

## REPORT SUMMARY

**REFERENCE NO - 22/03406/FULL**

### APPLICATION PROPOSAL

Demolition of existing building and the construction of part three and part four storey building, providing 24 apartments, and associated parking, landscaping and works

**ADDRESS** Grosvenor Garage 123 - 125 St James Road Royal Tunbridge Wells Kent TN1 2HG

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

### SUMMARY OF REASONS FOR RECOMMENDATION

- The site is located within the Limits to Built Development and is previously developed land (PDL). The loss of the existing employment land use and the construction of residential development on this site are considered accepted in principle.
- The proposal would result in the delivery of sustainable development in accordance with development plan policies.
- The scale, location and design of the development would respect the context of the site and preserve the visual amenity of the street scene.
- There would not be any significant adverse impact upon occupants of neighbouring properties.
- The traffic movements generated by the development can be accommodated without detriment to highway safety
- The proposed parking layout would make adequate independent parking provision for each resulting property and would facilitate safe access to the highway.
- Other environmental impacts have been assessed and there are not any which are potentially significant and which cannot be controlled by conditions.
- Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition or legal agreement.

### INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

#### **Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):**

- Affordable housing for 3 shared ownership units, and off site contribution amount requested = £520,975.20
- £21,565.00 towards Provision of additional places in the Tonbridge & Tunbridge Wells non-selective and West Kent selective education planning groups.
- £10,493.04 towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care
- £1,572.00 towards equipment and resources for Youth Centres serving the development, including Outreach Youth Services.
- £4,408.08 towards Tunbridge Wells Waste Transfer Station and HWRC expansion
- £20,412.00 towards refurbishment, reconfiguration and/or extension of general practice premises in the area

<p>- £62,553.00 towards adult and youth recreation open space</p> <p><b>TOTAL CONTRIBUTIONS: £641,978.32</b></p> <p><b>Net increase in numbers of jobs:</b> Decreased but vacant site since last year</p> <p><b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs:</b> See above</p> <p>The following are not considered to be material to the application:</p> <p><b>Estimated annual council tax benefit for Borough:</b> 24 x £193.75 = £4650</p> <p><b>Estimated annual council tax benefit total:</b> 24 x £2029.76 = £48,714.24</p> <p><b>Estimated annual business rates benefits for Borough:</b> N/A</p>			
<p><b>REASON FOR REFERRAL TO COMMITTEE</b></p> <p>Significant major application of over 20 dwellings and recommended for approval and call in by Cllr Wormington with regards to impact on neighbouring residential properties.</p>			
<p><b>WARD</b> St James</p>		<p><b>PARISH/TOWN COUNCIL</b> N/A</p>	
		<p><b>APPLICANT</b> David Munns <b>AGENT</b> Kathryn McCain</p>	
<p><b>DECISION DUE DATE</b> 27/02/23</p>		<p><b>PUBLICITY EXPIRY DATE</b> 05/05/23</p>	
<p><b>OFFICER SITE VISIT DATE</b> 20/12/22 and 20/04/23</p>			
<p><b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b></p>			
<p><b>81/00111/FUL</b></p>	<p>Change of use to snooker and billiards club with ancillary uses</p>	<p><b>Approved</b></p>	<p><b>15/04/81</b></p>
<p><b>81/00376/FUL</b></p>	<p>Change of use including alterations to form residential flat</p>	<p><b>Approved</b></p>	<p><b>15/05/81</b></p>
<p><b>81/01008/FUL</b></p>	<p>Change of use and alterations of part ground floor to form flat</p>	<p><b>Approved</b></p>	<p><b>09/11/81</b></p>
<p><b>82/00861/FUL</b></p>	<p>Conversion of attic to flat and alterations to snooker club toilets</p>	<p><b>Approved</b></p>	<p><b>20/09/82</b></p>
<p><b>82/01176/FUL</b></p>	<p>Change of use from store to showroom. New windows</p>	<p><b>Approved</b></p>	<p><b>25/11/82</b></p>
<p><b>90/01650/FUL</b></p>	<p>Retrospective - Use of site as temporary car park and car sales ancillary to adjacent garage</p>	<p><b>Refused</b></p>	<p><b>04/01/91</b></p>
<p><b>91/00369/FUL</b></p>	<p>Extension to form offices and workshop</p>	<p><b>Refused</b></p>	<p><b>13/05/91</b></p>
<p><b>91/01068/FUL</b></p>	<p>Demolition of part of existing workshop; Erection of replacement workshop; Ancillary offices and store</p>	<p><b>Approved</b></p>	<p><b>24/01/92</b></p>
<p><b>92/00328/FUL</b></p>	<p>Part demolition, showroom &amp; offices &amp; workshop</p>	<p><b>Approved</b></p>	<p><b>31/07/92</b></p>

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application relates to a garage workshop and show room located on a corner plot between Quarry Road and St James' Road. The site is set over various levels as the land rises to the east. There is also a ramped access from Stratford Street which leads to a roof top parking area, which is set around first floor level of the neighbouring property of 19 Stratford Street.

- 1.02 The site has the showroom with a forecourt area on the corner facing onto Quarry Road and St James' Road with large sections of glazing. Further back facing James' Road is the workshop which is accessed via three large roller doors. The current buildings on the site are a mix of single and two storey buildings.
- 1.03 The site is located within the St James' area of Tunbridge Wells, which is predominantly residential, with the some retail/commercial units interspersed within the area. The buildings in the locality are characterised by two/three storey terraced and semi-detached dwellings, and taller block of flats at Bridge Court and Kensington Court, which are max 5 and 6 storeys in height respectively and the site currently being developed on Medway Road to the east of the site, which was granted permission under 19/00365/FULL for 35 apartments across 5 storeys.

## 2.0 PROPOSAL

- 2.01 The application is seeking planning permission to redevelop the site by demolishing the current buildings on the site and replacing it with a four storey block of flats. The design of the building would have stepped level with the top floor being set back from the remainder of the building to appear recessive. The elevations facing St James' Road and Stratford Street would be set back from the pavement by a small front garden area, and each unit would have balcony set within the building.
- 2.02 The scheme would provide a mix of units including 5no. 1 bed flats, 7no. 2 bed flats, 9no. 3 bed flats, and 3no. 4 bed flats. Totalling 24 flats. Three of the flats would be affordable through a shared ownership tenure, with the provision of an off site contribution to equate to the five social rent units that would have to be provided for an emerging policy compliant scheme. This is examined further later in the report.
- 2.03 The scheme would provide 29 spaces with a stacked car parking system utilising an access from St James' Road. A secure enclosure would also provide parking for 24 bicycles.

