

REPORT SUMMARY

REFERENCE NO - 19/01869/FULL

APPLICATION PROPOSAL

Minor material amendment to 17/02262/FULL (mixed use development comprising retail uses, restaurants, cinema, 108 dwellings, car and cycle parking, highway works, public realm improvements, realignment of Public Right of Way WBX17 and extinguishment of Public Right of Way WBX18). Amendments include: Reduction in retail/restaurant floorspace; removal of office accommodation; external and internal alterations including new glazed links, changes to fenestration/doors, extensions to residential blocks; changes to height of building (no higher than tallest element previously approved); reduction in height of cinema and relocation of entrance to ground floor; alterations to parking, delivery, servicing and access arrangements; and alterations to the public realm and landscaped areas.

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

RECOMMENDATION to GRANT planning permission subject to conditions and Section 106 agreement previously secured under application 17/02262/FULL (please refer to section 11.0 of the report for full recommendation)

SUMMARY OF REASONS FOR RECOMMENDATION

- There is no objection to the principle of the proposed development as the site is allocated for mixed use purposes in the Site Allocations Local Plan (SALP) under Policy AL/RTW2B
- The previously approved scheme (17/02262/FULL) caused less than substantial harm to the character and appearance of the Conservation Area and setting of nearby listed buildings. The proposed amendments would cause no greater harm to these designated heritage assets than previously approved. As with the previously approved scheme, this harm is clearly and convincingly justified when weighed against the public benefits of the proposals.
- The scale, layout and design of the development would respect the context of the site and preserve the visual amenities of the locality.
- Sustainable design, energy efficiency and renewable energy measures have been satisfactorily incorporated within the proposals.
- The development would not be harmful to the amenities of nearby dwellings and other properties.
- The traffic movements generated by the development can be accommodated without detriment to highway safety.
- The development is well served by sustainable transport modes and suitable measures have been proposed to meet the needs of pedestrians, cyclists and bus users.
- Subject to mitigation measures to be secured by means of a Section 106 planning obligation, adequate on-site provision is made for car and cycle parking.
- Public realm improvements and other public benefits and mitigation measures are secured by a Section 106 obligation and/or planning conditions
- Other environmental impacts have been assessed and there are not any which are potentially significant and which cannot be controlled by conditions.

INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

Contributions (secured through Section 106 planning obligation):

- Primary school contribution of £65,649 towards expansion of Broadwater Down Primary

<p>School.</p> <ul style="list-style-type: none"> - Secondary school contribution of £46,606.05 towards the enhancement of St Gregory's Secondary School. - Cultural and Learning Hub contribution of £37,960.92 towards Tunbridge Wells Cultural and Learning Hub. - NHS West Kent Clinical Commissioning Group contribution of £76,392 towards Lonsdale Medical Centre, Kingswood Surgery, Grosvenor Medical Centre and/or St James Medical Centre. - Youth & adult recreation contribution of £194,328 towards Calverley grounds and/or Rusthall playing fields expansion. - Public Realm contribution of £100,000 towards works to the north of the Church Road/Mount Pleasant Road junction. - Town centre parking/sustainable transport contribution of £50,000 towards the exploration of and implementation of measures to deter private car use and manage public parking in Tunbridge Wells town centre. - Parking restrictions contribution of £2,000 towards (on-street parking management). - Common Local Wildlife site contribution of £8,370 towards mitigation of recreational pressures on the Common. - Car club contribution of £20,000 for 1 x Co-Wheels car club car. <p>TOTAL SECTION 106 CONTRIBUTIONS = £601,305.97</p> <p>Net increase in numbers of jobs: 205</p> <p>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: £5,715,892</p> <p>The following are not considered to be material to the application:</p> <p>Estimated annual council tax benefit for Borough: £19,306</p> <p>Estimated annual council tax benefit total: £194,889</p> <p>Annual New Homes Bonus (for first 4 years): £108,000</p> <p>Estimated annual business rates benefit for Borough: £206,299</p>		
<p>REASON FOR REFERRAL TO COMMITTEE</p> <p>Minor material amendment to a significant major application that was previously heard at Planning Committee on 24th October 2017.</p>		
<p>WARD Culverden</p>	<p>PARISH/TOWN COUNCIL</p> <p>N/A</p>	<p>APPLICANT Elysian Residences on behalf of</p> <p>AGENT Mr Nathan Hall</p>
<p>DECISION DUE DATE</p> <p>09/10/19</p>	<p>PUBLICITY EXPIRY DATE</p> <p>28/08/19</p>	<p>OFFICER SITE VISIT DATE</p> <p>23/07/19</p>
<p>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</p>		

17/02262/FULL	Full planning application for mixed use redevelopment comprising 3,039 sqm Gross Internal Area (GIA) retail uses (Use Class A1/A2), 1,895 sqm GIA restaurant use (Use Class A3), 1,049 GIA sqm cinema (Use Class D2) and 99 dwellings (Use Class C3) together with provision of car and cycle parking, highway works, public realm improvements, and associated works, realignment of Public Right of Way ref WBX17 and extinguishment of Public Right of Way ref WBX18, and either:- (a) 9 additional dwellings (Use Class C3) and 372 sqm GIA office uses (Use Class B1); or (b) 1,144 sqm GIA medical centre (Use Class D1)	Approved	02/02/18
17/03555/S257	Application for a Stopping up Order under Section 257 Town and Country Planning Act 1990 - Order No. WBX17 and No. WBX18 and the creation of a new east/west footpath	Received	
11/03332/CAC	Conservation Area Consent: Demolition of former ABC Cinema, 10-15 Ritz Buildings, Church Road, 41-67 Mount Pleasant Road, Clanricarde House and Hill House, Clanricarde Road	Approved	23/12/11
09/03456/NMAMD	Non-material amendment in relation to TW/08/03119/FULMJ - alteration to line of walkway from Clanricarde Road to Mount Pleasant Road to improve access, safety and security	Approved	20/11/09
09/03185/S257	Application for a Stopping up Order under Section 257 Town and Country Planning Act 1990 - Order No. WBX17 - Clanricarde Road to Mount Pleasant Road and no. WBX18 - Church Road to WBX17 and the provision of two replacement walkways	Approved	01/03/10
08/03119/FULMJ	Demolition of all existing buildings. Redevelopment of site with mixed use classes including C1 (hotels), B1 (offices), A1 (Shops), A2 (professional & financial services) & A3 (restaurants), with servicing and car parking.	Approved	06/01/09

08/03126/CAC	Conservation Area Consent: Demolition of all existing buildings to facilitate comprehensive development of site including: the former cinema site, nos. 10-15 Ritz Buildings, Church Road; nos. 51-67 Mount Pleasant Road; and Hill House and Clanricarde Medical Centre, Clanricarde Road.	Approved	31/10/08
06/00369/CAC	Conservation Area Consent - Variation of terms of Condition 2 of Conservation Area Consent TW/01/02443 to permit demolition of buildings to proceed without compliance with requirement at paragraph (b) thereof	Approved	23/03/06
04/00940/FULMJ	Comprehensive redevelopment of site with mixed use Class A1 (Shops) Class A3 (Food and Drink) Class C3 (Dwellinghouses) and Class D2 (Assembly and Leisure) together with servicing and car parking	Refused	08/10/04
01/02446/FULMJ	Comprehensive redevelopment of site with mixed use class A1 (shops) class A3 (food and drink) class D3 (dwellinghouses) and class D2 (assembly and leisure) together with servicing and car parking	Refused Appeal allowed	09/04/03 16/12/04

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This application relates to the development of a prominent site located at the corner of Church Road and Mount Pleasant Road in the centre of Tunbridge Wells. The site has a secondary frontage to Clanricarde Road at the rear.
- 1.02 The 0.8 ha site is currently vacant with the exception of an end-terraced shop unit, 41 Mount Pleasant Road. It was previously occupied by the ABC cinema with associated shops/cafes fronting Mount Pleasant Road and Church Road, with car parking to the rear. The site also previously contained a doctor's surgery and dental practice. The cinema closed down in 1999, followed by the shops/cafes. The buildings were demolished in 2014 and since then the site has remained vacant. Demolition of the remaining building at 41 Mount Pleasant is authorised under TW/11/03332/CAC. The majority of demolished buildings were two storeys high, with the exception of the three storey Clanricarde House and the cinema, which was the equivalent of four storeys. Demolition took place at the request of TWBC, following the service of a Section 215 Notice.
- 1.03 The area surrounding the site comprises a range of uses. Retail and restaurant/café uses front Mount Pleasant Road. On the opposite side of Church Road is a restaurant, the residential properties of 2 and 3 The Priory and Trinity Arts Centre. To the north of the site is a public house, with the seven storey Wellington Gate office block beyond. The area to the west/south-west of the site (Lonsdale Gardens, Clanricarde Road and Clanricarde Gardens) comprises residential and office uses as

well as a doctor's surgery and children's nursery/pre-school. Many of the adjoining properties have windows that face towards the site.

