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

GDPR 2018 Redacted Version

SECTION 226(1)(a) OF THE TOWN AND COUNTRY PLANNING ACT 1990

AND

SECTION 13 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

AND

THE ACQUISITION OF LAND ACT 1981

August 2018

Statement of Reasons

Contents

1.	Introduction	1
2.	Background.....	2
3.	Description and Location of the Order Land and Surroundings	14
4.	Description of the Scheme	16
5.	The enabling Powers for the Compulsory Purchasing Order.....	25
6.	The Purpose and Justification for the use of Compulsory Purchase Powers	28
7.	Planning Status of the order land and the extent to which the scheme fits in with the planning framework.....	32
8.	Delivery Structure and Funding.....	45
9.	Efforts to Acquire	48
10.	Human Rights	52
11.	Equality Act 2010	54
12.	Special Considerations.....	56
13.	Associated Consents and Approval.....	56
14.	Conclusion.....	58
15.	Other Information of Interest to Persons affected by the order	60
16.	Inspection of the Order and Order Documents	60
17.	Documents to be referred to in the event of an inquiry	60

1. Introduction

- 1.1 On 19 July 2018 Tunbridge Wells Borough Council (the "Council") resolved to make the Tunbridge Wells Borough Council (Calverley Square) Compulsory Purchase Order 2018 (the "Order").
- 1.2 The Order was made pursuant to section 226(1) (a) of the Town and Country Planning Act 1990 ("the 1990 Act"), the Acquisition of Land Act 1981 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act").
- 1.3 This Statement of Reasons is a non-statutory statement provided in compliance with section 11 of the Ministry of Housing, Communities & Local Government Guidance on Compulsory Purchase Process and The Crichel Down Rules, published in February 2018, ("the 2018 Guidance").
- 1.4 The Council's purpose in making the Order, and seeking its confirmation by the Secretary of State for Communities and Local Government, is to enable the Council to acquire compulsorily the land and the new rights over land included in the Order ("the Order Land") in order to facilitate the delivery of the comprehensive development of a new civic facility for the Council, offices, theatre, car park and public realm in the heart of Tunbridge Wells Town Centre on the Order Land, ("the Scheme") as more fully described in section 4 of this Statement. The proposals will provide significant social, economic and environmental benefits to Tunbridge Wells and the surrounding community.
- 1.5 The Council resolved to grant planning permission for the Scheme on 9 May 2018 and planning permission was granted on 15 June 2018. There is a clear timetable for its implementation. The Scheme will be delivered directly by the Council development management team and an experienced contractor. Further information on this is set out in section 8 of this Statement.

2. Background

- 2.1 The borough of Tunbridge Wells ("the borough") is located in the west of Kent and borders Sevenoaks, Tonbridge and Malling, Maidstone and Ashford and Rother and Wealden in East Sussex. Royal Tunbridge Wells is the main urban area in the borough and is the primary retail centre as defined by the Local Plan. It is a vibrant town and draws trade from a wide catchment.
- 2.2 Tunbridge Wells is an attractive business location. The economy is characterised by a large number of small or medium sized enterprises (SMEs). However, there are a number of key major employers that contribute significantly to the economic health of the borough. Sector strengths include: finance & insurance, scientific & technical, wholesale & retail, human health & social work, hospitality, creative and education. In addition, there is a small, well-skilled manufacturing sector.
- 2.3 The Council has prepared a Five Year Plan (2017-2022) that sets out a clear vision for the borough. This vision seeks 'to encourage investment and sustainable growth, and to enhance quality of life for all'. The Council will focus on activities that support prosperity, wellness and inclusivity, ensuring the borough will be a more attractive place to live, work & visit.
- 2.4 It sets out eight projects that the Council will work to deliver over the next five years including:
- A new Local Plan for the borough
 - Creating new sports facilities across the borough
 - The development of the Community Centres in the borough
 - Enhancing the public realm in the borough
 - A new Cultural & Learning Hub in Royal Tunbridge Wells
 - A new Theatre in Royal Tunbridge Wells
 - A new civic development and office space in Royal Tunbridge Wells
 - Provision of more off-street car parking in Royal Tunbridge Wells
- 2.5 In addition, the Council prepared and adopted a Tunbridge Wells Cultural Strategy (2014-2024), which sets out Tunbridge Wells Borough Council's clear vision 'to grow our role as the cultural centre of the Kent & Sussex High Weald, so that by 2024 the Borough of Tunbridge Wells is nationally recognised for its vibrant cultural provision'. The Cultural Strategy highlights that, in order to be recognised for its major cultural scene, there is a need to review existing cultural infrastructure – including the breadth and quality of the cultural offer.
- 2.6 The Cultural Strategy builds upon the draft of the 5 year plan being prepared at the time, and the emerging planning policy.
- 2.7 The Strategy notes that the existing Assembly Hall Theatre, the only large-scale venue in the Borough, would need to be improved in order to continue to meet the demands of audiences as well as the technical demands of the larger touring shows.

- 2.8 The 2018-2021 Economic Development Strategy, adopted in April 2018, identifies four key projects that will support growth in the visitor economy. At section 3 of the Economic Development Strategy, the redevelopment of the civic complex and provision of a new theatre is identified as a key town centre regeneration project to be delivered in the timescale 2017-2020.
- 2.9 The most recent study on the economic impact of tourism in Tunbridge Wells was undertaken in 2015. The results highlight the continued importance of the visitor economy to the borough and show that in 2015, 4.4 million trips were undertaken in the area with a total of £261 million spent in the local area as result of tourism (taking into account multiplier effects). The visitor economy supports 4,909 jobs both for Borough residents and those living nearby.
- 2.10 The Council is committed to continuing its support for the local tourism sector which is dominated by small or micro-businesses. In 2014, a Destination Management Plan was prepared and adopted for the borough, setting out priorities for the sector.
- 2.11 Since the preparation of the plan, the Council has worked to implement many of the recommendations including: the provision of new visitor signs in Royal Tunbridge Wells town centre, the preparation of promotional leaflets for the Tunbridge Wells Circular Walk, inspirational blogs on the [visittunbridgewells](http://visittunbridgewells.com) website and free specialist business advice to accommodation providers (via Visit Kent).
- 2.12 Reflecting the priorities within the Cultural Strategy, the 5 Year Plan and the Economic Development Strategy highlight plans for the development of a new 1200 seat theatre as a major new cultural facility for the borough that will inject £14 million per annum into the local economy.
- 2.13 A stronger town will attract new investment and businesses, and recent projects show that private sector businesses are also investing in Tunbridge Wells Town Centre, for example redevelopment of the former ABC Cinema site, the Regency Grange development by Taylor Wimpey and British Land's purchase of Royal Victoria Place shopping centre.
- 2.14 Royal Victoria Place has received planning permission for a £70m major redevelopment which will deliver 140,000 sq ft of new retail and restaurants, and 30,000 sq ft new cinema.
- 2.15 Approval has also been granted for the £80m redevelopment of the ABC cinema site. When completed by Altitude Real Estate it will create 165,000ft² of shops, restaurants, cinema, medical or office space, and 100 apartments.
- 2.16 The development of a new Civic Development and additional commercial property would send a positive message that the town is ambitious and keen to prosper. The 2017 Economic Needs Study, prepared as part of the evidence base for the new Local Plan, identifies the need for the Council to proactively plan for 10,000 new jobs over the time period to 2033. It also identified a strong demand for Grade A office space in accessible locations, but a limited capacity to provide this within existing allocations.
- 2.17 Within the Economic Development Strategy, the town centre is identified as a Key Employment Area, being both accessible via public transport nodes and an area which has a critical mass of other employment uses.

The Existing Town Hall

- 2.18 The existing Town Hall, once home to over 400 Staff is now used by only 245 employees, meaning the current offices are larger than required for efficient working. The fabric of the building itself requires extensive maintenance and repair as set out in the Faithful & Gould Condition Survey Report commission by the Council and dated 24 June 2014. It requires c£13m to improve its energy, IT and environmental performance.
- 2.19 The 1934 competition for the current Civic Complex required dignity “without elaborate or unnecessary features”. Following the competition, Percy Thomas was selected as the architect, and the new civic complex was completed in 1939. Like the vast majority of civic buildings of the inter-war period, the style of the Tunbridge Wells Civic Complex is neo-Georgian.
- 2.20 Since the final completion of the Civic Complex in the early 1950s the buildings themselves appear to have incurred little significant alteration, either externally or internally. The setting of the main frontage has also remained recognisably the same but the setting of the rear (eastern) side of the complex has changed very substantially. The most significant change has been the construction of a large multi-storey car park which terminates all the views between the Civic Complex buildings and presses tight against the rear of 9 & 10 Calverley Terrace
- 2.21 The Town Hall was listed Grade II in 1995. The listing includes both exterior and internal elements, including the original light fittings, and staircase.
- 2.22 The current offices are cellular in layout, and are not easily accessible.
- 2.23 Due to the constraints of its listed status, and its structure, maintenance and upgrading the existing building would still not result in a building that provides suitable and efficient offices. The Council would be left with a Town Hall worth less than they had invested in it. Redeveloping the existing Town Hall for continued use by the Council does not make long term economic sense and as a consequence will not deliver the best value for those living and working in the borough.
- 2.24 Staying put would require a significant financial outlay as the Council would need to invest in the Town Hall and Assembly Hall. The estimated cost of the investment required would amount to tens of millions of pounds.
- 2.25 The history of Tunbridge Wells explains its dual nature, with two areas of focus: one at the top of the town and the other around the spa itself. The railway station and Calverley Grounds are located midway between the two areas. The proposal for a new Council Office and theatre at the mouth of the park will reinforce this middle ground, uniting the town and linking its high street to Calverley Grounds. In the context of the town itself, the current civic centre and car park buildings present a barrier and inhibit links between the top and bottom areas of the town centre.
- 2.26 The Council has considered the best alternative approach for its future office requirements within Tunbridge Wells. As set out in the paragraphs above a refurbishment of the current Council offices would not meet its needs and would be a significant cost to the public purse. It is therefore important that the Scheme can be delivered in accordance with the council’s objectives as set out in the 5 year plan. :-

Office space within Tunbridge Wells

- 2.27 The Council recognises the challenge faced by small and medium sized companies of finding modern good quality office space within the Borough, and the lack of grade A office space, as identified in the Economic Development Strategy.
- 2.28 The retention of existing employment space is currently managed via a broad criteria-based policy in the Core Strategy (within Core Policy 7 Employment Provision), however this has had limited success due to the impact of Permitted Development rights.
- 2.29 These national planning policies have resulted in the conversion of existing office space such as Calverley House, Brooke House and Seymour House to residential use, which has resulted in a loss of office space in the town centre.
- 2.30 As a result of concerns about the impact of conversions from office space to residential under Permitted Development rights, a detailed Town Centre Office Study was commissioned for Royal Tunbridge Wells in February 2018. The results of the study show that the loss of offices is of significant concern. The findings of the study will inform the development of the New Local Plan – both site allocations and development management policies – and in addition, the Council is now exploring the option of making an Article 4 Direction to remove Permitted Development rights from specified premises worthy of retention.
- 2.31 It should be noted that this does not prevent planning applications for change of use from employment being submitted, but would allow a full consideration of the impact of such applications by the Council (as Local Planning Authority).
- 2.32 However, in considering the possibilities for retention of existing space, the Council would also need to consider the difficulty of obtaining central government approval to any Article 4 Direction, and the suitability of existing office space for modern business purposes.
- 2.33 Criteria-based protection policies will also be included in the New Local Plan, requiring that there is: robust evidence that a site or property is no longer viable for employment; and evidence of marketing activity (for a minimum 2 years).
- 2.34 The Council, as part of its economic development strategy, has therefore considered how it can assist in providing modern flexible office accommodation.
- 2.35 As well as the policy approaches set out above, the Council is taking proactive steps on this issue as opportunities arise. This includes the proposed civic development, providing office accommodation for the Council and also much needed commercial office floor space (20,000ft²) that can be let to local businesses in the centre of Royal Tunbridge Wells. The Council has also worked with private and public sector partners to open new flexible workspace for creative businesses in Royal Tunbridge Wells town centre, known as The House.

The existing Theatre

- 2.36 The existing Assembly Hall theatre is limited in its capacity as a modern venue, mainly due to its size and quality. A report produced by specialist consultants Bonnar Keenlyside in 2016 found that there is not enough space to adequately accommodate large scale shows at the Assembly Hall due to the seating capacity of the auditorium (985 seats), the restricted wing space, and the relatively small front of house areas. The report concluded that, at its current scale, the Assembly Hall theatre is not large enough to be commercially viable in its own right because it cannot offer visiting companies a big enough gross ticket sale capacity.
- 2.37 The existing theatre is outdated and does not provide the facilities required to attract high quality national touring shows to the town. Tunbridge Wells faces competition from other cultural destinations, including London's West End, and needs to consider how to continue to attract visitors to its cultural offer.
- 2.38 The Bonnar Keenlyside report sets out a minimum size of 1200 seats, the requirement for an orchestra pit and improved wing space, and improved food and beverage facilities. With a capacity of 985, it isn't able to secure a large enough audience to make the visit of many high-end West End style productions commercially viable.
- 2.39 Within the Bonnar Keenlyside report, they conclude that a well-appointed 1200 seat theatre would be well placed to attract high quality shows to Tunbridge Wells. In particular, they reference the example of the Marlowe Theatre in Canterbury, which is of a similar size and design to the proposed new theatre.
- 2.40 The report sets out the key advantages of a 1200 seat theatre over a 1000 seat theatre and these are summarised below:
- A 1200 seat theatre will primarily attract 1 week runs of shows whereas a 1000 seat theatre will primarily attract 1 night events, ensuring increased usage of the theatre.
 - At 1200 seats, over 70% of the entertainment will be pantomimes, musicals and drama, whereas at 1000 seats, the events will be from a wide range of arts and entertainment genres.
 - At 1000 seats, the theatre will see c170,000 ticket sales per annum, which is likely to lead to a requirement for subsidy. A successful 1200 seat theatre will manage a minimum of 250,000 seat sales per annum and provides the opportunity for up to 400,000 ticket sales a year, which is a level where minimal or no subsidy may be required.
- 2.41 The challenge faced by the Council is how best to meet the leisure needs of residents and visitors and keep their spending within the borough, for the benefit of residents and businesses.
- 2.42 A 'do minimum' refurbishment of the existing theatre would cost c£15m with total lifecycle costs of £43m and would still result in a compromised facility, with limited facilities for bars, performer areas, and circulation space, ensuring it was still incapable of hosting high profile touring productions. A more comprehensive refurbishment was estimated as costing £25m in 2014. As set out in para 2.39 above, this refurbishment without the increased size and improvements to facilities would not provide the increased attraction for visitors required to compete with other cultural destinations.
- 2.43 Refurbishing and rebuilding the theatre would require it to close for 2-3 years and the town would lose out on its annual £4m economic value in that period.