## 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
No. of storeys	Max 2	Max 4	+2
Max height	8.1m	14.6m	+6.5m
Max height inc. plant	N/A	16.4m	N/A
No. of residential units	None	24	N/A
Parking ratio	N/A	29	N/A
No. of affordable units (shared ownership)	None	3	+3

## 4.0 PLANNING CONSTRAINTS

Inside the limits to built development (LBD)  
Local Nature Reserve Hilbert Woods, Tunbridge Wells - Ref: KHWP01 + 500M Buffer  
Local Plan 2006 Tunbridge Wells Central Access Zone (Residential) - TP6  
Potentially Contaminated Land - Various Sites +1m Buffer  
Public Access Land Hilbert Woods, Tunbridge Wells  
Site Allocations 2016 Neighbourhood Centre

## 5.0 POLICY AND OTHER CONSIDERATIONS

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

**Core Strategy 2010**

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

### **Local Plan 2006**

Policy EN1: Development Control Criteria  
Policy H5 - Residential development within Limits to Built Development  
Policy TP1- Major development requiring Transport Assessments and a Travel Plan  
Policy TP5: Vehicle Parking Standards  
Policy R2: Recreation open space in development of more than 15 bedspaces  
Policy TP4 - Access to the road network  
Policy TP5 - Vehicle Parking Standards  
Policy TP9 - Cycle Parking

### **Submission Local Plan**

Policy STR 1 – The Development Strategy  
Policy STR 2 – Place Shaping and Design  
Policy STR 3 – Brown Field Land  
Policy STR 4 – Ensuring Comprehensive Development  
Policy STR 5 – Infrastructure and Connectivity  
Policy STR 6 – Transport and Parking  
Policy STR 7 – Climate Change  
Policy STR 8 – Conserving and Enhancing the Natural, Built, & Historic Environment  
STR/RTW 1 - The Strategy for Royal Tunbridge Wells  
EN1 - Sustainable Design  
EN2 - Sustainable Design Standards  
EN3 - Climate Change Mitigation and Adaptation  
EN9 - Biodiversity Net Gain  
EN16 - Landscape within the Built Environment  
EN21- Air Quality  
EN22 - Air Quality Management Areas  
EN23 - Biomass Technology  
EN24 - Water Supply, Quality, and Conservation  
EN26 - Sustainable Drainage  
EN27 – Noise  
H1 - Housing Mix  
H2 - Housing Density  
H3 - Affordable Housing  
TP1 - Transport Assessments, Travel Plans, and Mitigation  
TP2 - Transport Design and Accessibility  
TP3 - Parking Standards

### **Other relevant documents**

Kent Design Guide  
Open Space SPD

## **6.0 LOCAL REPRESENTATIONS**

- 6.01 Four site notices were placed around the site on the 20<sup>th</sup> December 2022, and the application was advertised in the local press on the 09<sup>th</sup> December 2022.
- 6.02 39 objections have been received from residents and raise the following points:
- Four storeys is too high, tower over terraced properties
  - Loss of sunlight from height and proximity to footpath

- Noise disturbance from car idling and construction work
- Provision of parking in adequate
- Increased traffic along Grosvenor Bridge and Quarry Road
- Increased pollution
- Loss of privacy
- Poor design out of character with Victorian properties
- Loss of commercial use
- Concerns about impact on services (schools, Drs)

## 7.0 CONSULTATIONS

### **Scotia Gas Networks Limited**

- 7.01 Raise no objections. Standing advice about digging near gas network. An informative will be included which refers to this advice.

### **Kent Police**

- 7.02 No objection but comments on design to help with security in the development.

### **KCC Flood and Water Management**

- 7.03 Second comments:  
Raise no objections.

Kent County Council as Lead Local Flood Authority have reviewed the Surface water Drainage Calculations (14/10/22) and have no objection to the proposals outlined within the Flood Risk Assessment and Outline Drainage Strategy. At the detailed design stage, we would expect to see the drainage system modelled using FeH 2013 rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (November 2019). Should the Local Planning Authority be minded to grant planning permission for the proposed development, the LLFA would request a condition relating to drainage and surface water treatment.

#### First comments:

We understand that surface water from the site will be discharged from the site to the combined southern water sewer located to the north of the site at 1.5 l/s for all events up to and including the 100 (+CC) year event. Permeable paving, green/blue roofs and planting areas will also provide attenuation to accommodate rainfall up to the 100 (+CC) year event. Whilst we have no objections in principle to these proposals we do have the following comments:

1. Appendix I - Surface Water Drainage Calculations appears to be missing from the submitted Drainage strategy. The proposed scheme should be modelled, using appropriate software, and the following considered:

- Simulations against the varying storm events that include the 1/2, 30 and the 100 year events.
- Appropriate application of climate change percentages for both the 30 and 100 year events.
- The utilisation of the FEH 2013 rainfall dataset where possible. Should FEH not be used, the LLFA would request the M5-60 value is uplifted from the default 20.00mm value to 26.25mm.
- If full network analysis is provided, the outputs as presented should also contain the pipe/ manhole schedule to illustrate the design modelled through the simulations (the identification of pipes and manholes in the calculations should be reflected on the accompanying drainage layout drawings).
- Inclusion of the critical summary events within the outputs.

- No surcharging of the network should be experienced for the 1/2 year events, unless where unavoidable at features such as flow controls.

2. Appendix H - Estimated Attenuation appears to suggest that the required attenuation of 86 m<sup>3</sup> has been calculated using a discharge rate of 2.2 l/s. As these proposals have outlined a 1.5 l/s discharge rate to be used for all storm events we would expect for this rate to be utilised within these calculations, leading to a slightly higher attenuation requirement than has been given.

We would therefore recommend a holding objection for this application until the above information is provided.

#### **TWBC Client Services**

- 7.04 Raise no objections. Bins to be purchased from TWBC prior to being sold or occupied. "bin stores have been noted and to spilt capacity material at each store. The area set aside for bulky sore items will not automatically be removed and would have to be paid collection pre-arranged.

#### **Environmental Protection**

- 7.05 Raise no objections but make the following comments and conditions recommended.

##### **Noise:**

The development could have an impact on existing residents during the construction phase. There could also be impacts on existing residents and future residents due to the introduction of air source heat pumps and a plant room / substation.

Acoustic assessments should be provided to in relation to the substation and the air source heat pumps along with details of any mitigation that is being proposed.

Requested condition

##### **Land Contamination:**

The development site is in an area of potentially contaminated land. The details of the phase 1 desk study have been noted. A contaminated land condition should be added.

##### **Construction Demolition:**

Any demolition or construction activities may have an impact on local residents and so the usual conditions/informatives should apply in this respect.

##### **Air quality:**

It is not considered that the scale of this development and/or its site position warrants either an air quality assessment or an Air Quality Emissions Reduction condition applied to it. Any dwellings with dedicated off-street parking should be provided with their own charge points for low-emission plug-in vehicles. Where these things are not practicable, contribution towards installation at nearby locations should be considered.

##### **Asbestos:**

Any parts of the building being demolished/converted should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.

##### **Odour/accumulation/light:**

Details of any external site lighting should be provided.

#### **Southern Water**

- 7.06 Raise no objections.

Southern Water can facilitate foul sewerage and surface water runoff (1.5 l/s at manhole reference TQ59400403) disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance.

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.

Thus, 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.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors. We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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.

### **KCC Contributions**

7.07 Request the following contributions

	<b>Per applicable* Flat (x 19)</b>	<b>Total</b>	<b>Project</b>
<b>Secondary Education</b>	£1,135.00	£21,565 .00	Provision of additional places in the Tonbridge & Tunbridge Wells non-selective and West

			Kent selective education planning groups.
Current assessment shows no Primary requirement			

	Per Dwelling (x 24)	Totals	Project
<b>Community Learning/Social Care/ Libraries</b>	£437.21	£10,493.04	Towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care
<b>Youth Service</b>	£65.50	£1,572.00	Towards equipment and resources for Youth Centres serving the development, including Outreach Youth Services.
<b>Social Care</b>	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
<b>Waste</b>	£183.67	£4,408.08	Towards Tunbridge Wells Waste Transfer Station and HWRC expansion

### **KCC Highways**

#### 7.08 Second Comments Access

Noted that the access does not exceed a gradient of 1:20.

#### Car Parking - Quantum

Car parking quantum is now proposed to be 24 (previously 25), with 20 allocated and four visitor spaces. This level of provision for this location is in line with the maximum parking standards. With 20 of these spaces being allocated, there is a requirement for 1 Active Charging Point per dwelling minimum (output rating 7kW Mode 3 AC) to be provided. The remaining unallocated spaces must be 10% active and 100% passive. Therefore, the proposal for 3 charge points would not meet this requirement.