1.04 The site has a challenging topography:

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

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

1.06 The site lies within the Tunbridge Wells Conservation Area and there are a number of Grade II listed buildings in the vicinity, including the Lloyds Bank building at 82 Mount Pleasant Road, the Civic complex (Town Hall, Assembly Theatre and Police Station) diagonally opposite the site, 2 and 3 The Priory and Trinity Theatre on the opposite side of Church Road. The gate piers and a post box at the entrance off Lonsdale Gardens are also Grade II listed.

1.07 There are two vehicular accesses into the site:

- From Church Road, adjacent to Pitcher and Piano
- From Clanricarde Road, accessed via Lonsdale Gardens (private road serving predominantly office buildings, but also residential uses and the Lonsdale Medical centre (doctor's surgery).

1.08 Two public footpaths cross the site, which became designated Public Rights of Way in July 2009:

- A north/south route linking Clanricarde Road and the former cinema car park with Church Road to the north (route WBX18).
- An east/west route that links Clanricarde Road with Mount Pleasant Road to the east (route WBX17).

1.09 The main line railway passes through a tunnel beneath the north east edge of the site. This acts as a constraint on the weight of construction materials above this edge of the development.

1.10 There are two trees in the south west corner of the site adjacent to Clanricarde Road and six trees adjoining it, the most significant of which are three London plane street trees on Mount Pleasant Road. These trees are protected by virtue of being within the Conservation Area.

2.0 PROPOSAL

2.01 This proposal seek a minor material amendment to the previously approved planning permission (17/02262/FULL), which granted consent for a mixed use scheme, incorporating retail uses, restaurants, cinema, 108 dwellings, car and cycle parking, highway works, public realm improvements, realignment of Public Right of Way

WBX17 and extinguishment of Public Right of Way WBX18. The amendments proposed include:

- Reduction in retail/restaurant floorspace
- Removal of office accommodation
- External and internal alterations including new glazed links
- Changes to fenestration/doors
- Extensions to residential blocks
- Changes to height of building (no higher than tallest element previously approved)
- Reduction in height of cinema and relocation of entrance to ground floor
- Alterations to parking, delivery, servicing and access arrangements to be from Clanricarde Road.
- Alterations to the public realm and landscaped areas
- Four town houses to be provided along Clanricarde Road
- Additional floor of residential accommodation in Block A, created by reducing ceiling heights at ground and top floor level.

2.02 The 108 residential units will cater specifically for the over 65 demographic. As such the amendments include a private restaurant for residents, gym and amenity spaces.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area	0.8ha	0.8ha	No change
Land use(s) including floor area(s)			
A1/A3 (Retail/Restaurant)	4,934m ²	2,604m ²	-2,330m ²
B1 (Office)	372m ²	0m ²	-372m ²
D2 (Cinema)	1,049m ²	1,067m ²	+18m ²
Number of jobs	297	280 construction & operational phases (205 during operational phase)	-17
Car parking spaces (inc. disabled)	74	60 (inc. 6 disabled)	-14
Cycle spaces	130	36 (residential) 22 (staff and public)	-72
No. of storeys	7	8	+1
Max height (excluding plant)	29m	29m	No change
No. of residential units	108	108	No change
No. of affordable units	0	0	No change

4.0 PLANNING CONSTRAINTS

- Inside the Limits to Built Development
- Tunbridge Wells Conservation Area (*The Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be paid to the*

desirability of preserving the special interest of listed buildings and their settings, and also special attention to preserving or enhancing the character or appearance of conservation areas, in determining applications).

- Potentially Contaminated Land
- Public Right of Way Public Footpath - WBX17 & WBX18
- Ashdown Forest 15 Km Habitat Regulation Assessment Zone
- Local Plan Primary Shopping Area (Local Plan Character Frontage Area 7 – Mount Pleasant (South)
- Local Plan Central Access Zone (Residential)
- Local Plan Central Parking Zone (Commercial)
- Local Plan Character Frontage
- Allocated Site (Area of Change) AL/RTW2B - Site Allocations Local Plan, 2016
- Public Access Land Tunbridge Wells Common
- Public Access Land Mount Sion Village Green, Berkeley Road, Tunbridge Wells
- Section 106 or 52 Agreement Former Cinema Site, Tunbridge Wells
- Highways Act Land On Corner Of Church Road And Mount Pleasant Road

Constraints within vicinity of site:

Listed Buildings: *(The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving the special interest of listed buildings and their settings, and also special attention to preserving or enhancing the character or appearance of conservation areas, in determining applications). Grade II:*

- Lloyds Bank building at 82 Mount Pleasant Road;
- Civic complex (Town Hall, Assembly Theatre and Police Station) diagonally opposite the site;
- 2 and 3 The Priory, Church Road;
- Trinity Theatre;
- Gate piers and a post box at the entrance off Lonsdale Gardens are Grade II listed.

5.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (2019) National Planning Practice Guidance

Site Allocations Local Plan 2016

AL/RTW1: Urban Development Framework

AL/RTW2B: Former Cinema Site Area of Change

Tunbridge Wells Borough Core Strategy 2010

Core Policy 1: Delivery of Development

Core Policy 3: Transport Infrastructure.

Core Policy 4: Environment.

Core Policy 5: Sustainable Design and Construction.

Core Policy 6: Housing Provision.

Core Policy 7: Employment Provision

Core Policy 8: Retail, Leisure and Community Facilities Provision

Core Policy 9: Development in Royal Tunbridge Wells.

Tunbridge Wells Borough Local Plan 2006

Policy EN1: Development Control Criteria

Policy EN4: Demolition in Conservation Areas

Policy EN5: Development within a Conservation Area
Policy EN6: Shopfronts
Policy EN16: Protection of groundwater and other watercourses
Policy CR1: Large-Scale Development of Centre Uses
Policy CR5 Royal Tunbridge Wells Primary Shopping Area, Character Area 7 – Mount Pleasant (South)
Policy TP1: Transport Assessments and Travel Plans
Policy TP4: Access to Road Network
Policy TP6: Tunbridge Wells Central Access Zone (Residential) Vehicle Parking Standards
Policy TP7: Tunbridge Wells Central Parking Zone (Commercial)
Policy TP9: Cycle Parking

Supplementary Planning Documents (SPDs)

Renewable Energy SPD 2007 and Update 2016
Recreation Open Space SPD 2006
Noise and Vibration SPD 2014
Affordable Housing SPD 2007
Contaminated land SPD 2016
Royal Tunbridge Wells and Rusthall Conservation Area Appraisal 2000
Green Infrastructure SPD 2014
Kent Design Guide

Other documents

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

6.0 LOCAL REPRESENTATIONS

- 6.01 Site notices were posted on 23 July 2019 and the application was publicised in the local newspaper on 26 July 2019.
- 6.02 5 comments received supporting the application from private representatives (including local businesses):
- Proposal will restore this part of town.
 - Will generate revenue for local businesses.
 - The new commercial space will link the top and bottom of the town.
 - Support provision of cinema.
 - Developer has actively involved local community.
 - Proposal is sympathetic to the heritage of the town and immediate surroundings.
 - Support mix use and retirement accommodation.
 - Less need for car parking given demographic.
 - New residents will contribute to local economy and frequent cafes, restaurants, theatre etc.