- 2.44 As set out in the Full Council report dated 6 December 2017, 60 year lifecycle costs associated with the options of Staying Put, Refurbish or Build a new theatre show the refurbishment to be the most expensive option.

Calverley Grounds

- 2.45 A Grade II Registered Park and Garden, Calverley Grounds was originally designed by Decimus Burton in 1828-39, on Calverley Estate lands owned by John Ward. Historically, the Park consisted of an avenue of detached villas surrounded by parkland stretching down towards Mount Pleasant Road.
- 2.46 In the 20th century, (c.1920) the western half of the parkland was acquired by Tunbridge Wells Borough Council, renamed Calverley Grounds and transformed into a public park.
- 2.47 The Ordnance Survey map from 1936 records the effects of the Borough Council's scheme to create Calverley Grounds. It illustrates how the introduction of tennis courts, croquet lawns and bowling greens at the eastern end of the grounds substantially altered the Arcadian character of the historic park and must have necessitated significant groundworks to create level areas.
- 2.48 In 1948, the lawns to the rear of the Great Hall were acquired by the Council and turned into a car park. Development surrounding the park continued in the post war period.
- 2.49 The multi-storey car park known as Great Hall Car Park was constructed during the 1980s to opportunistically intensify car park facilities already existing to the rear of the Great Hall Arcade. Aesthetically, the building can be considered at best neutral due to it being designed to mimic the Great Hall Arcade reconstruction. However the building does not address the park and its design, incorporating roof top parking, has created effects which detract from the significance of the adjacent Calverley Grounds.
- 2.50 Most notable of these, as set out in the heritage study (Built Heritage Baseline Assessment Study 2016) is the visibility of cars including reflections from vehicle windscreens which spoil views from within the grounds, including important local views from adjacent to the Calverley Hotel.
- 2.51 As part of its priorities for Tunbridge Wells town centre, and wider improvements to public realm, the Council considers that improvements to the entrance and setting of Calverley Grounds will enhance the town centre and allow greater enjoyment of this space by residents and visitors.

The Council's proposals

- 2.52 As set out in the Cultural Strategy, 5 Year Plan and Economic Development Plan, by 2024, the Council wants Tunbridge Wells to be recognised for the quality of its cultural offer. The Council is seeking to make the most of its existing property assets in the town, including the Great Hall and Mount Pleasant Avenue car parks, for the benefit of the town, its residents and businesses.
- 2.53 Since July 2015, the Council has been working with specialist advisers to assess its options in respect of the existing Town Hall and Theatre. A summary chronology of the project consultation was set out in the Full Council Report dated 6 December 2017 at Appendix F.

Date	Consultation Event
13/07/15	13 July 2015 Historic England meeting on Civic Development
28/10/15	Media Briefing on AHT Mandate
26/04/16	An evening workshop was held at Calverley House, involving around 30 local stakeholders introducing the project
02/06/16	Historic England meeting on Civic Development
16/06/16	An evening at the AHT with a presentation and workshop to further inform the development of the scheme.
03/11/16	Presentation of the early theatre design to theatre stakeholders.
07/11/16	Presentation of the scheme to the Friends of Calverley Grounds.
07/11/16	Presentation of the scheme to Tunbridge Wells business stakeholders.
09/12/16	Presentation of the scheme to residents of Grove Hill House.
24/01/17	Presentation of the Stage 2 design to a combined meeting of community stakeholders, the Friends of Calverley Grounds, the Town Forum, theatre stakeholders, and Grove Hill House residents, followed by a question and answer session.
10/05/17	Presentation to Friends of Calverley Grounds of the developed design reflecting community input at the previous meeting, followed by questions and discussion.
10/05/17	Presentation to the Town Forum of the developed design reflecting community input at the previous meeting, followed by questions and discussion.
10/05/17	Presentation to residents of Grove Hill House of the developed design reflecting community input at the previous meeting, followed by questions and discussion.
23/05/17	Presentation to residents of Calverley Park of the developed design reflecting community input at the previous meeting, followed by questions and discussion
22/07/17	Meeting with Historic England – civic update
18/07/18	Presentation of further scheme development to theatre stakeholders in and around Royal Tunbridge Wells, followed by questions and discussion.
20/07/17	Presentation of further scheme development to the Town Forum, followed by a question and answer session.
26/07/17	Presentation to local businesses, followed by a question and answer session.

09/08/17	Presentation of further scheme development to the Friends of Calverley Grounds.
09/08/17	Presentation of further scheme development to residents of Grove Hill House.
14/08/17	Presentation of further scheme development to residents of Calverley Park.
15/08/17	Presentation to Pantiles Trader Association.
05/09/17	Presentation to Parish Chairmen's Group
05/09/17	Presentation to Pantiles Traders at their AGM.
16/09/17	Calverley Grounds Playground Opening
16/09/17	Presentation to West Kent Chamber of Commerce
20/09/17	Engagement with Rusthall Village Association
25/09/17	Verbal update with the Access Group
27/09/17	Verbal update at TCHG Summit
28/09/17	Awareness event in Calverley Grounds Café
29/09/17	Presentation to Creatives within Tunbridge Wells.
02/10/17	Presentation to businesses on Mount Pleasant Road.
03/10/17	Awareness event with Ladies that Latte
03/10/17	Digital question and answer session on Facebook
05/10/17	Awareness event with Kim Medcalf Coffee morning
05/10/17	Presentation to Tunbridge Wells Labour Party members.
11/10/17	West Kent Chamber of Commerce networking engagement
13/10/17	Awareness event to Friends of Dunorlan Park
18/10/17	Presentation to Pembury Village Society.
28/10/17	Public Engagement – Vestry Hall, Cranbrook
30/10/17	Labour Group meeting
01/11/17	Local Business Briefing, followed by a question and answer session.
03/11/17	Briefing to AXA PPP at Crescent Road

04/11/17	Public Exhibition Event – Southborough Library
07/11/17	Public Exhibition Event – Paddock Wood Library
10/11/17	West Kent Chamber of Commerce Briefing
11/11/17	Public Exhibition Event – Royal Victoria Place
16/11/17	Presentation to Town Forum.
17/11/17	Meeting with Greg Clark MP
27/11/17	Presentation to Access Group, followed by a question and answer session

2.54 The Council has been and will continue to engage with residents and businesses about the civic development. Over the time period since 2015, it has consulted a wide range of statutory and local stakeholders, including business, residential, community and heritage stakeholders in the area. Full details of these consultations are set out above.

2.55 The Council therefore proposes to develop a new civic development and theatre within Tunbridge Wells town centre, which will also provide additional high quality modern office space for small and medium sized businesses within the town.

2.56 In addition, the proposals will bring forward improvements to the entrance to Calverley Grounds and additional car parking spaces in the town centre.

2.57 The new civic facilities, office space and theatre is proposed to be developed on the edge of Calverley Grounds, which is owned by the Council, as are the Great Hall and Mount Pleasant Avenue car parks.

2.58 The proposed development is a unique opportunity to provide new civic facilities, offices, theatre, and car parking for the town centre.

- It is in accordance with the adopted Local Plan and the Civic Development Planning Framework that has been prepared to guide development on the site.
- It has been informed by a comprehensive programme of consultation with the local community and other stakeholders.
- It delivers the Council's Corporate Objectives as set out in the Council's Five Year Plan (2017-2022), including three of the 'Eight Big Projects' that will deliver the Council's 'Vision'.
- It will deliver substantive public benefits, including:
 - A new theatre capable of accommodating modern touring shows that will substantially boost the town centre's evening economy and cultural offer, and improve the overall vitality of the town centre;

- o A new civic centre which will enable the Council to operate more efficiently;
- o New grade A office space that will promote economic growth and job creation;
- o Improvements to the degraded western edge of Calverley Grounds;
- o Enhanced public realm at the entrance to Calverley Grounds that will establish a strong sense of place and improvements to the link between the park and town; and
- o Enabling the existing Civic Complex site to be vacated, to make way for refurbishment/redevelopment.

2.59 The movement of the Town Hall down Mount Pleasant and creation of a modern theatre, close to the railway station, will better link the Pantiles and High Street with Royal Victoria Place and shopping precinct – creating a new heart for the town alongside Calverley Grounds.

2.60 The new civic offices will provide modern, efficient office space from which the Council will operate. The building will be environmentally sustainable and provide an additional 20,000 sq ft of offices for small and medium sized businesses to rent in the town centre.

2.61 The economic impact of the new theatre is estimated at £14m per year based on the Bonnar Keenlyside report. It will attract visitors and create jobs by attracting and retaining business in the town, as well as developing skills and revitalising the town centre. An assessment of the wider economic impact of the Scheme is set out at para 6.11 onwards.

2.62 The new theatre will have a positive impact on the health and well-being, educational attainment and social cohesion of the people of the borough through its role in bringing them together.

2.63 Further details of the benefit of the scheme proposed are set out in section 6 of this statement

2.64 The existing Town Hall and Assembly Hall Theatre will continue to operate while the planning and construction of the new theatre, office and civic development go ahead ensuring that the arts scene in Tunbridge Wells can continue to operate and generate income while the project is on-going.

Chronology of decision making

2.65 The Council commenced work on assessing options for the future of the civic centre and Assembly Hall Theatre in 2014. The table below sets out the key decisions made by the Council as the project progressed.

Date	Decision Making Body	Decision
30/10/14	Cabinet	Investigation of provision of new theatre
29/10/15	Cabinet	Progress work on new civic office project.
3/12/15	Cabinet	Agreed in principle to deliver new theatre, and vacate existing Town Hall to relocate Council's office accommodation and civic function to new offices. Agreed to appoint consultants to undertake next stage of work.
9/12/15	Full Council	Agreed in principle to deliver new theatre and vacate existing Town Hall to relocate Council's existing office accommodation and civic function to new offices. Agreed to appoint consultants to undertake next stage of work.
22/06/16	Cabinet	Council moved to RIBA Stage 2 for project. Great Hall Car Park is the preferred site for the new theatre. Calverley Grounds is the preferred site for an underground car park. That authority to move to RIBA Stage 3 is delegated to the Portfolio Holder.
20/07/16	Full Council	Council moved to RIBA Stage 2 for project. Great Hall Car Park is the preferred site for the new theatre. Calverley Grounds is the preferred site for an underground car park. That authority to move to RIBA Stage 3 is delegated to the Portfolio Holder.
22/02/17	Full Council	The Council move to RIBA Stage 3 (developed design) for the project.
26/07/17	Full Council	Response to petition entitled 'Save Our Park'. Council welcomes petition, notes concerns that have been raised and undertakes they will be taken into account as scheme progresses. Proposals have evolved over 3 years, form part of the 5 year plan, and have been subject to numerous debates and votes by Full Council. Proposals affect no more than 2% of the park.
06/12/17	Full Council	Project designed to RIBA 3 be approved for delivery. Delegate authority to Head of Economic Development & Property to progress with preparatory matters for delivery including submission of planning application. Delegate authority to Cabinet to acquire land and rights required, including by use of compulsory purchase and appropriation if required.
21/02/18	Full Council	Tunbridge Wells Civic Development Planning Framework Supplementary Planning Document adopted

2.66 On 6 December 2017 the full Council considered the work undertaken to date on the Scheme. The Council resolved to proceed to submit a planning application for the scheme,

2.67 A planning application was submitted in January 2018 and on 9 May 2018, the Council planning committee resolved to grant planning permission for the Scheme. Planning permission was granted on 15 June 2018. Further detail of the planning permission is set out in section 7 of this statement.

- 2.68 Whilst the Council owns the freehold of the majority of the Order Land, a number of third party property interests and rights are required in order to deliver the Scheme. The Council and their advisers have commenced discussions with all those third parties and negotiations have continued since. Further details are set out in section 9 of this report.
- 2.69 Some progress has been made in reaching agreement on the land and rights required to deliver the Scheme, the Council has not been able to reach agreement with all third party interests. Therefore, in order to ensure delivery within the current programme, on 19 July 2018, the Council resolved to make the Order as the next stage in delivering the Scheme.
- 2.70 Subject to assembling the site, the Scheme is due to commence work in 2019, with completion scheduled for 2021/2.

Alternative options

- 2.71 The council has considered alternative options for the existing civic centre and theatre as part of the consultation and decision making process since 2014.
- 2.72 For the reasons set out in 2.18-2.24 above, the Council does not consider refurbishment of existing civic offices will deliver the new office accommodation and civic functions required.
- 2.73 For the reasons set out in 2.41-2.43 above, the Council do not consider refurbishment of the existing theatre will deliver the Council's objectives for theatre provision in Tunbridge Wells.
- 2.74 The Council therefore considers that there is no reasonable alternative option to the proposed scheme to deliver the Council's objectives as set out in the 5 year Plan and Economic Development Strategy, and that the proposed scheme is the best option to deliver these objectives.

3. Description and Location of the Order Land and Surroundings

Location and Description of the Order Land

- 3.1 The Order Land comprises 5,301 sq. m of land within Tunbridge Wells town centre, excluding land where rights such as crane oversailing and access will be acquired.
- 3.2 The Order Land comprises the Mount Pleasant and Great Hall car parks, some highways land and a small part of Calverley Grounds containing the dental surgery (also known as the 'Park Keeper's Lodge'). It is located in the southern part of Tunbridge Wells' town centre between Calverley Grounds (to the east) and Mount Pleasant Avenue (to the west).
- 3.3 The Mount Pleasant car park site is located to the east of the Order Land fronting Mount Pleasant Road (ground floor retail with offices/residential above), to the west of Calverley Grounds, and to the south of Phillips House (AXA offices). The car park comprises 49 surface-level parking spaces and is accessed via Mount Pleasant Avenue.
- 3.4 The Great Hall car park site is located to the east of the Great Hall Arcade, to the west of Calverley Grounds and to the north of Grove Hill House (residential accommodation). The Great Hall car park is a two storey building with 205 parking spaces. It is accessed via Mount Pleasant Avenue, which runs around the north, east and south sides of the car park, from Mount Pleasant Road to Grove Hill Road. There is also a service road on the west side of the car park which is the Great Hall service road and is not open to the public.
- 3.5 The map to the Order identifies the land proposed to be compulsorily acquired (coloured pink) ("the Pink Land") and the land on, over or under which new rights are to be compulsorily acquired (coloured blue) ("the Blue Land") ("the Order Map").