(Planning officer note: agent agreed to condition for more charging points in scheme)

With the 2011 census car ownership data shown in table 1, the conclusion drawn is that “the 24 residential units are likely to only generate a demand for approximately 14 car parking spaces from residents”. This would indicate that several allocated bays may not be occupied, when instead could be used by visitors. To avoid parking stress off-site, it would be preferable to have a lower number of allocated spaces within the development. I note that parking on nearby residential streets are for resident permit holders between the hours of 8am-6pm. Tunbridge Wells Parking Services will need to comment in regards to existing parking stress and permit allocation.

#### Car Parking – Space Dimensions:

Parking space dimensions are now suitable. Could the two disabled parking bays be designed with the appropriate layout (hatching etc.)

#### Pedestrian Visibility Splays

Pedestrian visibility splays have been provided at the vehicular access and are suitable. A condition to maintain to 0.6m in height can be applied. (Drawing no. 31354/AC/004-A).



#### Sustainable Access

A travel information pack for residents is welcomed. The pack should include details on the local car club.

#### First comments

##### 7.08 Access:

Pedestrian access is proposed to be from the existing footpath on St James Road, to two cores within the building. Some ground floor units have direct access from the footpath on Quarry Road or St James Road. Vehicular access is to be from St James Road using the eastern-most section of the existing access. It is proposed for the remaining section of dropped kerb to be removed. Therefore, reinstatement of the dropped kerb to tie into the existing footway should be covered by condition and will need to be in accordance with a design and specification to be agreed in writing by the Local Planning Authority.

Furthermore, it is noted in the Design and Access Statement that the parking area has a shallow ramp down from entrance on St James Road. Within the parking area, the TS notes that the car park aisle has a gradient of 1:20 in two sections. This is acceptable and reaches the maximum gradient of footways acceptable for the mobility impaired. Please can the gradient of the ramp at the access be provided.

The existing trip generation is derived from the TRICS database. The results in the TS shows a trip generation of 6 vehicle trips in the AM peak and 5 in the PM. The proposed trip generation has been derived, showing an increase to 8 vehicle trips in the AM peak, and to 9 in the PM peak. This analysis shows an increase by 2 and 4 vehicle trips in the AM and PM peaks respectively. Therefore, this is not likely to lead to any significant impact on highway safety or congestion.

##### Parking:

There are 24 cycle parking spaces, which is in line with standards for the ratio of one cycle space per flat. Cycle parking provision is provided on racks which are secured and covered and located with the car parking area.

There are 25 car parking spaces proposed, of which 12 are formed under a double stacking arrangement. This quantity of parking in this area is in line with Kent Design Guide maximum standards. These bays are proposed to be unallocated. As such, electric vehicle charger provision of 10% is acceptable. However, 100% of the bays will need to be passive.

It is noted that the area suffers parking stress and provision of additional visitor spaces on site would help ensure that the development would not add to these pressures. The car park aisle is 6m wide, which is sufficient to allow cars to manoeuvre in and out of parking bays and allows two cars to pass. The swept path analysis of a large car evidences this too, such that a car can access and egress the site in a forward gear.

The length of parking bays 22 and 23 appear to measure 4.6m. This needs to be increased to at least 5m. In addition, disabled parking bays 24 and 25 need to measure at least 5.5m in length. The width of the space and access area should be 3.7m (2.5m + 1.2m access area), which the proposed site plan does show. Kent Design Guide notes "where disabled parking spaces are adjacent to each other, the 1.2 metre access area can be utilised to serve parking spaces on either side." In addition, "disabled parking should be clearly signed both within and at the entrance to the car park."

The remainder of the parking bays measure 2.5m by 5m which are acceptable. However, for those abutting a hard boundary such as no. 22 & 1, the width needs to be increased by at least 0.2m.

Although drawing 31354/AC/004 shows a pedestrian visibility splay is achieved on one side of the access, the pedestrian visibility splay needs to be drawn on both sides of the access. In addition, these pedestrian splays need to be maintained to 0.6m or under in height.

#### Sustainable Access

A condition would be required for the developer to provide information on sustainable travel to the first occupants of each unit, and the opportunity for free membership and driving credit per unit. It shall also include details of cycle routes and local bus services.

This development can offer a number of sustainable choices for travel, as shown in the TS.

#### Delivery and Servicing

Deliveries are proposed to take place from St James Road. This removes deliveries from taking place on Quarry Road, avoiding any obstructions and is therefore satisfactory.

The resident drag distance for bins are said to be within the maximum distance allowed, 30m. The distance for refuse collectors to collect the bin is also within the maximum distance.

#### NHS Kent and Medway

7.09	Total Chargeable units	Total	Project
General Practice	24	£20,412	Towards refurbishment, reconfiguration and/or extension of The Wells Medical Practice and/or Kingswood Surgery and/or Grosvenor & St James Medical Centre and/or Lonsdale Medical Centre and/or Speldhurst & Greggswood Medical Group and/or Rusthall Medical Practice and/or towards new general practice premises development in the area

#### Tunbridge Wells Civic Society

- 7.10 We find this development acceptable in principle but would wish the mass of the building to be reduced on the Quarry Road frontage, particularly at the conjunction with the Quarry Road cottages.

#### Tunbridge Wells Parks and Sports Team

- 7.11 Request contributions towards Hawkenbury Hub  
£719 per bedspace there are 87 bed spaces in the development which would equal a contribution of £62,553.

#### Urban Design Officer

- 7.12 No Objections: The DAS is exemplary in demonstrating understanding of and response to context, such as the larger scale building that was on the site in the late 19<sup>th</sup> century maps and photo, and the sunlight studies. The application can be supported this in principle but there was one comment as a suggested amendment, but not one to be insisted on. Large scale drawings of typical details such as the brickwork patterns and architraves, boundary walls etc, will be required and the choice of brick is very important. However, whilst it is entirely appreciated that the

half round doorways on the ground floor are there to reference the Victorian arched entrances on houses nearby, it is considered that they appear slightly out of scale in comparison. It is noted that other similar façade treatments were rejected in the design process due to scale. A more robust, proportionate appearance could be achieved by squaring off these and perhaps with projecting brick courses as an architrave to emphasise the entrances.

Planning Officer Note: The arched entrances have not been amended by the agent and not considered a strong enough reason for a refusal.

### **TWBC Planning Policy**

- 7.13 It is considered in line with the conclusions of the SHELAA process, that this site could be considered suitable for redevelopment subject to it meeting the tests set out in emerging Policy ED2. The applicant has submitted a supporting document in this regard – Development Advice, dated November 2022, which sets out the market position of the site and the most recent use as the former Mitsubishi Garage. The business has now closed due to Mitsubishi’s decision to withdraw from the European market. It is also clear that the site has been marketed via a national website – Rapley’s, as well as through local and national agents from March 2022. It was also advertised via a number of other portals and through social media – LinkedIn and Twitter. A brochure was produced as well as a sales board positioned at the site in September 2022. It is understood that the site is still being marketed at the current time. However, it is noted within the Appendix to this report (copy of the sales particulars), that the site was marketed as being ‘*suitable for a variety of alternative uses including residential, subject to the necessary consents*’.

In terms of interest, it is clear from the report that the site has been marketed and that there has been very limited interest in it being re-used as a car showroom/garage or any other commercial use, due to its location within primarily a residential area and distant from other commercial operators or within a prominent position for marketing its goods. The site promoters have also considered the possibility of the site coming forward as part residential and part commercial (at the ground floor) use, although again this has been discounted on viability grounds taking into account the site size and constraints. The overwhelming interest has been for residential (unsurprisingly taking into account the wording used in the marketing brochure) use as set out on page 4 of the marketing report. A helpful summary of the marketing evidence has also been included at pages 7 and 8 of the covering letter to the application.

