

REPORT SUMMARY

REFERENCE NO - 22/00238/FULL

APPLICATION PROPOSAL

Demolition of existing buildings and structures on site and construction of 94no. residential dwellings and a remote working/community hub with open space, landscaping, roads, access, footpaths, public lighting and all associated site development works including retaining walls/structures where required.

ADDRESS W A Turner Ltd Broadwater Lane Royal Tunbridge Wells Kent TN2 5RD

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

- In the absence of a five year supply of housing, the housing supply policies (including those related to the Limits to Built Development (LBD) are “out-of-date”.
- Paragraph 11 and Footnote 7 of the National Planning Policy Framework (NPPF) requires that where relevant policies are out-of-date that permission for sustainable development should be granted (and all other material considerations are satisfied);
- The site is not within an area of particular importance which provides a clear reason for refusing the proposed development;
- The proposal would result in the delivery of sustainable development and therefore, in accordance with Paragraph 11 of the NPPF, permission should be granted, subject to all other material considerations being satisfied. The proposal is considered to accord with the Development Plan and Local Policy in respect of these material considerations;
- The proposal would remove a dated and empty former industrial building which has a negative impact on the surrounding area;
- The site is allocated for residential development in both the current and Submission Local Plan;
- The proposal will deliver 10 new affordable housing units which includes 6 new socially rented units;
- Whilst the scheme does not provide a policy compliant level affordable housing, the applicant has provided a detailed viability appraisal which has been independently assessed by TWBC’s consultants and thus there is considered to be sufficient justification to depart from adopted policy in this respect;
- There would not be any significant ecological impact as a result of the proposed development and a scheme of ecological enhancement can be secured;
- The traffic movements generated by the development can be accommodated without detriment to safety on the public highway;
- The development would not be significantly harmful to the residential amenities of neighbouring dwellings;
- The development can be accommodated around the existing trees;
- The number of residential units and the mix of unit sizes are considered to be appropriate to this site;
- The proposal would deliver a betterment in terms of surface water run-off rates from the site through a SuDS scheme;
- The proposal would secure financial contributions towards TWBC, KCC and NHS projects

(detailed below);

- The proposal is within the LBD of Tunbridge Wells, a tier 1 settlement as defined within the 2010 Core Strategy which hosts a wide range of shops, schools and other amenities;
- The site is in a sustainable location close to a major bus route, within walking distance of shops, a nursery, a recreation ground, primary schools and other facilities/amenities;
- The design of the scheme is on balance considered acceptable;
- Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition.

INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

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

NHS West Kent Clinical Commissioning Group (Towards refurbishment, reconfiguration and/or extension of Lonsdale Medical Centre, The Wells Medical Practice, Grosvenor & St James Medical Centre, Kingswood Surgery and Rusthall Medical Practice and/or towards new general practice premises development in the area)	£76,392.00
KCC Secondary Education (Towards expansion of Bennett Memorial Diocesan School)	£186,140.00
KCC Community Learning/Social Care/ Libraries (Towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care)	£41,097.74
KCC Youth Service (towards additional resources for the Kent Youth Service locally at Calverley Park, engaging young people to build relationships and maintain positive social behaviours in public spaces)	£6,157.00
KCC Waste (Towards Tunbridge Wells Waste Transfer Station and Household Waste Recycling Centre expansion)	£17,264.98
KCC: Public Rights of Way & Access Service (Towards the improvement of Public Footpath WB24 from the A26 to its connection with restricted byway WB28)	£3,000.00
TWBC: Towards improvements to local cycling and walking infrastructure to achieve more active travel and sustainable modes in the vicinity of the Development along Broadwater Lane and Underwood Rise, between the Showfields Estate/Eridge Road and the 'BT Engineering' site, in general accordance with schemes in the Borough Council's Local Walking and Cycling Infrastructure Plan	£47,000.00
Commons Conservators: Towards increased resourcing of the day-to-day maintenance costs of the Commons in accordance with the Conservators' Management Plan, including but not exclusively, litter bin servicing and waste disposal, bench restoration, footpath management and tree management	£18,800.00
TWBC: Youth and Adult Recreation (towards provision of improvements and upgrades to towards Eridge Road allotments, or the proposed football centre of excellence in Hawkenbury)	£239,751.00
TWBC: Children's Recreation (towards the Hunters Play Area (Showfields) Hunters Way Royal Tunbridge Wells Kent first; or the Showfields Infant Play Area, Showfields Road)	£42,454.16

TOTAL		£678,056.88	
Net increase in numbers of jobs: N/A			
Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A			
The following are not considered to be material to the application:			
Estimated annual council tax benefit for Borough: £18212.50			
Estimated annual council tax benefit total: £190797.44			
Estimated annual business rates benefits for Borough: N/A			
REASON FOR REFERRAL TO COMMITTEE			
Significant major application of over 20 dwellings and recommended for approval			
WARD Broadwater	PARISH/TOWN COUNCIL N/A	APPLICANT Urban Life (TBW) Limited AGENT Judith Horgan	
DECISION DUE DATE 31/12/23 EOT	PUBLICITY EXPIRY DATE 06/07/23	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
02/00073/FUL	Pitched roof infill	Granted	25/03/02
01/01313/FUL	Installation of Nitrogen tank	Granted	29/08/01
00/01969/FUL	Amendment of car parking and waste storage/recycling area and amendment of fencing to boundary and new car only exit	Granted	13/12/00
00/01800/FUL	New entrance lobby and canopy, new despatch bay enclosure and new cladding to existing facade and cladding painting	Granted	13/12/00
99/00196/FUL	Three storey infill extension	Granted	31/07/98
98/01005/FUL	External housing for relocation of tray wash linked to main building	Granted	31/07/98
98/00327/FUL	External housings including energy centre, transformer compound & electrical switchroom	Granted	14/05/98
97/01294/FUL	Plastic tray holding area	Granted	06/10/97
96/00418/FUL	Revised vehicle parking/loading arrangements & regularisation of waste storage area by variation of condition 03 of TW/95/00292	Granted	01/11/96
95/00292/FUL	Single storey cold store extension; Demolition of engineers workshop and provision of additional parking	Granted	14/08/95
93/00136/FUL	Replacement of existing asbestos roof and installation of two flour silos	Granted	17/06/93
92/00451/FUL	Erection of 1.8m high close boarded fence	Granted	15/09/92
91/00368/FUL	Liquid nitrogen storage tank	Granted	10/07/91
86/00851/FUL	Extension to engineering workshop	Granted	13/11/86
85/01111/FUL	First floor office addition treatment & cladding to new	Granted	11/11/85

	& existing walls. New entrance canopy.		
85/00604/FUL	Temporary stationing of two portacabins for office purposes.	Granted	21/06/85
85/00367/FUL	Renewal of consent - Temporary office accommodation and refurbishment works	Granted	16/07/85
84/00943/FUL	New roof over production area	Granted	10/09/84
84/00641/FUL	Plant room extension.	Granted	15/07/84
82/01396/FUL	Glazed cover to existing walkway	Granted	31/01/83
82/01045/FUL	Additional changing facilities and seb switchroom.	Granted	16/11/82
82/00351/FUL	Temporary office accommodation during factory construction and refurbishing work.	Granted	27/04/82
81/01217/FUL	Additional production space.	Granted	06/03/82
81/00455/FUL	Alterations to treatment of front elevation	Granted	18/05/81
79/00302/FUL	New access staircase.	Refused	08/06/79
77/00857	New workshop	Granted	17/01/78
76/00282	Sub-station/junction switchgear building	Granted	03/05/76
76/00239	Extensions.	Granted	03/05/76
70/0210	Additions to cloakrooms	Granted	1970
69/0325	Alterations and additions to workshop	Granted	1969
65/0490	Extensions of canteen	Granted	1965
65/0220	Engineers workshop	Granted	1965
64/0451	Cloakroom building	Granted	1964
64/0268	Garage	Granted	1964
63/0407	Extension and garage	Granted	1963
63/0285	Extension	Granted	1963
63/0203	Outline – extension	Granted	1963
55/0068	Alterations to use top floor for offices and storage	Granted	1955
54/0186	Addition to 1 st floor	Granted	1954
51/0049	Extension to factory	Granted	1951

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This site lies towards the southern end of Tunbridge Wells. It comprises a redundant meat processing factory and its associated car parking areas which are accessed off Broadwater Lane. The land to the west (on the opposite side of the road) is residential, with a combination of flats and houses arranged around two cul-de-sacs (The Goodwins and Cobbetts Ride). Beyond these to the west is the Showfields Estate. There is further residential development to the south (Underwood Rise and School Rise) and beyond this Broadwater Primary School and the children's centre next door.
- 1.02 The rest of the site is surrounded by industrial and commercial uses. To the north of the site (beyond its shared vehicular/pedestrian access) is a large commercial building split in to two units (a supermarket and a garden/DIY centre). There is also a petrol filling station to the NE. These surround a large car park which serves the aforementioned buildings plus the Sainsburys superstore on the opposite side of the car park. To the east of the site is an overflow car park associated with the

Sainsburys site, plus a BT Telephone Engineering Centre which is used a depot for a communications provider. There is a narrow belt of trees/undergrowth to the south and scattered treelines along the north and east edges.

- 1.03 The site itself is relatively level although there are significant level changes between the neighbouring lands and the site towards the south and east. The land to the east is at a notably higher level than the application site; the land at the top of the banking (outside the application site) rises to a point that is approximately 7m higher than the ground level of the factory. The site is almost entirely covered by buildings or hardstanding except for a few frontage trees along the western boundary with Broadwater Lane.
- 1.04 The buildings and wider site are a functional site and does not positively impact on the character or appearance of the surrounding area. The industrial use - that is the site's lawful use - pre-dates the current planning system and has very few controls restricting uses, hours of use, etc.

2.0 PROPOSAL

- 2.01 The proposed development includes the demolition and clearance of existing buildings and structures on site and construction of 94no. residential dwellings (36no. houses and 58no. apartments) and a remote working/community hub for use by residents of the new development. The dwelling mix is as follows;

No. of Bedrooms	1	2	3	4	Total
Apartments	38	20	-	-	58
Houses	-	-	10	26	36
	38	20	10	26	94

- 2.02 The buildings proposed will range from two to three storeys in the case of houses and up to five storeys in the case of apartment buildings. The housing takes the form of five blocks numbered 1-5. The majority of the apartments are within Block 6 to the south of the site. The community hub building (Block 7) is three storeys in height and contains 6no. affordable housing (rented) apartments in addition to the community hub (107sq.m) at ground floor level. It is intended that part of this building will act as a remote working and community hub for residents of the development. It will provide space for people to 'work from home' in a remote co-working environment.
- 2.03 The proposal includes the provision of open space, landscaping, roads, footpaths, public lighting and all associated site development works including retaining walls/structures where required. Two vehicular accesses will be provided, the southern access remains in the same location as the existing access to the factory with the proposed northern access located 123m to the north of the existing access onto Broadwater Lane which is subject to a 30mph restriction.
- 2.04 The site is split with 30no. dwellings and community hub accessed from the proposed northern access and 64no. dwellings accessed from the southern access. Car parking is provided in a combination of in-curtillage and on street parking. Cycle parking is provided for the apartments in a combination of outdoor short-term parking and indoor secure parking at ground floor level.

- 2.05 Two areas of public/communal open space are proposed for residents. A public open space is provided north of the community hub (c.390sq.m) which will include an informal play area. The apartments include a communal terrace (230sq.m) at podium level. The majority of dwellings proposed have their own private open space either in the form of rear gardens in the case of houses or balconies/ground floor terraces in the case of apartments.
- 2.06 The scheme as initially submitted did not include affordable housing but following a viability review it now comprises 10.6% affordable dwellings.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area	1.34ha	1.34ha	No change
Land use	B2 meat processing factory	94 No. dwellings	
Number of jobs	The former factory occupier employed around 200 people	None	-200
Car parking spaces	Approximately 30 plus goods vehicle parking/delivery	127 (54 on-plot; 73 off-plot within the development)	+approx. 100
No. of storeys	Between 1 and 2 floor levels within factory, plus basement	Blocks 1-5: 2.5 storeys Block 6: 3 storeys (split level) Block 7: 2 storeys Apartment blocks: 3-5 storeys (split level)	
Max height	9.85m	Block 1-5: 9.4m Block 6: 12.4m Block 7: 9.5m Apartment Block 1: 14.6m Apartment Block 2: 8.2m Apartment Block 3: 17.7m	
Max eaves height	9.85m	Block 1-5: 5.3m Block 6: 8.2m Block 7: 5.7m Apartment Block 1: 14.6m Apartment Block 2: 8.2m Apartment Block 3: 17.7m	
Total no. of residential units	N/A	94 (36 houses, 58 apartments)	+94
No. of affordable units within above figure	N/A	10 (4 houses, 6 apartments)	+10

4.0 PLANNING CONSTRAINTS

- Within 9-10km Zone Of Influence For Ashdown Forest SAC/SPA

- Limits to built development INSIDE
- Area Of Landscape Importance – southern end of site adjacent to Underwood Rise
- Potentially Contaminated Land
- Broadwater Lane is a Public Footpath

5.0 POLICY AND OTHER CONSIDERATIONS

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

Site Allocations DPD (July 2016)

Policy AL/STR 1: Limits to Built Development

Policy AL/STR 2: Environmental and Recreation Designations

Policy AL/RTW 13: Tunbridge Wells Telephone Engineering Centre and WA Turner Factory, Broadwater Lane

Tunbridge Wells Borough Core Strategy 2010

Core Policy 1: Delivery of Development

Core Policy 3: Transport Infrastructure

Core Policy 4: Environment

Core Policy 5: Sustainable Design and Construction

Core Policy 6: Housing Provision

Core Policy 7: Employment

Core Policy 8: Retail, Leisure and Community provision

Core Policy 9: Tunbridge Wells

Tunbridge Wells Borough Local Plan 2006

Policy EN1: Development Control Criteria

Policy EN8: Lighting

Policy EN13: Tree and Woodland Protection

Policy EN16: Protection of groundwater and other watercourses

Policy EN18: Flood Risk

Policy EN24: Area of Landscape Importance

Policy H2: Small and intermediate sized dwellings

Policy H5: Residential development within Limits to Built Development

Policy TP3: Multi-modal access for large-scale residential developments

Policy TP4: Access to the Road Network

Policy TP5: Parking Provision with New Development

Policy TP9: Cycle Parking

Policy TP18: Cycle route network in Royal Tunbridge Wells

Policy CS4: Development contributions to school provision for developments over 15 Bedspaces

Policy R2: Provision of recreation open space in new residential development

Supplementary Planning Documents:

Renewable Energy SPD (2007 and update January 2014) and 2019 Energy Policy Position Statement

Recreation and Open Space SPD

Affordable Housing SPD

Noise & Vibration SPD

Other documents:

Kent Design Guide Review: Interim Guidance Note 3 (Residential parking);

KCC Supplementary Planning Guidance SPG 4 - Kent Vehicle Parking Standards
July 2006