Existing Ownership

- 3.6 The majority of the Order Land is within the freehold ownership of the Council, but there are a small number of third party freehold, leasehold and occupational interests within the Order Land, as well as third party rights which will be affected.
- 3.7 Full details of the ownership and extent of each interest in the Order Land are contained in the schedule and addendum ("the Schedule") to the Order and shown on the Order map
- 3.8 The Schedule to the Order lists all parties with a qualifying interest in the Order Land including other parties with qualifying interest in the Order Land as defined by section 12(2) of the Acquisition of Land Act 1981 ("ALA 1981") including those with the benefit of rights within the Order Land or restrictive covenants that affect titles that make up the Order Land.
- 3.9 The Schedule has been based on information gathered through site inspections and enquiries, response to notices issued in May 2018 under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and section 5A of the ALA 1981 and on inspection of Land Registry documents.

3.10 The majority of the freehold within the site is owned by the Council, and the key third party interests are summarised below:-

Property	Owner	Leaseholder / Occupier
Great Hall Car Park	BNP Paribas Securities Services Trust Company Ltd (managed by Hermes Asset Management)	BBC European Insurance Services Ltd Hermes Asset Management
Land at Mount Pleasant Road	AXA	AXA
Mount Pleasant Road Car Park	TWBC	AXA
The Lodge, Mount Pleasant Avenue	-----	Dr Simon Azimi, iSmile Dental Practice Ltd
Right of Way through Hoopers' Car Park	Hoopers	Hoopers
Access rights over Mount Pleasant Avenue	TWBC	Freeholder & Tenants of Great Hall Arcade and Grove Hill House. UKPN.
Access rights over land adjacent to Grove Hill House	-----	Grove Hill House leaseholders and tenants.

Demolition

3.11 Once the site has been assembled, the Council will need to demolish the following existing buildings in order to deliver the Scheme.

- Great Hall car park – two storey brick building plus basement constructed in the early 1980s;
- Dental surgery within Calverley Grounds – single storey former park lodge dating from the 1920s; and
- Toilet block within Calverley Grounds – modern utilitarian building

3.12 In addition, it is proposed to remove various existing walls, including the (unlisted) stone wall along Mount Pleasant Avenue

3.13 The Lord Dowding Memorial (a non-designated heritage asset) will be preserved, albeit that it will be moved to an alternative location within Calverley Grounds.

4. Description of the Scheme

4.1 As part of the Council's wider economic development plans for Tunbridge Wells town centre, the overarching objectives of the Scheme are:-

- To provide a new theatre that is of a sufficient size and quality to accommodate touring shows that will boost the town's evening economy and cultural offer substantially and improve the overall vitality of the town centre as a whole;
- To provide a new Council office building that facilitates agile, flexible, collaborative ways of working, reduces the Council's overheads and contributes to sustainable economic growth;
- To provide new Grade A office accommodation that will promote economic growth and job creation;
- To improve the Town Centre's car parking provision, enabling visitors to stay in the town with less restrictions, benefitting the economy; and
- To create an attractive civic environment that will enhance the western edge of Calverley Grounds, including a new public square and improvements to the public realm at the junction of Mount Pleasant Road and Mount Pleasant Avenue.

4.2 As set out in para 2.57 the Council and their professional team have designed a scheme which delivers these objectives. Following detailed design to RIBA Stage 3, a planning application (18/00076/Full) was submitted in January 2018. On 9 May 2018, Planning Committee resolved to grant planning permission for this application, and on 15 June 2018, planning permission was granted for the Scheme.

4.3 This permission was granted subject to a number of conditions, including:

- Control of the demolition and construction works required to deliver the proposed scheme;
- Details of various issues such as noise / fumes and odours / surface water drainage plans to be approved by the Council;
- Landscaping design and Calverley Grounds management plan to be approved by the Council;
- Traffic management plans to be approved by the Council; and
- Detailed design of areas including the Theatre and its fly tower.

In addition, the Council as a landowner entered into a memorandum of understanding with the Council as planning authority to undertake the type of planning obligations more usually secured by the use of a deed of agreement under s.106 of the 1990 Act.

4.4 A summary of the Scheme within the planning permission is set out below

The formal description of development is as follows:

'Full planning permission for the redevelopment of the site to include the demolition of existing buildings (the Great Hall car park, the dental surgery in Calverley Grounds and the toilet block in Calverley Grounds) and provision of new offices (including Council offices, Council Chamber and commercial office

space), theatre, underground car parking, and associated landscaping, infrastructure and associated works.'

4.5 It was an application for full planning permission and for the demolition of unlisted buildings in a Conservation Area (the Great Hall car park, the dental surgery and the toilet block). The application includes the relocation of the Lord Dowding Memorial (a non-designated heritage asset) to another part of Calverley Grounds.

Use/Amount

4.6 The proposal was for the use of the site for a theatre (use class Sui Generis), a Council office incorporating the Council's civic function and an element of commercial office space (use class B1), and an underground car park (use class Sui Generis). The quantum of Proposed Development for each of these uses is as follows:

- Office building (5,939sqm GEA. including 1,878sqm of commercial office floorspace);
- Underground car park (9,991 sqm GEA); and
- Theatre (7,374sqm GEA - 1,200seats).

4.7 As part of the application for the demolition of unlisted buildings in a Conservation Area, the Proposed Development included the demolition of the following buildings:

- Great Hall car park;
- Toilet block within Calverley Grounds; and
- Dental surgery within Calverley Grounds.

4.8 Although two of these buildings are located within the boundary of Calverley Grounds, a Grade II Registered Park and Garden, there is no separate consent regime for development affecting Registered Parks and Gardens. None of the three buildings are listed.

4.9 The Lord Dowding Memorial (a non-designated heritage asset) will be moved to an alternative location within Calverley Grounds (refer to the Proposed Landscape Plan for details).

4.10 Further detail relating to the amount of new floorspace proposed for the office, theatre and underground car park, as well as additional background information as to what drives this quantum of development, is provided below.

Office

4.11 Feasibility work undertaken by Allies and Morrison indicated that the Council's requirements (as set out in Section 1 of this report) translate into a need for 1,306 sqm (GIA) of Council office floor space, as well as a requirement for the entire 1,306 sqm to be on one large floor plate at one level only. Approximately 1,221 sqm (GIA) is required for the civic suite in addition to the Council office floorspace.

4.12 The 2,528 sqm (GIA) of Grade A commercial office floor space will contribute to sustainable economic growth and the creation of new jobs in the town centre and will also help to mitigate the potential loss of

office space through the use of permitted development rights (Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015).

A report by GVA reviewed the office market in Tunbridge Wells' town centre, and the configuration of the commercial element of the office across multiple floors is related to the marketability of the Grade A floorspace. The GVA report highlighted that creating the flexibility for larger firms to occupy the entire 2,528 sqm, as well as an option to break the space into multiple smaller units for smaller firms, maximises the marketability of the new commercial office space.

Underground car park

- 4.13 There will be no net loss of parking spaces as a result of the Proposed Development. The need for 261 short-stay parking spaces on site is partly related to development viability. The Applicant has undertaken a financial modelling exercise, based on construction costs and long-term pay-back, to ascertain that 261 spaces is the optimum size for the underground car park. However, site-specific planning policy AL/RTW21 (Mount Pleasant Avenue car park) requires the re-provision of existing public car parking provision on site (254 spaces). Paragraph 3.29 of the Site Allocations Local Plan requires each development in the town centre to 're-provide at least the same amount of public parking spaces.'
- 4.14 The Proposed Development will result in the loss of 205 spaces at the Great Hall car park (115 of which are short-stay public spaces) and 49 spaces at the Mount Pleasant Avenue car park. With 259 new spaces proposed, the scheme will result in a net gain of 5 spaces for Tunbridge Wells town centre (although, if only the short-stay public spaces are considered, the Proposed Development will result in the net gain of 95 short-stay public spaces).
- 4.15 It is intended that the proposed underground car park will be open for use between the hours of 6am and 1am.

Theatre

- 4.16 The requirement for a new theatre is largely dictated by the aspiration to provide a theatre in Tunbridge Wells town centre that is capable of accommodating modern touring shows as set out in para 2.38 above.
- 4.17 The proposal for a new theatre of 7,374sqm (GEA) and 1200 seats provides adequate space to host modern touring shows (which the Assembly Hall site cannot accommodate) and a more appealing audience experience with an auditorium designed to modern standards. With shows becoming more and more complex, and this creating increasing demands on venues' technical and backstage facilities, the specification for the new theatre will help to ensure that Tunbridge Wells can successfully adapt to the fast-changing market and continue to attract the touring 'product' and audiences into the future.

Layout

- 4.18 The layout of the Proposed Development has been designed to enhance the western entrance to Calverley Grounds and provide a high quality contemporary response to the original Arcadian parkland design whilst minimising impacts on the local environment (including existing trees, townscape and visual amenity).
- 4.19 Unlike the Victorian development along Mount Pleasant Road that turned its back on Calverley Grounds, the Proposed Development faces the park. The new square between the proposed buildings, just off Mount Pleasant Avenue, will help improve the relationship between the park and the town, creating a high quality public space to draw people from Mount Pleasant Road into an attractive civic environment from which the new buildings and the park can be accessed.
- 4.20 In order to minimise the impact of the scheme on existing trees and topography, the underground car park is proposed adjacent to the office building where it is more easily buried (requiring less earth-moving) and has less impact on existing Grade A and Grade B trees.
- 4.21 The theatre, which necessarily comprises a fly tower of 25.8m in height (measured from ground level), is proposed towards the south of the Site where the topography allows the building to sit at the lowest point in the landscape. In order to minimise the impact of the scheme on townscape, the Site's topography has informed the layout of the Proposed Development.

Relationship with Calverley Grounds

- 4.22 In contrast to existing development along Mount Pleasant Road which turns its back on the park, the proposed development faces Calverley Grounds and creates a new high quality public space between the two new buildings that enhances the western entrance to the park, provides a high quality contemporary response to the original Arcadian parkland design and improves the relationship between the park and town by drawing people from Mount Pleasant Road into an attractive civic environment from which the new buildings and the park can be accessed.
- 4.23 The proposed buildings themselves are contemporary in character but draw inspiration from the Arcadian and picturesque tradition that shaped Decimus Burton's landscape design for the former Calverley Park. The following design features have been incorporated into the scheme to reflect the Arcadian and picturesque tradition:
- The buildings' regular classical bay rhythms;
 - The informal but coordinated physical relationship of the buildings to each other; and
 - The portico/colonnade features that animate the public entrances and relate the buildings to each other as well as the wider park.
- 4.24 The double height colonnades for the public 'front of house' elements of the theatre and office buildings are clearly visible when looking at the Proposed Development from across Calverley Grounds. Tree planting, as part of the Proposed Landscape scheme screens the 'back of house' elements of the theatre and office, helping to signal which parts of the building are for public use.

Theatre

- 4.25 The specification for the new theatre has been carefully considered by the Council's professional team, specifically to ensure it meets the current and future requirements. This includes the minimum requirement of 1200 seats, the improved front of house and food & beverage areas, and the improved stage wings set out in the Bonner Keenlyside report.
- 4.26 It will help to ensure that Tunbridge Wells can successfully adapt to the fast-changing market and continue to attract the high quality touring productions and audiences into the future.

Office & Civic Development

- 4.27 The proposed office and civic development will be located in the northern part of the site, between the entrance to Calverley Ground in the south and Philips House (AXA office) to the north.

The Office element of the Scheme comprises:

Component	Floorspace (Gross Internal Area)	Description
Council Office	1,306 sqm	Open plan areas, sub-divided offices, break out and recreational space and facilities for Members, all on one level
Civic Suite	1,221 sqm	Reception, private café, innovations space, council chamber (large high quality room that can also be used flexibly for functions or subdivided as necessary), two other meeting rooms
Commercial Office(s)	2,528 sqm	Grade A office accommodation built to a high quality specification, capable of being occupied as one unit or subdivided into multiple smaller units, arranged over two levels.
TOTAL	5,055 sqm	

- 4.28 When viewed from Mount Pleasant Avenue, the building comprises three floors of office accommodation and two floors of car parking above ground level, as well as two floors of car parking below ground. When viewed from Calverley Grounds, the office building comprises three floors of office accommodation above ground level, as well as four floors of car parking below ground.
- 4.29 The main entrance to the Civic Suite and offices is located on the new public square, opposite the theatre.
- 4.30 Within the civic development there will be a generously sized reception / café area, where Councillors and staff can hold informal meetings, or it can be used as a flexible space for events, functions and exhibitions. Adjoining this behind a sliding partition, is an Innovation Space with flexible use that can be joined with the café. The intention is that the internal activity at ground floor level will provide animation to the square.

4.31 The new civic development will replace the existing civic centre. The new Grade A commercial office accommodation will contribute to sustainable economic growth and the creation of new jobs in the town centre.

4.32 The design, configuration and floorplates of the office accommodation have been designed to maximise the marketability of the new commercial accommodation and the Council's use of them.

Car Park

4.33 The proposed development will include an underground car park arranged over 4 floors underneath the new office and civic development, as explained above. The car park will comprise 259 car parking spaces. The Council has not yet decided the proportions of long and short stay but parking is expected to be primarily short stay.

4.34 It is necessary to acquire 254 existing spaces (205 spaces from the Great Hall car park and 49 spaces from Mount Pleasant car park) to deliver the scheme, as explained in section 3. Therefore, with 259 new spaces proposed, the scheme will result in a net gain of 5 spaces for Tunbridge Wells Town Centre, however, if considering short-stay spaces only, a net gain of up to 95 spaces will be achieved.

4.35 It is currently intended that the new car park would be used primarily as a short-stay car park for use predominantly by shoppers and theatre goers. It is intended that the underground car park will be open for use between the hours of 6am and 1am

Public Realm

4.36 1,183sqm of new public realm will be created as a result of the proposed development, namely:

- a new public square which lies at the heart of the scheme, designed as a pedestrian friendly area. This public square will provide a focal point for the civic development, and will be a new and positive addition to Tunbridge Wells town centre;
- a landscaped terrace above the civic suite which would be accessible to the public but controlled during some hours for security reasons; and
- a continuous grass slope down from Calverley Grounds into the new square.

4.37 The theatre would have an important relationship with Calverley Grounds, increasing the enjoyment of the park by theatre-goers, who would view the Grounds from the building and could take a stroll before or after the performances. Conversely, the theatre would also provide facilities for visitors to the park throughout the day. The foyers would be open (at least in part) during the day, providing an all-day café / deli.

Summary of Reasons for Recommendation

4.38 Within the Officers report to Planning Committee, dated 9 May 2018, the planning officer set out their key considerations and reasons for approval.

- There is no objection to the principle of the proposed development as the proposed uses are appropriate uses within a town centre, and part of the site, where the proposed office is located, is

allocated for office use in the SALP under Policy AL/RTW21 (the footprint of the office and underground car park extends beyond this allocation).