### Conclusion

Taking into account the above, it is considered that the supporting information submitted with the planning application, seeks to meet the policy requirements of Policy ED2 of the emerging Local Plan to justify the loss of employment/economic use on this site. Taking this into account as well as the other relevant adopted and emerging policies, it is considered that a redevelopment of this site for residential uses would be appropriate.

### **TWBC Economic development**

- 7.14 There is a concern that the proposed development will result in the loss of employment space, close to Royal Tunbridge Wells town centre. However, it is noted that Rapleys (the agent) explored the possibility of the site’s continued function as a car garage/dealership, and that this was found to be unviable in the current market. Additionally, the site was marketed for commercial use. The Marketing Note states that following discussions with potential clients looking at using the site for commercial purposes, it was decided that the constraints and functionality of the site made these proposals unworkable. No objections

### **TWBC Parking Services**

- 7.15 It is noted that KCC have said about the level of parking provision for this proposal. I also note what local residents have said when objecting to the proposal for reasons which have included potential for impact on roadside parking.

Local concerns about the availability of roadside space for parking are well founded but much of the nearby area is controlled through permit parking restrictions. This new development would not be eligible for permits for either residents or visitors, and it should be included as an advisory note on any consent that this would be the case.

In view of the fact that parking provision is in line with the adopted, but not potentially emerging, standards, I would not have sufficient grounds for requesting a contribution towards any potential expansion or amendment to the permit parking arrangements.

### **Tunbridge Wells Civic Society**

- 7.16 We find this development acceptable in principle but would wish the mass of the building to be reduced on the Quarry Road frontage, particularly at the conjunction with the Quarry Road cottages.

## **8.0 APPLICANT'S SUPPORTING COMMENTS**

- 8.01 The site is in a highly sustainable location within the Limits to Build Development of Tunbridge Wells and is in close proximity to the town centre and would make efficient use of land by redeveloping an underutilised brownfield site. The proposed development would provide 24 residential units on a windfall site in a borough that cannot demonstrate a five- year housing land supply. In the context of this shortfall, the provision of housing and the social, economic, and environmental benefits it attracts are considered to hold significant weight in favour of the scheme. The proposal would provide a valuable contribution to the Boroughs housing needs, including the provision of seven affordable units in a mix derived from local demand, both of which are considered to afford significant social benefits. The proposal has been carefully designed, taking into consideration its setting, the local context, and its prominent corner location to ensure a high-quality development is proposed that protects the amenity of future and neighbouring occupants, whilst improving the character and appearance of the local area. Design solutions to ensure the proposal has no overbearing impact and to reduce the potential for loss of privacy have been explored and implemented into the final design. The existing site is of no ecological or biodiversity value. The proposed development has maximised opportunities to provide soft landscaping and tree planting to improve the character and appearance of the site, its setting, and its ecological and biodiversity value. Green technologies have been explored and incorporated where possible, including provision of a green roof and air source heat pumps, to ensure the proposed development is energy efficient and achieves significant carbon savings in line with local and national policy requirements. It is therefore considered that the proposed development would provide notable environmental benefits. Finally, the retention and/or replacement of the site for employment use has been fully explored in accordance with local policy requirements and has been found to be no longer viable. The loss of the employment use of the site is balanced against the economic contribution future occupiers would make to the viability of the local area through daily activities and the positive impact they would make to the economic viability of the town centre through the use of its various shops, services, and facilities

## **9.0 BACKGROUND PAPERS AND PLANS**

Application form

Site location plan  
Existing and proposed block plans  
Existing plans and elevations  
Proposed plans and elevations  
Existing and proposed sections  
Existing and proposed views  
Survey details  
Noise assessment  
Air quality mitigation  
BREL Compliance reports  
Desk Study reports  
Flood Risk assessment  
Surface drainage calculations  
Marketing report and updates  
Planning Statement/cover letter  
Sustainability statement  
Utility search report  
Design and access statement

## **10.0 APPRAISAL**

### **Principle of Development**

- 10.01 The site lies within the Limits to Built Development for Tunbridge Wells, in a predominantly residential area. It is a sustainable location, within walking distance of Tunbridge Wells town centre and the range of facilities that it provides. The site is currently a car showroom and garage, however, it is currently vacant having ceased trading in September 2022. The site is classified as previously developed land (PDL).
- 10.02 The proposal is to redevelop the site into a residential development with 24 apartments. The Council's housing land supply position as of 1<sup>st</sup> April 2022 is 4.49 years. Work is currently being undertaken to establish the position at 1<sup>st</sup> April 2023. The Council is currently unable to demonstrate a five year housing land supply.
- 10.03 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).
- 10.04 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.'*
- 10.05 The issue of sustainability is multi-faceted, incorporating economic, social and environmental considerations.

*Environmental Considerations*

10.06 The location and accessibility of the site is sustainable in its proximity to services/facilities. The site is located within the LBD of Tunbridge Wells a tier 1 settlement as identified in the Core Strategy, it is in close proximity and easy walking distance of the town centre and a variety of services/facilities which it provides. There is a bus stop located outside the site and it is less than a 20 minute walk from High Brooms train station. The Core Strategy states that dwellings will be delivered on sites to be allocated and released in accordance with Core Policy 1, which in turn states priority will be given to the release of previously developed land (PDL) within the LBD. Therefore, it is considered that the proposal would perform well in terms of the environmental factors of sustainable development.

*Economic Considerations including Loss of Employment*

10.07 The proposal is for the demolition of the existing commercial buildings and the redevelopment to provide residential. This would see the loss of the existing commercial use on the site. Paragraph 86 of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation.

10.08 The new Local Plan is in its final stages of preparation and currently subject to Examination. The Submission Local Plan (SLP) was submitted to the Secretary of State for examination by an independent Inspector on 1 November 2021 and was then subject to a number of Examination in Public hearings which took place between 1 March and 15 July 2022. The Council received a letter setting out the Inspector's initial findings following the hearing sessions in early November 2022. The letter raises issues which will require additional work to resolve. The timetable to adoption is therefore delayed and the plan will not be adopted in early 2023 as set out in the current timetable. The Council is currently considering the issues raised and the suggested ways forward set out in this letter.

10.09 The SLP sets out the Council's proposed development strategy, distribution for growth and housing, employment and other needs for the borough. Strategic Policy STR1 – The development Strategy is of relevance, as well as Policy STR3 – Brownfield Land, which seeks to '*provide for the effective use of redundant, disused, or under-utilised brownfield land and buildings in sustainable locations will be supported in principle*', subject to the criteria set out within the policy.

10.10 In the SLP, Policy STR/RTW 1 – The Strategy for Royal Tunbridge Wells, sets out the strategic approach towards development within the settlement of Royal Tunbridge Wells. Although the site is not specially allocated for within the Local Plan, Policy STR/RTW 1 sets out the following in relation to the strategy for the town;

- *Provide additional housing which may be delivered through the redevelopment and intensification of allocated sites and other windfall development inside the defined Limits to Built Development;*
- *Make the best use of previously developed land by the intensification of uses/sites whilst still protecting the town's important character and heritage*

Section 6 of the SLP sets out the proposed development management policies to be used in the assessment of development proposals. Of particular relevance to the consideration of this planning application are the following policies- Policy H1 – Housing mix, H2 – Housing Density, H3 – Affordable Housing and ED2 – Retention of existing employment sites and buildings.

10.11 With regard to the weight of the SLP policies, the key policy that this site needs to be considered against is Policy ED2. As set out in the Planning Policy comments above

it is noted that moderate weight can be attached to this emerging Local Plan policy in the assessment of this application.

