

# The Tunbridge Wells Borough Council (Calverley Square) Compulsory Purchase Order 2018

## Combined Objection Response

The Council made the above Order on 20 August 2018 to facilitate the Calverley Square Development and the Order has now been referred to the Secretary of State for confirmation. The Council expects that a Public Inquiry to assist the Secretary of State's decision as to whether to confirm the Order will be held in Spring 2019.

The Council has received objections to the Order and a number of the objections raise similar issues that are not specific to an individual property. The Council has therefore produced this Combined Objection Response document in response to non-property specific issues raised.

The Statement of Reasons in relation to the Order contains a lot of information on background and justification for the Council's decision to make the Order and can be found at <http://www.tunbridgewells.gov.uk/council/have-your-say/consultations/calverley-square-compulsory-purchase-order>

The Council is preparing its Statement of Case ahead of the Public Inquiry and this will be available on the Council's web site at the end of November.

## 1. Personal information

1.1 The compulsory purchase order (CPO) process includes the Council processing personal information in accordance with data protection legislation. More information about how the Council uses your personal data can be found in the Council's Privacy Notice online at: <http://www.tunbridgewells.gov.uk/cookies-and-privacy/privacy-notices2/general/communications-privacy-notice>

1.2 If your property is affected by a compulsory purchase order made by the Council, the Council will need to hold personal information about you, such as your name and address. The Council uses your personal information for the purpose of compiling information to identify owners of land that are or may be affected by the compulsory purchase order and ensure they are notified about the Order. Part of that process includes publishing the names and addresses of land owners and the interest(s) they hold

in certain land in what is known as a 'Book of Reference' or 'CPO schedule', depending on the powers used. This document must be published and made publicly available as set out by legislation.

## **2. There is no compelling case for the Scheme**

- 2.1 A number of Objectors consider that there is no compelling case for the scheme, it is not wanted or justified and the scheme does not address the town's more immediate priorities such as homelessness.
- 2.2 The Council has set out its reasoning for pursuing the scheme in the Statement of Reasons for the Order. Section 2 explains why there is a need for new office accommodation and civic functions and why there is a need for a new theatre in Tunbridge Wells. The Council summarises its reasoning and how the scheme meets the required tests at Section 6.
- 2.3 Progressing with delivery of the Scheme will not prevent the Council with addressing other priorities and responsibilities such as homelessness.

## **3. Scheme's impact on the town**

- 3.1 A number of objectors have raised concerns that the scheme is not part of a coherent town plan, that it will alter the character of the town, and that it will have a negative impact on Calverley Grounds and other heritage assets.
- 3.2 The proposed development is in accordance with the Local Plan and the Civic Development Planning Framework prepared to guide development. The scheme delivers the Council's Corporate Objectives for the town centre as set out in the Council's Five year plan.
- 3.3 During the planning process, the Council as local planning authority considered the impact on Calverley Grounds. At paragraph 11.28 of her report, the planning officer confirms that Historic England conclude that the scheme causes a low level of harm which is 'focused on the least historically significant part of Calverley Park, and the contribution this makes to the Conservation Area. In addition, at paragraph 11.22, the officer states that a high proportion of Calverley Grounds will not be affected by the proposals, and that there would be no overall loss of publically accessible parkland. The new planting and Park Management Plan will help to mitigate any harm. The Council is satisfied that the scheme is a key part of delivering its wider aspirations for the town centre as a whole, and that the overall impact of the scheme on the town centre will be positive.

## 4. No evidence that cultural objectives of the project capable of being delivered

- 4.1 A number of objectors raise concerns regarding the deliverability of the scheme's cultural objectives.
- 4.2 Section 6 of the Statement of Reasons details how the project will help the Council to achieve its cultural objective of making Tunbridge Wells a cultural hub, through the benefits gained from the new theatre. The new theatre will enable a widening of the range of cultural activities within Tunbridge Wells, expanding the variety and quality of shows available.
- 4.3 Paragraph 2.36 of the Statement of Reasons explains that the report produced by specialist consultants Bonnar Keenlyside demonstrates how a new theatre would help high quality shows to be attracted to Tunbridge Wells.
- 4.4 The Officer's report to the Council's Planning and Environment Committee of 09 May 2018 identifies in Paragraph 10.65 that the proposals would "*deliver significant cultural and social benefits, not just related to the theatre, but as a result of the synergy between the proposed uses and the adjacent community asset of Calverley Grounds*". The Officer continues and notes that the "*close relationship of these elements would help to create a successful 'place' in an accessible location within the heart of the town centre.*"