Tunbridge Wells Borough Submission Local Plan 2020-2038

Policy STR1: The Development Strategy
Policy STR2: Place Shaping and Design
Policy STR3: Brownfield Land
Policy STR4: Ensuring Comprehensive Development
Policy STR5: Infrastructure and Connectivity
Policy STR6: Transport and Parking
Policy STR7: Climate Change
Policy STR8: Conserving and Enhancing the Natural, Built, and Historic Environment
Policy STR/RTW1: The Strategy for Royal Tunbridge Wells
Policy AL/RTW 12: Land at Tunbridge Wells Telephone Engineering Centre, Broadwater Down
Policy AL/RTW 13: Turners Pie Factory, Broadwater Lane
Policy EN1: Sustainable Design
Policy EN2: Sustainable Design Standards
Policy EN3: Climate Change Mitigation and Adaptation
Policy EN4: Historic Environment
Policy EN8: Outdoor Lighting and Dark Skies
Policy EN9: Biodiversity Net Gain
Policy EN12: Trees, Woodland, Hedges, and Development
Policy EN14: Green, Grey, and Blue Infrastructure
Policy EN16: Landscape within the Built Environment
Policy EN21: Air Quality
Policy EN22 Air Quality Management Areas
Policy EN24: Water Supply, Quality, and Conservation
Policy EN25: Flood Risk
Policy EN26: Sustainable Drainage
Policy EN27: Noise
Policy EN28: Land Contamination
Policy H1: Housing Mix
Policy H2: Housing Density
Policy H3: Affordable Housing
Policy H6: Housing for Older People and People with Disabilities
Policy ED3: Digital Communications and Fibre to the Premise
Policy ED8: Town, Rural Service and Neighbourhood Centres, and Village Settlements Hierarchy
Policy TP1: Transport Assessments, Travel Plans, and Mitigation
Policy TP2: Transport Design and Accessibility
Policy TP3: Parking Standards
Policy OSSR2: The Provision of Publicly Accessible Open Space and Recreation

6.0 LOCAL REPRESENTATIONS

- 6.01 The application was publicised by way of six site notices placed around the application site in February 2022. It was also advertised in a local newspaper.
- 6.02 Nine representations have been received, including the following issues;
- Pressure on local schools;
 - Parking;
 - Volume of traffic and impacts on nearby estate/junction with Eridge Road;

- Amount of affordable housing;
- Provision of active travel links – scheme should be better integrated with the Showfields Estate;
- Should be greater number of three-bedroomed houses rather than apartments;
- Impacts during construction phase;
- A community hub is probably not necessary but plans for this site should recognise the potential for livework units.

7.0 CONSULTATIONS

NHS CCG

7.01 **(08/02/22)** – This proposal will generate approximately 212 new patient registrations. The proposed development falls within the current practice boundaries of Lonsdale Medical Centre, The Wells Medical Practice, Grosvenor & St James Medical Centre, Kingswood Surgery and Rusthall Medical Practice.

7.02 There is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises. Whilst it is not possible at this time to set out a specific premises project for this contribution, CCG can confirm that based on the current practice boundaries would expect the contribution to be utilised as set out above. Any premises plans will include the pooling of S106 contributions where appropriate.

7.03 Following financial contributions sought; £76,392.00 towards refurbishment, reconfiguration and/or extension of Lonsdale Medical Centre, The Wells Medical Practice, Grosvenor & St James Medical Centre, Kingswood Surgery and Rusthall Medical Practice and/or towards new general practice premises development in the area.

Environment Agency

7.04 **(11/02/22)** - The development will require the inclusion of the five conditions. The previous industrial/commercial use of these buildings/land may have left contamination which could impact on the proposed development or cause it to impact on the environment. An assessment into the past uses of buildings/land and any potential risks arising from the buildings/grounds for the proposed end use and wider environment should be carried out prior to the development works proposed. In particular investigations should take account of any oil/fuel storage tanks, septic tanks, drainage systems, and materials storage. Any identified risks should be fully evaluated, if necessary by intrusive investigations, and appropriately addressed prior to the commencement of the development.

SGN

7.05 **(09/02/22)** – standard advice regarding construction near gas pipework.

Kent Police

7.06 **(23/02/22)** – *Officer Note: site specific comments are addressed in the 'Design and Trees' section of the appraisal.*

KCC Highways (summarised as later responses repeat comments from earlier responses)

7.07 **(27/06/23)** - This letter responds to further feedback from in a letter from the Stephen Ward Town Planning and Development Consultants Ltd, dated 8th June 2023. It also

responds to the updated Trip Generation in the most recently submitted Transport Assessment.

7.08 Pedestrian Link

The provision of a pedestrian link which provides a connection between Broadwater Lane and Linden Gardens is an important part of the strategy to maximise the pedestrian permeability and east-west connectivity. This increases the attractiveness of sustainable access to the site and has the potential to reduce the dependency on private car use for local journeys.

7.09 The point on the site boundary at which the proposed link is provided is vital to ensure the longer-term deliverability of the route through to Linden Gardens. In this respect, the proposed location of the pedestrian link on the eastern boundary of the site is not acceptable, since the land on the other side of the boundary is within multiple ownerships and it is therefore questionable whether a pedestrian route through to Linden Gardens could be delivered. It would be preferable for the pedestrian link from the site to connect with the RTW 12 allocated site of the Telephone Engineering Centre, which lies to the south of the point at which the proposed staircase would land on the boundary. This makes it possible for the pedestrian link to be completed once proposals for RTW 12 are progressed. The progressively greater change in levels further south along the boundary is noted. However, provision of a ramp within the site could overcome this and it would also accommodate the needs of wheelchair users or those with buggies who are excluded from using a stepped access. Reiterate previous comments that a ramp should be considered, as opposed to a stepped access.

7.10 Further investigation is needed of the options to provide a pedestrian link. I request that a holding objection is placed on this application until these issues are properly addressed. **(Officers' note: the pedestrian/cycle link issue is addressed in the appraisal)**

Cycle Access

7.11 It is suggested that a condition relating to cycle parking provision is imposed. High quality visitor cycle parking is required in communal areas and the cycle parking provision for the residential units should accord with KCC's parking standards.

Trip Generation

7.12 Further to comments in the letter dated 1st June 2023, the trip generation in Tables 2 to 5 of the most recently submitted Transport Assessment are now correct.

7.13 **(01/06/23 - summary)** - The comments below respond to a Technical Note submitted by the applicant, dated May 2023.

- The modelling results for the Broadwater Lane / A26 junction presented in Table 1 have been corrected. The results are now acceptable.
- Issues raised regarding net trip generation figures in Tables 2 and 4 of the Technical Note.

(21/04/23 - summary) –
Pedestrian and Cycle Links

7.14 It is acknowledged that four options have been considered to provide a new pedestrian and cycle link to the east. The challenges of each option are acknowledged. However, option 2 which is the applicants' preference, would not land in the RTW 12 site and would therefore require additional third party land to complete the pedestrian link through to Linden Gardens.

- 7.15 This risks the eventual deliverability of such a link. The alignment and point at which the pedestrian link crosses the site boundary should better mirror the plan in the proposals map for RTW 13.
- 7.16 Furthermore, the applicant states that *“the link would most likely be in the form of a staircase with a ramp for bicycle users.”* Whilst this may accommodate the needs of some pedestrians and cyclists, it would not accommodate wheelchair users, adapted cycles or buggies. A ramp would be preferable and should be considered. What is the width of the proposed link?
- 7.17 It is not accepted that traffic flows on Broadwater Lane do not justify a dedicated cycle provision. Provision of a connection along Broadwater Lane between the Development and the route agreed as part of the Showfields development would enhance the attractiveness of cycling for future residents at the Development. Support for the provision of high quality cycle infrastructure is set out in transport policy including LTN 1/20. The Transport Assessment notes that *“cycling should be considered as a viable option from the Site, given the relative proximity of National Cycle Network Route 18 which enables easy connections to destinations.”* Cycle improvements to Broadwater Lane would facilitate improved access to the wider area. Currently the proposals for the development site do not include any dedicated facilities for cyclists, aside from cycle parking for the flatted units, which is disappointing. The applicant should consider the scope for introducing cycle improvements to Broadwater Lane.

General Layout

- 7.18 Drawing number WIE-17825-110-005-A01 shows the existing and proposed Site Access Points, upon which it is stated that the maximum footway gradient is 1 in 12. Over what distance does this apply to? At this gradient, the physical effort of getting up the slope would be too much for many wheelchair users. The Kent Design Guide advises that the longitudinal gradient for a path should be <5%, i.e. <1 in 20. **(Officer note: the applicant clarified that this only relates to the dropped kerbs either side of the access, not the longitudinal gradient of the whole path. KCC Highways raised no further objections on this point).**
- 7.19 Dropped kerbs and tactile paving should be provided on the footway crossing points on Broadwater Lane, at the bellmouths of the proposed access points.
- 7.20 Swept path analysis for an 11.2 metre refuse vehicle accepted.

Modelling of A26 Eridge Road / Broadwater Lane

- 7.21 Error noted on revised Junctions assessment for the A26 Eridge Road / Broadwater Lane junction.

Trip Rates

- 7.22 Further information outstanding.

Parking Provision

- 7.23 As previously stated, the site is located between an Edge of Centre / Suburban location. A second space for 4 bedroom houses is welcomed. Would continue to discourage a provision of 1.5 spaces for 3 bedroom houses.

Contributions

- 7.24 KCC seek funding of £500 per dwelling towards the LCWiP which would provide £47k towards active travel design and/or infrastructure.

(11/01/23) –

Local Plan Policies and Sustainable links

7.25 Following additional information required;

- Further details, of the potential cycle/pedestrian link with adjoining site (including width and levels etc) which has been identified and which should also be shown in context on a wider plan to identify its potential and as to how it can address the required linkages to Linden Gardens and the adjacent site at RTW12.
- A tie up with the proposed cycle link adjacent to the railway to the north of the Showfields Estate, together with extension to the north, supported by RSA 1.
- Further detailed access drawings sought, along with swept path analysis for the 11.4m refuse vehicle.
- Plan showing areas of proposed adoption requested, for consultation with the Agreements Team;
- Discussion of existing trip rates;
- Errors identified on modelling of Broadwater Lane/A26 junction

Modelling of Neville Terrace roundabout

7.26 The adjusted counts which have provided a robust assessment .

Parking

- 7.27 A lack of well designed and self enforcing parking provision can undermine the success of a scheme. KCC 's emerging standards have been out to public consultation and can be found in the consultation document for *KDG Kent Design Guide | Let's talk Kent*. Reiterate that provision of 1.5 spaces for 3 bed units has not been found to work well . Provision of a second curtilage spaces for the larger 4 bed units is also found to work better. The calculations have also made no reference to visitor requirements.
- 7.28 Further clarification and details of proposed cycle parking provision across the site is required to demonstrate that standards have been met.
- 7.29 No additional parking provision has been included for the business centre but it is noted that this is intended for use by residents and can be conditioned as such.

(11/03/22) –

Further information sought regarding;

- pedestrian and cycle linkages between Broadwater Lane and Linden Gardens.
- Clarification of the access arrangements sought plus details of the visibility splays at the proposed access points and swept path analysis for the 11.4m refuse vehicle, together with details of proposed gradients through the site
- Clarification regarding highway adoption of roads within the development;
- Survey data and modelling;
- Further detailed analysis of crash data;
- Details of existing trip rates
- Confirmation as to how cycle parking for the houses is to be met;
- Further details of business centre;
- Further details of visitor parking;
- References made to emerging KCC Parking standards within the new Kent Design Guide (**Officer Note: this is a consultation document only and has not been adopted by KCC nor TWBC**)

KCC Flood and Water Management

- 7.30 **(28/02/22)** - Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment and Drainage Strategy report prepared by Watermanns and raise no objections to the strategy presented within.
- 7.31 The LLFA understand from the report that the existing site has numerous connections to the southern Water surface water and foul sewers. The proposed redevelopment of the site will see this change with the development being split into two individual catchments, discharging solely to the surface water sewer under Broadwater Lane.
- 7.32 The report also sets out that the discharge rate to the southern water sewers will be reduced by 50% over the existing rate (calculated using the existing area draining only to the surface water sewer), in line with KCC Drainage and Planning Policy Statement (December 2019). This approach is welcomed and will contribute in reducing sewer overflows.
- 7.33 The Southern and Northern Catchment Drainage Strategy drawings show the relative positions of the drainage features on site, including the permeable paving system. The LLFA would encourage that foul sewer pipes are positioned outside of the permeable paving systems within corridors. This is to prevent any issues with reinstatement should access be needed to the sewer. Urge that this is considered upon moving forward to the detailed design stage.
- 7.34 Should the Local Planning Authority grant planning permission to the application, two conditions are recommended.
- 7.35 **(07/02/22)** – object due to absence of drainage strategy.

KCC Public Rights of Way & Access Service

- 7.36 **(04/03/22)** - The site is adjacent to public footpath WB39 and there are several public rights of way close to the development, in particular across Tunbridge Wells Common, that are used for mixture utility and recreation purposes.
- 7.37 The application identifies the public rights of way network within the transport statement and the opportunity for walking and cycling from the stie.
- 7.38 The existing PRow network consists mainly of tarmac surfaced footpaths and a restricted byway, WB28. However given the increased use, some of these routes are in need of surface improvements.
- 7.39 In general, am supportive of the proposals, but request that the developers contribute £3,000 to the improvement of Public Footpath WB24 from the A26 to its connection with restricted byway WB28. This footpath is an important link for recreation and utility purposes across Tunbridge Wells Common.
- 7.40 Finally, request the LPA bring the following to the applicants attention:
- No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
 - There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
 - No hedging or shrubs should be planted within 1 metre of the edge of the Public Right of Way.
 - Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Right of

Way at any time without the express permission of the Highway Authority.

KCC Economic Development

7.41 (16/02/22) – following contributions sought;

	Per applicable House (x36)	Per applicable Flat (x20)	Total	Project
Secondary Education	£4,540.00	£1,135.00	£186,140.00	Towards expansion of Bennett Memorial Diocesan School
	Currently no Primary requirement			

	Per Dwelling (x94)	Total	Project
Community Learning/Social Care/ Libraries	£437.21	£41,097.74	Towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care
Youth Service	£65.50	£6,157.00	Towards additional resources for the Kent Youth Service locally at Calverley Park, engaging young people to build relationships and maintain positive social behaviours in public spaces
Social Care	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£183.67	£17,264.98	Towards Tunbridge Wells Waste Transfer Station and HWRC expansion
Broadband:	<p>Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.</p> <p>Reason: To provide high quality digital infrastructure in new developments as required by paragraph 114 NPPF.</p>		

Southern Water

7.42 (28/02/22) - The exact position of any public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. Standard advise provided regarding SuDS and development restrictions near public sewers.

Mid Kent Environmental Protection

7.43 (08/03/22) - Air Quality

The development site is close to the Tunbridge Wells Air Quality Management Area, and the impact of a development of this size on the AQMA must be considered. An air quality assessment is included with the application, which suggests that the development would only create an additional 93 vehicle movements per day. Given the previous use of the site as a factory, this sounds quite reasonable. So overall the air quality impact of the site has been assessed as negligible, nevertheless we would

still expect to see air quality mitigation measures incorporated into a development of this size. Therefore recommend conditions for EV charging, low NOx boilers, and a suitable travel plan. Also recommend the inclusion of suitable and sufficient bicycle storage on site.