- 10.12 Policy ED2 states that existing employment sites and buildings will be retained in their existing use, or an alternative employment generating use to support the vibrant and balanced economy of the borough. The policy goes on to say that applicant seeking to redevelop existing employment sites must demonstrate the following:
- a. provide robust evidence to show that the site has been proactively marketed, at the appropriate price, and using relevant publications, for the existing use or other potentially suitable employment-generating uses;
  - b. provide evidence that there is no prospect of the existing buildings, or the partial or comprehensive redevelopment of the existing buildings, continuing for the current use;
  - c. marketing must be for a period of at least 18 months at a time when the site is available, or will be available within an acceptable timeframe, with an appropriate agent;
  - d. where it has been demonstrated, through an independent assessment, that the current use is no longer viable and that there is no reasonable prospect of continued use or take up of other employment-generating uses during the plan period, proposals for redevelopment must consider alternative uses in the following order:
    - i. other business uses;
    - ii. all other non-residential, employment-generating uses;
    - iii. residential employment-generating uses (C1, C2);
    - iv. a mixture of residential and employment-generating uses, including 'live/work' units;
    - v. wholly residential schemes (C3).
- 10.13 The applicant has submitted a supporting marketing report dated November 2022, which sets out the market position of the site and the most recent use as the former Mitsubishi Garage. The business has now closed due to Mitsubishi's decision to withdraw from the European market. The site has been marketed via a national website – Rapley's, as well as through local and national agents from March 2022. It was also advertised via a number of other portals and through social media. A brochure was produced as well as a sales board positioned at the site in September 2022.
- 10.14 It is understood that the site is still being marketed at the current time. In terms of interest the report details that there has been very limited interest in it being re-used as a car showroom/garage or any other commercial use, due to its size, location within primarily a residential area and that it is distant from other commercial operators or that it is not within a prominent position for marketing its goods. The site promoters have also considered the possibility of the site coming forward as part residential and part commercial (at the ground floor) use, although again this has been discounted on viability grounds taking into account the site size and constraints. The overwhelming interest has been for residential use.
- 10.15 Taking into account the above, it is considered that the supporting information submitted with the planning application, seeks to meet the policy requirements of Policy ED2 of the emerging Local Plan to justify the loss of employment/economic use on this site. Taking this into account as well as the other relevant adopted and emerging policies, it is considered that a redevelopment of this site for residential uses would be appropriate.

- 10.16 There would be additional economic benefits from the future occupiers of the apartments contributing to the vitality and viability of the town. Any economic benefits during the construction of 24 apartments would be short-term, and therefore would carry little weight.
- 10.17 It is considered that despite the loss of the employment use there would be economic benefits due to the fact that the site is unlikely to be reused or redeveloped for employment purposes.

*Social Considerations*

- 10.18 The proposal would contribute 24 units towards the provision of housing when the Council is unable to demonstrate a five-year housing land supply and would deliver 8 units of affordable housing in the form of shared ownership properties. This would contribute towards the social element of sustainable development, providing significant benefits toward meeting housing need, and specialist housing need in the form of affordable housing.

*Conclusion of sustainable development*

- 10.19 Overall, the proposal comprises sustainable development. Having regard to the presumption in favour of sustainable development and the requirements of paragraph 11 of the NPPF, planning permission should therefore be granted unless specific policies in the NPPF indicate that development should be restricted. The development of the site is therefore considered acceptable in principle. The following sections of the report assess whether the proposal accords with other elements of policy in the NPPF and the Development Plan.

**Visual Impact**

- 10.20 The site is located on a prominent corner between Quarry Road and St James Road but also extends onto to Stratford Street. The existing building with its flat roof and large glazing does appear very commercialised especially with the large area of hardstanding to the front. It is considered to be significantly different in character from the surrounding residential houses and flats and does detract from the visual amenity of the locality. The demolition of the existing buildings and the construction of a new building with associated landscaping has the potential to enhance the street scene and public realm.
- 10.21 The Conservation and Urban Design Officer has been consulted on the proposal and notes the current building are of no merit and under-scaled for the surroundings and also demonstrate some leaked space to the street scene. The change in levels across the site in two directions has been noted especially in relation to scale and height. The submitted scheme would see a four storey block of flats, however it has been designed with a set back at the top floor and a cranked plan to help break up and reduce the scale and bulk. The street elevations have also been designed for the units to have individual entrances at street level to again help reduce the scale of a block of flats and to mimic the residential properties in the area. The height of the new building when immediately adjacent to the residential units on Quarry Road and Stratford Street, has been reduced to around a two storey which assist the massing and connection to the existing street form and heights.
- 10.22 Building materials are proposed to be a light red brick which picks up on the properties on St James Road. The detailing above the windows and doors would have a light brick detailing which reflect neighbouring properties in the street which are characterised by painted brick. The top floor would have a zinc cladding to the elevations which has been selected to reduce the visual impact of the additional floor. This has also been used on the flats along Medway Drive to the north of the site and



also to the block of flats across the road at 46 Quarry Road which is currently being constructed.

- 10.23 A green roof and planters and landscaping along St James Road and Stratford Street are proposed to help to green and soften it. The proposed balconies would have brick parapet walls with a perforated design which would help to provide visual interest to the elevations. Full details of external materials can be secured by condition.
- 10.24 There were concerns about the proposed relationship between the new building and its attachment onto 46 Quarry Road. The design was originally considered to have a bulky stark appearance against the existing terrace property particularly with the roof line of the terrace. An amended design was produced where the balcony now includes a perforated design which will add interest and break up the blank wall.
- 10.25 The overall height, mass and scale of the proposed building is considered to be suited for the site and takes account of the application site and the surrounding properties including the immediate residential neighbours and the larger blocks of flats. The upper floors are recessed in order to reduce the prominence of the highest part of the building. The building would step down from four storeys to three storeys to respond to the scale of the adjacent two-storey development along Quarry Road and Stratford Street.
- 10.26 The Council's Urban Design Officer had some concerns about the impact on Stratford Street with the three storey height and that it would appear incongruous in the street scene as being of a far greater scale than the existing. The building on this side has been stepped back at the third storey. However due to the change in land levels it would appear that it is stepped at the second storey which will help reduce its massing next to the existing two storey dwelling. The principal elevation has been set back so that it is now in line with the current building line along Stratford Street so that it would have a more appropriate setting in the street scene.
- 10.27 Where the building has been set back from the existing footpath it is proposed to have small front gardens with landscaping in which will provide a more active frontage and help soften the new development.
- 10.28 The proposed building would be larger and higher than the existing built form and would come closer to the site boundaries. It would therefore have a greater visual impact on the public realm. However, the building has been well designed and the building's form, with the recessed top floors and setbacks, help to minimise its overall mass. It is considered that the proposed building and associated landscaping would enhance the visual amenity of the locality.

#### **Highway Safety and Parking**

- 10.29 The proposed development would have a vehicular access down to the parking area via St James Road using the eastern-most section of the existing access. It is then proposed to remove the remaining dropped kerbs. KCC Highways have asked for a condition for the reinstatement of the kerb to be included in as a condition. A ramp is proposed down to the parking area and this does not exceed a gradient of more than 1:20 and is considered acceptable.
- 10.30 Submitted within the Traffic Statement (TS) is the existing trip generation. The results in the TS shows a trip generation of 6 vehicles in the AM peak and 5 in the PM. The proposed trip generation shows an increase to 8 vehicle trips in the AM peak, and to

9 in the PM peak. This analysis shows an increase by 2 and 4 vehicle trips in the AM and PM peaks respectively. KCC Highways consider that this is unlikely to lead to any significant impact on highway safety or congestion.