## 5. Concerns over economic benefits to the town.

- 5.1 A number of objectors have raised queries over the overall economic benefits created by the project. Specific concerns included the impact on existing businesses, lack of demand for office space to let, the long term economic growth delivered, and the on-going subsidy required.
- 5.2 The Council has taken specialist advice on the form of the scheme and the uses within the scheme in order to ensure delivery of economic benefits to the town centre.
- 5.3 The Council's Economic Strategy sets out the difficulties faced by small and medium companies in finding good quality office space in the town centre (paragraph 2.27 of Statement of Reasons) and the Town Centre Office Study provides further evidence of the concerns raised.
- 5.4 The Council commissioned a report on the wider economic benefits of the scheme, and the summary of these is set out at paragraph 6.11 – 6.35 of the Statement of Reasons.

- 5.5 The Planning Officer's report sets out the economic benefits of the scheme at paragraph 10.67 onwards. Further, at paragraph 10.102 it states that as well as gaining support from Fenwicks department store and the developer of the former Cinema Site the scheme received support from Tunbridge Wells Together, a group of 50 local businesses, who confirmed their support for the proposals due to "*their positive impact on economic growth and their demonstration of forward thinking*".
- 5.6 The Council is satisfied that the scheme will provide the stated economic benefits to Tunbridge Wells.

## 6. Inadequate consideration of alternatives

- 6.1 A number of objectors raised concerns that there had been inadequate consideration of alternatives, and that refurbishment of the existing council offices and theatre should be considered.
- 6.2 At paragraphs 2.71 – 2.73 of the Statement of Reasons, the Council sets out its consideration of alternative options, and refers back to more detailed analysis elsewhere.
- 6.3 Paragraphs 2.18 to 2.26 explain why the Council does not consider refurbishment of existing civic offices will deliver the new office accommodation and civic functions required.
- 6.4 Paragraphs 2.41 to 2.43 explain why the Council does not consider refurbishment of the existing theatre will deliver the Council's objectives for theatre provision in Tunbridge Wells.
- 6.5 The Council therefore considers that there is no reasonable alternative option to the proposed scheme to deliver the Council's objectives set out in the Five Year Plan and Economic Development Strategy.

## 7. Cost and Viability of the Scheme

- 7.1 A number of objectors have raised concerns over both the cost of the scheme and its viability. In particular, they have concerns over the accuracy of cost information, the financial burden the scheme will place on the Council, including the potential requirement for subsidy, and the overall viability of the scheme. In addition, concerns have been raised concerning future maintenance costs for the scheme and surrounding public realm.
- 7.2 The Council has worked with an experienced professional team on developing this project, and will continue to work with experienced professionals to deliver the project.

- 7.3 As set out at paragraph 8.16 of the Statement of Reasons, the Council has undertaken a rigorous assessment of the cost involved in delivering the scheme and the income receivable from the Scheme, preparing a business case for both the theatre and the combined scheme. The Council has assessed the overall costs and benefits of the scheme to the Council budget, including any subsidy required. It is satisfied that it is appropriate to proceed with the Scheme (paragraph 8.19).
- 7.4 At a full Council meeting on 6 December 2017, the Council approved funding for the scheme.
- 7.5 Following this meeting, and amongst other matters progressed, the Council has now appointed building contractor Mace and architects Nicholas Hare to progress to the build stage of the project.
- 7.6 The Council is therefore satisfied that the scheme costs have been adequately assessed, that the scheme does not create an unacceptable burden to Council finances, and that the scheme is viable and deliverable.

## 8. Existing Civic Centre and Theatre

- 8.1 A number of objectors have raised concerns over the repair and condition of the existing civic centre and theatre. Concerns have been raised that the existing civic centre and theatre have been allowed to fall into disrepair, and that these buildings will need to be modernised prior to re-letting.
- 8.2 As set out in paragraph 2.64 of the Statement of Reasons, the existing Town Hall and Assembly Hall Theatre will continue to operate whilst the construction of the new theatre, office and civic centre go ahead. The Council has therefore undertaken appropriate repair and maintenance to these buildings to allow for that continued use and operation.
- 8.3 Once the new theatre, offices and civic centre are available, the Council proposes to sell the existing Town Hall and Assembly Hall Theatre for appropriate redevelopment or repurposing. Therefore the Council will plan repairs and maintenance to ensure prudent use of public money until the proposed sale date, and balance the requirements of maintaining these buildings against the planned future ownership and use by the Council.