- The development would provide additional commercial office accommodation, a new civic suite, a new theatre designed to attract touring shows; and replacement car parking within Tunbridge Wells town centre, the combined effect of which will be to boost the local economy, add to the cultural offer for the benefit of the Borough's residents and visitors to the town and improve the quality of the town centre's parking provision to the benefit the town centre. As such it would comply in principle with the Development Plan and national planning policy.
- An assessment has been made of the significance of the heritage assets affected by these proposals and the degree to which they are harmed or otherwise affected. These include the Calverley Park and Calverley Grounds Registered Park and Garden (RPG), Tunbridge Wells and Rusthall Conservation Area (CA), various identified Listed Buildings whose settings may be affected and various identified non designated heritage assets. It has been concluded that:
 - I) The proposed development would cause less than substantial harm to the character, amenities and setting of Calverley Park and Calverley Grounds Grade II Registered Park and Garden. However, this harm is clearly and convincingly justified when weighed against the public benefits of the proposals. In addition conditions relating to landscaping and a Park Management Plan will help to mitigate the harmful impacts of the development.
 - II) Whilst the proposals would not cause harm to the character and appearance of the CA as a whole there would be a low level of harm to part of the conservation area. However, this harm is clearly and convincingly justified when weighed against the public benefits of the proposals. The proposals are considered to preserve the character and appearance of the CA as a whole.
 - III) Whilst the proposals would cause harm to the setting of the former Calverley Hotel (Hotel du Vin) Grade II listed building this harm is considered to be less than substantial in the terms of NPPF 2012 paragraph 134, is a low level of harm and is clearly and convincingly justified when weighed against the public benefits of the proposals.
 - IV) The Great Hall car park and toilet block that are proposed to be demolished are not considered to make a positive contribution to the significance of the Conservation Area and whilst the demolition of the Lodge building would result in the loss of a building that makes a positive contribution to the Conservation Area, the harm resulting from this loss, which is considered to be less than substantial, is outweighed by the economic regeneration benefits of the proposals in accordance with Local Plan Policy EN4.
 - V) there would be no harm to non-designated heritage assets
- The scale, layout and design of the development would respect the context of the site and would preserve the visual amenities of the locality.
- Sustainable design, energy efficiency and renewable energy measures have been satisfactorily incorporated within the proposals.

- Subject to the applicant offering to provide acoustic glazing and mechanical ventilation to the identified adversely affected neighbouring dwellings, secured by a Memorandum of Understanding, as well as other mitigation measures through planning conditions the development would not cause significant harm to the amenities of nearby dwellings and other properties by reason of noise and disturbance.
- The development would not cause significant harm to the neighbouring dwellings by way of loss of daylight, overshadowing, having an over-bearing impact or loss of privacy.
- 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 and cyclists.
- Adequate on-site provision is made for the parking of vehicles, with sufficient numbers of parking spaces being made available to replace those not utilised as a result of the development

4.39 Public realm improvements and other public benefits and mitigation measures can be secured by means of planning conditions.

- Other environmental impacts have been assessed and there are not any which are potentially significant and which cannot be controlled by conditions.
- Other concerns raised are not considered to be sufficient to justify refusal.

4.40 Impact on Calverley Grounds

4.41 The Planning Committee Report 9 May 2018 stated at 10.152-10.155:

- The applicant's Design and Access Statement (p.62) illustrates the extent to which the proposals encroach into Calverley Grounds and also where they expand the current area of the Grounds.
- The footprint of the theatre lies adjacent to but does not encroach into the Grounds.
- The office element of the office / Civic suite building encroaches eastwards into the Grounds by approximately 9m and the Civic suite encroaches approximately 21m.
- A total of 1,007sqm of parkland is affected by the proposed office and the emergency escape for the car park.
- The greatest incursion into Calverley Grounds is made by the underground car park, which extends eastwards by approximately 56m and affects a further 1,454sqm of parkland. However, this area will be re-landscaped and returned to open parkland use.
- If the area of the underground car park is excluded, the amount of land within Calverley Grounds that is affected is approximately 1,007sqm, which represents 2.18% of Calverley Grounds.'

4.42 Accessible public toilets would also be provided to replace the existing facilities in Calverley Grounds. In the evening the food offer would change to a café / bar. There would be direct, level, access from Calverley Grounds into the main theatre café / bar and main foyer, which would also have sheltered seating within the open colonnade. In addition to the main ground floor bar there would be two smaller bars at the upper levels.

- 4.43 The top soil from the site of the underground car park within Calverley Grounds will be retained by spreading it within the park and re-grassing. This will be done in areas within the planning permission boundary and outside the construction hoarding boundary (the exact hoarding line is not yet finalised). When the underground car park is complete the top soil will be moved back to cover the car park and will be re-planted.
- 4.44 This work is planned to take place over a period from the end of 2019 to the summer of 2021.
- 4.45 Details of relevant planning policies are set out at section 7 of this statement.

5. The enabling Powers for the Compulsory Purchasing Order

Section 226 (1) (a) of the Town and Country Planning Act 1990

- 5.1 Section 226 of the Town and Country Planning Act 1990 (“the 1990 Act”) enables local authorities to compulsorily acquire land for development and other planning purposes.
- 5.2 Section 226(1)(a) of the 1990 Act gives a local authority power to acquire compulsorily any land within its area if it thinks that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land.
- 5.3 Section 226(1)(a) is subject to subsection (1A) which provides that the local authority must not exercise the power unless it thinks that the proposed development, re-development or improvement is likely to contribute to any one or more of the following objectives;
- (a) The promotion or improvement of the economic well-being of their area;
 - (b) The promotion or improvement of the social well-being of their area;
 - (c) The promotion or improvement of the environmental well-being of their areas.
- 5.4 This Order seeks to exercise section 226(1) (a) of the 1990 Act to compulsorily acquire land.

Section 13 Local Government (Miscellaneous Provisions) Act 1976

- 5.5 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”) enables local authorities to purchase new rights over land, where the acquisition of the land itself is not required and where such rights are not in existence when the compulsory purchase order is made.
- 5.6 This Order seeks new rights for access, utility installation and crane oversailing in order to deliver the scheme.
- 5.7 Section 6 below explains why the exercise of these powers is appropriate to deliver the Scheme.

Government Guidance

- 5.8 Central government guidance on the use of compulsory purchase powers is provided in the 2018 Guidance and makes clear that a compulsory purchase order should only be made where there is a compelling case in the public interest.
- 5.9 The Council has taken full account of this overarching consideration in making the Order. The 2018 Guidance makes clear that compulsory purchase is intended as a last resort in the event that efforts to acquire by agreement fail. However, the 2018 Guidance also acknowledges that local authorities will need to consider when the land to be acquired will be needed and should plan a compulsory purchase timetable in parallel with conducting negotiations. Stage 3 of Tier, para 17, of the 2018 Guidance recognises that,

given the amount of time needed to complete the statutory procedures, it may often be sensible to initiate compulsory purchase in parallel with such negotiations.

- 5.10 The 2018 Guidance at Tier 1, paragraph 2 sets out that acquiring authorities should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. It requires that the officers' report seeking authorisation for the compulsory purchase order should address human rights issues. Section 10 of this Statement sets out further consideration of human rights.
- 5.11 Tier 1, paragraph 2 also sets out that acquiring authorities are required to demonstrate that they have taken reasonable steps to acquire all the land and rights included in the Order by agreement. The Council has sought to acquire the interests by agreement and continues to do so alongside the making of the Order. Further information is set out in section 9 of this Statement.
- 5.12 Tier 1, paragraph 6 provides guidance on how due regard should be given to the Public Sector Equality Duty should be taken into account when making a compulsory purchase order in accordance with the Equality Act 2010. Section 11 of this Statement provides further information on how the Council have considered this throughout the process.
- 5.13 Tier 2, section 1 provides specific advice on the making of orders under section 226 of the 1990 Act. Paragraph 95 of section 1 states that the powers under section 226 are intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist.
- 5.14 Paragraph 97 refers to section 226(1)(a) of the 1990 Act enabling acquiring authorities with planning powers to acquire land if they think that it will facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired and it is not certain that they will be able to acquire it by agreement.
- 5.15 Paragraph 103 of the same section refers to section 226(1)(a) being restricted under section 226(1A), providing that the acquiring authority must not exercise the power unless they think that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility. It makes clear that the benefit to be derived from exercising the power is not restricted to the area subject to the compulsory purchase power as the concept of the well-being is applied to the whole (or any part) of the acquiring authority's area.
- 5.16 Paragraph 104 sets out further information on the justification required to support an order to acquire land compulsorily under section 226(1)(a) of the 1990 Act. This includes;
- Programme of land assembly to be set within a clear strategic framework.
 - Such a framework needs to be founded on an appropriate evidence base and to have been subjected to consultation processes.
 - The planning framework should be as detailed as possible in order to demonstrate that there are no planning or other impediments to the implementation of the scheme.

- Consideration of the National Planning Policy Framework as this is a material consideration in all planning decisions.

5.17 Paragraph 106 further provides that in making a decision on whether to confirm an Order under section 226(1)(a), the Secretary of State will take into account the following factors;

- Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework
- The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area
- Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired.
- The potential financial viability of the scheme for which the land is being acquired as well as a general indication of funding intentions, and the timing of available funding.

5.18 Section 18 of the 2018 Guidance provides guidance on the compulsory purchase of new rights including under the 1976 Act (paras 235-248).

5.19 As stated above the Council has taken the Guidance into account in making the Order and the enabling powers referred to above are the most appropriate powers to use to facilitate the delivery of the Scheme.

5.20 The Scheme will facilitate the redevelopment of the Order Land and will contribute to the improvement of the economic, social and environmental well-being of the Council's area.

5.21 The use of section 13 of the 1976 Act is also required in order to facilitate the Scheme.

6. The Purpose and Justification for the use of Compulsory Purchase Powers

- 6.1 The Council is committed to securing the Scheme. The need for the Scheme is set out in adopted planning policy (see section 7 below), the Culture Strategy and the 5 year Economic Development Strategy. The Scheme accords with the planning framework and delivers the Council's Corporate Objectives, as set out in the Council's Five year Plan (2017-2022). The Scheme includes three of the eight 'Big Projects' within that 5 Year Plan, delivering the Council's vision.
- 6.2 As set out in para 2.58 above, the scheme will deliver three of the eight 'Big Projects' within the 5 year plan, namely:
- Delivery of a new theatre in Tunbridge Wells;
 - Delivery of a new civic development and office space in Tunbridge Wells;
 - Improving public realm in Tunbridge Wells.
- 6.3 The Council has followed a transparent and objective decision-making process in making the decision to exercise its compulsory purchase powers to ensure delivery of the development proposals and in doing so improve Tunbridge Wells Town Centre. A summary of the Council decision making process is set out in para 2.64 above.
- 6.4 The Council has made reasonable preparations to make the Order, and this has included carrying out all the necessary due diligence such as land referencing as well as ensuring reasonable efforts to acquire have been undertaken (section 9).
- 6.5 The Council resolved, in principle, to the use of its compulsory purchase powers on 6 December 2017, and subsequently resolved to make the Order on 19 July 2018.
- 6.6 The section below sets out the purpose and justification of the use of compulsory purchase powers.
- 6.7 The Council believes that the use of compulsory purchase powers is necessary to facilitate the Scheme and that the delivery of the Scheme will result in improvements to environmental, social and economic wellbeing of the area.
- 6.8 At section 6.11-6.27 below the Council sets out the economic, social and environmental wellbeing benefits the Scheme will deliver.
- 6.9 Acquisition of all of the land and rights within the Order Land is necessary to deliver the Scheme and implement the planning permission. Careful consideration has been given to every parcel of land and right included in the Order and the Council is satisfied that all of the Order Land is required to enable delivery of the Scheme.
- 6.10 The Council have sought to acquire as much of the Order land and rights as possible by negotiation and will continue to seek to acquire as many of the remaining interests as possible by negotiation in parallel with the

making of the Order. This is consistent with paragraphs 2 and 17 of Tier 1 of the 2018 Guidance. Further information on the Council's efforts to acquire is set out in Section 9 of this Statement.

Social, economic and environmental wellbeing

- 6.11 The key social, economic, and environmental wellbeing benefits of the Scheme are set out below:
- 6.12 The new Civic offices will provide a more efficient and flexible headquarters for the Council within Tunbridge Wells, allowing the Council to retain its base within the town centre at a lower cost. This will allow more efficient use of council resources and ensure provision of a wide range of Council services. This will increase the economic and social wellbeing of the area.
- 6.13 The provision of much needed additional modern good quality office space to meet the identified need (see para 2.27 above) and to replace the reduction in office space due to residential conversions through permitted development will allow small and medium sized businesses to remain and grow within the town centre. By increasing the range and type of employment opportunities available, and retaining businesses within Tunbridge Wells, this will improve the economic and social wellbeing of the area.
- 6.14 The additional commercial office space within the scheme will provide 252 additional FTE jobs (full time employee, or equivalent in part time hours) within the town centre (Lichfields report 2018). This provides economic and social wellbeing benefits to the area.
- 6.15 Within the report, Lichfields estimate that the new commercial offices will provide additional £0.2m town centre expenditure per annum for restaurants, shops and services within the town centre. This provides economic wellbeing benefits.
- 6.16 The new theatre will provide modern facilities to allow high quality touring productions to perform in Tunbridge Wells, enhancing the attractiveness of the theatre to residents and visitors and providing a valuable widening of the range of cultural activities within Tunbridge Wells, expanding the variety and quality of shows available within Tunbridge Wells (see para 2.39 above) for residents. This enhancing of the cultural activities within Tunbridge Wells will provide benefits to the social wellbeing of the area.
- 6.17 The new theatre will provide enhanced facilities to a wide range of local community and voluntary groups within the area, such as TWODS, TW Puppetry Festival, Royal TW Choral Society, TW Dance Festival and the Royal TW Symphony Orchestra, benefitting the social wellbeing of the area.
- 6.18 The new theatre will also create additional jobs within Tunbridge Wells. Within the Lichfields report, they estimate a net increase of 35 FTE jobs from the new Theatre facilities. This provides economic and social wellbeing benefits to the area.
- 6.19 Within their report, Lichfields estimate an additional £0.9m Food and Beverage Expenditure per annum within the Theatre due to improved facilities. This provides economic benefits to the area.
- 6.20 Within the report, Lichfields identify net additional Town Centre expenditure of £1.3m per annum. This includes restaurants, shops and other businesses within the town centre, providing economic wellbeing benefits.