Noise

- 7.44 A noise assessment has been undertaken for the development. The assessment considers a number of potential noise sources near to or associated with the development, of which the most significant is road noise. The assessment concludes that suitable residential amenity can be provided through the incorporation of good acoustic design and appropriate mitigation. Recommend the attachment of a noise condition to ensure that this is done.

Contaminated Land

- 7.45 The site appears on the database of potentially contaminated land, and given the previous use, contamination of the site is to be expected. This is confirmed by the Preliminary Environmental Risk Assessment. Therefore recommend the attachment of a contaminated land condition.

RECOMMENDATIONS

- 7.46 From an Environmental Health point of view, no objection to this application subject to conditions (land contamination, EV charging points provision, noise levels, travel plan and welcome pack, low Nox boilers and Code of Construction Practice).

Commons Conservators

- 7.47 **(14/03/22)** - The proposed development lies adjacent to Tunbridge Wells Common, designated as Rusthall Common and Tunbridge Wells Common Local Wildlife Site (LWS) and registered Village Green. The LWS is of significant importance for biodiversity and consists of a mosaic of relict acid grassland with sandstone outcrops and small areas of both dry and wet heathy vegetation, along with extensive areas of secondary woodland and scrub. Some of the woodland areas are being cleared to promote heathland regeneration.
- 7.48 Paragraph 174a of the National Planning Policy Framework (NPPF) states that *“Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)”*.
- 7.49 Policy EN1 of Tunbridge Wells’ adopted local plan states that *“All proposals for development within the Plan area will be required to satisfy all of the following criteria: There would be no significant adverse effect on any features of nature conservation importance which could not be prevented by conditions or agreements.”*
- 7.50 The Conservators have assessed the proposal and are concerned that it does not currently meet the requirements of paragraph 174a of the NPPF nor Policy EN1 of the adopted Local Plan.
- 7.51 Whilst additional green space within the development boundary might facilitate recreation in the form of small-scale informal recreation, the reality is that a walk or daily dog walk cannot be accommodated in a site of this size and residents are likely to seek out larger green spaces within walking distance. Given the proximity to the Common (0.25 km) and the 256 acres of available land for exercise and recreation, residents of the proposed development will use the Commons, increasing recreational pressure on and disturbance of designated wildlife features. The

Commons Conservators are therefore proposing a suitable mitigation strategy for dealing with the impacts of increased recreational pressure.

- 7.52 Having researched the SAMM strategy, which applies to Local Planning Authorities impacting on Ashdown Forest and historical S106 planning contributions the Conservators seek a figure of £200 per dwelling to enable implementation of mitigation measures, £18,800 in total for the whole development.
- 7.53 A suitable mitigation strategy would require increased resourcing of the day-to-day maintenance costs of the Commons including but not exclusively, litter bin servicing and waste disposal, bench restoration, footpath management and tree management.
- 7.54 Alternatively, if a ring-fenced project was preferred, to ensure relevance to the development, this would focus on the area of Tunbridge Wells Common to the north of Eridge Road. The Conservators propose to thin and coppice selected trees and clear scrub along the Terrace Walk and adjoining path network, explore opportunities for new glades, repair path surfaces and implement drainage improvements. This project would allow more light to penetrate the footpaths and tracks reducing mud and improving accessibility. It would enhance public safety and aim to increase biodiversity. A quote is available from the contractor for this project on request. This project clearly fits with our Management Plan, produced in conjunction with Kent Wildlife Trust and Kent High Weald Partnership amongst others, as follows:
Woodland edges, glades and rides;

- Rides: zonally manage main tracks and paths to provide graduating tiers of vegetation from the ground up to the woodland. Focus on south-facing rides, cut and coppice on a rotational basis with rotationally scalloped sections. Give priority to east-west over north-south rides, as this provides greatest value for wildlife.
- Glades: maintain open spaces and glades throughout the woodlands with rotational cut and clear.
- Thinning/coppicing: explore any opportunities to carry out coppicing or thinning dense areas of woodland, as this can enhance the biodiversity value of the woods.
- Deadwood: encourage the presence of standing and fallen deadwood, as key elements of a woodland habitat.

We would be keen to provide copies of our Commons' trail maps to be included in welcome packs, to encourage new residents to explore and enjoy the beautiful green space on their doorsteps.

TWBC Affordable Housing Officer

- 7.55 **(26/07/23)** - As of June 2023, there are 815 applicants registered for housing in Tunbridge Wells broken down as the following.

Bedroom	1 Bed Need	2 Bed Need	3 Bed Need	4 Bed Need
Applicant #	293	234	222	64
percentage	35%	29%	27%	8%
Avg Yearly Let	153	93	23	4
Avg Wait Time	22 Months	3 Years 6 Months	7 Years 5 Months	14 Years 9 Months

- 7.56 The former factory site consists of a proposal 94 dwellings in total, under the new local plan, an affordable housing provision of 35% would be expected however due to financial viability constraints the units, The LPA and developer have agreed a reduced provision of 10% equating to 10 Affordable units, six of which will be delivered as two bed apartments at a social rent level and the remaining four units as

low cost home ownership Three bed Houses delivered as Shared Ownership, meeting the criteria set out in the local plan of 60 percent of the AH provision to be delivered as social rent but It should be noted in terms of the total number of bedrooms offered for the AH provision, the proposal delivers 24 Bedrooms and splits these equally between the social rent and shared ownership provision. The housing register data indicates the housing need for three-bedroom properties within the borough, as the waiting times for applicants seeking 3-bedroom properties are significantly longer than those seeking two-bedroom properties and there is an overwhelming preference for houses over flats/ maisonettes however with the viability issues and current economic climate pressures, offering the houses as shared ownership will help the finance model to deliver the six apartments at the social rent level. Below is a table for specific housing needs in Royal Tunbridge Wells Town taken from the housing register as of June 2023 there are 534 applications out of 815 housing need applications of the housing register seeking affordable housing within the borough, Tunbridge wells town is the most sought-after location and doesn't have any parish local connection restriction.

Bedroom Need	Housing need want	Level 1 Mobility	Level 2 Mobility	Level 3 Mobility
1 Bed	188	2	2	38
2 Bed	167	3	3	10
3 bed	135	0	0	5
4 Bed	42	1	0	2

Level 1 mobility means that the household require a home that is accessible for a wheelchair user. Those with a level 3 and 2 mobility require level access living with the potential for further adaptations in the future.

- 68 current one-bed unit household applications need a two-bedroom and have Tunbridge Wells Town as a preferable area of wanting
- 110 current two-bedroom unit household applications need a three-bedroom property and have Tunbridge Wells Town as a preferable area of wanting
- 21 current three-bed unit household applications need a four-bedroom and have Tunbridge Wells Town as a preferable area of wanting.

7.57 Tunbridge Wells Town is considered a highly desirable location, Broad Water Lane is a 20 -minute walk or a 10-minute bus route from the Tunbridge Wells High Street and Tunbridge Wells Railway Station. The flats may be highly attractive to working families as the area boasts good transport links into London or further across Kent.

	Active registrants	2023			
		New registrants	Enquiries	New properties	Live properties
Kent	8,849	1,749	9,661	442	643
Ashford	656	139	575	31	46
Canterbury	667	139	545	45	53
Dartford	1,015	181	1,851	25	56
Dover	197	48	56	9	10
Folkestone and Hythe	278	53	23	9	6
Gravesham	598	140	734	12	25
Maidstone	1,169	213	1,478	74	86
Medway	1,700	331	1,950	58	105
Sevenoaks	409	71	344	23	37
Swale	771	122	548	30	37
Thanet	339	93	360	51	61
Tonbridge and Maling	677	139	716	34	52
Tunbridge Wells	373	80	501	43	69



7.58 Shared ownership data taken from the share-to-buy website, the leading website portal in UK for Shared ownership & intermediate applications, illustrate the demand across Kent for the delivery of Shared Ownership with the demand for the family

sized units of two and three beds being significantly high. Property prices in Tunbridge Wells are considerably high compared with the rest of the Kent region and with the location of this site being highly desirable, register providers (RPs) may look to implement an immediate rent to shared ownership model. The redevelopment at Show fields estate may also affect shared ownership demand in the area with the AH provision consisting of a total of 101 properties broken down into 60 social rent properties and 41 shared ownership properties.

- 7.59 As the AH provision on site is a relatively small number of units it is advised that the developer seek a Registered Provider as early as possible. RPs operating in Tunbridge Wells have a preference for Mid to Large scale sites normally with an AH provision of 20+ units, private and smaller RPs are often restricted by their investment appraisal structures and may be confined to delivering smaller scale sites such as this one at an affordable rent basis or an intermediate rent to shared ownership as such the AH provision delivered on site at W A Turner Ltd may only garner limited interest from a few providers. Town and Country Housing Group have the most housing stock within the borough and are very prevalent in this area as they own the Show fields estate currently undergoing redevelopment a few minutes' walk from the proposed site and should be approached to deliver site as they may be most optimal provider to manage the units.

TWBC Client Services

- 7.60 **(18/02/22)** – standard advice regarding purchase of refuse bins etc. Also noted that additional refuse storage space may be required for blocks 6 & 7. Also, the business hub would have to set up their own private commercial collection arrangements.

TWBC Conservation & Urban Design Officer

- 7.61 **(14/02/22)** - This application follows pre-application advice, and much of the advice that I gave has been positively responded to in the submitted plans, in comparison with the pre-app scheme. Largely supportive of the design (contemporary but with potential local material references) and layout, considering the constraints of the site. Agree with the conclusions reached in the heritage statement, in that there will be no impact on the significance of designated heritage assets in the area that could be affected, although LPA may wish to consult with the KCC Senior Archaeologist (though note potential for below ground archaeology is low due to the industrial use of the site).
- 7.62 Overall, the proposal is likely to improve the character and appearance of the area. There are, however, a couple of areas of concern or that require clarification (**Officer note: these are addressed in the 'Design and Trees' section of the appraisal below. The KCC Senior Archaeologist did not respond to the consultation request**).

8.0 APPLICANT'S SUPPORTING COMMENTS (taken from conclusion to Planning Statement)

- 8.01 The WA Turner Factory site has long been recognised as an opportunity site for redevelopment. Under Policy AL/RTW 13, the Site Allocations Local Plan (2016) combines the Site with the Tunbridge Wells Telephone Engineering Centre to the east noting that the sites can be developed independently once the eventual development of the whole allocation is not prejudiced. The owner of the application site has engaged with the public consultation phases of the new Local Plan preparation and the factory closed in 2020. According to the Regulation 10 Consultation Local Plan *"It is not intended to combine these two sites within the Local Plan, so as to ensure deliverability and recognition that the two sites are in different*

ownership and may come forward at different times. However, consideration of linkages between the two sites, particularly in terms of pedestrian linkages, should be considered as part of any scheme for the site". Since the factory closed, the applicant Urban Life (TBW) Ltd has been proactive in bringing the site forward for redevelopment. Pre-planning was undertaken with the Council in December 2020 with pre-planning advice notes issued in March 2021. Since then, the applicant has commissioned a number of baseline reports and supporting studies for this planning application. The design team has worked to bring forward a comprehensive redevelopment proposal for this vacant brownfield (PDL) site in line with existing and emerging planning policy.

- 8.02 It is submitted that the proposed development provides efficient use of land by the provision of residential dwellings, including houses and apartments in a high-quality urban design setting that will enhance the existing residential area.

9.0 BACKGROUND PAPERS AND PLANS

- 9.01 Application form
Drawing/document schedule
57208_E-01 Topographical Survey
57208_E-02_ Existing - Ground and Basement Floor Plans
57208_E-03_ Existing - First Floor Plan
57208_E-04_ Existing - Roof Plan
57208_E-05_ Existing Elevations
57208_E-06_ Existing – Sections
2030-PA-007 Existing -Block Plan
3156(6-)01 Proposed Public Lighting Layout
Arboricultural Impact Assessment (Waterman, November 2021)
Air Quality Assessment (Waterman, August 2021)
Ecological Impact Assessment (Waterman, October 2021)
Financial Viability Assessment Report (Savills, November 2021)
Historic Environment Appraisal (Waterman, November 2021)
Planning Noise Assessment (Waterman, December 2021)
Outdoor Lighting Report (Lighting Reality, December 2021)
Flood Risk Assessment and Drainage Strategy (Waterman, December 2021)
Framework Travel Plan (Waterman, November 2021)
Preliminary Environmental Risk Assessment (Waterman, August 2021)
Proposed Photograph x 3
Design and Access Statement (Van Dijk, December 2021)
Planning Statement
Transport Assessment (Waterman, November 2021, Issue 2)
Transport Note May 2023
Transport Note February 2023
Transport Note November 2022
Energy Report
Letter from applicants 8th June 2023
Energy Statement 5th January 2022

10.0 APPRAISAL

- 10.01 The site is within the LBD where there is a presumption in favour of new development. It is allocated for housing development in the Site Allocations Local Plan 2016. The main issues are therefore considered to be the loss of employment premises, density and housing mix, design and the impact on trees, residential amenity, highways/parking, cycle and pedestrian links, flooding/drainage matters,

ecology, affordable housing/S.106 contributions, sustainability, air quality/land contamination and other relevant matters.

Principle of development

General housing position

- 10.02 Para 74 of the NPPF requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition, there must be an additional buffer of between 5% and 20%, depending on particular circumstances of the LPA.
- 10.03 The Council currently cannot demonstrate a five year housing supply and the current supply figure is 4.49 years (as of April 2022). Paragraph 11 (d) of the NPPF 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 (listed in footnote 6) 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.”*
- 10.04 Footnote 8 to the NPPF states that this includes, for applications involving the provision of housing, situations where the LPA cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74). None of the constraints referred to in Footnote 7 are present on the site itself.
- 10.05 When considered as a whole, the Council does not consider the 'basket' of Development Plan policies against which this application would be determined (Local Plan: EN1, TP4, TP5, H5; Core Strategy CP1, CP4, CP5, CP6, CP7, CP9) to be out of date. Except for the sections specifically relating to housing supply targets/numbers, the policies are not considered to be irrelevant. NPPF Para 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Therefore, the development would fall to be determined against the current Development Plan.
- 10.06 The issue of sustainability is multi-faceted, incorporating economic, social and environmental considerations. The site is located within the LBD of Tunbridge Wells where adopted (but now out of date) Policy H5 of the Local Plan indicates that development such as this can be acceptable in principle.
- 10.07 The provision of an additional 94 dwellings would significantly contribute to the Borough's housing need, creating social and economic benefits. The principle of the loss of employment accommodation (the factory) has already been settled given the site is allocated in the Local Plan for residential development.
- 10.08 The site comprises Previously Developed Land (as defined within the NPPF Annex) and is in a highly sustainable location within walking distance of shops, a primary

school, nurseries, bus routes and the town centre. The scheme would need to be satisfactory in all other respects, as discussed below.