## 9. Inadequate consultation with the public

- 9.1 A number of objections have raised concerns regarding the level of consultation with the public and the amount of information which has been provided to the public as part of the consultation process, in particular the costing information.
- 9.2 As set out at paragraph 2.53 of the Statement of Reasons the Council has undertaken extensive consultation in relation to the scheme since July 2015.
- 9.3 In addition, in respect of the planning application, there has been a level of pre-application community engagement that reflects the nature and scale of the Scheme. The Planning Statement explained the extensive pre-application consultation in detail. Since submitting the application, the Council also held a public exhibition to present the proposals (5<sup>th</sup> February 2018). The Officer's report to the Council's Planning and Environment Committee of 9 May 2018 supports the level of engagement with the public. The Council is satisfied that it has adequately consulted on both the planning application and the wider Scheme proposals over a period of more than 2.5 years.

## 10. Theatre design and vehicular access

- 10.1 A number of objectors have raised concerns over the adequacy of the theatre design and the access arrangements.
- 10.2 As set out in paragraph 8.9 of the Statement of Reasons the Council has worked with an experienced professional team to date and will continue to work with this team through to delivery. This team included both specialist theatre architects and transport consultants, and the proposed design and access arrangements reflect their advice.
- 10.3 Within the planning officer's report she considers design and access at Section 2. The planning officer recommended approval of the scheme based on the proposed theatre design and access arrangements.
- 10.4 The Council is satisfied that the theatre design and access arrangements are good.

## 11. Disruption during construction period

- 11.1 A number of objections have been submitted raising concern over disruption during the construction period. These include concerns over access, car parking and direct impact of construction activities.

- 11.2 The Council recognises this concern and has prepared a draft Construction Management Plan which was submitted as part of the planning application. The Officer's report states in paragraph 10.497 that a "*draft Construction Management Plan has been submitted, which includes details of matters such as transport and traffic (including showing potential routes for construction vehicles to follow between the on-site and off-site compound); and environmental impacts, including ecology, tree protection, landscape management, earth removal, surface water management, noise and vibration, air quality, dust control, light pollution, ground settlement, waste management and archaeology. Section 5 of the draft CMP includes a series of measures that will be implemented to reduce the impact of temporary construction activities*".
- 11.3 The Construction Management Plan will also include a Construction Traffic Management Plan, to minimise impact, particularly at peak hours. The Officer's report to the Council's Planning and Environment Committee of 9 May 2018 states in paragraph 10.499 that "*the applicant has stated their willingness to work with other developments to coordinate and manage construction traffic within the town's road network: and that the contractor would be required to register with the Considerate Constructors Scheme and to comply with its requirements*".
- 11.4 The Council and their contractor will be required to agree a final Construction Management Plan prior to commencing works, and this will be monitored over the construction period.
- 11.5 Pedestrian and vehicular access will be maintained to all properties during the construction period, although the route of this may need to be changed in order to allow for construction works. Service access will be maintained to the Great Hall Arcade tenants during construction.
- 11.6 The Officer's report to the Council's Planning and Environment Committee of 9 May 2018 identifies in paragraph 10.496 that "construction could commence in September 2019 and finish in December 2021. To minimise disruption, the intention is to phase the development so that the two buildings are constructed simultaneously".
- 11.7 The Great Hall car park will be demolished to allow construction of the new theatre, and although there will be no net loss of car parking due to the scheme, there will be a temporary loss of car parking during the construction period.
- 11.8 The tenants of the Great Hall who use 40 spaces within the Great Hall car park will be provided with replacement parking at the Council's Torrington Road car park.
- 11.9 Using the Construction Management Plan and Construction Traffic Management Plan and temporary car parking arrangements set out above, the Council is satisfied that impact during construction can be mitigated.