- 6.21 The Scheme will create a new pedestrian friendly approach to Calverley Grounds and a new public square, improving connectivity to Mount Pleasant Road. The Council considers this will improve access to Calverley Grounds and increase the number of users of the Calverley Grounds facilities. This will improve the environmental and social wellbeing of the area.
- 6.22 The Scheme is mid-point between the attractions of The Pantiles in the south and the Royal Victoria Place shopping centre in the north of the Town Centre, linking the two areas, and increasing permeability of the town centre. The new public realm and entrance to Calverley Park will encourage users to the park, and improve the environmental wellbeing of the area.
- 6.23 The new civic office and theatre will be of high architectural quality, responding to the historic context of Calverley Park and the conservation area. This will provide environmental wellbeing benefits to the area.
- 6.24 The new theatre will provide enhancement of the range of cultural offers and the annual events calendar, in-line with the Tunbridge Wells Borough Council Cultural Strategy's vision to grow its role as the cultural centre of the Kent & Sussex High Weald. This will provide economic and social wellbeing benefits to the area.
- 6.25 By providing increased employment opportunities and sustainable economic growth within the town centre, the Scheme will enable increased jobs accessible by public transport. The consequent reduction in the need for commuting to work, particularly car-based commuting, will provide environmental wellbeing benefits to the area.
- 6.26 Short term construction jobs will be created over the three year construction period. In addition, Mace, the Council's contractor, have committed to providing training and apprenticeship opportunities during the construction period.
- 6.27 The economic benefits of the Scheme were assessed within the planning application and further details are set out in the planning officer's report at section 10.104 and 11.10-11.12,
- 6.28 The Council has carefully considered all property interests and rights included within the Order.
- 6.29 As set out in section 3.10 above, the Council proposes to acquire the Order land and rights set out within the Order Plan and detailed Order schedule.
- 6.30 The land coloured pink on the Order plan is land over which the Council seeks to acquire third party property rights and interests.
- 6.31 The land coloured blue on the Order plan shows land over which the Council seeks to acquire new rights over land.
- 6.32 The Council needs to acquire all third party land interests and rights within Mount Pleasant Avenue car park, the Lodge and adjacent land in order to deliver the new Civic Offices and associated car parking and public realm improvements.
- 6.33 The Council needs to acquire all third party land and rights within the Great Hall Car Park and Mount Pleasant Avenue to deliver the new Theatre and associated public realm.

- 6.34 The Council needs to acquire new rights of access over Hoopers Car Park and land adjacent to Grove Hill House, together with rights to carry out works to deliver this access, in order to provide appropriate access and servicing to the new Theatre.
- 6.35 The Council needs to acquire oversailing rights over properties shown below for the period of construction only in order to construct the new theatre and civic offices.
- o AXA, Phillips House, Crescent Road, Tunbridge Wells TN1 2PL.
 - o Part of Mount Pleasant Avenue by the AXA car park.
 - o 44 – 50 (evens) Mount Pleasant Road, Tunbridge Wells, TN1 1RB.
 - o Mount Pleasant Avenue by Grove Hill House.
 - o 13 Mountfield Road, Tunbridge Wells TN1 1SG.

Compelling Case

- 6.36 Confirmation of the Order will provide certainty of land assembly and allow the Scheme to proceed within the programme set out by the Council, delivering the wellbeing benefits set out above.
- 6.37 The Council is satisfied that there are no planning or other impediments to the implementation of the Scheme.
- 6.38 Taking account of the benefits above, the Council believes that the public benefits of the Scheme outweigh the loss to affected parties. Consequently the Council believe that there is a compelling case in the public interest sufficient to justify the making and confirmation of this Order.
- 6.39 Failure to confirm the Order would lead to the loss of the opportunity to provide the new Civic Offices and Theatre, together with the improvements to public realm and entrance to Calverley Grounds.

7. Planning Status of the Order land and the extent to which the scheme fits in with the planning framework

- 7.1 A comprehensive appraisal of the Scheme and all relevant planning policy is set out in the Officer's report to the Council's planning committee. The Scheme substantially accords with the adopted planning framework at the time of the decision on the planning application.
- 7.2 The planning application and decision for the Scheme were made using the National Planning Policy Framework published in March 2012 (NPPF 2012). In July 2018, government published a new National Planning Policy Framework (NPPF 2018), following the decision made on the planning application for the Scheme.
- 7.3 The following section summarises how the Scheme meets key planning policy objectives and fits in with the adopted Local Plan.

Strategic Planning Framework

- 7.4 A comprehensive appraisal of the Scheme and all relevant planning policy is set out in the Officer's report to the Council's Planning Committee on 9th May 2018.
- 7.5 The following section summarises the planning policy context, how the scheme meets key planning policy objectives, fits in with the adopted Local Plan, the Civic Development Planning Framework that has been prepared to guide development on the site, and has been informed by a comprehensive programme of consultation with the local community and other stakeholders.

Relevant Planning Policies

- 7.6 In addition to the suite of general development management policies, there are a number of specific policies relating to the Site:
- **Local Plan Policy EN1** - requires that new development would not cause significant harm to the amenities or character of the area (in terms of noise, vibration, smell, safety, traffic generation, daylight/sunlight) and that the design of the proposal respects the context of the surroundings. The Policy also requires that significant buildings or trees (that are important to the character of the area) are not lost.
 - **Local Plan Policy EN4 Conservation Area** - restricts demolition of buildings within a conservation area unless an overriding case against specific criteria can be made (for example, the condition of the building and cost of repairing and maintaining it, the merits of alternative proposals, whether redevelopment would produce substantial benefits for the community).
 - **Local Plan Policy EN5 Conservation Area** - lists specific criteria that development proposals within a conservation area must satisfy, including preserving or enhancing the character and appearance of the area.
 - **Local Plan Policy TPI** - large scale non-residential development should be accompanied by a Transport Assessment and a Travel Plan.

- **Local Plan Policy TP4** - the road hierarchy should have adequate capacity to cater for the traffic generated by the development and the access should be safely located.
- **Local Plan Policy TP7 Central Parking Zone** - car parking associated with new 'A' 'B' and 'D' class (and other commercial) development is limited to 'operational' needs only.
- **Local Plan Policy TP9** - Kent County Council cycle parking standards for non-residential development will be applied.
- **Local Plan Policy EDI Economic Development Area** - proposals for B1 development greater than 500sqm of floorspace should be located within the Economic Development Area.
- **Local Plan Policy EN11 Historic Parks and Gardens**- there should be no significant harm to the character, amenity or setting of a historic park or garden.
- **Local Plan Policy EN24 Arcadian Area** - proposals for development that would affect the character or appearance of an Arcadian Area should be a low density of development where building heights, site coverage and building lines respect the character of the area.
- **Local Plan Policy EN21 Areas of Important Open Space** - proposals for development affecting Areas of Important Open Space, as defined on the Proposals Map, will only be permitted where no significant harm would be caused to the appearance or open character of the designated area and the development would not materially detract from the contribution which that area makes to the locality.
- **Core Strategy Strategic Objective SO1**- seeks to meet the Borough's requirements for housing, employment, retail development and other supporting infrastructure.
- **Core Strategy Strategic Objective S04** - seeks to facilitate the provision of enhanced infrastructure.
- **Core Strategy Policy CS4 Environment** - states that the Borough's listed buildings, conservation areas and historic parks and gardens will be conserved and enhanced. It notes that special regard will be given to the setting of these heritage assets.
- **Core Strategy Policy CS7 Employment Provision** - identifies Royal Tunbridge Wells town centre as a Key Employment Area, where development of new floorspace will be encouraged. Employment development on unidentified sites will be permitted if there is no adverse impact on residential amenity, local character or highway capacity and if the proposal is not contrary to other Development Plan policies.
- **Core Strategy Policy CS8 Retail, Leisure and Community Facilities Provision** - requires that the capacity, quality and accessibility of cultural and community facilities is maintained or improved, and that the loss of community facilities is resisted.
- **Core Strategy Policy CS9 Development** - sets out the requirements for the sensitive regeneration of Royal Tunbridge Wells, through development (and redevelopment) for a mix of uses, including housing, employment, health, retail, leisure and culture. The policy requires that the existing amount of floorspace in the Key Employment Area is maintained and that encouragement is given to increase the proportion of B1 office space through development or redevelopment of floorspace for purpose built accommodation.

- **Site Allocations Local Plan Policy AL/RTW21** - the Mount Pleasant car park site is allocated for office employment uses providing approximately 3,200sqm (gross) floorspace. The policy states that opportunities to re-provide a similar amount of public car parking provision on site shall be explored.
- **Site Allocations Local Plan Policy AL/RTW2A-** requires no net loss of existing cultural and leisure facilities from the Area of Change unless these are re-provided elsewhere in the town centre.

7.7 Collectively, these policies provide the planning framework against which the Proposed Development should be assessed and are a material consideration in the determination of any planning application.

7.8 The Planning Framework embraces the proposals for a new civic development, offices and theatre at Calverley Grounds/Great Hall and Mount Pleasant Avenue Car Park, as well as the future of the Library, Museum and Art Gallery, Town Hall, Assembly Hall Theatre, Police Station, and Magistrates Court, Crescent Road Car Park and adjacent 9-10 Calverley Terrace.

Office & Civic Facilities (Principle of Development)

Policy Summary

7.9 The NPPF 2012 (paragraph 17) states that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. It states that planning should promote the utility of our main urban areas.

7.10 Policy at all levels seeks to secure the creation of new employment opportunities to promote economic wellbeing and sustainability. The NPPF 2012 (paragraphs 18, 19 and 20] emphasises the Government's commitment to securing and supporting sustainable economic growth, noting that:

'significant weight should be placed on the need to support economic growth through the planning system' and that local planning authorities should 'plan proactively to meet the development needs of business and support an economy fit for the 21st century'.

7.11 In addition, the NPPF 2012 emphasises the Government's commitment to supporting existing businesses (paragraph 21).

7.12 The importance of employment provision in the town centre is reflected in the Core Strategy, where Core Policy 7 encourages the retention of existing employment floorspace as well as the creation of new employment floorspace in the Key Employment Areas on allocated sites and vacant sites and through the intensification or redevelopment of existing sites. The town centre is identified in the Core Strategy as a 'Key Employment Area'. In addition, Core Policy 9 encourages an increase in the proportion of B1 office space provided, principally in the town centre, including by the development of floorspace for purpose-built accommodation and Saved Local Plan Policy ED1 requires large scale B1 uses to be located within the Economic Development Area.

7.13 The site-specific Site Allocations Local Plan policy AL/RTW21 applies to the Mount Pleasant car park site and allocates the site for office (B1) use. In addition, the Civic Development Planning Framework SPD identifies the opportunity for a new office building and civic suite on the Mount Pleasant car park site.

Assessment

- 7.14 In accordance with national planning policy, the proposed development supports sustainable economic growth, providing Grade 'A' office space in a town centre location, creating the potential for an additional 188 jobs, and enabling an existing business to operate more efficiently and sustainably into the future. The potential for an additional 188 jobs relates to the tenant element of the office building (not the Council element) and is based on the HCA's Employment Density Matrix, assuming 10 sqm per employee (the density anticipated for an office in the 'finance and insurance' sub-sector).
- 7.15 The Proposed Development represents economic development in the town centre and, as a result, is entirely consistent with the policy objectives of Core Strategy Policy 7 and 9 for the creation of new purpose-built office floorspace in a 'Key Employment Area'. In accordance with this policy, the development will help to maintain the overall net amount of employment floorspace across the Borough for a range of employment generating uses.
- 7.16 As Policy AL/RTW21 in the Site Allocations Local Plan allocates the Mount Pleasant car park site for office (B1) use, the principle of the proposed land use is consistent with local policy. Furthermore, the proposal for an office building on the site accords with the Civic Development Planning Framework, which identifies an opportunity for a new office building and civic suite on the Mount Pleasant car park site. The Civic Development Planning Framework has been adopted as an emerging SPD.
- 7.17 The proposal represents sustainable development on land that is substantially previously developed in an accessible urban location and there is an opportunity to intensify the use of the land. The proposed development is therefore considered acceptable in principle.

Theatre

Policy Summary

- 7.18 One of the Core Planning Principles in Paragraph 17 of the NPPF 2012 is to 'encourage the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value'. The NPPF 2012 encourages local planning authorities to pursue policies that support the vitality and viability of their town centres. Paragraph 23 states that 'it is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by site availability'. Theatres are defined in the NPPF 2012 as 'main town centre uses'.
- 7.19 The importance of leisure provision within the town centre is reflected in Core Strategy Policy CS8.
- 7.20 Core Strategy Policy CS8 requires all new retail leisure and other town centre uses to be directed to the 'defined centres' in the Borough. Royal Tunbridge Wells is a 'Primary Regional Centre', at the top of the hierarchy of 'defined centres'. Policy CS8 resists the loss of community facilities 'as far as practicable' but states that where there is a demonstrable continuing need the provision of additional facilities will be supported where they are deficient.
- 7.21 Core Strategy paragraph 5.214 identifies Royal Tunbridge Wells as the main focus for retail, leisure and cultural facilities. Paragraph 5.214 acknowledges that having a range of cultural venues, as well as a strong retail sector, is important to make the town centre distinctive and help it to retain a competitive edge over

other towns in the South East. The Core Strategy highlights that a varied town centre offer benefits associated businesses, such as restaurants, and supports both the day time and evening economy.

- 7.22 Site-specific Site Allocations Local Plan policy AL/RTW2A applies to the Civic Complex block (defined by Crescent Road to the south, Calverley Road to the east, Monson and to the north, Mount Pleasant Road to the west). Policy AL/RTW2A is relevant to the principle of development and land use at the Great Hall car park site because it requires there to be no net loss of existing cultural and leisure facilities from the Area of Change, unless these are re-provided elsewhere in the town centre.
- 7.23 In addition, the Civic Development Planning Framework SPD identifies the opportunity for a new theatre on the Great Hall car park site.

Assessment

- 7.24 In accordance with national policy, this application proposes development that is defined as a 'main town centre use', on a brownfield site within the town centre. The Proposed Development will support the vitality of the town centre.
- 7.25 In accordance with Policy CS8, the proposed theatre is within Royal Tunbridge Wells, which is identified in the Core Strategy as a 'Primary Regional Centre', at the top of the hierarchy of 'defined centres'. In accordance with Policy CS8, this Scheme is for the provision of a cultural facility on a brownfield site within Royal Tunbridge Wells.
- 7.26 Whilst the proposed theatre will result in the loss of an existing cultural and leisure facility (the Assembly Hall Theatre) from the Area of Change, the facility will be re-provided elsewhere in the town centre, in accordance with Site Allocations Local Plan Policy AL/RTW2A. The use of the Great Hall car park site for the proposed theatre constitutes re-provision of an existing cultural facility on a town centre site. The proposed land use is therefore acceptable in principle.
- 7.27 Furthermore, the proposal for a new theatre accords with the Civic Development Planning Framework SPD, which identifies the opportunity for a new theatre on the Great Hall car park site.
- 7.28 The proposal represents sustainable development on land that is substantially previously developed in an accessible urban location and there is an opportunity to intensify the use of the land. The Proposed Development is therefore considered acceptable in principle.