- 10.31 The site is located within a sustainable location, close to the town centre and within the Tunbridge Wells Central Access Zone (Residential). Policy TP6 of the Local Plan states that within the Central Access Zone a maximum of one parking space per new build residential unit shall be provided. Amended parking details show that the car parking quantum is proposed to be 24 spaces with 20 being allocated to units and 4 visitor spaces. KCC Highways confirm that this level of provision for this location is in line with the maximum parking standards. With 20 of these spaces being allocated, there is a requirement for 1 Active Charging Point per dwelling minimum to be provided. The remaining unallocated spaces must be 10% active and 100% passive. Therefore, the proposal for 3 charge points would not meet this requirement. The agent has agreed that further details of electric charging can be agreed and can be conditioned on any approval.
- 10.32 To ensure the levels of parking spaces can be achieved the scheme includes a stacked parking system to add a further 6 spaces. This involves a moving platform which can raise or lower with a mechanical frame. The vehicles can park on the platform and continue to sit on them stably as operators lift them to make room for more vehicles to park below.
- 10.33 There are 24 cycle parking spaces, which is in line with standards for the ratio of one cycle space per flat. Cycle parking provision is provided on racks which are secured and covered and located with the car parking area.
- 10.34 There was originally concerns about the space dimensions of parking spaces. However, the agent has amended the plans and KCC Highways have confirmed that they are now acceptable. They have just requested that the disabled parking bays be designed with the appropriate layout (hatching). This can be conditioned.
- 10.35 Further details on the pedestrian visibility splays was requested from KCC. These have now been received and are considered suitable subject to condition regarding their maintenance.
- 10.36 The agent has provided a travel information pack for residents which is welcomed. It is requested that the travel pack include details of the local car club.
- 10.37 The site is in a central location within Tunbridge Wells, which would offer future residents many sustainable modes of travel. The development seeks to provide the maximum number of parking spaces on site, in accordance with Policy TP6 of the Local Plan. The provision of cycle parking and the travel information pack with details of the car club would encourage future residents to use sustainable methods of travel and would reduce the need for car ownership. No objection is therefore raised to the development on highway safety or parking grounds.

#### **Residential Amenity**

- 10.38 The removal of the commercial use would benefit the residential amenity of adjoining properties in terms of noise/disturbance from the existing authorised use and associated vehicular movements of the car show room and associated garage.

- 10.39 The proposed building has been designed so that the part of the building closest to Quarry Road has been set down in height. The closest residential property would be 46 Quarry Road. This property is currently boarded up and was in a commercial use but appears to have permission to be residential. As the proposal would not extend past the front building line it is not considered to have an impact to the front of the property. No. 46 has no rear garden but does have rear windows facing onto a shared courtyard which is used by a commercial premise at the Coach House. There is an existing high wall on this boundary with the car sales room, and the proposal would see the height stepped down as it attaches onto this property. The full height section of the building is orientated away from this property; therefore, it is considered that any overshadowing or loss of outlook is not significantly more harmful than the current situation. All the windows are angled away from the rear elevation of no. 46 and therefore not considered to result in a loss of privacy.
- 10.40 The other residential property that would be immediately adjacent to the proposal is 19 Stratford Street. The proposal has again been set down at this point to reduce the overall bulk on this boundary to help with the relationship with no. 19. The proposed side facing window has been shown to be obscure glazed. It is noted that the windows to bedrooms on the east elevation would only be 12.5m approximately away from no. 19s garden. The surrounding context is considered to be a tight urban grain where some overlooking is expected. However, as these windows directly look to the garden of this property and would be at an elevated level there would be some loss of privacy within the garden of no. 19. Therefore, it was discussed with the agent about including angled windows to face the direct outlook away from this neighbour. They have agreed to a condition for details of this for the rear bedrooms for units 14, 15, 20 and 21. The shadow study that is submitted within the design and access statement shows that due to the orientation of the buildings with no.19 being located to the south of the application site and the stepped nature of the building there would not be a concern with loss of light.
- 10.41 The site would be opposite the residential properties on St James Road. While the proposal would see an increase in height from the existing buildings it is not considered to be an unacceptable relationship. There is a separation of approximately 14m between building line to building line. While the existing residents outlook would change it is not considered significantly different than other properties in the area which are located on either side of the road facing one another. This is also considered a reasonable relationship in terms of privacy. It is noted that there is a concern that there would be a tunnel effect for the terraced properties as they have the existing block of flats to their rear and then the proposed block of flats to their front. However, the submitted shadow study explains that by setting the third floor back by 1.7m it significantly reduced the overshadowing impact the facades of No.'s 152-160 and No. 121A St. James' Road. The proposal will cast shade on the 152 – 160 facades, but they will only affect the ground floors during the mornings in winter months and they will be out of the shadow during the afternoons and throughout the day during summer months.
- 10.42 Although there is limited outdoor amenity space provided on site, the majority of apartments would benefit from external private amenity space by way of a balcony or small garden. The site is also within close proximity to Hilbert and Grosvenor Recreation Ground and Local Wildlife Site, where future residents have easy access to green open space. The development has been designed to avoid mutual overlooking between the proposed apartments.

- 10.43 The proposal includes the provision of heat source pumps which can be quite noisy. Environmental Protection has requested a condition being included for a noise assessment before they are installed.

#### **Affordable Housing**

- 10.44 Core Policy 6 of the Core Strategy requires that sites that are capable of delivering 10 dwellings or more will be required to provide 35% affordable housing on site. Policy H3 in the Submission Local Plan states that sites comprising over half brownfield land delivering a net increase of more than nine dwellings will be expected to include a minimum of 30 percent of the gross number of residential units as on-site affordable housing provision.
- 10.45 The application proposed 24 apartments therefore 30% would equate to a requirement of 8 units with 60%, a total of 5 units would be social rent the remaining 3 for intermediate to provide a policy compliant provision. The Affordable Housing Officer has stated that as the number of units on the site would be considered small, it is advised that all 8 units should be considered at the same tenure which would be a more attractive proposition for registered providers to acquire.
- 10.46 The agent has approached three Registered Providers (RP) to take on the units, but they are all unwilling to progress as the number of units is too small and it is below their threshold. The Affordable Housing Officer has also approached two further RP, one also advised the site was too small and the other did not reply.
- 10.47 As such it would not seem that the applicant would be able to partner with an RP to deliver the required provision of affordable housing as the RP's do not consider the site desirable. On this basis we are willing to accept the unit tenure onsite to be the Shared Ownership for provision for 3 units alongside an Affordable Housing financial contribution equivalent to the 5 units of social rent, which would equate to £520,975.20. This would be used for offsite provision for the general needs to be allocated to Housing register applicants.

#### **Renewable Energy**

- 10.48 A sustainability statement has been submitted as part of the application. The report indicates that the proposed development has been designed to be sustainable and energy efficient building year-round. The proposal would include air source heat pumps and the flat roof would offer future opportunities for solar panels. The proposed renewable energy would reduce carbon dioxide emissions from the site by and is considered to meet the requirements of the Council's Renewable Energy Supplementary Planning Document. The provision of renewable energy on site can be secured by condition.

#### **Recreation Open Space**

- 10.49 Policy R2 of the Local Plan refers to the provision of recreation open space in new residential developments. It states that on residential developments of up to 150 bedspaces, or on sites where playspace cannot be provided on site it is likely that a financial contribution will be required towards the provision of children's playspace in the locality. At present, given the condition of the play area at Hilbert & Grosvenor Recreation Ground, the Council's Parks team have confirmed that no contribution is required towards children's play space.
- 10.50 A financial contribution of £62,553 has been sought towards adult and youth recreation open space, which is proposed to be secured by Section 106 agreement. This money would be used towards works at Hawkenbury Recreation Ground. The

proposed development meets the need for recreation open space in the locality in accordance with Policy R2 of the Local Plan.