Tunbridge Wells Footpath Warden

- 6.03 (15/08/19): There is no change in the location of the walkway - so no objections - but one issue that is not clear is the details of the walkway agreement.

West Kent Chamber of Commerce

- 6.04 (15/08/19): Support application. The site has been an eyesore for many years and has been of major concern to the majority of residents and businesses in the town. The proposal that the residential units will be for people over 65 is a sensible one since this means that as people grow older they will be in the centre of town and close to all the amenities. It also releases more family homes in the area. The

proposed cinema will be welcome by many residents, particularly those not able to drive to the out of town cinema.

7.0 CONSULTATIONS

Southern Water (05/08/19)

- 7.01 Refer to comments dated 01/09/17.
- 7.02 (01/09/17) Additional information submitted by the applicant demonstrates reduction in flow to the combined system which is satisfactory to Southern Water. Surface water should be attenuated and stored on site to match the existing flows. Foul and surface water systems should be separate until the last manhole before connection to the public sewer. Surface water attenuation structures should be offline. All other comments in the response dated 02/08/2017 remain valid.
- 7.03 (02/08/17): No objections, subject to conditions. The applicant should determine the exact position of the combined sewer before the layout of the proposed development is finalised.
- 7.04 The initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. Without such infrastructure upgrade the proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area.
- 7.05 The public sewer is a combined system, receiving both foul and surface water flows, and no flows greater than currently received can be accommodated in this system. The developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the combined system. Requested a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul flow will be no greater than the existing contributing flows.
- 7.06 Seek conditions to ensure that appropriate means of surface water disposal are proposed. Discharge to sewer should occur only where this is necessary and where adequate capacity exists to serve the development.

Historic England

- 7.07 (01/08/19): No comments.

Health & Safety Executive (HSE)

- 7.08 (19/08/19): The proposed development site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

KCC Highways and Transportation

- 7.09 (29/08/19): No objections. The parking provision (60 spaces for 108 units: 0.55 cars per unit) is acceptable for the proposed use of residents over the age of 65 years in such a central location with good access to key facilities. The 2011 census data shows 60.5% of households in Tunbridge Wells have one car or less, equating to 0.70 cars per household. The number of cars per household is usually less in a town centre owing to better public transport accessibility, greater housing density (less space for curtilage parking) and reduced private car parking availability to encourage

sustainable transport modes. The central location of this site with public transport opportunities within walking distance means that there is no objection to this aspect of the application. Recommend condition restricting age of occupants to over 65s.

- 7.10 There is an overall reduction in vehicle trips in both the AM and PM peaks when compared to the approved scheme. All servicing will now take place from Clanricarde Road, which is an improvement on the permitted scheme when considering the free flow of traffic on the A264 Church Road. A total of 36 secure cycle parking spaces are proposed. This is below the suggested one space per unit. The applicant has agreed to a condition that the travel plan should be monitored, and if it is shown that the number of cycle parking spaces is insufficient and the number of car parking spaces is in excess of what is required, this will be addressed by reducing car parking and increasing cycle parking.
- 7.11 Submission of a Residential Travel Plan should be conditioned as detailed in the original Transport Assessment, to encourage the take up of sustainable transport opportunities and modal shift away from the private car. In line with the previous permission on this site, and to encourage and improve sustainable transport use in relation to the reduction in car parking allocation, a contribution of £50,000 is sought towards exploration of and implementation of measures to deter private car use and manage public parking in Tunbridge Wells town centre.
- 7.12 In conclusion, no objection is raised to this proposal subject to the proposed conditions and S106 contribution stipulated above.

KCC Flood and Water Management

- 7.13 (05/08/19): No objections. Recommend conditions.

KCC Public Rights of Way & Access Service

- 7.14 (05/08/19): The public path orders to re-align public footpath WBX17 and extinguish public footpath WBX18 have been made and confirmed by TWBC. In addition a walkways agreement has been drafted to provide access through the site. The amendments do not impact upon the public rights of way and the walkway agreement. No objections. The Orders do not come into effect until the alternative route has been provided and certified.

KCC Archaeological Officer

- 7.15 (29/07/19): The site lies within the historic core of Tunbridge Wells, considered to have been an important Post Medieval spa town. The site has been redeveloped several times and it is likely that any Post Medieval or earlier archaeological remains have been impacted. However, there is still some potential for unrecorded archaeological remains. Recommend condition.

MidKent Environmental Health

- 7.16 (22/07/19) No objections.

TWBC Planning Policy

- 7.17 (01/08/19): The site is currently vacant, with the former cinema having been demolished ready for redevelopment of the site. The site has a lengthy frontage and occupies a prominent corner in the centre of Tunbridge Wells. The site is allocated in the Site Allocations Local Plan 2016 (Policy AL/RTW 2B) as an Area of Change for a mixed use scheme.
- 7.18 The proposal seeks a reduction in proposed A1/A3 floorspace from 4,934sqm to 2,604sqm. (overall reduction of 2,330sqm). The A1/A3 units previously proposed at

first floor level have been removed and replaced with residential units. Policy AL/RTW2B of the Site Allocations Local Plan seeks to deliver “*approximately 3,500sqm (net) additional A1 comparison floorspace, to include the creation of an active frontage to Mount Pleasant*”.

- 7.19 The previous scheme provides in excess of the “approximate” amount of A1 floorspace by over 1,000sqm and the amended scheme provides less than the “approximate” amount by 1,000sqm. Although, the overall loss of retail floorspace is regrettable, the revised scheme still provides an active frontage at the ground floor level as required by Policy AL/RTW2B. The planning statement makes reference to design amendments to the ground floor units, referring to enhanced energy efficiency measures, making the units more attractive to potential tenants and the market. The retention of the corner restaurant in the revised scheme is also welcomed.
- 7.20 The revised application also proposes a more flexible approach to the retail space provided – to be A1/A3 uses rather than just A1. This is considered to be acceptable and in accordance with the general approach that the Council is advocating (and planning for in the Draft Local Plan) to allow greater flexibility in town centre uses and ensuring that properties are attractive to the market, in line with NPPF advice.
- 7.21 Overall, although the loss of retail floorspace is regrettable and does not fully comply with that required under Policy AL/RTW2B above, there is still a considerable element of retail provided at street level; and given current market and retail trends, the loss of such elements to be replaced by residential units would make the scheme more viable and deliverable. Moreover, it is considered that the wider social and economic benefits to be gained from the delivery of development of this key town site outweigh such a departure from planning policy in this case.
- 7.22 The application does not address the loss of the B1 office use in the amended scheme. Although this element of the previously consented scheme was not significant in respect of the overall floorspace quantum (372sqm) and that it is not a substantive requirement of the Policy AL/RTW2B, rather a use that would be “acceptable” as part of a mixed use scheme, it is considered that a justification for it should be included as part of the planning submission. [OFFICER NOTE: JUSTIFICATION FOR THE LOSS OF B1 OFFICE USE HAS BEEN SUBSEQUENTLY PROVIDED AND IS DISCUSSED IN THE APPRAISAL BELOW].

