people with occupation limited to at least one person aged 65 years of age or older, and any Partner of that person, (or such other person as the Local Planning Authority may (in its sole discretion) otherwise agree in writing). In the event any primary resident dies or ceases to reside in the accommodation due to Infirmary the Partner (or any other person whom the Local Planning Authority has agreed can occupy the accommodation) shall be entitled to remain in the accommodation irrespective of whether they satisfy the minimum age requirement.

Reason: Levels of vehicle and cycle parking for the development have been reduced as a result of the demographic.

- 25) All of the C2 units will comply, as minimum with the technical standard M4(2) for accessible and adaptable dwellings as set out in the Building Regulations.

Reason: To ensure an accessible and adaptable level of accommodation for future occupants.

- 26) The vehicle parking spaces shown on the approved plans shall be provided 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 approved details, 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.

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.

- 27) No extra care units shall be occupied until the refuse storage facilities have been provided in accordance with the approved details. The refuse storage facilities shall thereafter be retained.

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

- 28) The development shall be undertaken in accordance with the details of levels shown on the approved plans.

Reason: To ensure a satisfactory appearance on completion of the development.

- 29) Prior to the first occupation of the extra care units, the secure cycle storage facilities and Wiesbaden bicycle stands within the public realm shall be provided in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The approved cycle storage and Wiesbaden bicycle stands shall thereafter be retained.

Reason: In the interests of sustainable development.

- 30) Prior to the first occupation of the development hereby approved, details of the surfacing and signage for the realigned public right of way and any bollards/heavy duty planters to prevent mopeds or similar vehicles accessing the route shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the KCC Public Rights of Way Office). The works shall be carried out in accordance with the approved details and completed prior to the first occupation of the development hereby approved.

Reason: To ensure satisfactory surfacing/signage for the public right of way and in the interests of visual amenity.

- 31) Prior to the first occupation of the development hereby approved, details of external walling, steps, handrails and railing to be used in the public realm along Mount Pleasant Road and Church Road shall be submitted and approved in writing by the Local Planning Authority. Details shall include full construction drawings, sections, levels and details of materials. The works shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

- 32) Prior to the first occupation of Block A, the drop-off area shall be provided on Church Road in accordance with the approved plans. The drop off area shall thereafter be retained.

Reason: To facilitate easy access to the development.

- 33) The retail/commercial units hereby approved, shall only be used for purposes within Class E a, b, c, d (soft/indoor play only), e, g(i or ii), as defined in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or in any provision equivalent to these Classes in any statutory instrument revoking and re-enacting that Order with or without modification), or beauty related uses or drinking establishments, and for no other purpose whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reason: To ensure appropriate town centre uses that preserve the vitality of the town centre.

- 34) Prior to the first occupation/use of any residential or non-residential unit, details of any new plant (including ventilation, refrigeration, air source heat pumps and air conditioning) or ducting system (not previously covered/approved in this submission) shall be submitted to and approved in writing by the Local Planning Authority. The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2019 Rating for Industrial Noise Affecting Mixed Residential and Industrial Areas) shall be low as can be possible. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity.

- 35) Prior to the first operation of any unit where hot food is prepared or sold on the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and shall thereafter be operated and retained in compliance with the approved scheme.

Reason: To protect the amenity of nearby properties from fumes and odours.

- 36) The approved development shall be carried out in such a manner as to avoid damage to the existing trees (including their root systems) that are 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 BS:5837, and in accordance with the approved Tree Protection Plan and Arboricultural Report to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction/demolition.

(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 Areas of the trees or other vegetation;

(d) No roots over 50mm diameter shall be cut, 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;

(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 may be 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, 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: To protect existing trees and enhance the appearance and character of the site and locality.

- 37) Prior to first occupation of any part of the building hereby approved, details of the water feature, including a timescale for its provision and arrangements for maintenance shall be submitted to and approved in writing by the Local Planning Authority. The water feature shall be provided in accordance with the approved details and timescale and thereafter retained and maintained.

Reason: To safeguard the characteristics of the locality.

- 38) Prior to the first occupation of the development hereby approved, a scheme for biodiversity enhancement, which seeks to provide an overall minimum net gain of 10% for biodiversity as measured using the DEFRA Metric shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to create new habitats; details of features such as bird and bat boxes to encourage wildlife; and, a timetable for implementation. The biodiversity mitigation and enhancement measures shall be carried out in accordance with the approved details and timetable and carried out in perpetuity.

Reason: In the interests of biodiversity.

- 39) No external lighting shall be installed until a detailed scheme of lighting has been submitted to and approved in writing by the Local Planning Authority. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01 dated 2021 (or 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.