Car park

Policy Summary

- 7.29 The NPPF 2012 (paragraph 40) encourages local authorities to improve the quality of parking in town centres so that it is 'convenient, safe and secure'. Paragraph 40 of the NPPF 2012 recognises the importance of ensuring vitality in town centres, stating that parking charges should be set so that they do not undermine the vitality of town centres.
- 7.30 The NPPF 2012 (paragraph 132) states that 'substantial harm to or loss of designated heritage assets of the highest significance', which includes grade I and II* registered parks and gardens, should be 'wholly

exceptional'. Where a development proposal will lead to 'less than substantial harm to the significance of a designated heritage asset', the harm should be weighed against the public benefits of the proposals (paragraph 134).

- 7.31 At the local level, the importance of improving the quality of parking in town centres and delivering the homes, business units, infrastructure and thriving local places that the country needs is reflected in Core Strategy Strategic Objectives SO1 (to meet the Borough's requirements for housing, employment, retail development and other supporting infrastructure) and SO4 (to facilitate the provision of enhanced infrastructure).
- 7.32 Saved Local Plan Policy TP7 requires that on-site car parking associated with new 'A', 'B', 'D', and commercial sui-generis uses within the Tunbridge Wells Central Parking Zone is limited to 'operational' needs only. Paragraph 1.1.34 of the Local Plan defines 'operational parking' as 'space for servicing, loading and unloading and other traffic which must park on the premises for reasons of security, ease of access to transport, or if the site operates when access to public transport is not available'.
- 7.33 The site of the proposed car park is designated as an Arcadian Area, Area of Important Open Space, and Registered Historic Park or Garden on the Local Plan Proposals Map (2006). Saved Local Plan Policy EN11 requires that Historic Parks and Gardens are conserved and enhanced, and that special regard is given to their setting.
- 7.34 Paragraph 3.29 of the Site Allocations Local Plan (2016) requires each development in the town centre to 're-provide at least the same amount of public parking spaces.' In addition, the Civic Development Planning Framework identifies an opportunity to provide additional car parking on the site. The Civic Development Planning Framework has been adopted as a non-statutory planning document but is an emerging SPD.

Assessment

- 7.35 In accordance with national planning policy, which requires local authorities to improve the quality of parking in town centres, the application proposes a new 261 space car park that will improve the parking offer within the town centre, helping to underpin the vitality of the town centre.
- 7.36 Although the proposed car park is not strictly within the boundary of the Tunbridge Wells Central Parking Zone, the rest of the proposed development is (the theatre and office buildings). However, the new car park is not associated with the new 'B' or 'D' uses proposed within the Central Parking Zone- it is intended as a new short stay public car park to replace current provision at the Great Hall and Mount Pleasant car parks. Therefore, Policy TP7, which restricts on-site parking to 'operational' needs for associated new 'A', 'B', 'D' and commercial sui-generis uses, does not apply.
- 7.37 In accordance with Core Strategy Strategic Objectives SO1 and SO4 (to meet the Borough's requirements for supporting infrastructure and to facilitate the provision of enhanced infrastructure), this application proposes supporting infrastructure to help meet the Borough's requirements for development in the town centre, which in turn will help to underpin the vitality of the town centre and respond to the very high levels of car ownership and use within the Borough (as referenced in the Core Strategy, paragraph 2.23).

- 7.38 Paragraph 3.29 of the Site Allocations Local Plan (2016) requires each development in the town centre to 're-provide at least the same amount of public parking spaces.' Although the proposed development does not provide exactly the same amount of current parking spaces, as required by paragraph 3.29 of the Site Allocations Local Plan, 259 new parking spaces - sized according to the relevant KCC standard - are provided to replace the 254 current spaces as part of the scheme.
- 7.39 The impact of the Proposed Development on Calverley Grounds is addressed in the Heritage and Townscape Assessment accompanying the planning application. In accordance with NPPF 2012 paragraph 134, which requires harm to be weighed against the public benefits of a scheme (where that harm is 'less than substantial'), the Heritage and Townscape Assessment demonstrates that the wider public benefits associated with improvements to an important entrance to Calverley Grounds will decisively outweigh the harm caused to the western edge of the Registered Park and Garden. The proposed land use is therefore acceptable in principle.
- 7.40 Extending the proposed car park beneath Calverley Grounds requires careful consideration about the impact on the park, particularly with reference to Core Strategy Policy 4 and Saved Local Plan Policy EN11, which require that Historic Parks and Gardens are conserved and enhanced, and that special regard is given to their setting. The proposed landscape scheme is an opportunity to enhance the original Arcadian concept where it has been degraded through municipalisation of this part of the park during the 20th century (as explained in the Heritage and Townscape Assessment). This is in accordance with planning policy at all levels which seeks to enhance heritage assets. Further details of the landscape scheme are provided in the Design and Access Statement and the plans accompanying the planning application.

Heritage

Policy Summary

- 7.41 Paragraph 128 of the NPPF 2012 encourages local planning authorities to request a description of the significance of any heritage assets affected by the Proposed Development. Paragraph 131 encourages local authorities to take account of the desirability of 'sustaining and enhancing' the significance of heritage assets as well as the desirability of new development making a positive contribution to 'local character and distinctiveness'.
- 7.42 Paragraph 132 requires great weight to be given to the asset's conservation and, in acknowledging that heritage assets are irreplaceable, requires a 'clear and convincing justification' for any harm or loss. Paragraphs 133 and 134 set out clear advice to planning authorities determining applications that lead to 'substantial harm or total loss' or 'less than substantial harm'.
- 7.43 Paragraph 133 advises local authorities to refuse consent for schemes that lead to 'substantial harm or total loss' of significance of a heritage asset unless a strict set of criteria are met, including whether the substantial harm is necessary to achieve 'substantial public benefits that outweigh that harm or loss'. Paragraph 134 explains that where a proposal will lead to 'less than substantial harm to the significance of a designated heritage asset', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. With reference to the impact on non-designated heritage assets, Paragraph 135 requires a 'balanced judgement' that has regard to the scale of any harm or loss and the significance of the heritage asset.

7.44 The NPPF 2012 acknowledges that not all elements of a Conservation Area necessarily contribute to its significance (Paragraph 138) and encourages local planning authorities to look for opportunities within Conservation Areas and the setting of heritage assets to enhance or better reveal their significance (Paragraph 137).

7.45 At the local level, Core Strategy Policy 4 requires that the Borough's heritage assets (including Listed Buildings, Conservation Areas and Historic Parks and Gardens) are conserved and enhanced. It also requires that 'special regard' is given to their setting.

7.46 Similarly, Saved Local Plan Policy EN1 requires that new development would not result in the loss of significant buildings and related spaces important to the character of the built up area or to the character or appearance of a Conservation Area. The criteria of most relevance to the Proposed Development, against which a case will need to be made if the buildings to be demolished are found to be positive contributors to character, are:

- The merits of alternative proposals for the site, and whether there are acceptable and detailed plans for any redevelopment; and
- Whether redevelopment will produce substantial planning benefits for the community, including economic regeneration or environmental enhancement.

7.47 Saved Local Plan Policy ENS sets criteria that must be satisfied for proposals within, or affecting the character of, a Conservation Area. The criteria include:

- The Proposal would preserve or enhance the buildings, related spaces, vegetation and activities which combine to form the character and appearance of the area;
- The siting of the development would be similar to adjoining building frontage lines where this is important to the character of the Conservation Area;
- The layout and arrangement of the building(s) would follow the pattern of existing development and spacing of adjoining plot widths where this is important to the character of the Conservation Area;
- The scale, massing, roofscape, use of materials, detailing, boundary treatment and landscaping would preserve or enhance the character of that part of the conservation area in which the proposal would be situated;
- The use, or intensity of use, would be in sympathy with the character and appearance of that part of the conservation area in which the proposal would be situated;
- The proposal would not result in the loss of trees, shrubs, hedges or other features important to the character of that part of the conservation area in which the proposal would be situated; and
- In meeting the car parking and access requirements, the character and amenity of the area would not be adversely affected.

7.48 Saved Local Plan Policy ENII states that 'proposals which would be likely to affect a historic park or garden will only be permitted where no significant harm would be caused to its character, amenities or setting'.

Assessment

- 7.49 In accordance with Paragraph 128 of the NPPF 2012, the Heritage and Townscape Assessment accompanying this planning application assesses the impact of the Proposed Development on the significance of designated and non-designated heritage assets and on a series of agreed views from the surrounding area. In the context of national and local planning policies concerning heritage assets. The subsequent paragraphs in this section address the impact of the Proposed Development on the significance of the Conservation Area, Calverley Grounds, and the setting of Listed Buildings and non-designated heritage assets.
- 7.50 The Heritage and Townscape Assessment addresses the impact of the Proposed Development on the four Special Identity Areas (SIAs) in the Royal Tunbridge Wells Conservation Area: the Civic Area SIA, the Calverley Park SIA, the Mount Pleasant Road SIA, and the Claremont Road SIA. The Assessment concludes that the impact on the significance of the Conservation Area is minor adverse (but moderately adverse where the new buildings will be seen from the carriage drive in front of the Burton villas, only if no mitigation planting is carried out). The Proposed Development will enhance the character and appearance of parts of the Conservation Area and will cause less than substantial harm once mitigation (such as landscaping) is in place.
- 7.51 Calverley Grounds is a Grade II Registered Park and Garden (RPG). Although the RPG is not protected by a separate consent regime, it is considered to be a designated asset in accordance with NPPF 2012 Annex 2. However, the western part of the park (where the development is proposed) is a degraded part of the whole. Victorian commercial and residential developments along Mount Pleasant Road turn their back on the park and the ad-hoc 20th century car park developments have resulted in the progressive loss of the original landscape concept. The Proposed Development represents an opportunity to enhance the western edge of the park and to better reveal the significance of this heritage asset in accordance with Paragraph 137 of the NPPF 2012.
- 7.52 Although the Proposed Development will result in a degree of loss to the park (approximately 1,007sqm), and will introduce built form into some views that are currently characterised by planting, the Heritage and Townscape Assessment concludes that the proposals will have a 'moderately adverse' impact on the significance of the RPG in some locations but a 'moderately beneficial' impact in others. With mitigation that screens views of the proposals, the overall impact on the RPG is found to be 'minor adverse' and the Proposed Development would result in 'less than substantial harm' to the significance of the heritage asset. This is in accordance with Local Plan Policy EN21, which restricts that development that would result in 'significant harm' to the appearance or open character of the designated area.
- 7.53 In accordance with Paragraph 134, which requires a harm that is 'less than substantial' to be weighed against the public benefits of the scheme, the Proposed Development will substantially enhance the western fringe of the RPG and provide a high quality contemporary response to the original Arcadian parkland design. In accordance with Core Strategy Policy 4 and Saved Local Plan Policy EN1 1, there will be no significant harm to the character, amenities or setting of the park and there will be significant improvements to repair, enhance and conserve the Arcadian landscape in this part of the RPG.

- 7.54 It is important to note that, although approximately 1,007sqm from the park will no longer be utilised as a result of the proposal, this is offset quantitatively by the addition of 1,183sqm of new public realm (comprising the public terrace of the office building and the new Square) and the removal of two of the ad-hoc 20th century additions to the RPG (the dental surgery and toilet block - with a combined floorspace of 124sqm). Qualitatively, the unutilised 1,007sqm is offset by the substantial enhancements to the degraded western entrance to the park.
- 7.55 The Proposed Development will result in the loss of the Great Hall car park, dental surgery and toilet block, all of which are in the Royal Tunbridge Wells Conservation Area (and two of which - the dental surgery and toilet block - are in the RPG). As mentioned above, the Heritage Statement explains that changes in the park's physical fabric and landscaping occurred in an ad-hoc fashion during the municipalisation of the park in the 20th century and concludes that the result of these changes has been to detract from the aesthetic value and integrity of the parkland.
- 7.56 The Great Hall car park and toilet block in particular are found to be 'discordant' features that do not address the park and its design. In accordance with Saved Policy EN1 and EN4, the demolition of the Great Hall car park and toilet block would not result in the loss of 'significant buildings' or buildings which 'contribute positively to the character or appearance of a Conservation Area. Although the dental surgery makes some positive contribution to the significance of the municipal aspects of the park, it detracts from the RPG's Arcadian qualities. Its replacement by proposals that seek to intensify the Arcadian setting of the RPG has the potential to directly enhance the RPG's significance as a heritage asset. The Heritage and Townscape Assessment concludes that 'harm' caused by the loss of the toilet block, dental surgery and Great Hall car park buildings is less than substantial and should therefore be weighed against the public benefits of the proposals in accordance with NPPF 2012 Paragraph 134.
- 7.57 The proposed buildings themselves take their facade proportions from classical architecture and reinterpret them in a contemporary manner. In accordance with Saved Local Plan ENS (which requires careful consideration of the siting and layout of buildings), the proposed buildings front the park and create a meaningful relationship with it rather than turning their back as some buildings on Mount Pleasant Road have done. The proposed buildings draw inspiration from the Arcadian and picturesque tradition that shaped Decimus Burton's landscape design for the former Calverley Park. The following design features have been incorporated into the scheme to reflect and enhance the Arcadian and picturesque tradition:
- The buildings ' regular classical bay rhythms;
 - The informal but coordinated physical relationship of the buildings to each other; and
 - The portico/colonnade features that animate the public entrances and relate the buildings to each other as well as the wider park.
- 7.58 In accordance with another criterion of Saved Local Plan Policy ENS, the Townscape and Visual Impact Assessment concludes that the Proposed Development successfully resolves the scale, form and layout of buildings (as well as the parkland setting) in this part of the Conservation Area. The Townscape and Visual Impact Assessment is discussed in further detail elsewhere in this Planning Statement and the scale of development (and proposed materials) are discussed in further detail in the Design and Access Statement and the Design and Landscape section of the Planning Statement.

7.59 In accordance with NPPF 2012 Paragraph 135 and Core Strategy Policy 4 (which require a 'balanced judgement' about the scale of harm to non-designated heritage assets and that 'special regard' is had to the setting of listed buildings), the Heritage Statement addresses the impact of the Proposed Development on the wider setting of the following historic assets:

- Numbers 1 and 5-24 consecutively) Calverley Villas - Grade II* listed buildings on the north-east and east edges of Calverley Park;
- Calverley Hotel - a Grade II listed building which incorporates the historic house for which the park was originally laid out;
- 82 Mount Pleasant Road;
- Trinity Arts Centre;
- Royal Tunbridge Wells Railway Station;
- Town Hall and associated civic complex;
- Numbers 32-62 and 64-78 Mount Pleasant Road (non-designated assets backing onto the site of the proposed office);
- Great Hall Arcade (non-designated asset);
- Sladen Chambers (non-designated asset facing the entrance to the park from across Mount Pleasant Road); and
- The memorial to Air Chief Marshall The Lord Dowding (non-designated asset located in a flower bed by the western entrance to the park).