## 12. Impact from development in use

- 12.1 A number of objections have been submitted relating to the impact of the development once completed. Concerns raised include noise impact of the theatre and wider scheme, highways and traffic congestion, including at the junction of Mount Pleasant Road and Grove Hill Road and flooding risk.
- 12.2 The Council recognises the potential impact of noise from the theatre and wider completed development. It has carried out a Noise Impact Assessment and has submitted both a Noise Management Plan and a Noise Mitigation Package as part of the planning application.
- 12.3 The Planning Officer's report considers noise impact at paragraph 10.382, that "*the applicant proposes a Noise Management Plan and a Noise Mitigation Package. Both of these mechanisms would be effective in mitigation noise, but the most effective scenario would be when both are in place*".
- 12.4 The Officer highlighted in Paragraph 10.385 that the proposal would comply with Core Strategy Policy CP5 as the development would '*manage and seek to reduce noise pollution levels*'. Furthermore, with regard to Local Plan Policy EN1 the report stated that '*the nature and intensity of the proposed use would be compatible with neighbouring uses and would not cause significant harm to the amenities or character of the area in terms of noise and vibration*' and any residual harm that may result to any dwellings that choose not to take up the offer of acoustic glazing (and mechanical ventilation) within the Noise Mitigation Policy "*would be outweighed by the social and economic benefits that would result from the proposal*".
- 12.5 The Council is therefore satisfied that the noise impact of the scheme is adequately managed and mitigated. The Council will provide further details of the Noise Mitigation Policy to affected residents at the appropriate time.

## 13. Flooding

- 13.1 The Council, as part of the design process, has considered flooding risk and taken advice on this matter. The Scheme will not remove any drains other than those that service the car park and are not required for the theatre. Storm and surface water routes will be maintained as they are.
- 13.2 The development will include sustainable urban drainage solutions, as required by condition 19 of the planning permission which provides that prior to the commencement of construction



works, a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority.

- 13.3 Storm water storage tanks for both the new theatre and office space will restrict surface water discharge, releasing it slowly into the public sewer at a rate far lower than the existing unrestricted conditions. The development will therefore provide improvements to the current drainage regime and public sewer network capacity, thereby mitigating downstream flooding issues in the future.
- 13.4 The Council is satisfied that the proposed scheme does not create any additional flooding risk compared to the existing site.

## 14. Traffic congestion

- 14.1 The Council, as part of the design process, has considered traffic impact, and has taken expert advice on this issue. The Transport Assessment addresses the potential for congestion and concludes that the proposal will result in a redistribution of vehicle movements and a slight increase in two-way vehicle trips but that there will be a negligible change on the highway network.
- 14.2 The Planning Officer's report identifies in Paragraph 10.264 that the "*new development can be accommodated at the major junctions within the existing town centre road network without adversely affecting the safe and free flow of traffic or other road users*". *In addition, the imposition of conditions, including the provision of a Travel Plan, and the financial commitment towards encouraging sustainable travel behaviours, would comply with Core Strategy Policies CP3 (3) and CP9 (8)*".

## 15. Property specific issues

- 15.1 A number of objectors have submitted objections which relate to property value or rights affected by the scheme. Specifically, these include concerns about the potential for reduction in value of nearby property, the adequacy of the compensation budget, the impact on rights of light for adjoining properties, and lack of negotiation with affected owners.
- 15.2 The Council, as part of the design and delivery of this scheme, has taken expert advice on the impact of the scheme on third party property owners and occupiers. The impact on surrounding properties has been considered as part of the overall design and planning process. The Council's view is that a new theatre, civic centre, public square and offices will enhance the town.

- 15.3 The Council will pay statutory compensation to any property owners and occupiers affected by the scheme. It has appointed GVA and Point2 Surveyors to assess both rights of light impact and the statutory compensation budget, and this budget is regularly reviewed.
- 15.4 In addition, as set out above, the Council has agreed, or will agree, a number of measures (such as Noise Management Plan, Construction Management Plan, Noise Mitigation Policy) to reduce and mitigate any impact on surrounding property owners.
- 15.5 As set out in Section 9 of the Statement of Reasons, the Council has been in negotiation with all affected property owners and occupiers prior to making the CPO and in many cases for over 2 years.
- 15.6 The Council is satisfied that the compensation budget is adequate to meet its statutory obligations, and that it has carried out adequate negotiations with third parties as required within Government Guidance.

## 16. Conclusion

- 16.1 The Council has carefully considered its objectives in delivering this project, and in making the Order. The information set out above provides the Council's response to the objections raised, but the Council is happy to discuss any further queries. Please contact Mark Davey on [mark.davey@gva.co.uk](mailto:mark.davey@gva.co.uk) or 0207 911 2812.