TWBC Parking Services

- 7.23 (02/09/19): Given that KCC have agreed the level of parking provision, no objection. As far as cycle parking is concerned, it would be regrettable if such a significant level of under provision based on expected level of use rather than application of parking standards were to become the accepted method.
- 7.24 (19/07/19 & 15/08/19): The reduction in cycle parking provision would discourage greater take-up of this mode of travel. Since this use falls within C3 (residential), the provision should be based on the appropriate standards, which do not discriminate on the basis of age and are minimum levels of provision. Recommend cycle parking provided at correct level now (and apply to have it removed at a later date if it is found to be substantially under-utilised) rather than potentially inhibiting cycle use through under provision and then trying to find space for it.
- 7.25 Do not consider that 60 spaces for 108 units is adequate. That represents 55% provision. The consented scheme provided car parking at 69% which is lower than desirable in an area where on-street parking is highly stressed. There is evidence to suggest that car ownership and use by the over 60s is increasing and this needs to

be taken into account when assessing the correct level of parking provision for what will, presumably be luxury apartments with potentially higher levels of car ownership than might be the case in more traditional types of accommodation for the elderly. Experience has shown that providing parking on-site at low levels does not necessarily have the desired effect of discouraging car ownership. Prefer parking provision to remain as consented.

TWBC Landscape & Biodiversity Officer

- 7.26 (19/08/19) Support the application. There is a clear shift in balance between residential and retail with the loss of the podium retail units which will now become residential private spaces. The corner restaurant is retained as are the retail units under the podium providing continued amination at street level and importantly on the corner. The podium was to provide the pedestrian link to the cinema, which is now accessed directly from Mount Pleasant. The Landscape & Biodiversity Officer originally sought an access directly from Mount Pleasant to the cinema and so in some respects this scheme is an improvement. The loss of the public space and activity at podium level is disappointing but should not detract from the overall design. The interface between public and private needs careful handling and the proposal indicates that this can be done with planters and screens. Achieving a satisfactory scheme will require attention to detail but this can be secured by condition. Overall this change is acceptable. The size and treatment of the Mount Pleasant frontage has changed as a result on the change to the cinema access. The overall massing has broadly been maintained and the changes are generally positive, so no objection.
- 7.27 There are some changes in the overall massing and sizes of units. However, these do not give rise to any significant changes, so no objection to these in terms of effects on the townscape. The changes proposed to the Mount Pleasant frontage including the relocation of the cinema access are generally positive.
- 7.28 Further details of the green roof strategy and biodiversity enhancement measures required by condition. Important elements of public realm and green infrastructure, in the form of the water features and new street trees, are maintained along the property and this is welcomed.

TWBC Conservation Officer

- 7.29 (06/08/19) This application for minor amendments to the previously consented scheme proposes a range of changes in elevational design particularly on the main frontage to Mount Pleasant Road, a principal elevation on the site and one that impacts on the conservation area to a high degree. The introduction of large areas of glazing to ground floor and first floor replaces the shopfronts and introduces a less dynamic frontage which is an unfortunate change; however, the change would not cause any additional harm over the consented scheme. Likewise the minor elevational changes elsewhere do not cause additional harm.
- 7.30 The basic massing, scale and form of the development has not changed significantly and therefore there is no greater impact than the consented scheme. Overall the changes are minor. No objection from a heritage viewpoint.

Royal Tunbridge Wells Civic Society

- 7.31 (11/08/19) The revised proposals for this site are disappointing. It is arguable that the present scheme is worse than before. There has been no significant change to the elevations or massing, with the inappropriate 'tower', and public access further reduced; the number of flats has been increased to 108 and the amount of parking reduced to 60 spaces. The design makes almost no concession to its context and

fails to respect the slope of Mount Pleasant by, for example, stepping the facades down the hill.

8.0 APPLICANT'S SUPPORTING COMMENTS

- 8.01 The delivery of the redevelopment of the former ABC Cinema Site within the heart of Tunbridge Wells town centre is of key importance, both for the town and its immediate surroundings. The large site has been vacant for nearly 20 years, and has been somewhat of an eyesore within a strategically important town centre location, creating a disconnect between the north and south of the town. The overwhelming feedback received from local residents, businesses, and stakeholders over the course of the pre-application consultation period was that they simply want to see the site developed. This was further reiterated during the three day public exhibition which was held prior to the submission of the application from the 9th to the 11th of May 2019, which was very well attended.
- 8.02 The amended scheme proposed by way of this Section 73 application is fundamentally consistent with the existing permission on the site, and maintains the principles established under this permission (17/02262/FULL), in that it seeks to deliver a vibrant mixed-use scheme comprised of retail units, a cinema, and 108 residential units. However, to make the scheme buildable, viable and deliverable, it is necessary to make a number of minor amendments to the consented development. The submitted application also seeks to further enhance the consented development where possible, for instance, minor amendments are proposed to the delivery and servicing arrangements in order to take traffic away from the already busy Church Road.
- 8.03 Given the history of the site and the nature of the comments received during the pre-application consultation period, it is clear that the delivery of a cinema on the site is of great importance. As such, this aspect of the scheme has been maintained, and further improvements have been proposed. The access to the cinema has been enhanced through the relocation of the entrance to the ground floor level further helping to promote Mount Pleasant Road as a retail destination.
- 8.04 The 108 residential units within the consented scheme will be retained, and where possible improved through increasing the amount of floorspace occupied by each unit to meet the occupiers needs.
- 8.05 The east to west and north to south access routes through the site have been retained within the amended scheme, and where possible enhanced. The walkway that runs from east to west (walkway WBX17) has been improved so that there is increased surveillance from the introduction of additional windows overlooking the walkway from the adjacent residential units. It is considered that this will improve the safety of those utilising this walkway to permeate the site.
- 8.06 The submitted application retains the retail units provided at ground floor level which are key in creating an active and engaging frontage along Mount Pleasant Road, providing further improvements to the vitality and connectivity of the town centre. The amended proposals seek to reduce the overall amount of retail floorspace provided on site, by replacing the previously consented retail units at podium level with additional residential floorspace. This change is principally proposed in response to current high street market conditions and the continuing uncertainty surrounding the retail sector. The proposed reduction in retail seeks to ensure that the proposed development is both viable and deliverable, and looks to safeguard existing retail premises within the vicinity of the site in order to ensure that the proposed

development does not result in an oversupply of retail causing further vacancies of existing units elsewhere in the town centre. The replacement of the previously consented retail units at podium level with additional residential floorspace also enables the addition of conservatory style structures which are considered an architectural and townscape enhancement, drawing parallels with existing features in the Conservation Area.

- 8.07 Other enhancements to the scheme include an uplift in the amount of green and brown roofs incorporated into the redevelopment, which will positively impact upon biodiversity. In addition, the landscaped areas have been thoughtfully redesigned, and the corner water feature has been retained.
- 8.08 The amendments made to the existing planning permission (17/02262/FULL) have been designed to enhance the scheme where possible, and are key to ensuring that the scheme is deliverable and buildable. The amended proposals are of high quality and have been designed to activate and enhance the town of Tunbridge Wells for years to come, whilst working within the parameters of the approved scheme

9.0 BACKGROUND PAPERS AND PLANS

- Planning Statement dated June 2019
 - Design and Access Statement dated July 2019
 - Travel Plan dated August 2019
 - Statement of Community Involvement
 - Daylight, Sunlight and Overshadowing Report dated July 2019
 - Drainage Strategy Addendum dated 1 July 2019
 - Letter from WSP re Air Quality dated 1 July 2019
 - Letter from WSP re Archaeology dated 1 July 2019
 - Plan entitled Built Heritage Assets
 - Drawing Strategy Addendum dated 1 July 2019
 - Letter from WSP re Ecology dated 1 July 2019
 - Letter from Hoare Lea re Energy dated 1 July 2019
 - Letter from WSP re Ground borne vibration dated 1 July 2019
 - Built Heritage Statement dated June 2019
 - Landscape addendum by Bradley-Hole Schoenaich dated June 2019
 - Letter from Hoare Lea re Noise dated 28 June 2019
 - Letter from Hoare Lea re Sustainability dated 1 July 2019
 - Addendum to Townscape and Visual Impact Assessment dated June 2019
 - Transport Statement dated August 2019
 - Ventilation Statement by Hoare Lea
 - Technical Response: Planning Services Response dated 2 August 2019
 - Delivery and Servicing Plan by WSP dated August 2019
 - Letter from Lockhart Garratt regarding trees dated 2nd September 2019
- Drawing numbers:**
- P1-100/A: Basement Floor Plan
 - P1-101: Lower Ground Floor Plan
 - P1-102: Ground Floor Plan
 - P1-103: First Floor Plan
 - P1-104: Second Floor Plan
 - P1-105: Third Floor Plan
 - P1-106: Fourth Floor Plan
 - P1-107: Fifth Floor Plan
 - P1-108: Sixth Floor Plan
 - P1-109: Seventh Floor Plan
 - P1-110: Roof Plan

