

REPORT SUMMARY

<p>REFERENCE NO - 19/01869/FULL</p>
<p>APPLICATION PROPOSAL</p> <p>Minor material amendment to 17/02262/FULL (mixed use development comprising retail uses, restaurants, cinema, 108 dwellings, car and cycle parking, highway works, public realm improvements, realignment of Public Right of Way WBX17 and extinguishment of Public Right of Way WBX18). Amendments include: Reduction in retail/restaurant floorspace; removal of office accommodation; external and internal alterations including new glazed links, changes to fenestration/doors, extensions to residential blocks; changes to height of building (no higher than tallest element previously approved); reduction in height of cinema and relocation of entrance to ground floor; alterations to parking, delivery, servicing and access arrangements; and alterations to the public realm and landscaped areas.</p>
<p>ADDRESS Former ABC Cinema Site Mount Pleasant Road Royal Tunbridge Wells Kent TN1 1PN</p>
<p>RECOMMENDATION to GRANT planning permission subject to conditions and Section 106 agreement previously secured under application 17/02262/FULL (please refer to section 11.0 of the report for full recommendation)</p>
<p>SUMMARY OF REASONS FOR RECOMMENDATION</p> <ul style="list-style-type: none"> - There is no objection to the principle of the proposed development as the site is allocated for mixed use purposes in the Site Allocations Local Plan (SALP) under Policy AL/RTW2B - The previously approved scheme (17/02262/FULL) caused less than substantial harm to the character and appearance of the Conservation Area and setting of nearby listed buildings. The proposed amendments would cause no greater harm to these designated heritage assets than previously approved. As with the previously approved scheme, this harm is clearly and convincingly justified when weighed against the public benefits of the proposals. - The scale, layout and design of the development would respect the context of the site and preserve the visual amenities of the locality. - Sustainable design, energy efficiency and renewable energy measures have been satisfactorily incorporated within the proposals. - The development would not be harmful to the amenities of nearby dwellings and other properties. - The traffic movements generated by the development can be accommodated without detriment to highway safety. - The development is well served by sustainable transport modes and suitable measures have been proposed to meet the needs of pedestrians, cyclists and bus users. - Subject to mitigation measures to be secured by means of a Section 106 planning obligation, adequate on-site provision is made for car and cycle parking. - Public realm improvements and other public benefits and mitigation measures are secured by a Section 106 obligation and/or planning conditions - Other environmental impacts have been assessed and there are not any which are potentially significant and which cannot be controlled by conditions.
<p>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</p> <p>The following are considered to be material to the application:</p> <p>Contributions (secured through Section 106 planning obligation):</p> <ul style="list-style-type: none"> - Primary school contribution of £65,649 towards expansion of Broadwater Down Primary

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

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

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

MAIN REPORT

1.0 DESCRIPTION OF SITE

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

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

1.04 The site has a challenging topography:

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

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

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

1.07 There are two vehicular accesses into the site:

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

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

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

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

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

2.0 PROPOSAL

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

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

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

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

3.0 SUMMARY INFORMATION

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

4.0 PLANNING CONSTRAINTS

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

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

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

Constraints within vicinity of site:

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

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

5.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (2019) National Planning Practice Guidance

Site Allocations Local Plan 2016

AL/RTW1: Urban Development Framework

AL/RTW2B: Former Cinema Site Area of Change

Tunbridge Wells Borough Core Strategy 2010

Core Policy 1: Delivery of Development

Core Policy 3: Transport Infrastructure.

Core Policy 4: Environment.

Core Policy 5: Sustainable Design and Construction.

Core Policy 6: Housing Provision.

Core Policy 7: Employment Provision

Core Policy 8: Retail, Leisure and Community Facilities Provision

Core Policy 9: Development in Royal Tunbridge Wells.