### **Flood Risk & Drainage**

- 10.51 A Flood Risk Assessment and Drainage Strategy have been submitted with the application that confirms the site is of low risk of flooding. KCC Water and Drainage have been consulted on the proposal and note that the surface water from the site will be discharged to the combined southern water sewer located to the north of the site at 1.5 l/s for all events up to and including the 100 (+CC) year event. Permeable paving, green/blue roofs and planting areas will also provide attenuation to accommodate rainfall up to the 100 (+CC) year event.
- 10.52 KCC have no objection to the principle of the proposals but did have some comments relating to some missing appendices. These have now been provided and KCC confirm that they have no objection subject to conditions.
- 10.53 Southern Water have also been consulted on the proposal and confirm that they can facilitate foul sewerage and surface water runoff disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. An informative can be included to inform the developers about this.

### **Ecology**

- 10.54 It is considered that the majority of the site is considered to be of limited ecological interest. The proposal also proposes green roofs and raised planters and landscaping, which would enhance biodiversity and soften the building and provide a net gain.

### **Contributions**

- 10.55 The proposal would have an additional impact on the delivery of community services, which would require mitigation through the payment of an appropriate financial contribution. The following contributions have been sought towards secondary education, adult education, youth services and healthcare:
- £21,565.00 towards provision of additional places in the Tonbridge & Tunbridge Wells non-selective and West Kent selective secondary education planning groups.
  - £10,493.04 towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care
  - £1,572.00 towards equipment and resources for Youth Centres serving the development, including Outreach Youth Services.
  - £4,408.08 towards Tunbridge Wells Waste Transfer Station and HWRC expansion.
  - £20,412 towards refurbishment, reconfiguration and/or extension of general practice premises in the area.
- 10.56 Contributions have also been requested for £62,553 towards adult and youth recreation open space and £520,975.20 towards offsite affordable housing provision as discussed above.

### **Other Matters**

- 10.57 Environmental Protection (EP) have been consulted on the proposal and have made comments on various factors. The development might have an impact on existing

residents during the construction phase therefore an informative has been included for broad compliance to the Mid Kent Environmental Code of Development Practice.

- 10.58 There could also be noise implications from the proposed heat source pumps and the plant room/substation. EP have requested an acoustic assessment should be provided to in relation to the substation and the air source heat pumps along with details of any mitigation that is being proposed. This has been conditioned.
- 10.59 The site lies outside of the Air Quality Management Area (AQMA). The Environmental Health Officer (EHO) considered that the scale of the development and/or its position warrant either an air quality assessment or an Air Quality Emissions Reduction condition applied to it.
- 10.60 The EHO has requested conditions for a lighting scheme, for the removal of the asbestos to be carried out by a licensed contractor and a condition for contamination.

### **Conclusion**

- 10.61 The proposal seeks to provide 24 residential units on a previously developed site, within the Limits of Built Development of Tunbridge Wells. The principle of residential development on this site and the loss of the existing employment are considered acceptable. The proposal makes effective use of land in a sustainable location. The height, mass and scale of the proposed building reflect that of other apartment blocks in the locality. The proposed building and landscaping would enhance the visual amenity of the locality. The proposal would not result in significant harm to residential amenity of neighbouring properties. The proposal would not be harmful to highway safety and would provide the maximum number of car parking spaces on site as set out in Policy TP6 of the Local Plan. The proposed development includes significant planning gain in respect to the funding towards community facilities/services, including affordable housing, education, sustainability, healthcare and recreation open space. Overall, the proposed development is considered to be acceptable in the balance of issues discussed within this report and there are not considered to be any other material considerations which would indicate a refusal of planning permission.

## **11.0 RECOMMENDATION –**

### **A) GRANT SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 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 30 JUNE 2023 (UNLESS A LATER DATE BE AGREED BY THE HEAD OF PLANNING SERVICES) TO SECURE THE FOLLOWING:**

- Affordable housing 3 shared ownership affordable housing.
- A contribution of £520,975.20 towards offsite affordable housing.
- £21,565.00 towards Provision of additional places in the Tonbridge & Tunbridge Wells non-selective and West Kent selective education planning groups.
- £10,493.04 towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care
- £1,572.00 towards equipment and resources for Youth Centres serving the development, including Outreach Youth Services.
- £4,408.08 towards Tunbridge Wells Waste Transfer Station and HWRC expansion

- £20,412.00 towards refurbishment, reconfiguration and/or extension of general practice premises in the area
- £62,553.00 towards adult and youth recreation open space

**TOTAL CONTRIBUTIONS: £641,978.32**

**AND SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1) The works hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance 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 permission shall be carried out in accordance with the following approved plans:

Proposed ground floor plan, drawing number: 160 02 00 (Rev P3)  
Proposed first floor plan, drawing number: 160 02 01 (Rev P2)  
Proposed second floor plan, drawing number: 160 02 02 (Rev P2)  
Proposed third floor plan, drawing number: 160 02 03 (Rev P2)  
Proposed roof plan, drawing number: 160 02 04 (Rev P2)  
Proposed street elevations, drawing number: 160 03 10 (Rev P2)  
Flat types 01, drawing number: 160 05 01 (Rev P2)  
Flat types 02, drawing number: 160 05 02 (Rev P2)  
Flat types 03, drawing number: 160 05 03 (Rev P2)  
Flat types 04, drawing number: 160 05 04 (Rev P2)  
Flat types 05, drawing number: 160 05 05 (Rev P2)  
Elevation Bay Studies, drawing number: 160 06 01 (Rev P2)  
Proposed views 1 and 2, drawing number: 160 SK 01 (Rev P2)  
Proposed views 3 and 4, drawing number: 160 SK 02 (Rev P2)  
Proposed views 5 and 6, drawing number: 160 SK 03 (Rev P2)  
Proposed survey details, drawing number: 16579-22  
Block Plan, drawing number: 160 01 01 (Rev P1)  
Sectional Elevation AA and north east elevation, drawing number: 160 03 01 (Rev P4)  
Sectional Elevation BB and east elevation, drawing number: 160 03 02 (Rev P3)  
Sectional Elevation EE and west elevation, drawing number: 160 03 01 (Rev P3)  
Proposed section DD and FF, drawing number: 160 03 04 (Rev P2)  
Highway Response Note to KCC

Reason: To clarify which plans are approved.

- 3) Prior to the commencement of the development, a Construction and Demolition Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The construction/demolition of the development shall be carried out in accordance with the approved Construction and Demolition Environmental Management Plan and BS:5228 Noise Vibration and Control on Construction and Open Sites and the Control of Dust from Construction Sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The Plan shall include:

- Measures to minimise the production of dust on the site.

- Measures to minimise the noise (including vibration) generated by the construction and demolition process.
- Details of areas for materials storage.
- Details of parking during construction.
- Management of traffic visiting the site, including parking provision for site operatives including an undertaking that HGVs must not reverse into or out of the site unless under the supervision of a banksman.
- Measures to prevent the transfer of mud and extraneous material onto the public highway.
- Working hours

Reason: This information is required prior to the commencement of the development, in order to protect the amenity of local residents and in the interests of highway safety.

- 4) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.

Reason: This information is required prior to the commencement of the development, 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.

- 5) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the



Flood Risk Assessment and Outline Drainage Strategy (14/10/22) 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.

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 7) Notwithstanding the details hereby approved and prior to the commencement of above ground works, written details and samples of external materials to be used within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved external materials unless otherwise agreed in writing by the Local Planning Authority..

Reason: In the interests of visual amenity.

- 8) Prior to the commencement of above ground works, the following architectural details shall be submitted to and approved in writing by the Local Planning Authority:
- a) 1:10 or 1:5 scale typical elevation detail of brickwork patterns
  - b) 1:5 scale typical section detail of architraves
  - c) 1:10 or 1:20 scale elevation drawings of boundary walls including details of coping

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

Reason: In the interests of visual amenity.