- P2-300: Sections AA & BB
- P2-301: Sections CC & DD
- P2-302: Sections EE & FF
- P2-303: Sections GG & HH
- P2-304: Sections JJ & KK
- P2-305: Sections LL & MM
- P3-200: North Elevation - Block A
- P3-201: South Elevation - Block A
- P3-202: East Elevation 1 of 2 - Blocks A & B
- P3-203: East Elevation 2 of 2 - Blocks B & Cinema
- P3-204: West Elevation – Blocks A & B
- P3-205: South Elevation – Block C
- P3-206: East Elevation – Block C
- P3-207: West Elevation – Block C
- P3-208: North Elevation – Block C
- P3-209: West Elevation – Block D
- P3-210: East Elevation – Block D
- P3-211: North Elevation – Block D
- P3-212: South Elevation – Block D & Cinema
- P4-401: Façade Bay Study – Mount Pleasant Road – Residential Units
- P4-406: Façade Bay Study – Mount Pleasant Road – Cinema
- P4-400: Façade Bay Study – Mount Pleasant Road – Retail
- P4-403: Façade Bay Study – Church Road: Block A

10.0 APPRAISAL

Principle of Development

- 10.01 Planning permission was granted on 2nd February 2018 (17/02262/FULL) for a mixed use development comprising a cinema, 99 residential units (Use Class C3), 3,039m² Gross Internal Area (GIA) retail uses (Use Class A1/A2); 1895m² GIA restaurant use (Use Class A3), 1,049m² cinema (Use Class D2), together with the provision of car and cycle parking, highway works, public realm improvements and associated works, realignment of Public Right of Way WBX17 and extinguishment of Public Right of Way WBX18 and either –
- (a) 9 additional dwellings (Use Class C3) and 372m² GIA office use (Use Class B1);
or
(b) 1,144m² GIA medical centre (Use Class D1)
- 10.02 This application seeks a minor material amendment to extant application 17/02262/FULL. The principle of the development was assessed in detail within the committee report for 17/02262/FULL (see **Appendix A**). For the sake of brevity, this report focuses on the minor changes sought, their impact and any changes in planning policy or material considerations that have occurred since consent was granted.
- 10.03 Policy AL/RTW2B of the Site Allocations Local Plan allocates this long-term vacant site for mixed use development. The policy refers to a number of uses that would be appropriate including retail, hotel, offices, restaurants, cafes and residential. The policy is prescriptive only in respect of retail use, requiring approximately 3,500m² of retail floorspace to create an active frontage to Mount Pleasant. This application seeks a reduction in the retail floorspace from the previously approved scheme from 4,934m² to 2,604m² – an overall reduction of 2,330m². The A1/A3 units previously proposed at first floor level have been removed and replaced with residential floorspace.

- 10.04 Application 17/02262/FULL provided in excess of the “approximate” amount of retail floorspace by over 1,400m². The current application provides nearly 900m² less than the “approximate” amount. Although the overall loss of retail floorspace is regrettable, it is the raised first floor (podium) level that would be lost and the revised scheme would still provide an active frontage at ground floor level as required by Policy AL/RTW2B. The current proposal also seeks design amendments to the ground floor retail units, which will make them more energy efficient and attractive to potential tenants and the market. An entrance lobby is also now proposed for the residential units on the Church Road entrance, which replaces a previously approved restaurant. The retention of the corner restaurant in the revised scheme is welcomed and provides some activity on the Church Road frontage.
- 10.05 The current application proposes a more flexible approach to the retail space provided – to be A1/A3 uses rather than just A1. This is considered to be acceptable and would allow greater flexibility, ensuring that these units are attractive to the market, in line with NPPF advice.
- 10.06 The proposal would also result in the loss of the B1 (office) accommodation from the scheme. This was an area of 371m², which was located at the rear of the development, fronting on to Clanricarde Gardens. The agent has submitted a letter from a property investment company, which states that given the location, lack of prominence in the street scene and low demand for such units in the town that it would not be attractive to the office market. The office element formed only a small part of the scheme. The provision of office accommodation on this site was considered an appropriate use, but not an essential use within the Site Allocations Local Plan. Given the evidence provided regarding its location and attractiveness to the office market, and the implications this may have on its viability, there is no objection to the removal of this element of the scheme.
- 10.07 Although the loss of retail and office floorspace is regrettable, there is still a considerable element of retail/restaurant uses provided at street level, which would provide an active frontage. Given current market and retail trends, the loss of such elements to be replaced by residential floorspace would make the scheme more viable and deliverable. Moreover, it is considered that the wider social and economic benefits to be gained from the delivery of development of this key town site outweighs the loss of the retail and office floorspace.

Impact on visual amenity and the Conservation Area

- 10.08 The proposal seeks some minor changes to the roof heights of parts of the development. The tallest and most prominent building (Block A) would remain the same height, although an extra level of residential accommodation is proposed within this block. This additional floor has been achieved through reducing the height of the retail units on the ground floor and the height of the top floor accommodation. There would be minor increases or decreases to the other blocks c.0.5m, which would be barely noticeable when experienced from the surrounding townscape. Additional glazed links are provided between buildings to improve connectivity and there is a minor increase to the massing of Block A to accommodate additional residential floorspace. It is considered that these changes do not materially alter the overall design of the building.
- 10.09 The removal of retail floorspace at podium level and increase in residential floorspace has enabled the addition of glazed conservatories along Mount Pleasant Road. These features add visual interest to the development and respond to the local context, taking their cue from other buildings within the Royal Tunbridge Wells

Conservation Area. The loss of retail floorspace at podium level results in a less dynamic frontage; however, retail floorspace would be retained at ground floor level, which is of primary importance as outlined in the policy. The applicant proposes to provide hard/soft landscaped areas in front of the conservatories to create a privacy barrier between the private amenity spaces and the publically accessible pathway. Planting in this area will help to green the building and enhance visual amenity and follow the theme of street planting, which is key throughout the town. Further details of hard and soft landscaping can be required by condition. The proposed changes would not cause any additional harm to the character and appearance of the Conservation Area when compared to the consented scheme.

- 10.10 The relocation of the entrance for the cinema from the podium level to the ground floor would increase activity and vibrancy at street level along Mount Pleasant Road. The height of the cinema roof would be lowered by approximately 0.8m. The changes proposed to the cinema (in particular the relocation of the access) would be beneficial in design and visual amenity terms as well as providing a more accessible entrance.
- 10.11 The provision of town houses (instead of apartments) on the Clanricarde Road elevation and the provision of glazed conservatories to mirror the Mount Pleasant Road elevation improves the visual interest on this elevation and also provides additional activity at ground floor level, which is welcome.
- 10.12 The minor amendments proposed are sympathetic to the consented scheme and required in order to improve the development and make the development viable and deliverable. The proposal would continue to provide a development of high architectural quality, which respond to the local context and preserves the character and appearance of the Conservation Area. The basic massing, scale and form of the development has not changed significantly and there is no greater impact on the character and appearance of the Conservation Area and the street scene than the consented scheme. No objection is therefore raised to this development from a heritage or visual amenity viewpoint.