Site allocation policies

- 10.09 In addition, this site is part of a current allocation within the Site Allocations Development Plan (Policy AL/RTW 13, Tunbridge Wells Telephone Engineering Centre and WA Turner Factory, Broadwater Lane);

SALP Policy AL/RTW 13 (current Local Plan policy):

These sites, as shown on the Royal Tunbridge Wells & Southborough Proposals Map, are allocated for residential development (C3) providing approximately 170 dwellings in total. The site occupied by the WA Turner Factory may also be considered suitable for redevelopment for a mix of market and retirement housing (C3 and C2 uses).

The Local Planning Authority will expect a masterplan to be prepared by landowners and developers through collaborative working with local businesses, the local community and the Borough Council to guide development proposals for the area. If the masterplan does not include all of the area covered by the policy then it will need to demonstrate that the overall policy aims are not compromised by proposals for development of part of the area.

Development on the sites will be subject to the following:

- *provision for green infrastructure links shall be investigated for incorporation into design proposals, including pedestrian links between Broadwater Lane and Linden Gardens*
- *development shall provide an active frontage to Broadwater Lane and Underwood Rise*
- *proposals for redevelopment of part of the site shall not prejudice the eventual development of the whole allocation*
- *opportunities should be explored to deliver a more comprehensive site, including adjoining land*
- *development shall provide a connection to the sewerage system at the nearest point of adequate capacity, as advised by the service provider*

- 10.10 For the new Submission Local Plan, the WA Turner and the BT Engineering sites are split and have their own individual allocations due to the fact that they are likely to come forward at separate times and are in different ownerships. The policy wording was amended following the Local Plan hearing sessions which took place last summer. The WA Turner allocation (also called AL/RTW 13) reads as follows;

Policy AL/RTW 13

Turners Pie Factory, Broadwater Lane

This site, as defined on the Royal Tunbridge Wells and Southborough Policies Map (inset Maps 1a-1d and 2), is allocated for approximately 100 residential dwellings, of which 30 percent shall be affordable housing, the provision of a remote working/community hub for use by residents of the new development if practicable, and open space.

Development on the site shall accord with the following requirements:

1. *The site, and its access, is to be designed on the basis of a Low Traffic Neighbourhood, with the layout to provide linkages between this site and the adjacent site allocated under Policy AL/RTW 12 (Land at Tunbridge Wells Telephone Engineering Centre), which similarly is required to be designed on Low Traffic Neighbourhood principles. As such, access arrangements would need to be considered in conjunction with the adjoining site allocation (Land at Tunbridge Wells Telephone Engineering Centre). This shall include provision for pedestrian linkages between Broadwater Lane and Linden Gardens without prejudicing the development of the land at Tunbridge Wells Telephone Engineering Centre;*
2. *Vehicular access to be provided from the existing access from Broadwater Lane;*
3. *Provision of an active frontage to Broadwater Lane and Underwood Rise;*
4. *Layout of the site shall be informed by a townscape/landscape impact assessment of the site and be informed by the site's existing context and topography, and be focused around a new community hub if practicable and green space;*
5. *Any redevelopment should reinforce the north east boundary of the site, with measures to form a noise barrier between the site and the petrol filling station incorporated as part of the proposal;*
6. *Provision of on-site amenity/natural green space and children's and youth play space;*
7. *Contributions are to be provided to mitigate the impact of the development, in accordance with Policy STR/RTW 1.*

**This is the amended version of the policy which was proposed in the pre-examination Hearing Statement on Matter 7: Residential Site Allocations, Issue 1: Royal Tunbridge Wells and Southborough, at page 16. In addition, details of planning application 22/00238/FULL are also proposed to be referenced in the supporting text to the policy.*

- 10.11 This wording reflects the proposed modified wording to the policy following the relevant examination hearing session for the emerging Local Plan in June 2022. The general provision of an on-site community hub was discussed at the hearing session. Although it was noted that the provision of a such a hub is considered to be a positive feature and facility and is indeed included in the proposal under the current subject application (22/00238/FULL), it was considered not to be a necessity in allowing any future development of the site to come forward. It was therefore considered that some flexibility be built into the policy, and it was suggested that the wording 'if practicable' be appropriately applied to the policy wording (as above).
- 10.12 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.

- 10.13 The Council received a letter setting out the Inspector's initial findings following the hearing sessions in early November 2022. The Council is currently considering the issues raised and the suggested ways forward set out in this initial findings letter. The timetable for adoption is therefore delayed and the plan will not be adopted in early 2023 as set out in the current Local Plan timetable and the Councils Local development Scheme (LDS). The Council will update the Local Plan timetable and LDS in due course and updates can be found on the Council's examination webpages.
- 10.14 The level of "weight" that can be attached to the policies in the emerging Local Plan varies from policy to policy. However, paragraph 48 of the NPPF states that decision-makers may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan are to it, the greater the weight that may be given).
- 10.15 While there may be some variation on individual policies based on their level of consistency with existing local and national policies, the Examination is currently ongoing and will be subject to further consultation in the future which may include policy modifications. Therefore, at present it is likely that generally, only limited weight can be attached to the above Submission Local Plan policies in the assessment of planning applications. Weight to be attached to these policies is likely to change as the Examination progresses.
- 10.16 Several of the allocation policy requirements relate to pedestrian, cycle and other links with the adjoining BT Telephone Engineering site. However, that site is in separate ownership as is still in use as a depot by BT. Responses to enquiries relating to establishing the LPA's five-year housing land supply advises that in short, the current owners lease it out to BT who still require the site in the medium term. Therefore, it is unlikely to come forward as a housing development site within the next 5 years. Therefore, whilst regard must be had to the potential of the adjacent BT Engineering site to be developed which must not be prejudiced, the delivery of housing in the WA Turner site cannot be delayed because both sites will not be developed at the same time. It is not considered that the scheme proposed by this application jeopardises or otherwise risks delivery of the adjacent allocated site.

Density and housing mix

- 10.17 Core Policy 6(3) of the Core Strategy relates to density of development and states that it should be appropriate for the character of the locality, should meet the regional target of 40 dwellings per hectare and not generate below 30 dwellings per hectare. The proposal represents a high density of 70 dwellings per hectare, which reflects the dwelling number expectations of the allocation. It is also recognised that the current lack of a five-year housing supply renders Policy H2 and Core Policy 6 out of date.
- 10.18 Policy H2 of the Local Plan, re-iterated at Core Policy 6(7) of the Core Strategy, refers to a suitable housing mix to meet current and projected housing needs. Both refer to an identified need for smaller residences. The proposal comprises a broad range of smaller units (one and two bedroomed flats).

- 10.19 Emerging policy in the Submission Local Plan at H2 only requires that development should make efficient use of land, having full regard to the context of the site, including its character, landscape setting, topography, surrounding built form, and access to infrastructure and services.
- 10.20 The surrounding area is characterised by reasonably high densities on the Showfields Estate and within the later infill development at The Goodwins and Underwood Rise. However, using a pure calculation of density is often misleading (particularly in this case, given the height, massing and scale of the existing industrial building, which is not typical of the area either). Development requires a rounded assessment of the impact of the density of development in terms of its scale and form on the character and appearance of an area - this assessment is undertaken later in this report.

Design and impact on trees

- 10.21 Design and layout are integral to the success of the scheme. NPPF Para 130 states that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 10.22 Para 134 states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Conversely, significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
 - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*
- 10.23 LP Policy EN1 states at criteria (3), (4) (6) and (7);
- 3 The design of the proposal, encompassing scale, layout and orientation of buildings, site coverage by buildings, external appearance, roofscape, materials and landscaping, would respect the context of the site and take account of the efficient use of energy;*

- 4 *The proposal would not result in the loss of significant buildings, related spaces, trees, shrubs, hedges, or other features important to the character of the built up area or landscape;*
- 6 *The design, layout and landscaping of all development should take account of the security of people and property and incorporate measures to reduce or eliminate crime; and*
- 7 *The design of public spaces and pedestrian routes to all new development proposals should provide safe and easy access for people with disabilities and people with particular access requirements.*

10.24 Core Policy 4: Environment; seeks amongst other things to conserve and enhance the locally distinctive sense of place and character. Core Policy 5: Sustainable Design and Construction identifies that the Council will apply and encourage sustainable design and construction principles and best practice. Developments will also be required to create safe, accessible, legible and adaptable environments plus conserve and enhance the public realm.

10.25 The SALP allocation policy AL/RTW 13 (and the corresponding allocation in the Submission Local Plan) states development shall provide an active frontage to Broadwater Lane and Underwood Rise. In addition, the SLP requires;

- The site, and its access, is to be designed on the basis of a Low Traffic Neighbourhood, with the layout to provide linkages between this site and the adjacent site allocated under Policy AL/RTW 12 (Land at Tunbridge Wells Telephone Engineering Centre), including provision for pedestrian linkages between Broadwater Lane and Linden Gardens without prejudicing the development of the land at the Telephone Engineering Centre;
- Layout of the site to be informed by a townscape/landscape impact assessment of the site and be informed by the site's existing context and topography, and be focused around a new community hub and green space;
- Measures to form a noise barrier between the site and the petrol filling station incorporated as part of the proposal;
- Provision of on-site amenity/natural green space and children's and youth play space.

Current development

10.26 The site at present is a significant detractor in the streetscene and wider surrounding area. The current building, which dates from the 1940s, is a large mass which fills most of the site, is clad in corrugated steel and which imposes on Broadwater Lane and is conspicuous from views along this road and from a number of other surrounding residential streets and walking routes. It is now somewhat anomalous in its surrounding area, which is residential to the south and west, and again residential to the east (beyond the BT Engineering site and the Sainsburys/Lidl/Homebase retail area and PFS). It is now out of character and no objection is raised to its loss (particularly given the site is allocated for new housing and the allocation policy does not require the factory to be retained in any form). Given the residential pattern of the surrounding area continued use of the building for B2 General Industrial use (which meat processing falls into) is likely to cause harm to surrounding residential amenities by reason of noise and general disturbance.

Proposed development

10.27 The development of the application site as proposed will not result in the loss of significant buildings, related spaces, trees shrubs, hedges or other features important to the character of the built-up area or landscape. The building, as outlined above, is

of no value to the character and appearance of the streetscene. The largest and most significant trees grow along the southern half of the eastern boundary and along the southern boundary; the most significant trees are being retained (and will be supplemented by a new landscaping scheme).

- 10.28 The scale of development proposed on site (including its height and active street frontage) has been designed in direct response to the site's characteristics and local topography. There is a significant group of trees to the south of the site boundary that provides good screening and the topography of the area is such that the south of the site is lower than adjoining lands; and the land beyond the south in Underwood Rise rises to a higher point than the application site. This provides the opportunity for increased height in this location without harm to the streetscene.
- 10.29 The application site is a brownfield site that is relatively self-contained. The site is bounded by Broadwater Lane to the west, Underwood Rise to the south and existing development to the north and east. There are also substantial changes in levels between the application site and surrounding lands to the east and south-east. The proposed development provides active frontage with no blank gable ends onto the street, providing visual connections into and out of the site. The scale, massing and appearance of the 2 – 2½ storey buildings are consistent with those in/around the Showfields Estate (existing and proposed); similarly the scale, massing and height of the apartment blocks are consistent with those in surrounding estates.
- 10.30 The proposed site layout is designed on the basis of a Low Traffic Neighbourhood. Provision is made for pedestrian linkages between the application site and Linden Gardens to the east. Both streets proposed are short and designed as low traffic routes with no through route within the application site. The layout presented utilises two existing vehicular entrances while providing a strong urban edge to Broadwater Lane with the community hub as the focal point. The building form responds to the change in topography to the south of the site, increasing the building height to maintain a strong edge along Underwood Rise while maintaining the mature tree line. This reflects a clear hierarchy in terms of massing, with the height being concentrated around the south of the site at the junction with Underwood Rise and Broadwater Lane.
- 10.31 The layout of the proposed buildings provides active frontage onto Broadwater Lane and Underwood Rise. The remote working hub has been designed with dual frontage providing a central focus to the site linked to the public open space. Housing is designed to 'turn the corner' and not use blank gables fronting onto Broadwater Lane. The apartment buildings to the south of the site increase in height in response to local topography and provide a strong urban edge to the development and frontage onto Underwood Rise. The podium to the south of the site screens the car parking at surface level, ensuring that it does not visually dominate the development. The proposal steers away from the Radburn layout seen on the adjacent Showfields Estate and includes a traditional street pattern with back to back gardens in the centre.
- 10.32 Both open space areas are overlooked by residents. Access to the podium garden can only be gained through the apartment building securing the area for residents only. The podium garden to the south of the site is proposed to be landscaped including space for both suitable active and passive recreational uses by residents. Both areas of open space are mobility impaired-accessible with a lift to the podium garden for residents. All housing and the majority of apartment occupants will have their own area of private open space as a rear garden, in the case of houses, and

terrace or balcony in the case of apartments. There are no single aspect north facing apartments proposed to ensure good access to daylight for all occupants.

10.33 The use of hedges to define public and private spaces in urban areas helps to create characterful and biodiverse places. The space between the back of the pavement and the face of buildings has a significant impact on the quality of a place. Clear demarcations between public and private spaces can encourage people to personalise the front of their homes whilst also offering opportunities to integrate level changes, utility boxes and waste storage. All housing is provided with in-curtilage car parking to the front of the home. This area is clearly demarcated with a change in materials, shrub planting and a decorative railing between properties. All houses have rear access for bin storage with easy access to the roadside for refuse collection.

10.34 The following are the proposed materials (which can be secured by condition);

- Walls - Brick or Render Dark Grey
- Roof Tiles - Blue / Grey
- Fascia / Soffit - White uPVC
- Window/ Doors - Grey uPVC
- Rainwater Goods - Black uPVC
- Walls -Brick or Render Light White
- Render - White
- Metal Canopy - Grey

10.35 The proposed materials generally reflect those present nearby and are considered to be appropriate.

10.36 The Conservation and Urban Design Officer raised concerns about three elements of the design;

1. The manner in which the development addresses Broadwater Lane. The two houses that now face the road (Units 1 & 31 – Type ‘D’ houses) originally presented a mostly blank elevation to it, with the boundary of the private gardens facing the Lane. As originally proposed this undermines the intention to create a sense of place here and an urban edge to the road, enclosing it, with the development not addressing the main route appropriately. Whilst the design of the houses has not been amended, the position and extent of the curtilage has been, so that now a communal landscaped area (with retained existing trees and new planting) lies between Units 31 and the road. Unit 1 now shows an open-plan front garden with a 1.2m high stone wall at the entrance, details of which can be sought by condition (alongside boundary treatment of the area dividing the highway and the car park).
2. Further clarity on external materials. Exact materials would be sought by condition as normal anyway, however it would be helpful to know what exactly is proposed for each house type. The CO advised that it would assist in the overall design concept to use brick on the ground floor at least to tone with the apartments. This will form a requirement of the materials condition.
3. Whether the internal layout of block 7 can include stair access to allow for private balconies. The design shows a shared balcony with no private space for the occupants, and so it is just an external circulation space. This is seen

as a missed opportunity to provide some external amenity space. This is described by the CO as a minor point and can be addressed by condition.