7.60 Due to topography, distance from the development and screening from the west side of the park by trees, there will be no impact on the aesthetic or historic value of numbers 1 and 5-24 Calverley Park. Although glimpses of the development from within the upper floors of the villas may be possible in winter, the substantial experience will remain unchanged as the development is contained for the most part within the valley bottom and the uninterrupted views to the treed skyline will continue. Glimpses of the office's upper floors would be possible from one viewpoint (number 14). With no mitigation, the impact from Viewpoint 14 is limited to 'moderately adverse'.

7.61 With reference to the Calverley Hotel the Heritage and Townscape Assessment concludes that the proposal would result in a 'minor adverse' impact on the hotel's setting and that the harm is 'less than substantial' and must be weighed against the public benefits of the Proposed Development.

7.62 The Proposed Development has a neutral, indirect impact on 82 Mount Pleasant Road and the Trinity Arts Centre. No harm is caused to the assets or their setting. There is no direct harm to the Railway Station and minimal harm (considerably less than substantial) to the building's contributory setting. There is no impact on the Town Hall and associated civic complex.

7.63 There will be a 'minor adverse' impact on the setting of numbers 32-62 and 64-78 Mount Pleasant Road but this is less than substantial harm and can be mitigated by the detailed handling of the new retaining wall and landscaping. The introduction of the new Square will have a 'minor beneficial' impact.

- 7.64 There will be a neutral impact on Sladen Chambers and a moderately beneficial impact on the Great Hall Arcade.
- 7.65 The Proposed Development also includes the relocation of the memorial to Air Chief Marshall The Lord Dowding (currently located in a flower bed by the western entrance to the park). The memorial's precise location does not contribute to its relatively low heritage significance and its relocation to a new publicly-accessible site will have no discernible effect on the value of the asset.
- 7.66 The Proposed Development does not represent 'substantial harm' to the Royal Tunbridge Wells Conservation Area or the RPG and, in accordance with paragraph 137 of the NPPF 2012, is an opportunity to 'enhance or better reveal' the significance of a designated heritage asset. The provision of additional public realm between the proposed office and proposed theatre buildings will create an enhanced entrance to Calverley Grounds. Although the Proposed Development will result in the loss of the Great Hall car park, dental surgery and toilet block, the 'harm' caused by this loss is less than substantial and should therefore be weighed against the public benefits of the proposals (NPPF 2012, paragraph 134) . The Heritage and Townscape Assessment concludes that the considerable public benefits of the proposal more than outweigh the less than substantial harm of the heritage assets affected.

Conclusion

- 7.67 The proposed theatre, civic suite/offices and car park are all acceptable town centre uses that would help to maintain the town centre's vitality and viability and support sustainable economic growth
- 7.68 The Proposed Development will have wide ranging socio-economic benefits in terms of improvements to the vitality of the town centre and the Borough's cultural offer, as well as promoting economic growth in a 'Key Employment Area'.

Planning Permission

- 7.69 On 9 May 2018, Planning Committee resolved to grant planning permission for: *'The redevelopment of the site to include the demolition of existing buildings (the Great Hall car park, the dental surgery in Calverley Grounds and the toilet block in Calverley Grounds) and provision of new offices (including Council offices, Council Chamber and commercial office space), theatre, underground car parking, and associated landscaping, infrastructure and associated works.'*

Stakeholder Engagement

- 7.70 Prior to submission of the planning application for the Scheme, engagement and consultation was carried out with wider Council members, stakeholders, community groups, businesses and residents. This included a well-attended public exhibition on 13th and 18th May 2018.
- 7.71 In addition to a series of pre-application meetings with the Council, meetings to discuss the Scheme were held with Historic England, Kent County Council (as the Highways Authority) and Design South East.
- 7.72 The Council will work with its appointed contractor, Mace, to prepare a programme for discharging the conditions set out within the planning permission.

- 7.73 Similarly, they will work with the Mace team to ensure any highways consents are progressed and achieved within the timescale.
- 7.74 The Council considers that there is a strong planning policy framework for the Scheme, and there is no foreseeable impediment to delivery in planning terms.
- 7.75 In order to create a cleared site, 66 trees and seven groups of trees would be removed (these groups comprise a mixture of ornamentals, self-sown trees, the cypress screen behind the toilets, tree like shrubs, and hedging, totalling approximately 146 additional specimens). The 66 trees to be removed include trees along the eastern side of Mount Pleasant Avenue, trees within the Mount Pleasant Avenue Car Park, trees within Calverley Grounds and trees adjacent to the Great Hall Arcade.
- 7.76 Approval for the demolition of the above buildings and removal of the identified trees has been provided within the planning permission for the Scheme.

8. Delivery Structure and Funding

8.1 The proposed Scheme is an important policy priority for the Council, and it has worked with its advisor team to ensure that the necessary funding, approvals, consents and all other matters required for delivery of the Scheme are in place.

8.2 The Council will fund and deliver the Scheme itself. It has worked with a full design management team throughout the process of deciding to proceed with the Scheme, undertaking the design process and obtaining planning permission.

8.3 As set out at para 2.64 above, the Council has been working towards delivery of this Scheme since 2014.

8.4 At a Full Council meeting on 6 December 2017, the Council resolved to approve the RIBA Stage 3 designed scheme, and that it be funded and proceed to delivery.

8.5 The detailed resolutions included agreement to:-

- Submit a planning application, and submission of any details required to discharge conditions.
- Procure an appropriate consultant team and contractor to enable delivery of the project.
- Acquire land and rights required to deliver the project, either by agreement or by the use of the Council's statutory compulsory purchase powers if required.

8.6 Further details of actions since December 2017 are set out below.

8.7 A planning application has been submitted, and planning permission has been granted for the Scheme.

8.8 The Council has procured an appropriate consultant team and contractor to deliver the Scheme.

Council Development Management team

8.9 The Council has worked with an experienced professional team to date, and will continue to work with this team through to delivery of the Scheme.

8.10 The Council appointed GVA to manage the design team in 2016. Architects Allies & Morrison were appointed as sub-consultants to GVA.

8.11 The Council appointed Mace as its main design and build contractor in June 2018. Nicholas Hare architects are appointed as sub-consultants to Mace. GVA are still appointed by the Council as project managers.

Contractor

8.12 Following a full competitive tender process, Mace Group Ltd ("Mace") has been appointed to be the Council's contractor to deliver the Scheme. Mace is a global consultancy and construction firm headquartered in London, United Kingdom, employing approximately 4,500 people, across five continents with a turnover in excess of £2bn.

Experience of Delivery of Similar Schemes

- 8.13 Mace has significant experience of delivering mixed use complex construction projects in urban locations.
- 8.14 Of particular interest in relation to the Scheme delivery are their experience of two fundamental construction elements of the Civic development – firstly the deep basement excavation under the Civic Office/Car Park and secondly the integrated design of the new Theatre.
- 8.15 Mace has worked on schemes which include these identified difficult elements in the past, and a selection of the most relevant experience is highlighted below.
- Nova – a major mixed-use destination in the heart of Victoria – required construction of the biggest basement in Europe, stretching over one hectare and requiring the equivalent of four levels of excavation and structure (equivalent to 14m deep). Set on a 5.5 acre island, the basement covers the whole of the site, and shares boundaries with the current Victoria Station upgrade project, a future Crossrail tunnel and link, and a deep sewer
 - Lyric Theatre, Royal Shakespeare Theatre, as well as providing space for the Southwark Playhouse Theatre.

Funding

- 8.16 The Council will fund the Scheme from its own funds and borrowings from the Public Works Loan Board (PWLB).
- 8.17 The Council, together with its professional team, has undertaken a rigorous assessment of the costs involved in delivering the Scheme and the income receivable from the Scheme. This has included the preparation of a business case for the proposed new theatre, and a consolidated Business Case for the overall Scheme.
- 8.18 The Council is satisfied that the Scheme is capable of being funded via the PWLB.
- 8.19 It has assessed the overall costs and benefits of the Scheme to the Council Budget, and is satisfied that it is appropriate to proceed with the Scheme.
- 8.20 At a full Council meeting on 6th December 2017, the Council approved funding for and delivery of the Scheme.
- 8.21 The Council is committed to delivering the Scheme, and has made progress in their preparations for delivery.

Other consents

- 8.22 Planning permission has been obtained for delivery of the Scheme (see section 7 above).
- 8.23 The Council will need to obtain Traffic Regulation Orders and appropriate part of the land required for the Scheme, as set out in section 13 below.
- 8.24 The Council's programme for appropriating the land required for the Scheme is set out in section 13 below.

- 8.25 The Council does not foresee any impediment to obtaining the required Traffic Management Orders or appropriating the land required.
- 8.26 Subject to confirmation of the Order, the Scheme is expected to commence in 2019, and be completed by 2021/2.

9. Efforts to Acquire

Existing Council ownership

9.1 The Council owns the freehold interest in approximately 80% of the site, including the two car parks on which the scheme will be built. In addition, it owns the adjacent park, Calverley Grounds, which is partly within the planning application boundary but not within the Order Land.

Negotiations

9.2 Whilst the Council has sought to assemble the site as far as possible through negotiation, compulsory purchase powers are likely to be required because it is unlikely that the required interests will be acquired in time to allow construction to begin in line with the adopted programme.

9.3 In accordance with Tier 1, paragraph 2 of the 2018 Guidance on compulsory purchase process the Council is now initiating the formal compulsory purchase procedure, alongside continuing negotiations, to underline the seriousness of the Council's intentions to redevelop the site and to ensure the Scheme can commence within the adopted Programme.

9.4 The Council remains committed to negotiating the acquisition of all third party interests by agreement where possible and is continuing negotiations in this respect.

9.5 The full details of all interests that need to be acquired are set out in the schedule to the compulsory purchase order.

9.6 GVA was appointed in 2016 to commence negotiations to acquire the third party rights and property interests required for the Scheme on behalf of the Council.

9.7 The Council needs to acquire the freehold interests in:

- The Great Hall Arcade service yard to the rear of 14-18 Mount Pleasant Road;
- The road to the rear of the Great Hall Arcade;
- The Lodge, Mount Pleasant Avenue (plus the occupier's leasehold interest);
- A small piece of land on Mount Pleasant Avenue owned by AXA that is needed for a junction improvement.

9.8 The Council also needs to acquire the third party interests in 40 parking spaces in the Council owned car park to the rear of the Great Hall Arcade and needs to gain possession of the Mount Pleasant Avenue car park (within its freehold ownership) currently occupied by AXA, as well as acquiring access rights, oversailing rights and utilities installation rights over third party land.

Hoopers

- 9.9 Hoopers Ltd ('Hoopers') is a department store operator and is owner and occupier of retail premises at 12-21 Mount Pleasant Road and 1-9 Grove Hill Road. The scheme requires access through Hoopers' car park, off Grove Hill Road.
- 9.10 Negotiations for the acquisition of a new right of way through the car park commenced in June 2016. Since then there have been numerous discussions via meetings, e-mails and telephone conversations between GVA and Hoopers' agent Lambert Smith Hampton.
- 9.11 We have not been able to reach agreement on acquisition of the required right of way to date. GVA is continuing to discuss with Lambert Smith Hampton.

BNP Paribas Securities Services Trust Company Limited

- 9.12 BNP Paribas Securities Services Trust Company Limited ('BNP') is the freehold investment owner of the Great Hall Arcade, a retail and office building fronting Mount Pleasant Road. The service road directly to the rear of the property and an adjacent service yard is included in BNP's freehold.
- 9.13 BNP also has a right to occupy 40 car parking spaces in the Council car park to the rear of the Great Hall Arcade. The Council needs to acquire the service road, yard and parking spaces.
- 9.14 BNP additionally has a right of way over Mount Pleasant Avenue to the north, east and south sides of the car park which will need to be acquired to deliver the Scheme. When the scheme is complete, access will be provided over the road to the west and south of the existing car park, then east of Grove Hill House to Grove Hill Road.
- 9.15 Hermes Asset Management manages the Great Hall Arcade on behalf of BNP.
- 9.16 Discussions between GVA and Hermes and their agents regarding the impact of the scheme commenced in July 2016, with discussions including replacement car parking and rear access and servicing.
- 9.17 The Council has offered BNP replacement car parking for the 40 spaces that will not be available following the scheme but agreement has not yet been reached. GVA continues discussions with Hermes and their agents.

BNP tenants

- 9.18 The Great Hall Arcade is let to the following tenants:
- Sainsbury's, Units 1-6 (retail);
 - Sunniva Carpeting Ltd, Unit 7 (retail);
 - The Sofa Workshop, Units 8-9, plus basement of part of unit 7 (retail);
 - BBC, Units 10-12, plus basement of Units 10-11 (broadcast studio), plus offices on the 1st & 2nd floors;
 - European Insurance Services Ltd, 3rd floor (office);
 - Reliance Mutual Insurance Society, basement under Units 6 & 7 (storage).

- 9.19 The 40 BNP parking spaces in the Council's car park to the rear are allocated as follows:
- BBC – 28 spaces;
 - European Insurance Services Ltd (office) – 11 spaces;
 - Hermes Asset Management – 1 space.
- 9.20 The car parking spaces are allocated as part of the leases to BBC and EISL. They are therefore relatively short term interests within the site, with the BBC leases expiring in September 2021 and the EISL lease also expiring in September 2021.
- 9.21 The impact of the scheme on the Great Hall Arcade tenants will be:
- A loss of parking spaces for BBC, Hermes and EISL;
 - Amendments to rear servicing arrangement for the other tenants, except Sainsbury's, who service from Mount Pleasant Avenue.
- 9.22 Discussions with the BBC commenced in June 2016. Agreement has not yet been reached. The replacement of the BBC parking spaces will be tied in with any agreement reached with BNP.
- 9.23 Initially, discussions were focused on Hermes on behalf of BNP. The Council dealt with Hermes who confirmed that it represented BNP's tenants for the purposes of discussing car parking spaces. However, since June 2018 the Council, Mace and GVA have been in contact with the other tenants to discuss the impact of the Scheme and servicing during and after construction.

- 9.24 ----- is the freeholder of The Lodge, Mount Pleasant Avenue. Negotiations for the acquisition of his freehold commenced in June 2016. Terms for the acquisition of the property have been agreed with ----- and the matter has been passed to solicitors for documentation.

Dr Simon Azimi, iSmile Dental Practice Ltd.

- 9.25 iSmile Dental Practice Ltd, owned by Dr Simon Azimi, is the leaseholder and occupier of The Lodge, Mount Pleasant Avenue. Negotiations for the acquisition of his lease commenced in June 2016. Dr Azimi has appointed an agent to act on his behalf but has not yet identified suitable alternative accommodation and therefore we have not been able to reach agreement on the acquisition of the lease. GVA continues to attempt to agree acquisition of the leasehold by agreement.