Impact on listed buildings

- 10.13 There are a number of listed buildings and structures within close proximity to the site (see Section 4.0 of this report). The previously approved scheme identified less than substantial harm to these heritage assets. This less than substantial harm was considered to be outweighed by the benefits of the proposal, which include:
- The development of a currently blighted, vacant and hoarded site with new buildings built to a high standard of design that responds sensitively to the Conservation Area, the setting of nearby listed and locally distinctive buildings
 - The provision of a mix of uses that will re-activate this part of the town centre and create a range of employment opportunities
 - Delivery of much needed additional housing
 - Introduction of a new 'landmark' building at a prominent crossroads at the heart of the town centre.
 - Provision of public realm improvements that will enhance the quality and attractiveness of the site.
- 10.14 Such public and heritage benefits are considered to outweigh the less than substantial harm to heritage assets as identified above. No objections are raised to the proposed changes by the Conservation Officer. The amendments sought are minor in scale and would have no additional impact on the setting of the listed buildings/heritage assets than the previously approved scheme.

Residential Amenity

- 10.15 The proposed changes are minor in scale and would have no greater impact on the residential amenity of adjoining properties compared to the approved scheme. This proposal seeks to provide accommodation for over 65s and as a result additional amenity space is proposed for future residents, including dining area, gym, salon/spa, library and outdoor space. Future residents would have good internal and external amenity space as part of the development, plus they would be within walking distance of Calverley Park, which would provide them with high quality outdoor amenity space.
- 10.16 The daylight and sunlight assessment submitted with the application concludes that the development is acceptable on daylight, sunlight and overshadowing grounds. It is considered that the proposal would provide adequate living accommodation for future residents. The proposed development would not result in any additional harm to the residential amenity of adjoining properties when assessed against Policy EN1 of the Local Plan.
- 10.17 Hard and soft landscaping is proposed between the residential units which front the publically accessible pathway to provide privacy and defensible space. The proposed residential units at podium level would be subject to some overlooking from the public realm; however, this is not considered to be atypical in this town centre location or would be significant enough to warrant a refusal on this ground.
- 10.18 The proposal seeks to enclose the car park for the development, which was previously open. This would be beneficial in residential amenity terms as it would reduce noise and pollution to the units above.
- 10.19 The proposed development would not be harmful to the residential amenity of adjoining properties or future residents and would therefore comply with Policy EN1 of the Local Plan.

Highway safety and parking

- 10.20 Under the consented scheme, servicing for retail, restaurant, cinema and residential Blocks A, B and C was solely from Church Road. This was not considered to be the optimal arrangement as additional HGV movements in this area would increase traffic congestion on the A264 Church Road, which is already a congested route. To mitigate this issue, this scheme proposes that Clanricarde Road is utilised for servicing, with a dedicated loading bay within the building to minimise disruption to residents. All waste collection, delivery and servicing will be provided within the site's basement. A Delivery and Servicing Plan has been submitted with the application which estimates that there would be 52 daily delivery and servicing trips (44 by car/van and 8 by MGV/HGV). The report assumes that servicing can occur 24 hours a day within the servicing area. The Delivery and Servicing Plan confirms that the daily delivery and servicing requirements of the building can be accommodated in the two 12m loading bays that are proposed. In comparison to the previously approved scheme, there would be a reduction in deliveries as a result in the reduction in retail/commercial floorspace.
- 10.21 The amendment to the servicing for the development is considered to be a benefit in highway terms and is supported by the Highways Officer. This amended scheme also has the benefit of separating most of the residential traffic from service vehicles and HGVs. The majority of residential parking will now be taken off Church Road (with the exception of six spaces that would mainly serve the proposed town houses). This would result in lower trip rates along Clanricarde Road compared to the consented

scheme. Given the reduction in commercial/retail floorspace and the proposed demographic of the residential units (over 65), it is estimated that there would be an overall reduction in vehicle trips in both the AM and PM peaks when compared to the approved scheme.

- 10.22 This application seeks a reduction in the number of car parking spaces on site from 74 to 60. The applicant proposes that the units would be occupied by over 65s. Car ownership is typically lower for this demographic. Concerns have been raised by the Council's Parking Services Officer that the proposal would provide insufficient parking on site in an area that already suffers from parking stress. However, the Highways Officer considers the reduction in parking provision is acceptable given the sustainable, town centre location and the age of the future residents. As such, a condition restricting occupation of the units to over 65s will be required. In planning policy terms, the proposal still complies with Policy TP6 of the Local Plan, which states that within the Central Access Zone a maximum of one parking space per new build residential unit should be provided. Given that the proposal complies with the current maximum parking standards; it is located within a highly sustainable location in close proximity to the train station, bus stops, local car club cars, facilities/services and public car parks; financial contributions towards sustainable transport measures have been secured by S106 agreement; and, Para 109 of the NPPF is clear that *"development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe"*, no objection is raised to the reduction in parking spaces on site.
- 10.23 The site is also located within the Tunbridge Wells Central Parking Zone (Commercial). Policy TP7 of the Local Plan states *that 'operational parking only should be provided on-site for development within Use Classes A, B and D and commercial sui-generis uses'*. The proposal provides operational parking for the commercial parts of the scheme and complies with Policy TP7 of the Local Plan.
- 10.24 The proposed scheme maintains the provision of 22 cycle parking spaces to service the retail, restaurant and cinema uses. The number of cycle parking spaces associated with the residential part of the scheme has been reduced to 36 spaces in total (reduction in 72 spaces). The applicant considers that given the proposed residential units are now aimed at the over 65s, the consented scheme would provide an overprovision of cycle parking, which may be underutilised. The applicant has agreed to a condition that the travel plan should be monitored, and if it is shown that the number of cycle parking spaces is insufficient and the number of car parking spaces is in excess of what is required, this will be addressed by reducing car parking and increasing cycle parking. The Highways Officer considers that the level of cycle parking is considered acceptable, subject to such a condition. Monitoring of the travel plan and a restriction on the age of future residents will therefore be required by condition to ensure the level of on-site cycle parking meets the needs of future residents.
- 10.25 All the financial previously secured by Section 106 agreement contributions (including sustainable transport measures) remain secured as part of this application.

Public Rights of Way (PROW)

- 10.26 As per the consented scheme, Public Right of Way WBX17 is being retained, running east to west from Mount Pleasant Road to Clanricarde Road. In comparison to the previously approved scheme, there are a greater number of windows overlooking this PROW which will improve its security.

- 10.27 In line with the previous approved scheme, PROW WBX18 will be extinguished. To mitigate this, a new route will be provided through the site from the corner of Church Road/Mount Pleasant Road southwards along the podium level and then due west to join with Clanricarde Road. This route is very similar to that referred to in the Walkway Agreement dated 6th September 2018.
- 10.28 The Order to re-align public footpath WBX17 and extinguish public footpath WBX18 have been made and confirmed by TWBC. In addition a Walkways Agreement has been drafted to provide access through the site. The Orders do not come into effect until the alternative route has been provided and certified. The KCC Public Rights of Way Officer raises no objections to the application. The amendments do not impact upon the public rights of way or the Walkway agreement

Other Matters

- 10.29 The applicant previously demonstrated as part of application 17/02262/FULL that the provision of affordable housing on this site was unviable. The applicant states in the Planning Statement for this current application that the *"consented development is unviable and undeliverable at present"*. This proposal is a Section 73 application, which seeks only minor changes to the previously approved application. The amendments are required on viability and deliverability grounds and as such the issue of affordable housing is not revisited. As with the previous application, the economic, social and environmental benefits of delivering development on this site (which has been vacant for many years), outweigh the non-provision of affordable housing.
- 10.30 An updated statement has been submitted on archaeology, which states that the changes proposed do not change the foundation or substructure of the consented scheme hence the archaeological impact remain unchanged. The proposal would have no greater impact on archaeology than the consent scheme. Recommend condition as required by the KCC Archaeological Officer.
- 10.31 The ecological impact of the proposal remains largely the same as the approved scheme. The approved application incorporated 1,400m² of green and brown roofs. This amended scheme proposes 2,203m² of green and brown roofs, which will enhance biodiversity on site.
- 10.32 There are no changes proposed to the sustainability strategy or energy strategy.
- 10.33 Details of ventilation have been provided with the application. Ventilation for retail and cinema remain as approved. The ventilation for the proposed residential catering facilities will discharge at roof level. It will be a minimum of 1m above roof level. The distance between the discharge point and the closest adjoining property will allow for satisfactory dilution of the exhaust plume.
- 10.34 Residential and commercial refuse will be collected from a collection point on the lower ground floor, which is considered acceptable
- 10.35 The applicant estimates a decrease in trip generation as a result of the proposal. Overall it is considered that the proposed scheme would have a negligible impact on air quality when compared to the approved scheme.
- 10.36 The proposed scheme does not change the overall drainage principles from the consent scheme.