10.37 The CO summarises that there are many positive elements to this proposal and in this particular case they accept that a pedestrian-permeable development is more suitable here. The architectural details are in their view of good quality, and they also consider the green spaces have been well thought through in order to provide interactive spaces. The CO's main concern relates to the requirement within the Submission Local Plan to form a more active frontage to Broadwater Lane which doesn't appear to be the case with this layout. However;

- 1) The requirement for an active frontage is only within the emerging Submission Local Plan (SLP), which is currently at the examination stage. It has not been adopted by TWBC and which can only be afforded limited weight as a result. Whilst the Inspector has not identified any matters of concern with the SLP WA Turner allocation policy, there is a current allocation in the adopted Development Plan (RTW 13 of the 2016 Site Allocations Local Plan) which does not contain this requirement. The 2016 allocation carries full weight as an allocation within the current Development Plan.

The Planning Statement at Table 3 (Page 16) details the compliance of the submitted scheme with Policy AL/RTW 13. Point 3 refers to the following: *"The layout of the proposed buildings provides active frontage onto Broadwater Lane and Underwood Rise. The remote working hub has been designed with dual frontage providing a central focus to the site linked to the public open space.*

Housing is designed to 'turn the corner' and not have blank gables fronting onto Broadwater Lane. The apartment buildings to the south of the site increase in height in response to local topography and provide a strong urban edge to the site and frontage onto Underwood Rise."

Additionally, point 6 of Table 3, considers the provision and location of on-site amenity/green space and states the following: *"On site amenity/natural green space and children's and youth play space is provided within the centrally located public open space area north of the remote working hub. The podium garden to the south of the site is proposed to be landscaped including space for both suitable active and passive recreational uses by residents (see Park Hood drawing no. 7270-L-101)."*

The above indicates that the scheme can provide what is requested as part of the policy criteria in terms of an active frontage onto Broadwater Lane and Underwood Rise and be focused around a new community hub and green space. This was accepted by the Council in its response to the Inspector, following the Local Plan hearing relating to the WA Turner allocation (*Matter 7: Residential Site Allocations, Question 7*).

- 2) The long, elongated shape of the site and the position of trees/landscaping is such that if Blocks 2-5 were turned round the majority of the existing trees to the immediate SW of blocks 3 & 4 would need to be removed. Plus, that layout would be likely to lead to a reduction in car parking spaces and a central road dominated by on-street car parking on one side.
- 3) It has not been identified that the current layout, with trees/landscaping facing Broadwater Lane (albeit with fencing behind them), is in itself 'significantly harmful' and therefore fails LP Policy EN1. Whilst the other side of Broadwater

Lane lacks an active frontage due to the houses within The Goodwins being at a right angle to the road, the issue is not one which has been argued to amount to a refusal reason. Neither does the emerging policy require an active frontage along all of Broadwater Lane.

10.38 The Kent Police Designing Out Crime Officer (DOCO) has commented on five issues relating to the design and layout of the scheme;

1. Site Permeability: there are several proposed alleyways running along rear gardens (Block 2 and 4) and providing easy access to them. Alleyways provide areas for concealment that can attract crime and should not run to the rear of and provide access to gardens. As such they are discouraged. This is recognised however an alternative layout would result in the issues discussed at 10.36 above. This passageway is not intended to be a public thoroughfare, rather its purpose is for access for bikes, bins etc. Without serviceable access to the rear gardens, the gardens are less likely to be used to store bikes and achieve a modal shift towards more sustainable modes of transport. The accesses can be gated if the residents/management company feel it is necessary.
2. The DOCO does not recommend connectivity between the residential area and the existing petrol station or existing car parking area. This can increase loitering, anti-social behaviour incidents and crime. However this is not proposed within the plans (and which would be likely to be resisted by the adjacent landowners due to the risk of anti-social behaviour). The matter is addressed by condition 32 below;
3. Boundary treatment. Perimeter, boundary, and divisional treatments should be well established. Rear garden boundaries and divisional fencing between rear gardens need to be a minimum height of 1.8m to aid security and privacy. Corner properties require well established boundaries to avoid desire lines across front gardens. Not all front gardens show consistent defensive front boundary treatment (plot 22, for example) and therefore, this matter can be addressed by condition. The DOCO also recommends a dense defensive landscaping treatment should be incorporated to create an extra security barrier to protect back garden fences adjacent to the retail, parking, and commercial areas. This is recognised and can be incorporated in to conditions, however dense landscaping already exists on the Sainsburys side to the rear of Block A.
4. Blank Walls. In some areas, adjacent to Block 6 for example, there are blank walls adjacent to public areas. This type of elevation tends to attract graffiti, inappropriate loitering and ball games. The DOCO considers that the provision of a 1m buffer zone using either a 1.2 – 1.4m railing or a 1m mature height hedge with high thorn content should address those issues.
5. Open space areas must be well lit and boundaries for block 7 must be clearly defined to avoid conflict or ball games causing nuisance. The DOCO recommends fencing at a minimum height of 1.2m and vandal resistant play equipment. Consideration should be given to a single dedicated entry and exit point to enable adult control/supervision. This can all be addressed in the final design of the play area, which is subject to condition 28.

10.39 Overall the design and layout of the development is considered to be a significant improvement compared to the existing buildings and related spaces on site. It is also relevant that the site is currently unoccupied and has been for some time, such that the condition of the site will worsen and the existing buildings will become an even greater detractor in the streetscene. The purpose of design related planning policy is

not to discourage innovation, nor to require conformity to a homogenous design code or set of design principles. The tests within the Development Plan are that the urban landscape is preserved, that the development respects the context of the site and that related spaces importance to the character of the area are preserved. This is a residential development within an established residential area where the largest buildings are concentrated in areas where they can be accommodated due to changes in site levels. Despite the clear increase in size, massing and scale of the apartment blocks compared to the existing factory building, these elements are not considered to be significantly harmful to the character and appearance of the area (using the language of Local Plan policy EN1).

Trees

- 10.40 There are a total of 48 trees on site of varying quality. None are protected by TPO or by virtue of being located within a Conservation Area. 18 are Category Grading B: (trees of moderate quality and value with an estimated remaining life expectancy of at least 20 years); 28 are graded C: (trees of low quality and value with an estimated remaining life expectancy of at least 10 years or young trees with a stem diameter less than 150mm); and two are graded U (trees which are in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years).
- 10.41 A total of 5No trees will be removed to facilitate the development, 4 of which were awarded a low C grade, and 1No. a very low U grade. Various measures are proposed to avoid damage to the root systems of existing trees.
- 10.42 The indicative landscaping scheme described in the Arboricultural Impact Assessment at para 9.2 includes a large number of new trees, resulting in a betterment in this regard. The current SALP allocation requires *'provision for green infrastructure links shall be investigated for incorporation into design proposals, including pedestrian links between Broadwater Lane and Linden Gardens'*. The tree belt on the southern and eastern boundaries will be retained and – given the size of the adjoining BT site – can be expanded upon with any scheme there.

Provision of working hub

- 10.43 This is a requirement of the emerging policy, to be provided 'if practicable'. The matter was subject of one of the Inspector's questions at the summer 2022 Local Plan hearing sessions. The Policy team then discussed the facility with the agent promoting the site, who confirmed that the management and maintenance of the proposed apartments within the proposed development, following its completion shall be the responsibility of a legally constituted management company. It is the intention of the agent/applicant that the remit of the management company will be extended to include the proposed remote/working community hub also.
- 10.44 The Council's response to the Inspector was also that through discussions with the agent, the agent confirmed that it is envisaged that the hub will be aimed primarily at residents who will have secure access permitted by way of a door entry fob registered with the Management Company to their name and address. This space will be furnished and available during hours to be agreed with the management operator as part of the management scheme. The Council also advised the Inspector that in consultation and agreement between the Council and the agent, the facility could, subject to occupancy and demand, be extended to local residents of the immediate area by appointment using a restricted access system such as key-pad entry. The above detail is not considered to be necessary to condition – only that the use of the facility is restricted to residents of the development.

- 10.45 However this is not planned at the moment and would require the proposed condition (at S.11 of the report) to be controlling use of the Hub to be varied.

Residential amenity

- 10.46 Criterion 2 of saved Policy EN1 requires that proposals do not cause significant harm to the residential amenities of adjoining occupiers and would provide adequate residential amenities for future occupiers of the development, when assessed in terms of daylight, sunlight, and privacy. Residential amenity matters within the NPPF are caught by the general design section.

- 10.47 In this case the location of the new dwellings relative to the existing dwellings nearby is such that significant harm by way of overlooking, loss of outlook/light or any other matters is not considered to occur. The proposal will remove a large industrial building which has the potential to be a 'bad neighbour' use through noise, vehicular access at night time/weekends, and odour, which is subject to very limited planning controls.

Impact on future residents

- 10.48 A planning noise assessment recommends that acoustic fencing will be provided at the north eastern boundary of the application site (with the Sainsburys PFS) to ensure the residential amenity of future occupants is protected. The report also recommends the closest dwelling to the superstore access road and petrol filling station be fitted with acoustically rated thermal double glazing. Such details can be secured by conditions 3 & 24.

Ecology/biodiversity

- 10.49 The application includes a Preliminary Ecological Appraisal. This concludes the site is very low in ecological value with common and widespread habitats present in an urban context with low-negligible potential to support protected, priority or rare species.
- 10.50 No other further ecology surveys or mitigation were considered necessary. However, recommendations to minimise the risk of impact to birds, foraging bats and hedgehogs are provided. Additionally, by following the biodiversity enhancements, the proposed development would be enhanced further for the benefit of local wildlife to create a net-gain in accordance with national planning policy. The buildings each contain one bird and one bat box, and the recommendations regarding landscaping and lighting can be addressed by condition.
- 10.51 Full details to secure net gain can be sought by condition.

Highway safety and parking

- 10.52 NPPF Paragraph 105 states that the planning system should actively manage patterns of growth. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- NPPF 110 a) requires that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - 110 b) states that safe and suitable access to the site can be achieved for all users;
 - 110 c) requires that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Para 112 (c) requires that development minimise the scope for conflicts between pedestrians, cyclists and vehicles.
- Paragraph 113 requires that *“developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”*

10.53 LP Policy TP4 concerns access to the road network. It states that proposals will be permitted provided all five of its criteria are satisfied. The subtext at Para 11.27 states that sites should be well-linked by all modes of transport to key destinations and this may require provision of, for example, a new footway, cycleway or road crossing facility. It is considered TP4 is on balance up-to-date and consistent with the NPPF.

10.54 Policy TP3: large scale residential development requiring Transport Assessment and Travel Plan is engaged here, as LP Policy TP5. TP3 is considered up to date with the NPPF, as is TP5 which specifies minimum parking standards outside town centres, an approach endorsed by NPPF Para 108 which states that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. On this basis TP5 is considered up to date with the NPPF. It is also considered that it should carry full weight. Policy TP9 states that cycle parking will be required to serve new-build residential development without private curtilage at a standard of one space per dwelling unit.

10.55 Core Policy 3 relates specifically to Transport Infrastructure with its aim being to outline key transport issues and the provision of necessary infrastructure. The Policy states that, *“Sustainable modes of transport, including cycling and walking and the use of public transport will be encouraged to reduce dependence on private car use.”*

10.56 KCC Highways have commented on this application several times and have been involved with its development at the pre-application stage. They have raised a number of issues in consultation replies regarding parking numbers, impacts on nearby junctions; plus the provision of cycle and pedestrian infrastructure. KCC's final set of substantive comments dated 27th June 2023 relate only to concerns about pedestrian and cycle connectivity.

Traffic movements and impact on traffic flows along the A26

10.57 Vehicular access is provided from Broadwater Lane as per criterion 2 of the Submission Local Plan policy. The lawful use of the site as a B2 industrial use carries with it a significant number of daily vehicle movements. The proposed development will result in 20 additional trips in the AM and 41 in the PM. There are no objections from KCC regarding the traffic generation associated with the proposed development, the impacts on the Eridge Road/Broadwater Lane or the Nevill Terrace/Eridge Road junctions, nor the design of the access points and internal roadways. Access works to the public highway will also be subject to a separate agreement between the developer and KCC under S.278 of the Highways Act 1980.

Parking

10.58 As with the Showfields site next door, this site broadly falls within the 'Suburban' category that KCC use for parking standards. This is characterised by no, or very limited, on-street controls. In such areas parking is directed to on-plot provision and

visitor parking of 0.2 spaces per dwelling to the street. The site does possess some characteristics of 'Edge of Centre' locations in that the on-street spaces along Broadwater Lane are well used and the site is a short walk from the town centre. The site falls within Parking Zone B as defined within the Submission Local Plan.

- 10.59 Parking requirements for 'Suburban' areas are one space per unit for one and two bedroom flats and one and two bedroomed houses; 1.5 spaces for three bedroomed houses and two spaces for four bedroomed houses.
- 10.60 The northern part of the site comprises 7 No. three bedroomed dwellings, 17 No. four bedroomed dwellings and 6 No. one bedroomed apartments. This generates a need for 50.5 spaces. 37 of these are provided on an 'on-plot' basis and 14 are arranged in bays around Block 7 (the mixed apartment/hub building).
- 10.61 The southern part of the site comprises 5 No. three bedroomed dwellings, 7 No. four bedroomed dwellings and 52 No. one and two bedroomed apartments. This generates a need for 73.5 spaces. 17 of these (the spaces for the dwellinghouses) are provided on an 'on-plot' basis and 59 are arranged in formal parking areas around the apartment block and around the south eastern corner of the site.
- 10.62 The applicant contends that both sites contain more spaces than the minimum required, with the north Site having 0.5 more spaces than required and the south Site having 2.5 more spaces than required.
- 10.63 No additional parking provision has been included for the business centre but KCC note that this is intended for use by residents and can be conditioned as such.
- 10.64 In their comments on the application, KCC Highways have raised issues with the provision of 1.5 spaces for 3-bedroom dwellings and also refer to a need for a second 'on plot' space for 4-bedroomed dwellings. There are two issues with this;
- The above parking provision is in line with KCC's own current adopted vehicle parking standards within the Kent Design Guide;
 - The basis for this request arises from a consultation document for revisions to the Kent Design Guide which has not been formally adopted by either KCC nor TWBC. It therefore carries minimal weight (and does not outweigh the current adopted KCC standards). As the emerging standards referred to have not yet been adopted nor are publicly available, the development should be assessed against current standards and not emerging standards.
- 10.65 A scheme of 94 dwellings would be expected to provide 0.2 visitor spaces per unit (18.8, rounded to 19 spaces). The overprovision referred to above of 2-3 spaces can be used for visitor parking. This leaves an on-site shortfall of 16-17 on-site visitor spaces.
- 10.66 On-street car parking is available on Broadwater Lane. The overnight car parking survey provided by the applicant (Appendix E to the Transport Statement) states that along Broadwater Lane there are:
- 34 no waiting spaces; and
 - 27 unmarked kerb line spaces.
- 10.67 The survey indicates that there is limited parking stress in Broadwater Lane, Underwood Rise and School Rise, where generally less than 50% occupation of the spaces (16-18% in Broadwater Lane and 36-38% in Underwood Rise). KCC Highways have not disputed the findings of this survey.