AXA

- 9.26 AXA is the occupier of offices known as Phillips House, Crescent Road, Tunbridge Wells, which are just to the north of the Council's Mount Pleasant Avenue Car Park, where the Scheme's new offices and car park will be situated.
- 9.27 AXA held a lease of the Mount Pleasant Avenue Car Park, which has now expired. They are holding over on this lease and the Council could therefore gain possession via the Landlord and Tenant Act 1954 procedure.

However the Council has included this property within the Order to ensure that possession can be gained when needed.

- 9.28 Negotiations commenced with AXA in March 2017. The Council has offered replacement parking at its Crescent Road car park in an attempt to mitigate the impact of the Scheme on AXA. However agreement has not yet been reached.
- 9.29 The Council also needs to acquire a small plot of land on Mount Pleasant Avenue from AXA for a highways junction improvement. The land consists of raised landscaping with a retaining wall and steps up into the AXA car park within Philips House. The steps will be rebuilt about 0.5 metres further back (east) from the road. Therefore access will be maintained following the works being undertaken. During rebuilding, access will still be available from the front of the property on Crescent Road.
- 9.30 On behalf of the Council, GVA will continue negotiations to reach agreement with AXA.

Grove Hill House

- 9.31 GVA spoke to the freeholder of the property in February 2018 and discussed the Scheme progress and the freeholder's use of the right of way.
- 9.32 The Council met -----, the freeholder, on 10 May 2018 to discuss the impact of the scheme on the property including:
- the extinguishment by TWBC of his rights of way over the private part of Mount Pleasant Avenue by the Great Hall Arcade car park;
 - the acquisition by the Council of rights of way over Mount Pleasant Avenue to the east of Grove Hill House;
 - rights of light retained by the freeholder which may be impacted by the scheme.
- 9.33 In August 2018 the Council contacted the leaseholders of Grove Hill House to explain the extinguishment of their right of way over the private part of Mount Pleasant Avenue by the Great Hall Arcade, the requirement to acquire access rights over the road east of Grove Hill House and how access will be maintained from Grove Hill Road.

Conclusion

- 9.34 The Council owns 80% of the freehold Order Land. The Council commenced discussions with the majority of affected third parties in June and July 2016 and has continued those discussions since.
- 9.35 The Council will continue to negotiate to acquire all necessary third party land and rights in parallel with the progression of the Order process.

10. Human Rights

10.1 The Human Rights Act 1998 ("the Act") incorporated into the UK domestic law the European Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention"). Section 6 of the Act makes it unlawful for a public authority to act in a manner which is incompatible with a Convention right.

10.2 The Convention rights engaged in the context of a compulsory purchase order are Article 1 of the First Protocol of the Convention and Article 8 of the Convention.

10.3 Article 1 of the First Protocol of the Convention states:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law..."

10.4 Article 8 of the Convention provides:

"(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest ofthe economic well-being of the country..."

10.5 The Courts have recognised, in the context of Article 1 of the First Protocol of the Convention, that regard must be had to the fair balance which has to be struck between the competing interests of those whose rights are affected and the community as a whole.

10.6 Similarly, any interference with the Article 8 Convention rights must be in accordance with the law and must be necessary and proportionate.

10.7 The Council has taken into account the impact of the Order on the Convention Rights of those whose interests will be affected by the Order. In view of the background to the Order as set out in this Statement and the compelling justification for making the Order, the Council considers that the exercise of compulsory purchase powers in this case is justified in the public interest, authorised by law, and necessary and proportionate in order to fulfil the Council's objectives of securing its Civic Development programme.

10.8 The proposed Order will be consistent with Article 6 of the Human Rights Act 1998. All those affected will be informed and advised of a right to make representations to the Secretary of State, to be heard at a public inquiry and have a fair entitlement to compensation within the statutory provisions.

10.9 The Council has carried out extensive publication and consultation exercises on their proposals. Through these exercises, those affected and the wider community have had the opportunity to make representations to the Council on the Scheme proposals.

10.10 In addition, those affected by the Order will be notified of the making of the Order, and will be able to object to the Order if they choose.

- 10.11 If objections are received, a Public Inquiry will be held, where an independent Inspector, appointed by the Planning Inspectorate, will hear the case for the Order, and any objections to the Order, before reporting to the Secretary of State.
- 10.12 If the Secretary of State confirms the Order, the compulsory acquisition of the interests within the Order land will only be necessary if these have not yet been acquired by agreement within the timescales required to deliver the Scheme. As explained in section 9 efforts to acquire these interests are on-going.
- 10.13 Further, all those whose interests are compulsorily acquired will be entitled to fair compensation, such compensation to be determined independently by the Upper Tribunal (Lands Chamber) if it cannot be agreed.
- 10.14 The Council is therefore of the view that there is a compelling case in the public interest for the compulsory acquisition of each and every parcel of land comprised within the Order Schedule. It is also convinced that the public interest that is to be served by the development and the wider social, environmental and economic benefits to be realised as a result of the Scheme outweigh the necessary interference with the private rights and interests that exist in the Order Land.
- 10.15 The Council therefore believes that in making the Order it has struck a fair and proportionate balance between the interests of those whose Convention rights will be affected and the wider public interest.

11. Equality Act 2010

- 11.1 All public sector authorities are bound by the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010. In exercising their compulsory purchase and related powers the Council as acquiring authority must have regard to the effect of any differential impacts on groups with protected characteristics. The Council has had regard to and complied with advice in paragraph 2 of the guidance issued by the Equality and Human Rights Commission to promote equality of opportunity.
- 11.2 As is set out in section 7 above, the Scheme is supported by a range of planning policies both within the Core Strategy and the saved policies from within the 2006 local plan. The Core Strategy was adopted in June 2010, and as part of the preparation of this document, equalities impact was considered.
- 11.3 The Site Allocations DPD was adopted in 2016. As part of the preparation of that document, an Equalities Impact Assessment was carried out in 2013. This found that there was no evidence that the Site Allocations DPD would have a differential impact on any person or group with protected characteristics.
- 11.4 When preparing and adopting the Civic Development Planning Framework, the Council took account of its PSED. For example, within the consultation responses received, concerns were raised over accessibility and disability requirements. The Council amended the draft SPD to ensure it was clear that the SPD would require compliance with its statutory duty in this regard.
- 11.5 When granting planning permission, the Council, in its role as statutory planning authority, took account of the PSED.
- 11.6 The Council's key decisions in progressing the Scheme from 2014 onwards are set out in para 2.64 above. In making these decisions, the Council took into account the PSED, and had regard to the effect on any groups with protected characteristics.
- 11.7 Within these decisions, the Council found no evidence of impact on any person or group with protected characteristics.
- 11.8 Following on from the work set out above, in June 2018, the Council carried out an Equalities Impact Assessment of the Council's proposed use of compulsory purchase powers. Following this assessment, the Council is satisfied that there is no evidence that the proposed use of Compulsory Purchase powers will have an adverse impact on those people or groups with the following protected characteristics:-
- Marital or Civil Partnership Status
 - Pregnancy / Maternity
 - Sexual Orientation
 - Religion or Belief
 - Race
 - Age
 - Disability

- 11.9 The Council has, however, identified concerns over the impact of the proposed Scheme on those with the protected characteristics of Age and Disability.
- 11.10 These impacts include concern over access for those with disabilities both during construction and following completion of the Scheme, the impact on disabled car parking, and the impact of the proposed changes to the area on those with age related dementia.
- 11.11 The Council has proposed a range of mitigation measures such as ensuring the design of the new buildings provides good accessibility, ensuring level access is maintained to Calverley Gardens throughout the project and considering the design of access areas and car parking to ensure they are accessible and usable by all.
- 11.12 The Council will continue to monitor the impact of the proposed Scheme on those people or groups with protected characteristics both during the construction phase and once the Scheme is constructed. It will consider further mitigation measures if required.
- 11.13 The Council is content that neither the proposed use of compulsory purchase powers nor the proposed Scheme itself will have a disproportionate impact on those people or groups with protected characteristics that is not mitigated by the measures proposed above, and the continued monitoring of the proposals.

12. Special Considerations

- 12.1 There are no special considerations which apply to the Order Land.
- 12.2 The Council confirms that there are no listed buildings or ancient monuments within the Order Land. The Lord Dowding Memorial (a non-designated heritage asset) is within the Order Land and will be affected by the Scheme. The memorial will be relocated as part of the Scheme, but will be preserved and re-situated at an alternative location within Calverley Grounds.
- 12.3 As set out in para 3 above the listed Calverley Grounds is partly within the Order Land, and will be affected by the Scheme. If the area of the underground car park is excluded, the amount of land within Calverley Grounds that is affected is approximately 1,007sqm, which represents 2.18% of Calverley Grounds. This includes The Lodge and the public toilets.
- 12.4 Planning permission for the Scheme, which includes the works required within Calverley Gardens, has been obtained.
- 12.5 There is no land within the Order Land which is owned by the National Trust, and the Council is not proposing to acquire any land owned by another public authority.
- 12.6 There is no open space within the Order Land, and no part of the Order Land forms part of a common, fuel or field garden allotment.
- 12.7 The Order acquires rights to enter onto land adjacent to an electricity sub-station operated by South Eastern Power Networks / UKPN at Mount Pleasant Avenue. The works proposed will not affect the functioning of the sub-station, and the Council will protect the statutory undertaker's equipment. Negotiations are underway to agree access and required works.

13. Associated Consents and Approval

- 13.1 The following associated consents and approvals are required to deliver the Scheme.

Appropriation

- 13.2 As set out in para above, in order to deliver the Scheme, the Council will need to appropriate the land within its ownership for planning purposes. The timetable for this is set out below
- 21 June 2018 – Notices erected
 - 6 July 2018 (midnight) – Consultation period ends
 - 13 July 2018 – Council review period ends
 - 19 July 2018 – Council publishes officer's report
 - 26 July 2018 – Appropriation becomes effective.

Traffic Regulation Orders

- 13.3 As set out in paragraph 8.25 above, Traffic Regulation Orders are required to deliver the Scheme.
- 13.4 The Traffic Orders required to deliver the scheme are the responsibility of the main contractor Mace, via its transport consultant, Vectos. Working with Mace, the Council will ensure the programme for delivery of these Orders will fit within the main project delivery programme, and will not be an impediment to the Scheme.

14. Conclusion

- 14.1 The 2018 Guidance sets out guidance for acquiring authorities regarding the making and confirmations of compulsory purchase orders. This includes key policy tests which the Secretary of State will expect to be satisfied before a compulsory purchase order is confirmed.
- 14.2 Paragraph 106 of the 2018 Guidance advises that in deciding whether or not to confirm a compulsory purchase order, the Secretary of State can be expected to consider factors including the following:
- Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up-to-date framework exists, with the Local Plan and the NPPF 2018;
 - The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area; and
 - Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.
- 14.3 In respect of the first factor, the planning permission for the development of the Site gives effect to the policy requirement found in the Local Plan as detailed above, for a comprehensive approach so that its potential can be fully realised.
- 14.4 The Scheme will contribute towards the achievement of the Council's strategic objectives.
- 14.5 As to the second factor, as explained above, the use of the Council's CPO powers to facilitate the redevelopment and regeneration of the Order Land will contribute towards the economic, social and environmental well-being of the area, and to the achievement of the Council's regeneration and planning objectives and will also result in substantive public benefits being realised, both within the Order Land and in the wider area. The Scheme will deliver significant public benefits.
- 14.6 As to the third factor, the purposes for which the land is to be acquired could not be achieved by alternative means including through development in other locations.
- 14.7 All of the Order Land is required for the Development. The Council has not been able to reach agreement for the acquisition of the required land and rights by private treaty. The Council continues to seek acquisition by agreement but it is not certain that this can be achieved. If agreement cannot be reached the regeneration of the Order Land will not be achieved without the use of compulsory purchase powers, but the powers will only be used where the required land and interests cannot be acquired by negotiation. As such the use of compulsory purchase powers is proportionate.
- 14.8 Paragraph 14 of the 2018 Guidance advises that the acquiring authority should show that all the necessary resources are likely to be available within a reasonable time-scale.
- 14.9 As explained above, there is a clear strategy for the development of the Order Land based on the Planning Permission. If the CPO is confirmed the development for the purposes of which the Order has been made will be delivered.

- 14.10 Paragraph 2 of the 2018 Guidance refers to the taking of steps by an acquiring authority to acquire land by agreement where possible. As stated above negotiations have been on-going but acquisition of these interests has not been agreed.
- 14.11 Accordingly, the Council considers that the tests in section 226(1) (a) and section 226(1) (A) of the Act are met, the criteria in the 2018 Guidance is satisfied and that there is a compelling case in the public interest for the confirmation of the Order.

15. Other Information of Interest to Persons affected by the order

- If you require further information on the Order, or the Civic Development Scheme, please contact Mark Davey, GVA, 020 7911 2812; 0788 411 4045; mark.davey@gva.co.uk; 65 Gresham Street, London EC2V 7NQ
- If you are affected by the Order, and are considering taking professional advice, please contact the RICS compulsory purchase helpline (024 7686 8555; <http://www.rics.org/uk/footer/contact-us/rics-consumer-helplines/>).

16. Inspection of the Order and Order Documents

The Order can be viewed at:

- 16.1 Tunbridge Wells Council Gateway, 8 Grosvenor Rd, Tunbridge Wells TN1 2AB
- 16.2 Library, Civic Way, Tunbridge Wells, TN1 1NS

17. Documents to be referred to in the event of an inquiry

- 17.1 The following documents identified within the Statement of Reasons will be referred to in the event of an inquiry. Additional documents may be included in the Core Documents list for any future Public Inquiry.
 - Tunbridge Wells Borough Council, The 5 year plan 2017-2022
 - Tunbridge Wells Borough Council Cultural Strategy 2014-2024
 - Tunbridge Wells Borough Council Economic Development Strategy 2018-2021
 - Sevenoaks and Tunbridge Wells Economic Needs Study Final Report August 2016, Colliers & Turley Economics
 - Town Centre Office Study, February 2018, Durlings
 - Destination Management Plan for Tunbridge Wells 2013-2016, October 2013, Blue Sail
 - Full Council report 06 December 2017
 - New Theatre for Tunbridge Wells Borough Council Feasibility Study & Options Analysis, April 2016, Nonner Keelyside
 - Civic Development Planning Framework Supplementary Planning Document, adopted February 2018
 - Tunbridge Wells Borough Council Local Plan 2006

- Site Allocations Local Plan 2016
- MHCLG 'Guidance on Compulsory Purchase Process and the Criche! Down Rules', published February 2018.
- Officers report to committee 09/05/18 on planning application 18/000076/FUL
- Officers report 19/07/18 on appropriation of land

Dated 16 August 2018