- 10.37 The proposal would have no greater impact on trees than previously approved. Tree protection measures will remain secured by condition.
- 10.38 The proposal would have no greater impact on the railway line, beneath the site than previously approved.

Conclusion

- 10.39 The minor amendments proposed are sympathetic to the consented scheme and required in order to improve the functioning of the development and make it viable and deliverable. The proposal would continue to provide a development of high architectural quality, which respond to the local context and preserves the character and appearance of the Conservation Area and the setting of the listed buildings, when compared to the consented scheme. Although the loss of retail and office floorspace is regrettable, there is still a considerable element of retail provided at street level, which would provide an active frontage. Given current market and retail trends, the loss of such elements to be replaced by residential floorspace would make the scheme more viable and deliverable. The reduction in car and cycle parking is considered acceptable given this sustainable, town centre location and the fact that the residential units are proposed to be occupied by the over 65s. In this case, it is considered that the wider social and economic benefits to be gained from the delivery of development of this key town site outweighs the loss of the retail and office floorspace

11.0 RECOMMENDATION – GRANT subject to the following conditions:

- 1) The works hereby permitted shall be begun before 2nd February 2021.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- P1-100: Basement Floor Plan
- P1-101: Lower Ground Floor Plan
- P1-102: Ground Floor Plan
- P1-103: First Floor Plan
- P1-104: Second Floor Plan
- P1-105: Third Floor Plan
- P1-106: Fourth Floor Plan
- P1-107: Fifth Floor Plan
- P1-108: Sixth Floor Plan
- P1-109: Seventh Floor Plan
- P1-110: Roof Plan
- P2-300: Sections AA & BB
- P2-301: Sections CC & DD
- P2-302: Sections EE & FF
- P2-303: Sections GG & HH
- P2-304: Sections JJ & KK
- P2-305: Sections LL & MM
- P3-200: North Elevation - Block A
- P3-201: South Elevation - Block A
- P3-202: East Elevation 1 of 2 - Blocks A & B
- P3-203: East Elevation 2 of 2 - Blocks B & Cinema
- P3-204: West Elevation – Blocks A & B

- P3-205: South Elevation – Block C
- P3-206: East Elevation – Block C
- P3-207: West Elevation – Block C
- P3-208: North Elevation – Block C
- P3-209: West Elevation – Block D
- P3-210: East Elevation – Block D
- P3-211: North Elevation – Block D
- P3-212: South Elevation – Block D & Cinema
- P4-401: Façade Bay Study – Mount Pleasant Road – Residential Units
- P4-406: Façade Bay Study – Mount Pleasant Road – Cinema
- P4-400: Façade Bay Study – Mount Pleasant Road – Retail
- P4-403: Façade Bay Study – Church Road: Block A

Reason: To clarify which plans are approved.

- 3) Prior to the commencement of construction works, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Plan and BS:5228 Code of Practice for Noise Vibration Control on Construction and Open Sites 2009 (as amended) (or any subsequent revision), unless otherwise agreed in writing by the Local Planning Authority.

The Plan shall include:

- (i) An indicative programme for carrying out the works, including the sequence of construction
- (ii) Measures to minimise the production of dust on the site
- (iii) Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and, where appropriate, the use of noise mitigation barriers
- (iv) Measures or offsetting schemes to reduce transport related air pollution from the development during construction
- (v) Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site
- (vi) Management of traffic visiting the site including temporary parking or holding areas
- (vii) Provision of off road parking for all site operatives
- (viii) Measures to prevent the transfer of mud and extraneous material onto the public highway
- (ix) Measures to manage the production of waste
- (x) Measures to minimise the potential for pollution of groundwater and surface water
- (xi) The location and design of site office(s) and storage compounds
- (xii) The location of temporary vehicle access points to the site during the construction works
- (xiii) The arrangements for public consultation and liaison during the construction works
- (xiv) The routing of construction vehicles between the site and the trunk road network

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

- 4) The residential accommodation within the development hereby approved shall be used only as specialist accommodation for older people with the principal and primary occupation limited to at least one person aged 65 years of age or older, and any spouse, common or civil law partner or other companion of that person residing

within the accommodation at the time of that person's death (or ceasing to reside at the accommodation due to infirmity).

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

- 5) During the demolition and construction phases, no works of demolition or construction shall take place other than within the hours Monday to Friday 08.00 to 18.00 hours, Saturday 08.00 to 13.00 hours and not at all Sundays or Bank Holidays.

Reason: To prevent disturbance to nearby residential properties.

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

1) A preliminary risk assessment which has identified:

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

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

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment 2), if remediation is deemed necessary following 1) and 2) above. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall thereafter be implemented as approved.

Reason: To prevent pollution of controlled waters and to comply with the National Planning Policy Framework. Such details are fundamental to the application and are therefore required prior to its commencement.

- 7) Prior to the first occupation of the development and upon completion of any remediation works undertaken pursuant to Condition 6, Part 3, a Closure Report shall be submitted to and approved in writing by the Local Planning Authority. The Closure Report shall include full verification details as set out in Condition 6, Part 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.

Reason: To prevent pollution of controlled waters and to comply with the National Planning Policy Framework. Such details are fundamental to the application and are therefore required prior to its commencement.

- 8) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an

archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

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

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

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

- 10) The retail/restaurant units hereby approved, shall be used for A1 (retail) or A3 (restaurant/café) use only, or a mix thereof, as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to these Classes in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure the development is delivered in accordance with the details hereby approved.

- 11) Prior to the first occupation/use of any residential or non-residential unit, details of any plant (including ventilation, refrigeration, air source heat pumps and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible. In general this is expected to be 5dB below the existing measured background noise level LA90,T, determined as 52 dB LA90, 16hr daytime and 36 dB LA90, 8hr night-time from RPS report ref JAE9058-REPT-01-R4, unless an alternative target level has been agreed in writing by the Local Planning Authority. (In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5, the applicant's consultant should contact the Environmental Protection Team to agree a site specific target level). The development shall be carried out in accordance with the approved details.

Reason: To protect residential amenity.

- 12) Prior to the commencement of above ground works, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in relevant outdoor 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 assessment shall also specifically include noise from the adjacent licensed premises and from commercial premises included in the development itself particularly the outside seating areas. The assessment of these elements should not be restricted to use of the BS:8233 methodology, as it is not suitable for this purpose. 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: To protect residential amenity.

- 13) The ceiling and floor that separates any residential and commercial unit shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels. The weighted standardized difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 10140; 2011 Acoustics- Measurement of sound insulation in buildings and of building elements- Part 4: Field measurements of airborne sound insulation between rooms.

Reason: To protect residential amenity.

- 14) Prior to the first operation of any unit to be used for A3 purposes, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

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

- 15) Prior to the commencement of the development (with the exception of Enabling Works), a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the Drainage Strategy Addendum, prepared by WSP dated 1 July 2019, and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

The drainage scheme shall be implemented in accordance with the approved details.

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

- 16) 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 in writing by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that 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 risk from the 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.

- 17) Prior to the commencement of the development (with the exception of Enabling Works), a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved scheme and timetable.

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

- 18) Prior to the first occupation of the development, a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce transport related air pollution when in occupation, shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of air quality and residential amenity.