Tunbridge Wells Borough Local Plan 2006

Policy EN1: Development Control Criteria

Policy EN4: Demolition in Conservation Areas

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

Supplementary Planning Documents (SPDs)

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

Other documents

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

6.0 LOCAL REPRESENTATIONS

6.01 Site notices were posted on 23 July 2019 and the application was publicised in the local newspaper on 26 July 2019.

6.02 5 comments received supporting the application from private representatives (including local businesses):

- Proposal will restore this part of town.
- Will generate revenue for local businesses.
- The new commercial space will link the top and bottom of the town.
- Support provision of cinema.
- Developer has actively involved local community.
- Proposal is sympathetic to the heritage of the town and immediate surroundings.
- Support mix use and retirement accommodation.
- Less need for car parking given demographic.
- New residents will contribute to local economy and frequent cafes, restaurants, theatre etc.

Tunbridge Wells Footpath Warden

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

West Kent Chamber of Commerce

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

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

7.0 CONSULTATIONS

Southern Water (05/08/19)

7.01 Refer to comments dated 01/09/17.

7.02 (01/09/17) Additional information submitted by the applicant demonstrates reduction in flow to the combined system which is satisfactory to Southern Water. Surface water should be attenuated and stored on site to match the existing flows. Foul and surface water systems should be separate until the last manhole before connection to the public sewer. Surface water attenuation structures should be offline. All other comments in the response dated 02/08/2017 remain valid.

7.03 (02/08/17): No objections, subject to conditions. The applicant should determine the exact position of the combined sewer before the layout of the proposed development is finalised.

7.04 The initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. Without such infrastructure upgrade the proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area.

7.05 The public sewer is a combined system, receiving both foul and surface water flows, and no flows greater than currently received can be accommodated in this system. The developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the combined system. Requested a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul flow will be no greater than the existing contributing flows.

7.06 Seek conditions to ensure that appropriate means of surface water disposal are proposed. Discharge to sewer should occur only where this is necessary and where adequate capacity exists to serve the development.

Historic England

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

Health & Safety Executive (HSE)

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

KCC Highways and Transportation

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

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

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

KCC Flood and Water Management

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

KCC Public Rights of Way & Access Service

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

KCC Archaeological Officer

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

MidKent Environmental Health

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

TWBC Planning Policy

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

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

- 7.19 The previous scheme provides in excess of the “approximate” amount of A1 floorspace by over 1,000sqm and the amended scheme provides less than the “approximate” amount by 1,000sqm. Although, the overall loss of retail floorspace is regrettable, the revised scheme still provides an active frontage at the ground floor level as required by Policy AL/RTW2B. The planning statement makes reference to design amendments to the ground floor units, referring to enhanced energy efficiency measures, making the units more attractive to potential tenants and the market. The retention of the corner restaurant in the revised scheme is also welcomed.
- 7.20 The revised application also proposes a more flexible approach to the retail space provided – to be A1/A3 uses rather than just A1. This is considered to be acceptable and in accordance with the general approach that the Council is advocating (and planning for in the Draft Local Plan) to allow greater flexibility in town centre uses and ensuring that properties are attractive to the market, in line with NPPF advice.
- 7.21 Overall, although the loss of retail floorspace is regrettable and does not fully comply with that required under Policy AL/RTW2B above, there is still a considerable element of retail provided at street level; and given current market and retail trends, the loss of such elements to be replaced by residential units would make the scheme more viable and deliverable. Moreover, it is considered that the wider social and economic benefits to be gained from the delivery of development of this key town site outweigh such a departure from planning policy in this case.
- 7.22 The application does not address the loss of the B1 office use in the amended scheme. Although this element of the previously consented scheme was not significant in respect of the overall floorspace quantum (372sqm) and that it is not a substantive requirement of the Policy AL/RTW2B, rather a use that would be “acceptable” as part of a mixed use scheme, it is considered that a justification for it should be included as part of the planning submission. *[OFFICER NOTE: JUSTIFICATION FOR THE LOSS OF B1 OFFICE USE HAS BEEN SUBSEQUENTLY PROVIDED AND IS DISCUSSED IN THE APPRAISAL BELOW].*
- TWBC Parking Services**
- 7.23 (02/09/19): Given that KCC have agreed the level of parking provision, no objection. As far as cycle parking is concerned, it would be regrettable if such a significant level of under provision based on expected level of use rather than application of parking standards were to become the accepted method.
- 7.24 (19/07/19 & 15/08/19): The reduction in cycle parking provision would discourage greater take-up of this mode of travel. Since this use falls within C3 (residential), the provision should be based on the appropriate standards, which do not discriminate on the basis of age and are minimum levels of provision. Recommend cycle parking provided at correct level now (and apply to have it removed at a later date if it is found to be substantially under-utilised) rather than potentially inhibiting cycle use through under provision and then trying to find space for it.
- 7.25 Do not consider that 60 spaces for 108 units is adequate. That represents 55% provision. The consented scheme provided car parking at 69% which is lower than desirable in an area where on-street parking is highly stressed. There is evidence to suggest that car ownership and use by the over 60s is increasing and this needs to