- 10.68 KCC Highways acknowledge the site is located in a grey area between 'edge of centre' and 'suburban'. Had 'Edge of Centre' standards been applied here then only 1.5, rather than 2, spaces per 4-bed dwelling would have been required; plus in such areas 0.2 visitor spaces per unit are sought as a maximum. Therefore, as with the recent Showfields Estate application, a hybrid approach is considered to be suitable whereby some relaxation from the more stringent Suburban standards would be acceptable.
- 10.69 In this case such a relaxation would result in (as a worst-case scenario) 16-17 visitor spaces being required from the public highway. The evidence before Officers indicates that this can be accommodated. This shortfall is also considered to be mitigated by;
- The 6-space shortfall is associated with visitor parking, not residents parking.
 - Policy compliant levels of secure and undercover cycle storage can be achieved for all new units.
 - 10% of the new units are affordable housing which correlates with lower car ownership.
 - Data within the Transport Assessment for the Showfields application (22/01576/FULL) demonstrates that overall car ownership among households at the adjoining Showfields Estate is comparable to that of households in the centre of Tunbridge Wells; however with regard to flats, car ownership rates at the Showfields Estate are approximately 25% lower than in the centre of Tunbridge Wells. This is in spite of the more restrictive parking requirements in the town centre. This limits the potential for parking overspill on to Broadwater Lane;
 - The scheme for redevelopment of the Showfields Estate (which has a Resolution to Grant from Members following the 22nd March 2023 Planning Committee meeting) will significantly increase parking provision and remediate existing parking issues on the Estate (providing an additional 132 parking spaces with a net increase of only 36 dwellings along with measures to prevent indiscriminate parking in dangerous locations such as turning heads), again limiting the potential for parking overspill on to Broadwater Lane;
 - Proximity to bus stops, railway station and Tunbridge Wells town centre justifies reduced parking provision as the site is more sustainably located than most 'suburban' sites in Kent.
- 10.70 There is a difference between the inconvenience of parking pressure to local residents and parking-related highway safety. Inspectors have, at appeal, traditionally only given weight to highway safety issues arising from parking. It would be difficult to directly attribute a significant parking-related safety issue directly to this development, given the limited number of visitor vehicles displaced to the highway and the above bulleted points. Therefore, in this instance, it is not considered that the proposal would cause harm to highway safety.
- 10.71 Parking displacement to the highway alone in itself is not grounds to refuse a planning application. Rather, the issue is whether the proposal clearly amounts to overdevelopment at the expense of off-street parking; and whether that on-street parking causes a danger to highway safety. KCC do not indicate that the latter will take place.
- 10.72 As above, Inspectors have traditionally only given weight to concerns regarding highway safety and any impact on convenience of residents is not considered to be a matter that would warrant refusal of this application. In general terms (and unless

there is a concern regarding highway safety), the provision of residents' parking schemes fall outside of the planning system.

- 10.73 Cycle storage is provided at the southern end of the site for that apartment block; none is shown for the block at the north (Block 7) although details can be required by condition. Cycle storage for dwelling houses is typically provided through sheds or similar storage structures in rear gardens which are typically erected under permitted development rights. The houses all include car parking and rear gardens with external access within each plot. It is therefore considered that residents will have sufficient space for any required cycle parking within these areas.

Flooding and drainage

- 10.74 NPPF Para 166 states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Para 168 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The site lies outside of the Flood Zone 2/3 and is not considered to be at risk of flooding. The site is not within a groundwater source protection zone. The site is at a low risk of fluvial flooding, and a low risk of surface and reservoir water flooding.
- 10.75 To mitigate against the effects of increased runoff SuDS attenuation drainage will be provided limiting flows in compliance with Kent County Council's betterment policy and in compliance with the Non Statutory Technical Standards for SuDS drainage. It is proposed to discharge surface water runoff into the adjacent public surface water sewer network. Runoff would be restricted to 50% of the existing 1 in 100 year brownfield rate in line with Kent County Council guidance. Flows would be attenuated via an attenuation basin and permeable paving at ground level, which would also provide appropriate treatment, maximising the quality of runoff discharged. Rainwater harvesting butts are also proposed for irrigation of the private terraces and communal landscaping, to further reduce runoff and potable water demand.
- 10.76 Foul drainage from the site is via the existing foul connection. The proposed foul flows have been estimated to be 0.8 l/s, a decrease from the 1.7 l/s discharged from the existing factory. The proposed foul flows would be discharged into the Southern Water foul sewer beneath Broadwater Lane. This is in accordance with the requirement within the current allocation policy for the site.
- 10.77 The EA consider the proposal to be 'low risk' and have provided no further comment. KCC as Lead Local Flood Authority raise no objections subject to conditions.

Cycle and pedestrian routes

- 10.78 The allocation for this site within Policy AL/RTW 13 requires pedestrian links between Broadwater Lane and Linden Gardens to be '*investigated for incorporation into design proposals*'.
- 10.79 The Submission Local Plan allocation policy is worded differently. It states that access arrangements would need to be considered in conjunction with the adjoining site allocation (Land at Tunbridge Wells Telephone Engineering Centre) including provision for pedestrian linkages between Broadwater Lane and Linden Gardens (without prejudicing the development of the land at Tunbridge Wells Telephone Engineering Centre).
- 10.80 At present, there are no pedestrian linkages through the site. There are ordinary roadside footways leading from Broadwater Lane through to Underwood Rise to the south. There are pedestrian routes (but not a dedicated cycle route) along Eridge

Road, leading through to London Road and the town centre. However there are no connections with Linden Gardens to the east, nor between Underwood Rise and Linden Gardens.

- 10.81 Delivering links such as these can be problematic when they rely on land outside the application site and that land is in third party ownership. The road within Linden Gardens is entirely in private ownership; land owned by Sainsburys (the redundant overflow car park to the east of the site) divides the application site from the road at Linden Gardens. The BT Engineering site is also in separate ownership to the WA Turner site. The land between the end of Linden Gardens and the redundant Sainsburys overflow car park boundary is also heavily overgrown and does not appear to have been used for vehicular access for many years.
- 10.82 The issue is further complicated by the difference in land levels between the WA Turner and the BT Engineering sites. A steep tree-lined bank divides the two. The ground level of the access road/pavement nearest the boundary with the BT Engineering site measures approximately 82.6m AOD. The car park within the BT site measures approximately 89.7m AOD.
- 10.83 The Block Plan includes a potential access point for a set of steps (with a groove alongside them to push/pull a cycle down) on the eastern side of the development, between Units 22 and 23. However whilst this would align with Linden Gardens it would lead across third party land owned by Sainsburys. A pedestrian route here is therefore unlikely to be deliverable.
- 10.84 The BT Engineering site appears to have an access on to third party private land within Linden Gardens, although it is disused and heavily overgrown. There are however no guarantees that there are the necessary rights of access between the BT Engineering site and Linden Gardens.
- 10.85 Officers have considered whether it is realistic and feasible to deliver a pedestrian/and or cycle route further towards the SE corner of the WA Turner site. However, the near 7m height differential between the two sites makes a cycle route unrealistic. It would require a significant ramped structure that (in order to achieve the necessary gradient) would need to be of a significant length, scale and height to be of any practical use. This structure would be a significant undertaking and (as highlighted earlier in the report) it is not certain that either;
- the adjacent BT Engineering site will come forward for residential development in the medium term) as it is still used as an operational facility by the telecommunications provider, or;
 - That the owners of the BT Engineering site can develop a cycle route between their land and the privately owned Linden Gardens.
- 10.86 Even setting aside the above two issues, a large ramped structure will also risk being unsightly, and potentially bisect the WA Turner site if it is intended to be accessed directly from Broadwater Lane. It would also reduce the available parking/housing delivery area within the WA Turner site and be of limited practical value given that cycle provision could instead be delivered on an almost identical (and adjacent) route along the public highway within Broadwater Lane and Underwood Rise, and then through to Linden Gardens via the BT Engineering site access. This would utilise quiet residential roads (Underwood Rise is a residential cul-de-sac) and would still avoid the busy A26.
- 10.87 KCC Highways have also strongly objected to the application on this matter. The applicant has responded to their comments on their letter dated 8th June 2023. KCC

were advised of all the above shortcomings/issues with delivering a cycle link directly between the WA Turner and BT sites, and it was also suggested that enhancements to Broadwater Lane / Underwood Rise to provide cycle routes could be secured instead. Despite this, KCC still maintain their objections but it is unlikely to be realistic to resolve their objections in the manner they suggest (in a way that complies with the 'six tests' for planning conditions within the Planning Practice Guidance.

- 10.88 The policy wording is also key here. Neither allocation policy within the SALP or the Submission Local Plan explicitly requires provision of a pedestrian/cycle link between the two sites. The SALP (which carries full weight as an adopted Development Plan policy) only requires the matter to be investigated, which the applicant has done. The SLP (which carries limited to moderate weight at best given that it is still within the examination stage) requires that access arrangements be 'considered' in conjunction with the adjoining BT site allocation. Such considerations need to include provision for pedestrian linkages between Broadwater Lane and Linden Gardens (without prejudicing the development of the land at Tunbridge Wells Telephone Engineering Centre). The applicant has undertaken this, and there is no evidence the adjoining allocation would be prejudiced. The applicant has essentially done what is required of them under these allocation.
- 10.89 Nevertheless, the adopted SALP policy remains in place and despite the ground level differences it may be possible to provide some sort of pedestrian footpath connection between either the turning head between Units 39 and 40, or the two turning heads and the open space between Unit 42 and the south east corner of the site through to the adjacent BT Engineering site. Condition 30 requires that a feasibility study is submitted to and approve in writing by the LPA which explores options for such a link. The SALP only requires a pedestrian, not a cycle link and the condition is worded this way accordingly.
- 10.90 In their comments of 21st April, KCC advise that the applicant should consider the scope for introducing cycle improvements to Broadwater Lane. The S.106 agreement would secure £47,500 towards objectives within the Local Walking and Cycling Infrastructure Projects (LCWIP). This can be directed towards improvements to Broadwater Lane and Underwood Rise leading to the BT Engineering site. Monies can also be secured for LCWIP purposes from the BT Engineering site (should it ever come forward for development).

Air quality/land contamination

- 10.91 The site is not within an Air Quality Management Area. The Mid Kent Environmental Protection team do not object on these grounds. This matter can be addressed by compliance condition regarding low emission boilers and use of EV points.
- 10.92 Both Mid Kent EP and the EA recommend contaminated land conditions. The previous industrial/commercial use of these buildings/land may have left contamination which could impact on the proposed development or cause it to impact on the environment. An assessment into the past uses of buildings/land and any potential risks arising from the buildings/grounds for the proposed end use and wider environment should in their view be carried out prior to the development works proposed. In particular investigations should take account of any oil/fuel storage tanks, septic tanks, drainage systems, and materials storage. Also, based on EA comments in response to the Showfields scheme controlled waters are sensitive in this location because the proposed development site is located upon a Secondary aquifer.

Sustainability

- 10.93 The proposed development will be constructed in accordance with the most up to date Building Regulations including Part L (conservation of fuel and power), although this is to be expected anyway given it is a legislative requirement.
- 10.94 The application includes a report which assesses the various types of energy efficiency measures and sustainable design features which can be incorporated in to the development. A number of technologies were appraised, in terms of technical and physical feasibility, as potential low and zero carbon (LZC) systems for use on the project.
- 10.95 There are various location and physical factors particular to the site which will influence the choice of technologies which need to be considered, these include, but are not limited to:
- the compact or “tight” nature of the site
 - budget cost limitations
 - the proximity of foliage and premises and impact on the owners of existing residencies adjacent to the development resulting in undue shading
- 10.96 Energy efficiency measures and sustainable design features have been targeted in the first instance to reduce the building’s demand for heating, hot water generation, comfort cooling and electricity usage.
- 10.97 The “Be Lean” measures are estimated to reduce the predicted annual energy consumption and CO2 emissions by 2.63%. A combination of “Be Clean” measures are estimated to provide a further 12.13% reduction in CO2 emissions, through the incorporation of Photovoltaics, MVHR and Air Source Heat Pumps and Exhaust Air Heat-pumps in the Apartments.
- 10.98 The “Be Green” measures will provide a further 3.5% reduction in CO2 emissions, through the incorporation of ground source heat pumps. The employment of Photovoltaics may also provide 10.16% renewable energy generated on-site of the total development energy demand.
- 10.99 The total reduction in CO2 emissions of 22% through the incorporation of energy efficient measures, CHP, Photovoltaic for the dwellings and ground source heat pumps.
- 10.100 The above measures are indicative of the potential savings and design development post planning will determine the most cost effective and practical solution for the development. Full details of the measures can be sought by condition.
- 10.101 The request by Environmental Health Officers for conditions requiring a ‘welcome pack’ detailing alternative modes of transport and a travel plan are noted however KCC Highways have not sought conditions of this type, which were not used on the permission for the adjacent development at Showfields.

S.106 contributions and affordable housing

- 10.102 Legislation requires that planning obligations (including Legal Agreements) should only be sought where they meet all of the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development and;
 - Fairly and reasonably relate in scale and kind to the development.

S.106 contributions

- 10.103 The requirement for developments to provide or contribute towards the services for which they create a need is set out in Core Policy 1 of the CS and requirements relating to various types of contributions, for instance education, recreation, transport etc. are referred to in various CS and LP Policies (such as Core Policy 9 of the Tunbridge Wells Core Strategy 2010, Policies CS4, R2 of the Tunbridge Wells Borough Local Plan 2006, the Site Allocations Local Plan 2016 Policy AL/CRS 6), plus the Recreation and Open Space Supplementary Planning Document and in relevant sections of this Report.
- 10.104 KCC has assessed the proposal for contributions towards meeting the additional needs for infrastructure and services generated by the proposed development, as summarised at the beginning of this report. These are considered to meet the relevant tests as listed above and will be included within the recommendation below.
- 10.105 Developer contributions have also been requested by the NHS West Kent Clinical Commissioning Group towards mitigating the impact of new patients locally. The CCG advise that there is very limited patient growth capacity at the existing nearby GP surgeries.
- 10.106 Based on TWBC's adopted Local Plan Policies R1 and R2 plus the adopted Recreation Open Space SPD (2006), the applicants are required to deliver children's play space, calculated at the rate of 0.3 ha per 1,000 population (3sqm per bed space). In addition to designated open space, calculated at a rate of 1.6 ha per 1,000 population (16sqm per bed space). Where this is not possible the policy requires any shortfall to be provided as an off-site contribution to deliver improvements elsewhere. Hence the sums which are sought towards both these areas. The contributions sought reflect these calculations. The Commons Conservators sum is also considered to be CIL compliant and has been sought on other developments in the area (the Showfields regeneration scheme under 22/01576/FULL; and Land Adjacent And 15 - 16 Eridge Road Royal Tunbridge Wells Kent 21/03298/FULL)
- 10.107 Finally, the Submission Local Plan supporting documents includes the Local Cycling and Walking Infrastructure Plan which seeks to improve local cycling and walking infrastructure to achieve more active travel and sustainable modes around the A26, amongst other locations in the Borough. This can be restricted to works between Eridge Road and the BT Engineering site. Financial contributions are sought towards this, as is the small sum sought by the Public Rights of Way Officer towards enhancement of the public footpath running along Broadwater Lane.