- 19) The tree works associated with this development shall be undertaken in accordance with the submitted Arboricultural Report (Hal Appleyard, July 2017) or any variation thereof as approved in writing by the Local Planning Authority, which details the works to be undertaken with regard to the retained trees, and in accordance with the principles set out in the current edition of BS:5837 and other current best practice guidance, and proposals for arboricultural supervision of such works.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

- 20) The approved development shall be carried out in such a manner as to avoid damage to the existing trees (including their root systems) that are to be retained, by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS:5837, and in accordance with the approved Tree Protection Plan and Arboricultural Report (Hal Appleyard, July 2017), to the satisfaction of the Local Planning Authority (or any variation thereof as approved in writing by the Local Planning Authority). 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 Areas of the trees or other vegetation;
 - (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;

(e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

(f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: To protect existing trees and enhance the appearance and character of the site and locality.

- 21) Prior to the commencement of above ground works, final written details and/or samples as appropriate of any materials to be used externally (including walls, balustrades and balconies, window frames, doors, rainwater goods) shall be submitted to and approved in writing by the Local Planning Authority. A sample brick panel relating to each part of the building shall be constructed on site, measuring at least 1m x 1m showing joint size, mortar finish, and colour and type of brick, and the approved panel shall remain on site until the work on these buildings has been completed. The development shall be carried out in accordance with the approved materials unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, this condition does not apply to the part of the building containing the cinema, which is the subject of a separate condition.

Reason: To safeguard the characteristics of the locality.

- 22) Prior to the commencement of above ground works for the cinema building, details of the materials to be used for the cladding of the cinema elevations, including the design of any patterns to be incorporated within the cladding material, and any associated lighting, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the characteristics of the locality.

- 23) Prior to the commencement of above ground works, details and drawings of the following matters shall be submitted to and approved in writing by the Local Planning Authority:

- large-scale constructional cross sections of key parts of each building block to show window frames and dressings (lintels, sills etc), doors and doorways, depths of recession between structural elements and infill panels, copings, windows, balustrades and balconies, external services and plant.

The development shall be constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the Conservation Area.

- 24) Prior to the commencement of above ground works, details of the proposed hard and soft landscaping and boundary treatments, together with a programme for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The hard landscape proposals shall including hard surfacing/paving materials, street furniture and seating. The soft landscaping details shall include

schedules of plants (noting species, plant sizes and proposed numbers/densities), details of planting medium depths, written specifications, a programme of implementation and a 5 year management plan. A detailed specification for the construction details of the green/brown roofs shall also be provided, including full details of substrate and growing medium, provision of drainage and irrigation, species list and method of cultivation. The landscaping shall be installed/carried out and thereafter maintained in accordance with the agreed details and programme.

Reason: To ensure a satisfactory external appearance to the development, to enhance biodiversity and in the interests of surface water management.

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

Reason: To safeguard the characteristics of the locality.

- 26) Prior to the first occupation of the development hereby approved, a scheme for the enhancement of biodiversity (including provision of bird and bat boxes and living roofs), and a programme of implementation and monitoring shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and programme and shall be retained thereafter.

Reason: To protect and enhance existing species and habitat on the site.

- 27) No external lighting shall be installed until a detailed scheme of lighting has been submitted to and approved in writing by the Local Planning Authority. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual and residential amenity.

- 28) The development shall be carried out in accordance with the energy conservation measures as specified in the Energy Report, or in accordance with any alternative measures that have been agreed in writing by the Local Planning Authority, prior to the commencement of development.

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

- 29) Prior to the commencement of above ground works, final details of the location and appearance of the proposed photovoltaic panels and air source heat pumps, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

- 30) Prior to the commencement of above ground works, written and illustrative details for water conservation within the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

- 31) The development hereby approved shall achieve a minimum BREEAM rating of Very Good. The development shall not begin operation until a final BREEAM certificate has been issued certifying that Very Good rating has been achieved. This certificate should be submitted to and approved in writing by the Local Planning Authority prior to the first operation of the development hereby approved.

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

- 32) The parking spaces 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 as amended (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude the use of such facilities.

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

- 33) The approved Delivery and Servicing Plan shall be implemented upon first occupation of the development and remain operative thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure an acceptable pedestrian environment.

- 34) Prior to above ground works, details of the location and specification of electric vehicle-charging points to serve the residential parking spaces, including a timescale for their provision, shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be provided in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

- 35) Prior to the first occupation of the development, full details of cycle storage facilities to serve the dwellings and retail/commercial use (including the provision of Wiesbaden bicycle stands) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided on site prior to the first occupation of any part of the development and thereafter retained.

Reason: To ensure the provision and retention of adequate parking facilities for bicycles, in the interests of promoting sustainable transport modes.

- 36) A Residents' Welcome Pack shall be made available to all new residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes, including the following:
- 1) Maps showing the site in relation to walking/cycle routes, cycle stands, local bus stops/services, and rail stations.
 - 2) Approximate time it takes to walk or cycle to various local facilities.
 - 3) Site specific public transport information including up to date public transport timetables.
 - 4) Links to relevant local websites with travel information, such as public transport operator information and cycling organisations.
 - 5) Details of Car Club scheme.
 - 6) Information on public transport season tickets and offers.
 - 7) Information on specific incentives including "Walk to Work" or "Cycle to Work" initiatives.
 - 8) Information on the health, financial and environmental benefits of sustainable travel.

Reason: In the interests of sustainable development.

- 37) Prior to the first occupation of any dwelling or commercial unit hereby approved, refuse storage facilities to serve that dwelling or commercial unit shall be provided in accordance with the submitted refuse storage details and such facilities shall thereafter be retained.

Reason: To ensure the provision and retention of adequate refuse storage facilities.

- 38) The Travel Plan shall be monitored on a six monthly basis, for a period of two years following first occupation of the residential units hereby approved. If it is shown that the number of cycle parking spaces is insufficient and the number of car parking spaces is in excess of what is required, this shall be addressed by reducing car parking and increasing cycle parking, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure appropriate provision of cycle and car parking on site.

- 39) Prior to the commencement of above ground works, final details of the off site highway works subject of a Section 278 Agreement and as shown generally referred to below, and a programme for their implementation, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The works shall be completed in accordance with the agreed timescale.

- Minor kerb alignment to Church Road site access radii
- Minor kerb alignment on Mount Pleasant Road/Lonsdale Gardens junction to protect listed pillars and provision of bollards
- Bicycle stand provision on public highway on Church Road
- Making good pavements on Church Road and Mount Pleasant Road

Reason: In the interests of highway safety and to ensure an acceptable pedestrian environment.

INFORMATIVES

- 1) The applicant's attention is drawn to the Mid Kent Environmental Code of Development Practice, the terms of which should be met in carrying out the development.
- 2) This consent needs to be read in conjunction with the extant Section 106 planning obligation dated 2 February 2018, the Walkway Agreement dated 6 September 2018 and the Stopping Up and Diversion Order dated 13 March 2018.
- 3) As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts Asset Protection Kent <AssetProtectionKent@networkrail.co.uk> prior to any works commencing on site. More information can also be obtained from Network Rail's website at www.networkrail.co.uk/asp/1538.aspx.
- 4) Southern Water advise that should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- 5) The applicant is required to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure or to connect to the public sewerage system in order to service this development.
- 6) Southern Water advise that land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors; no land drainage or ground water should enter the public sewers network; and wastewater grease traps should be provided on the kitchen waste pipes or drains installed and maintained by the owner or operator of the premises.
- 7) Kent Highways advise that it is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries> The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 8) Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for

all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk

- 9) No works considered necessary for associated realignment of vehicular access surfacing that affect the Grade II listed lamp standards at the junction of Mount Pleasant and Clanricarde Gardens shall be carried out until a listed building consent application is submitted and approved.
- 10) The applicant is advised that the residential units hereby permitted would not be eligible for any on-street parking permits. Prospective purchasers should be made aware of this to avoid any misunderstanding.
- 11) Advertisement consent will be required from the Local Planning Authority for any advertisements displayed on the site (including those associated with the approved retail, restaurant, cinema uses etc.)

Case Officer: Antonia James

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.