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

TWBC Landscape & Biodiversity Officer

7.26 (19/08/19) Support the application. There is a clear shift in balance between residential and retail with the loss of the podium retail units which will now become residential private spaces. The corner restaurant is retained as are the retail units under the podium providing continued amination at street level and importantly on the corner. The podium was to provide the pedestrian link to the cinema, which is now accessed directly from Mount Pleasant. The Landscape & Biodiversity Officer originally sought an access directly from Mount Pleasant to the cinema and so in some respects this scheme is an improvement. The loss of the public space and activity at podium level is disappointing but should not detract from the overall design. The interface between public and private needs careful handling and the proposal indicates that this can be done with planters and screens. Achieving a satisfactory scheme will require attention to detail but this can be secured by condition. Overall this change is acceptable. The size and treatment of the Mount Pleasant frontage has changed as a result on the change to the cinema access. The overall massing has broadly been maintained and the changes are generally positive, so no objection.

7.27 There are some changes in the overall massing and sizes of units. However, these do not give rise to any significant changes, so no objection to these in terms of effects on the townscape. The changes proposed to the Mount Pleasant frontage including the relocation of the cinema access are generally positive.

7.28 Further details of the green roof strategy and biodiversity enhancement measures required by condition. Important elements of public realm and green infrastructure, in the form of the water features and new street trees, are maintained along the property and this is welcomed.

TWBC Conservation Officer

7.29 (06/08/19) This application for minor amendments to the previously consented scheme proposes a range of changes in elevational design particularly on the main frontage to Mount Pleasant Road, a principal elevation on the site and one that impacts on the conservation area to a high degree. The introduction of large areas of glazing to ground floor and first floor replaces the shopfronts and introduces a less dynamic frontage which is an unfortunate change; however, the change would not cause any additional harm over the consented scheme. Likewise the minor elevational changes elsewhere do not cause additional harm.

7.30 The basic massing, scale and form of the development has not changed significantly and therefore there is no greater impact than the consented scheme. Overall the changes are minor. No objection from a heritage viewpoint.

Royal Tunbridge Wells Civic Society

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

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

8.0 APPLICANT'S SUPPORTING COMMENTS

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

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

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

9.0 BACKGROUND PAPERS AND PLANS

- Planning Statement dated June 2019
- Design and Access Statement dated July 2019
- Travel Plan dated August 2019
- Statement of Community Involvement
- Daylight, Sunlight and Overshadowing Report dated July 2019
- Drainage Strategy Addendum dated 1 July 2019
- Letter from WSP re Air Quality dated 1 July 2019
- Letter from WSP re Archaeology dated 1 July 2019
- Plan entitled Built Heritage Assets
- Drawing Strategy Addendum dated 1 July 2019
- Letter from WSP re Ecology dated 1 July 2019
- Letter from Hoare Lea re Energy dated 1 July 2019
- Letter from WSP re Ground borne vibration dated 1 July 2019
- Built Heritage Statement dated June 2019
- Landscape addendum by Bradley-Hole Schoenaich dated June 2019
- Letter from Hoare Lea re Noise dated 28 June 2019
- Letter from Hoare Lea re Sustainability dated 1 July 2019
- Addendum to Townscape and Visual Impact Assessment dated June 2019
- Transport Statement dated August 2019
- Ventilation Statement by Hoare Lea
- Technical Response: Planning Services Response dated 2 August 2019
- Delivery and Servicing Plan by WSP dated August 2019
- Letter from Lockhart Garratt regarding trees dated 2nd September 2019