Affordable housing

- 10.108 The NPPF sets out in paragraph 63 that where there is an identified need for affordable housing, this should be met on site. As the size of the scheme exceeds 10 units, it would trigger a requirement for affordable housing in line with the requirements of Core Policy 6 (4). Based on current Development Plan requirements, 35% affordable housing would be required. The Council's Affordable Housing SPD requires that 75% be rented and 25% ownership (para 2.19) although this is guidance, not adopted policy.
- 10.109 As a brownfield site, the emerging Local Plan (Policy H3) seeks 30% affordable housing on brownfield land and 40% on greenfield sites. The difference is reflective of the higher build costs associated with developing brownfield sites, including clearance of existing buildings. 60 percent should be provided as social rent and 40 percent as intermediate tenures or other affordable routes to home ownership, subject to consideration of any subsequent local policy and/or evidence.

- 10.110 The emerging Local Plan also recognises that there may be exceptional circumstances where the provision of on-site affordable housing is not viable. This includes where *'it can be demonstrated that the provision of the policy-compliant level of affordable housing would make the development unviable'*.
- 10.111 The proposal as originally submitted did not provide affordable housing. Following a viability review the applicant and TWBC Officer have now agreed the following provision;
- 6 no 2 bed apartments in the business hub (Block 7) for the 60% split social rent
 - 4 no 3 bed terrace houses for the 40% shared ownership (terrace within centre of site)
- 10.112 A viable development can be regarded as the ability of a development project to meet its costs (including the cost of financial contributions), while ensuring an appropriate site value (i.e., Existing Use Value) for the landowner and a market risk adjusted return to the developer in delivering that project. The Government's Planning Practice Guidance on Viability sets out the main principles for carrying out a viability assessment (Paragraph 010 of Viability section within the PPG). It states that viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return. This helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission.
- 10.113 The Council undertook its own review of the applicants' submitted FVA, via its own specialist consultants. This was to seek opinion as to whether the viability figures and position put forward by the applicant are reasonable. This is to inform the Council's discussions with the applicant and its decision making.
- 10.114 The viability process involves consideration of three values: the Existing Use Value (EUV), the Benchmark Land Value (BLV) and the Residual Land Value (RLV).
- 10.115 In all appraisals of this type, the EUV (value of the site in its existing use) is used. This must be sufficient to secure sale by the landowner but is not assumed at such a low level that restricts the financial capacity of the scheme to deliver suitable profits (for risk reward), cover all development costs (including any abnormals) and provide for S.106 financial contributions. It is not the price paid and should disregard hope value. This can be a difficult balance to reach, both in terms of developers' dealings with landowners, and Councils' assessments of what a scheme has the capacity to bear.
- 10.116 The BLV comprises the EUV, plus a premium for the landowner. The PPG and RICS guidance states BLV should;
- be based upon EUV to allow for a premium to landowners;
 - reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees; and
 - be informed by market evidence including current uses, costs and values wherever possible.
 - It should not be expected to equate to actual market value. The BLV is not a price to be paid in the marketplace; it is a mechanism by which the viability of the site to provide developers' contributions can be assessed.

- BLV should be set at a level that provides the minimum return at which a reasonable landowner would be willing to sell.

10.117 The applicant has provided appraisals for two scheme iterations – one including 30% affordable housing and the other being All Private (i.e. no affordable units).

10.118 The applicant's appraisal states that the 30% affordable housing scheme produces a Residual Land Value (which is the amount remaining once the total cost of a project is deducted from its anticipated value and an appropriate return to the developer has been deducted) of £2,051,599, which is well below the £4.8m Benchmark Land Value stated by the applicants in section 4.3 of their appraisal.

10.119 The applicant's appraisal also contends that the All Private scheme produces a residual land value of £4.1m. whilst this is still below the BLV, it is slightly above the existing use value.

10.120 In reviewing the FVA the Council's consultants (DSP) summarised that;

- The overall approach to assessing the viability of the proposed development is appropriate in their opinion;
- There are aspects that they have queried or where a difference of opinion exists, (which is inevitable in any review). These include;
 - Benchmark Land Value – DSP made a downward adjustment to the BLV, testing the scheme against a BLV of both £3.5m and £3.8m, reduced from the submitted £4.8m.
 - Acquisition costs – DSP have adjusted legal costs downward to 0.75% and excluded a survey fee of £25,000.
 - Gross Development Value – DSP have increased the total GDV by 2.85% in line with the UK House Price Index for Tunbridge Wells.
 - Build costs – DSP have reduced the submitted costs by £237,400 in line with their second opinion view on build costs.
 - Legal costs - DSP have included legal costs at £750 per unit, a downward adjustment from 0.5% GDV.

10.121 The conclusion of this first review was that DSP felt the scheme viability to have been understated, and were unable to support an approach which provides nil affordable housing – the applicant's position had not been justified.

10.123 The applicant then provided further evidence to support their position. This was reviewed by DSP. DSP acknowledged that in the absence of any directly comparable properties to the WA Turner site, it can be difficult to assess the BLV and alternative assumptions could be considered. DSP considered further available comparable evidence and noted that capitalising the assumed rent at a higher yield would produce a capital value of £3.75m and applying a lower capital value (of say £44 psf) would produce a capital value of £3.7m. It is appropriate to consider a landowner's premium and a typical assumption for a commercial property is an uplift of no more than 10 – 30% applied to the EUV. For these vacant premises at the WA Turner site, DSP considered a mid-point view may be more appropriate and agreed a BLV of £4.4m (rounded).

10.124 Following these revisions DSP's 100% market housing scheme produces a residual land value (RLV) of £5,102,612 and when compared to a BLV of £4.4m produces a surplus of £702,612.

10.125 The applicants' consultants Savills provided an appraisal for a 30% AH scheme based on 9 x 1-bed, 13 x 2-bed and 6 x 3-bed (total 28 units). Using the same housing mix, DSP's 30% AH appraisal, using the revised assumptions as above, produces an RLV of £3,700,210 and when compared to a BLV of £4.4m produces a deficit of -£699,790. Therefore the scheme still cannot viably deliver 30% affordable housing.

10.126 The submitted details are considered to be sound and significant weight is proposed to be given to the TWBC consultant's broad acceptance of the applicant's viability position. Therefore on the information provided there is considered to be sufficient justification to depart from Core Policy 6 with regards to the provision of affordable housing for the provision of 10.6% instead of 30%. This issue will therefore not form a recommended reason for refusal.

Review mechanisms

10.127 In similar previous situations (although not in this case), the Council's viability consultants recommend that TWBC consider the inclusion of a 'review mechanism' within the S106 agreement. A review mechanism is a process which essentially re-runs the viability assessment process at a later point post-permission and prior to completion of all units. Early reviews are usually engaged if a certain amount of progress has not been made on site within several years, while late reviews are generally triggered on disposal of 75% of the units onsite.

10.128 Review Mechanisms compare the viability assessment at application stage with actual achieved values and costs. If costs have gone down, and values up, then a further payment to the LPA will be required. If the original assessment was too pessimistic then a late payment to the local authority will be required, or additional dwellings will be required to be delivered as affordable housing. This can often be used as a reasonable compromise, agreeing zero upfront contribution but secured via late review mechanism to check actual values at a later date.

10.129 The PPG states at para 009 of the 'Viability' section that *'Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles'*. Neither the current nor emerging TWBC Local Plan specifically refers to review mechanisms.

10.130 The LPA is however aware of two appeal decisions where the Inspector has dismissed the LPA's requirement for a review mechanism - because their Local Plan affordable housing policies do not require it. These are appeal decisions not case law, and there may well be other appeals that support the inclusion of a review mechanism, the pursuance of which is a matter of planning judgement. However both decisions seem to indicate the way in which Inspectors are reading the PPG advice and this reading of it was the same in both appeals, unaffected by any site specific circumstances.¹

10.131 Nevertheless any yield from this is only likely to be an off site payment and in view of the current shortfall in the yield is unlikely to make any meaningful contribution towards affordable housing. Furthermore, in Officers' experience the review mechanism often comes back showing either nil viability or no significantly better position than at the original application stage, which is more likely in the context of rising interest rates, a likely economic recession and increasing building material

¹ APP/E5900/W/18/3194952 (49-59 Millharbour, 2-4 Muirfield Crescent and 23-39 Pepper Street, London E14 9TD) and APP/K3605/W/20/3261529 (8-14 Oatlands Drive, Weybridge, KT13 9JL)

costs. Therefore it is Officers' recommendation, on balance, that this review mechanism is not pursued.

10.132 The emerging Local Plan at supporting paragraph 6.338 to draft Policy H3 advises that in cases such as this, a shorter implementation period than the standard three years should be considered. Such a requirement is not part of the current Local Plan. This has been suggested to the applicant however they consider they would be unable to formally commence within two years due to the following;

- the viability of the scheme (with its 10.6% provision) is at best marginal anyway.
- Imposing a reduced commencement period could see the permission lapse, particularly given the complexity of this scheme (eg: demolishing the factory buildings, undertaking remedial decontamination work, getting contracts and contractors in place before work can commence (along with discharging planning conditions and selling the site in the first place – it is still in the ownership of WA Turner);
- Moreover, whilst the reference to a reduced/ two year implementation period in the draft local plan is acknowledged, the draft plan as a whole is still at the examination stage with the Inspector having requested significant additional information and some preliminary modifications already. Therefore, there is an ongoing lack of certainty as to the final form of the emerging Local Plan (including with respect to paragraph 6.338) and the date on which the plan will ultimately be adopted. As per national guidance, the applicant considers that only limited weight can be attributed to the draft plan at this stage.
- The viability position is unlikely to significantly improve within this time in any event.

10.133 It is also noted that very little is legally required to implement a permission (such as digging a small section of water trench or demolishing a small curtilage building). Such works could be undertaken within two years but do little to achieve the objective of completing the development quickly before the development becomes more viable. The courts have held that a LPA cannot compel a landowner/applicant to complete a permission except in highly exceptional circumstances.

10.134 Given the reference to this is also within the Submission Local Plan whose affordable housing policies carry minimal weight at present, it is not considered the shortened implementation period can be realistically pursued.

Summary

10.135 In summary all obligations sought via the S.106 agreement are considered to meet the relevant CIL tests.

Summary

S.38 (6) balancing exercise

10.136 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. This is reaffirmed in NPPF Para 47. S38 (6) affords the development plan primacy in determining the application. The Development Plan policies as a whole are not out of date and still carry significant weight. This is consistent with the Government's clear statement that the planning system should be genuinely 'plan-led.' (NPPF Para 15).

10.137 However, the clear advice of the NPPF in para 11d indicates that the Local Planning Authority should be granting planning permission where the “most important” policies for determining the application are out of date (in this case the housing policies due to the lack of a 5 year supply) 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.*

10.138 In terms of the policies in the NPPF it has been considered above that there are no policies that protect areas or assets of particular importance that would provide a clear reason for refusing the development. Which leaves consideration against 11d(ii).

10.139 In terms of negative aspects;

- The proposal only delivers 10.6% affordable housing however the viability of the scheme has been tested and appraised by the Council’s own consultants - exceptions to such requirements are made in local and national policy where policy-compliant affordable housing would be unviable to provide;
- Most visitor parking is directed to the public highway (which does not strictly accord with KCC guidance for ‘Suburban’ areas); however this site falls between ‘Suburban’ and ‘Edge of Centre’ areas. The same approach was accepted on the adjacent Showfields Estate redevelopment in March 2023 and there are various mitigating factors as outlined in the ‘Parking’ section of this report;
- The proposal would not deliver a direct cycle link between this site and the adjacent Telephone Engineering site as sought by KCC Highways. However this link is not explicitly required by either the current or emerging allocation policies for the WA Turner site and there are various factors (such as the private ownership of Linden Gardens, the physical level differences between the WA Turner and the adjacent BT Engineering sites, and the fact the BT Engineering site is unlikely to come forward for development in even the medium term). The scheme can also secure monies towards a pedestrian / cycle route along the public highway which would achieve the same outcome;
- There are two main issues with the design that consultees have raised concerns with, being the lack of an ‘active frontage’ along the whole of Broadwater Lane and the use of alleyways between Blocks 2 and 4. Other design issues raised by consultees can be addressed by condition.

10.140 In terms of the positive aspects:

- The site is allocated for residential development within both the current and emerging Local Plan;
- The proposal would remove a large, unsightly and redundant industrial factory building which is in close proximity to a residential housing estate;
- The provision of 94 additional dwellings at the prescribed mix is a positive, to which very significant weight can be attached given the Council’s inability to demonstrate a five year housing land supply;
- The proposal will deliver 10 new affordable housing units which would include 6 new socially rented units;
- The proposal will be a positive in terms of improving the economic and social vitality of the area (during construction and through the introduction of new residents);

- The site is within a sustainable location within the LBD, close to two supermarkets, two primary schools and bus routes, which attracts significant weight;
- The site is Previously Developed Land (brownfield land), which also attracts significant weight;
- Some benefits would arise from some of the S106 financial obligations (for example: non Showfields residents would benefit from monies towards school enhancements etc – this attracts limited to moderate weight);
- The proposal is capable of delivering a net ecological gain;

10.141 In terms of the above the adverse impacts of granting permission would be significantly and demonstrably outweighed by the benefits when assessed against the policies in the NPPF taken as a whole. 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. There are overall significant social and economic benefits to the proposal and with this in mind, it is considered on balance that the proposal comprises sustainable development in NPPF terms.