- 9) Prior to the commencement of above ground construction on the individual buildings identified below, a scheme to reduce overlooking to neighbouring dwellings shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details;
- Rear bedroom windows to units 14, 15, 20 and 21 on the western elevation of the building

The submitted scheme can include measures such as the removal, movement within or onto another elevation, or alteration of window locations or shapes, or opening mechanisms; or the introduction of angled or oriel windows. Any windows shown to be fixed shut or obscure glazed within the approved scheme shall be fitted with obscure glazing, Pilkington level 3 or higher (or equivalent) and/or fixed shut (as applicable). Both the obscured glazing and the non-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be permanently retained as such.

Reason: In the interests of the residential amenities of adjacent dwellings

- 10) Notwithstanding the details hereby approved and prior to the first occupation of development, details of hard and soft landscaping and a programme for carrying out the works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of hard landscape works, including hard surfacing materials and details of soft landscape works, including planting plans, written specifications and schedules of plants/trees, noting species, plant sizes and proposed numbers/densities where appropriate. The details shall also include details of the raised planters (including species) and further details of the green roofs, including species and depth of substrate.

Reason: In the interests of visual amenity and biodiversity.

- 11) The approved landscaping scheme shall be carried out within the first planting season following completion of the development. Any trees or other plants which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In the interests of visual amenity.

- 12) Notwithstanding the details hereby approved, prior to the first occupation of the development, details of boundary treatments (including walls, fences and railings and any railings/means of enclosure required for the access ramp) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a plan indicating the position, design, materials and type of boundary treatment to be erected. The approved boundary treatments shall be completed prior to the first occupation of the development hereby approved, and thereafter retained.

Reason: In the interests of visual amenity.

- 13) The area shown on the approved site layout plan as vehicle parking and turning space, shall be paved and drained in accordance with details to be submitted to and

approved in writing by the Local Planning Authority before the first occupation of the development and thereafter retained for the use of the occupiers of, and visitors to the premises. No permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Orders), shall be carried out on that area of land or in such a position as to preclude its use.

Reason: In the interests of highway safety and to ensure adequate parking provision on site.

- 14) Prior to the commencement of above ground works, details of the provision of electric vehicle charging points within the development, including a timescale for their provision, shall be submitted to and approved in writing by the Local Planning Authority. Ducting shall be provided to all parking spaces in line with the Council's Electric Vehicle Charging Infrastructure Guidance Document. The charging points shall be provided in accordance with the approved details, unless otherwise in writing by the Local Planning Authority.

Reason: In the interest of sustainable development.

- 15) Provision and maintenance of the pedestrian visibility splays shown on drawing 31354/AC/004-A (within Highway Response Note to KCC) behind the footway on both sides of the accesses to each parking area, as show on the submitted plan, with no obstructions over 0.6m above footway level prior to the use of the site commencing.

Reason: In the interests of pedestrian safety.

- 16) Prior to the commencement of above ground works the design and specification of the full height kerb which will replace the unrequired dropped kerb 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: In the interests of highway and pedestrian safety.

- 17) The approved bicycle storage shall be completed prior to first occupation of the development and thereafter retained.

Reason: To ensure the provision and retention of adequate off-street cycle parking facilities in the interests of promoting sustainable transport modes.

- 18) Before first occupation of the development hereby approved, the refuse storage facilities and screening shall be completed in accordance with the approved details and thereafter retained.

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

- 19) Prior to the commencement of above ground works, written and illustrative details for energy and 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.

- 20) The developer shall provide information on sustainable travel to the first occupants of each apartment hereby approved. The travel packs shall provide details on the local car club, including joining/membership information. It shall also include details of cycle routes and local train and bus services.

Reason: To promote sustainable modes of transport and reduce car use on site.

- 21) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of the current version of BS 4142 for rating and assessing industrial and commercial sound: shall be low as reasonably possible. In general, this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5dB the applicant's consultant should contact the Environmental Protection Team to agree a site specific target level.

Reason: In the interests of residential amenity

- 22) Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in gardens and other relevant amenity areas will conform to the standard identified by the current version of BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - shall be submitted to and approved in writing by the Local Planning Authority. The assessment should have regard to ProPG: Planning & Noise (2017) and the Acoustics Ventilation and Heating Guide (2020) to ensure that there is a good balance between acoustics, ventilation and thermal comfort for future occupants. It is expected that higher levels of noise that require windows to be closed to meet BS8233 internal level specifications will need greater ventilation than the minimum standard in the Building Regulations in trying to achieve open window equivalence which will involve user control of ventilation rates to key rooms such as living rooms and bedrooms. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of residential amenity

- 23) Prior to the first use of the electricity substation an acoustic report assessing the impact shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the station to ensure that there is no loss of amenity to residential or commercial properties. For residential accommodation, the scheme shall ensure that the low frequency noise emitted from the substation is controlled so that it does not exceed the Low Frequency Criterion Curve for the 10 to 160Hz third octave bands inside residential accommodation as described in The DEFRA Procedure for the assessment of low frequency noise complaints 2011 (NANR45). The assessment can be a measurement or a calculation to demonstrate internal levels. The equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant no new plant shall be used without the written consent of the local planning authority.

Reason: In the interests of residential amenity

- 24) 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 prior to the commencement of the development. This scheme shall take note of and refer to the Institute of ILP Guidance Note 01/21 The Reduction Of Obtrusive Light (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of residential amenity

- 25) The development hereby permitted shall incorporate measures to minimise the risk of crime. No dwelling shall be occupied until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the dwelling in which it relates, or prior to the completion of the development if it relates to works outside the curtilage of a dwelling, and thereafter retained.

Reason: In the interest of security, crime prevention and community safety.

#### **INFORMATIVES:**

- 1) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) The applicant is advised to read Southern Water's New Connections Services Charging Arrangements document, which is available to view on the following link: <https://beta.southernwater.co.uk/infrastructure-charges>
- 2) It is recommended that the developer works with a telecommunication partner or subcontractor to make sure that Next Generation Access Broadband forms an integral part of the project. For advice on how to proceed with providing access to superfast broadband please contact [broadband@Kent.gov.uk](mailto:broadband@Kent.gov.uk)
- 3) It is the responsibility of the applicant to ensure, before the development is commenced that all necessary highway approvals and consents where required are obtained and that the limits of the highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by Kent County Council whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries> The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 4) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- 5) It is suggested to the applicant that there is early engagement with the occupiers of the neighbouring properties in respect of any discussions and agreement under the Party Wall Act 1996.
- 6) It is recommended that the applicant/developers ensure that the two disabled parking bays shall be designed with appropriate markings and layout.

Reason: To ensure adequate parking provision on site.

**(B) If the applicant fails to enter into such agreement by 30 JUNE 2023, the Head of Planning Services shall be authorised to REFUSE PERMISSION for the following reasons (unless a later date be agreed by the Head of Planning Services):**

- (1) The proposal fails to make provision for affordable housing and would therefore conflict with the National Planning Policy Framework, National Planning Practice Guidance, Core Policies 1, 6 and 9 of the Tunbridge Wells Borough Core Strategy 2010 and the Council's Affordable Housing Supplementary Planning Document.
- (2) The proposal fails to make provision for recreation open space and would therefore fail to comply with the National Planning Policy Framework, National Planning Practice Guidance, Core Policies 1 and 8 of the Tunbridge Wells Borough Core Strategy 2010, Policy R2 of the Tunbridge Wells Borough Local Plan 2006 and the Council's Recreation Open Space Supplementary Planning Document.
- (3) The proposal fails to make provision for community services/facilities, such as secondary schools, adult education, youth services and healthcare and would therefore fail to comply with the National Planning Policy Framework, National Planning Practice Guidance, Core Policies 1 and 8 of the Tunbridge Wells Borough Core Strategy 2010 and Policy CS4 of the Tunbridge Wells Borough Local Plan 2006.

Case Officer: Charlotte Oben

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.