Reason: In the interests of visual, residential amenity and biodiversity.

- 40) Prior to the first occupation of the extra care units hereby approved, the photovoltaic panels and air source heat pumps shall be provided in accordance with the approved details and thereafter retained.

Reason: In the interests of sustainable development.

- 41) The retail/commercial units hereby approved shall achieve a minimum BREEAM rating of Very Good. The retail/commercial units shall not begin operation until a final BREEAM certificate has been issued for that unit certifying that the Very Good rating has been achieved. This certificate should be submitted to and approved in writing by the Local Planning Authority prior to the first use of the units in which they relate.

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

- 42) 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, including the following:
- 1) Maps showing the site in relation to walking/cycle routes, cycle stands, local bus stops/services, and the train station.
 - 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 and cycling organisations.
 - 5) Details of Car Club scheme.
 - 6) Information on public transport season tickets and offers.
 - 7) Information on the health, financial and environmental benefits of sustainable travel.

Reason: In the interests of sustainable development.

- 43) The gradient of the vehicular access shall be no steeper than 1 in 10 for the first 1.5 metres from Clanricarde Road and no steeper than 1 in 8 thereafter.

Reason: In the interests of highway safety.

INFORMATIVES

- 1) The applicant's attention is drawn to the Mid Kent Environmental Code of Development Practice, the terms of which should be met in carrying out the development.
- 2) Any planning conditions related to contamination should not be fully discharged until such time as all relevant works are completed and a verification report, detailing all works at the site has been submitted. The verification report should include summaries of all materials removed, details of validation sampling/monitoring carried out in remediation areas, relevant certificates for imported materials, photographs and confirmation that the site is fit for the proposed use.
- 3) Any remediation must be carried out in a strictly controlled manner to ensure that contaminants are not exposed and releases allowed to air, land or controlled waters, which could cause pollution, harm or nuisance. Clearing areas, particularly removing hardcover, must be done in a manner to ensure that contaminants are not exposed and releases allowed to air, land or controlled waters, which could cause pollution, harm or nuisance. Clearing areas, particularly removing hardcover, must be done in a manner not likely to expose contaminants to flushing by incipient rainfall or surface water run-off on the site. Temporary surface water controls and management of any materials movement on site is critical to ensure protection of controlled waters near the site. Further clarification should be sought from the Local Authority's Environmental Health Officer with respect to issues related to harm to human health.
- 4) 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. No land drainage or groundwater should enter the public sewers network. Wastewater grease traps should be provided on kitchen waste pipes or drains installed and maintained by the owner or operator of the premises. 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.

- 5) 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.
- 6) Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

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/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

- 7) No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority. There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority. Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of

the Highway Authority. No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, the KCC Public Rights of Way Office require six weeks' notice to process this.

- 8) Prior to undertaking any works to trees on land outside of the applicant's ownership, the applicant must seek the permission of the land owner.
 - 9) Southern Water advise that should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119) or www.southernwater.co.uk.
 - 10) The applicant is required to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure or to connect to the public sewerage system in order to service this development.
 - 11) The applicant is advised that the residential units hereby permitted would not be eligible for any on-street parking permits. Prospective purchasers should be made aware of this to avoid any misunderstanding.
 - 12) Advertisement consent will be required from the Local Planning Authority for any advertisements displayed on the site (including those associated with the approved retail, restaurant, wellness centre uses etc.)
 - 13) It is recommended that fixed telecommunication infrastructure and gigabit-capable connections are provided to multi point destinations and all buildings (including residential, commercial and community), which are capable of connection to commercial broadband providers.
- (B) If the applicant fails to enter into such agreement by 16 DECEMBER 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 community services/facilities, such as libraries, adult education, social care, waste and the local wildlife site and would therefore fail to comply with the National Planning Policy Framework 2021, National Planning Practice Guidance, Core Policies 1, 8 and 9 of the Tunbridge Wells Borough Core Strategy 2010, Policy EN15 of the Tunbridge Wells Borough Local Plan 2006 and Policy AL/RTW2B of the Site Allocations Local Plan 2016.
 - (2) The proposal fails to make an adequate provision to support sustainable modes of travel and would therefore conflict with the National Planning Policy Framework 2021, National Planning Practice Guidance; Core Policies 1, 3 and 9 of the Tunbridge Wells Borough Core Strategy 2010, Policy TP3 of the Tunbridge Wells Borough Local Plan 2006 and Policy AL/RTW2B of the Site Allocations Local Plan 2016.

Planning Committee Report
16 November 2022

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.