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 22nd December 2023 (unless a later date be agreed by the Head of Planning Services) to include the following;

- The provision of a minimum of 10 units of affordable housing (6 No. socially rented and 4 No. shared ownership);
- A contribution of £76,392.00 towards refurbishment, reconfiguration and/or extension of Lonsdale Medical Centre, The Wells Medical Practice, Grosvenor & St James Medical Centre, Kingswood Surgery and Rusthall Medical Practice and/or towards new general practice premises development in the area;
- A contribution of £186,140.00 towards the expansion of Bennett Memorial Diocesan School;
- A contribution of 41,097.74 towards provision of additional Libraries, Adult Learning and Social Care services at Tunbridge Wells Cultural Hub (The Amelia Scott);
- A contribution of £17,264.98 towards Tunbridge Wells Waste Transfer Station and Household Waste Recycling Centre expansion;
- A contribution of £6,157.00 towards additional resources for the Kent Youth Service locally at Calverley Park, engaging young people to build relationships and maintain positive social behaviours in public spaces;
- A contribution of £18,800.00 towards increased resourcing of the day-to-day maintenance costs of the Commons in accordance with the Common Conservators' Management Plan, including but not exclusively, litter bin servicing and waste disposal, bench restoration, footpath management and tree management;
- A contribution of £3,000.00 towards the improvement of Public Footpath WB24 from the A26 to its connection with restricted byway WB28;

- A contribution of £47,000.00 towards improvements to local cycling and walking infrastructure to achieve more active travel and sustainable modes in the vicinity of the Development along Broadwater Lane and Underwood Rise, between the Showfields Estate/Eridge Road and the 'BT Engineering' site, in general accordance with schemes in the Borough Council's Local Walking and Cycling Infrastructure Plan;
- A contribution of £239,751.00 towards provision of improvements and upgrades to towards Eridge Road allotments, or the proposed football centre of excellence in Hawkenbury;
- A contribution of £42,454.16 towards the Hunters Play Area (Showfields) Hunters Way Royal Tunbridge Wells Kent first; or the Showfields Infant Play Area at Showfields Road;
- and subject to the following conditions:

Implementation

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

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

Approved plans

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

2030-PA-001B Site Location Plan
2030-PA-003D Site Layout Plan
2030-PA-004D Site Layout Plan (Sheet 1 of 2)
2030-PA-005C Site Layout Plan (Sheet 2 of 2)
2030-PA-BLK-1 Block 1 - Plans,Elevations & Section
2030-PA-BLK-2 Block 2 - Plans,Elevations & Section
2030-PA-BLK-3 Block 3 - Plans,Elevations & Section
2030-PA-BLK-4 Block 4 - Plans,Elevations & Section
2030-PA-BLK-5 Block 5 - Plans,Elevations & Section
2030-PA-BLK-6 Block 6 - Plans,Elevations & Section
2030-PA-BLK-7-100A Block 7 Plans,Elevations & Section
2030-PA-BLK-Type B Type B - Plans,Elevations & Section
2030-PA-Semi-C Type C - Plans,Elevations & Section
2030-PA-Semi- C1 Type C1 - Plans,Elevations & Section
2030-PA-Det-D Type D - Plans,Elevations & Section
2030-PA-APT-100 Ground Floor Plan
2030-PA-APT-101 First Floor Plan
2030-PA-APT-102 Second Floor Plan
2030-PA-APT-103 Third Floor Plan
2030-PA-APT-104 Fourth Floor Plan
2030-PA-APT-105 Roof Plan
2030-PA-APT-200 South/East Elevation
2030-PA-APT-201 North/West Elevation
2030-PA-APT-202 East/West Elevation
2030-PA-APT-300A Apartment Building Section A-A
7270-L-101 Landscape Proposals
WIE-17825-110-005 A01 – Existing and proposed site accesses and footways

Arboricultural Impact Assessment November 2021
Ecological Impact Assessment October 2021
3156(6-02 and 3156(6-03 – EV provision plans

Reason: To clarify which plans have been approved

Design details

- (3) Notwithstanding the submitted plans and details, prior to the commencement of construction work on the buildings hereby approved above slab level, detailed plans and information regarding the following aspects of the proposed 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;
- a) The materials to be used for final surfacing through the development (including details showing how dedicated and continuous footway routes will be demarked, and use of a bound surface for the first 5 metres of the access from the edge of the highway);
 - b) Details relating to materials and windows (including recess depths dimensions);
 - c) The alignment, height, position and materials to be used in the construction of fences or other means of enclosure (including the stone wall in front of Unit 1 and the acoustic fencing at the north eastern boundary of the application site, in accordance with the specification and details approved pursuant to condition 24 of this permission);
 - d) Written details including source/manufacturer, of all external materials, showing the use of brick on the ground floor of the dwellinghouses;
 - e) Details of the existing and proposed ground levels detailing any changes to levels and including finished ground floor slab levels and any retaining structures and areas of cut and fill. Such matters to be demonstrated through long-sections showing how the site relates to surrounding development;
 - f) Details of dropped kerb crossings, including details of gradients to be provided at the site accesses;
 - g) Details of measures to provide private amenity areas (where practicable) for the apartments within Block 7.

Reason: To ensure the build quality of the development, residential and visual amenity. In the interests of highway and pedestrian safety and the creation of development where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Landscaping

- (4) The approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written permission to any variation.

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

- (5) A landscape management plan, including long term design objectives, management responsibilities, maintenance schedules and a timetable for implementation for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development for its permitted use. The landscape management

plan shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area

Tree protection

- (6) The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with the Tree Protection Plans within the approved Arboricultural Impact Assessment (November 2021). Such tree protection measures shall remain throughout the period of construction
 - (b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
 - (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
 - (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation, unless as agreed in writing by the Local Planning Authority;
 - (e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
 - (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained unless as agreed in writing by the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality. To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

Tree, hedge and hedgerow retention

- (7) All existing trees, hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed or are removed with the prior written agreement of the Local Planning Authority. All trees, hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any trees, or parts of hedges or hedgerows removed without the Local Planning Authority's prior written permission or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of protecting the visual amenities and character of the site and locality.

Surface water drainage

- (8) No development (except for demolition/ site clearance) shall 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 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.

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

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.

- (10) Notwithstanding the submitted details and approved plans, no infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

Sustainability measures

- (11) Notwithstanding the submitted details, prior to the commencement of construction work on the buildings hereby approved above slab level, full written and illustrative

details for renewable energy technologies and energy saving measures 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, and the approved measures shall thereafter be retained.

Reason: In order to ensure that the energy efficiency through sustainable design and construction is achieved

- (12) Prior to the first occupation of any dwelling within the development, the EV charging stations and passive provision shown on the approved plans to serve that dwelling shall be provided in full and thereafter retained in full working order.

All Electric Vehicle chargers provided within the development shall be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection).

Reason: to include provision for electric vehicles

- Vehicle parking space/turning*
- (13) The area shown on the approved drawings as vehicle parking space and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before first occupation of the relevant phase of the development hereby approved, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking and turning space.

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

- External lighting*
- (14) Notwithstanding the submitted plans and details, prior to the first occupation of the relevant phase of the development hereby approved details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority.

These shall include a lighting layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).

The external lighting scheme shall demonstrably reflect the lighting recommendations within Section 5.8 within the approved Ecological Impact Assessment October 2021 with regards to impacts upon bat species.

The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written permission to the variation.

Reason: In the interests of amenity of adjoining residents and to limit light pollution

- Construction and Environmental Management Plan*
- (15) Notwithstanding the submitted details, prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in

writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority. The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Hours of working;
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: To protect the amenity of local residents and in the interests of highway safety. This is a pre-commencement condition as it addresses matters which arise from the commencement of demolition works.

Land contamination

- (16) Prior to the commencement of the development the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority:

1) Method statement for the demolition of existing buildings and structures on the site, including a timetable for demolition in relation to the other components of this condition;

2) Following demolition as 1 above, a site investigation, based on the submitted Preliminary Environmental Risk Assessment (Waterman, August 2021) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) Following (2) above, if required, a remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (1) shall be undertaken. This should give full details of the remediation measures required and how they are to be undertaken, and shall include a programme for remediation. 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 shall be submitted upon completion of the works in accordance with the agreed programme for remediation. The closure report shall include full verification details as set out in 2. 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 permission of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- (17) Prior to any part of the development hereby approved being occupied and subject to the agreed programme for remediation under condition 16, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

- (18) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants

- High Speed Fibre Optic broadband*
(20) Before development commences (excluding demolition of existing buildings) details shall be submitted for the to facilitate the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 1000mb OR nearest maximum available broadband strength in the area) connections to multi

point destinations and all new buildings within the development hereby approved. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

Reason: To provide high quality digital infrastructure in new developments. This is a pre-commencement condition as service routes will need to be addressed from the beginning of the construction phase.

Cycle and refuse storage

- (21) Notwithstanding the submitted details and approved drawings/documents, full details of bicycle and refuse storage facilities shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above-ground construction development.

These shall be completed and made available for use prior to first occupation of the development hereby approved and shall thereafter be retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety. In the interests of visual amenity and to facilitate waste collection.

Biodiversity mitigation and enhancement

- (22) The development shall be carried out in strict accordance with paragraphs 5.10 – 5.12 within the approved Ecological Impact Assessment October 2021

Prior to first occupation of any part of development, details of the ecological net gain to be delivered by the development shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate 10% net gain overall, or as near as reasonably practicable.

The development shall be carried out in accordance with the measures for biodiversity enhancement shown within the approved Ecological Impact Assessment October 2021 (paras 5.13 – 5.15 and Figure 3) and shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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

Air quality mitigation

- (23) All gas-fired boilers used within the development shall meet a minimum standard of <40mgNO_x/kWh.

Reason: To mitigate air quality impacts arising from the development.

Noise

- (24) Prior to the commencement of the development hereby approved (excluding demolition work and construction of footings/foundations) a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - shall be submitted to and approved in writing by the Local Planning Authority. 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

Secured by Design

- (25) Prior to the commencement of development hereby approved (excluding demolition work and construction of footings/foundations), a scheme which references the comments of Kent Police pursuant to the Secured by Design initiative (dated 23rd February 2022) and which demonstrates, as far as practicable, how those measures will be incorporated into the new development shall be submitted to and approved in writing by the Local Planning Authority.

The submitted scheme shall include defensive landscaping measures to protect back garden fences adjacent to the retail, parking, and commercial areas; landscaping measures to avoid desire lines across front gardens; and the provision of a 1m buffer zone using either a 1.2 – 1.4m railing or a 1m mature height hedge with high thorn content between blank walls of buildings and areas open to the public.

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

Reason: In the interests of good design and the creation of development where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Highway works

- (26) Prior to the first occupation of any part of the site, the visibility splays shown on approved drawing WIE-17825-110-005 A01 (within which there shall be no obstruction in excess of 0.6m in height above the carriageway edge) shall be provided at the access and the splays shall be so maintained at all times.

Reason: In the interests of highway safety

Pedestrian link

- (27) Notwithstanding the submitted details and approved plans, prior to first occupation of the development;

- i) A study shall be undertaken to investigate the feasibility of a pedestrian footpath connection between either;
- the turning head between Units 39 and 40, or
 - the turning head south of Unit 42

through to the adjacent BT Engineering site can be provided, the results of which shall be submitted to and approved in writing by the Local Planning Authority.

- ii) Where the results of the feasibility study indicate that the footpath benefitting pedestrian connectivity can be provided, further details shall be provided prior to occupation of the development which shall include a block plan and a section drawing showing details of the route, surfacing materials, wayfinding signage from Broadwater Lane and lighting. The footpath shall be provided in accordance with a timescale provided within the submission and thereafter retained for pedestrian use.

Reason: To ensure that all efforts have been undertaken by the developer to secure the provision of an internal pedestrian route through the development to the adjacent allocated site thereby enhancing its connectivity with Tunbridge Wells Town Centre

Play areas

- (28) Notwithstanding the submitted details and approved plans, prior to the first occupation of the development hereby approved, detailed plans and information regarding the following aspects of the proposed development shall be submitted to and approved in writing by the Local Planning Authority and shall have been carried out in accordance with the approved details;

- Details of the on-site play areas, as shown on the plans including details and finished levels or contours, surfacing materials, and vandal resistant play equipment;
- Provision of fencing at a minimum height of 1.2m, along with a single dedicated entry and exit point to enable adult control/supervision;
- Details of seating, litter bins, signs/artwork (where applicable) and lighting;
- Timetable for implementation of all the above.

Reason: To ensure play areas/open spaces are designed and provided to an acceptable standard.

Restriction of use of remote working/community hub

- (29) The use of the remote working/community hub shown on approved drawing 2030-PA-BLK-7-100A shall be restricted to residents of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: this is the basis on which the application has been made and no additional parking has been provided for the use of the facility independently from the rest of the development; in the interests of the residential amenity of nearby occupiers; and in the interests of highway safety

Travel Plan

- (30) Notwithstanding the submitted plans and details no residential dwelling hereby approved shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the local Highway Authority.

The Travel Plan shall include the following measures:-

- Sustainable Travel Packs to provide information on local bus travel, walking and cycling;
- Provide personalised journey planner to encourage sustainable travel;
- Provision of cycle parking;
- A commitment that the Travel Plan Co-ordinator will work with Kent County Council to promote cycling and walking;

The agreed Travel Plan measures shall subsequently be implemented for the relevant phase of the development and thereafter maintained within three months of the first occupation of the buildings hereby permitted.

Together with a timetable for the implementation of each element.

Reason: In order to realise a sustainable pattern of development in the area

Fencing/boundary treatment

- (31) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order

with or without modification), no gates, walls, fences or other means of enclosure (other than as hereby approved or approved pursuant to conditions 3 & 28 of this permission) shall be erected between the wall of any building and Broadwater Lane without the prior written planning permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control the development of land and to protect the visual amenities of the development's frontage to Broadwater Lane

- (32) Fencing on the north and eastern boundary of the development shall be constructed prior to first occupation of any part of the development in strict accordance with the boundary treatment details approved under condition 3 (c) of this permission. It shall thereafter be retained in accordance with the approved details. Except as otherwise permitted by the Local Planning Authority, no gate or other means of allowing access to adjacent land shall be installed within this fencing at any time.

Reason: In the interests of good design, to prevent a route forming between the development and the adjacent petrol station/car park and to foster the creation of development where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

INFORMATIVES

- 1) 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.

- 2) As the development involves demolition and / or construction, compliance with the Mid Kent Environmental Code of Development Practice is expected.
- 3) 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. Please read Southern Water's New Connections Services Charging Arrangements documents which is available to read on their website via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>
- 4) Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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

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

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

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance> . Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

- 5) This development is the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990.
- 6) Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.

There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

- 7) Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".
- 8) Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:
 - Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005

- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.

Re-use of materials: The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK

9) Public Rights of Way:

- No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
- There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
- No hedging or shrubs should be planted within 1 metre of the edge of the Public Right of Way.
- Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

B If the applicants fail to enter into such agreement by 22nd December 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 would not provide affordable housing and would therefore conflict with Core Policy 6 of the Tunbridge Wells Borough Core Strategy 2010, the Affordable

Housing Supplementary Planning Document, the Planning Practice Guidance and the National Planning Policy Framework 2021

(2) The proposal would fail to provide developer contributions towards;

- the Libraries, Adult Learning and Social Care elements of the Tunbridge Wells Cultural Hub project; the North Farm Waste Transfer Station; additional resources for the Kent Youth Service; the expansion of Bennett Memorial Diocesan School; and towards the improvement of Public Footpath WB24 from the A26 to its connection with restricted byway WB28;
- Towards refurbishment, reconfiguration and/or extension of Lonsdale Medical Centre, The Wells Medical Practice, Grosvenor & St James Medical Centre, Kingswood Surgery and Rusthall Medical Practice and/or towards new general practice premises development in the area;
- increased resourcing of the day-to-day maintenance costs of the Commons in accordance with the Common Conservators' Management Plan, including but not exclusively, litter bin servicing and waste disposal, bench restoration, footpath management and tree management;
- Towards improvements to local cycling and walking infrastructure to achieve more active travel and sustainable modes in the vicinity of the Development and in accordance with schemes in the Borough Council's Local Walking and Cycling Infrastructure Plan;
- Towards adult and youth recreation projects, namely provision of improvements and upgrades to towards Eridge Road allotments, or the proposed football centre of excellence in Hawkenbury;
- Towards children's recreation namely the Hunters Play Area (Showfields) Hunters Way Royal Tunbridge Wells Kent; or the Showfields Infant Play Area off Showfields Road)

and would therefore conflict with Core Policies CP1, CP5, CP6, CP8 and CP9 of the Tunbridge Wells Core Strategy 2010, saved Policies R2 and CS4 of the Tunbridge Wells Borough Local Plan 2006 and the National Planning Policy Framework 2021.

Case Officer: Richard Hazelgrove

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

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