- **Drawing numbers:**
- P1-100/A: Basement Floor Plan
- P1-101: Lower Ground Floor Plan
- P1-102: Ground Floor Plan
- P1-103: First Floor Plan
- P1-104: Second Floor Plan
- P1-105: Third Floor Plan
- P1-106: Fourth Floor Plan
- P1-107: Fifth Floor Plan
- P1-108: Sixth Floor Plan
- P1-109: Seventh Floor Plan
- P1-110: Roof Plan

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

10.0 APPRAISAL

Principle of Development

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

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

Impact on visual amenity and the Conservation Area

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

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

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

Impact on listed buildings

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

Residential Amenity

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

Highway safety and parking

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

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

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

Public Rights of Way (PROW)

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

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

Other Matters

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

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

Conclusion

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

11.0 RECOMMENDATION – GRANT subject to the following conditions:

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

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

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

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

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

Reason: To clarify which plans are approved.

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

The Plan shall include:

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

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

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

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

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

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

Reason: To prevent disturbance to nearby residential properties.

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

1) A preliminary risk assessment which has identified:

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

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

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

The scheme shall thereafter be implemented as approved.

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

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

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

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

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

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

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

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

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

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

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

Reason: To protect residential amenity.

- 12) Prior to the commencement of above ground works, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in relevant outdoor amenity areas will conform to the standard identified by BS:8233 2014, Sound Insulation and Noise Reduction for Buildings - shall be submitted to and approved in writing by the Local Planning Authority.

The assessment shall also specifically include noise from the adjacent licensed premises and from commercial premises included in the development itself particularly the outside seating areas. The assessment of these elements should not be restricted to use of the BS:8233 methodology, as it is not suitable for this purpose. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect residential amenity.

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

Reason: To protect residential amenity.

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

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

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

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

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

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

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

- 16) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built

drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

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

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

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

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

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

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

- 20) The approved development shall be carried out in such a manner as to avoid damage to the existing trees (including their root systems) that are to be retained, by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS:5837, and in accordance with the approved Tree Protection Plan and Arboricultural Report (Hal Appleyard, July 2017), to the satisfaction of the Local Planning Authority (or any variation thereof as approved in writing by the Local Planning Authority). Such tree protection measures shall remain throughout the period of construction.

(b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;

(c) No materials or equipment shall be stored within the spread of the branches or Root Protection Areas of the trees or other vegetation;

(d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;

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

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

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

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

Reason: To safeguard the characteristics of the locality.

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

Reason: To safeguard the characteristics of the locality.

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

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

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

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

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

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

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

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

Reason: To safeguard the characteristics of the locality.

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

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

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

Reason: In the interests of visual and residential amenity.

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

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

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

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

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

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

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

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

- 32) The parking spaces shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude the use of such facilities.

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

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

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

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

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

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

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

- 36) A Residents' Welcome Pack shall be made available to all new residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes, including the following:

- 1) Maps showing the site in relation to walking/cycle routes, cycle stands, local bus stops/services, and rail stations.
- 2) Approximate time it takes to walk or cycle to various local facilities.
- 3) Site specific public transport information including up to date public transport timetables.
- 4) Links to relevant local websites with travel information, such as public transport operator information and cycling organisations.
- 5) Details of Car Club scheme.
- 6) Information on public transport season tickets and offers.
- 7) Information on specific incentives including "Walk to Work" or "Cycle to Work" initiatives.
- 8) Information on the health, financial and environmental benefits of sustainable travel.

Reason: In the interests of sustainable development.

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

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

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

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

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

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

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

INFORMATIVES

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

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

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

Case Officer: Antonia James

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

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

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REPORT SUMMARY

REFERENCE NO - 17/02262/FULL
<p>APPLICATION PROPOSAL</p> <p>Full planning application for mixed use redevelopment comprising 3,039 sqm Gross Internal Area (GIA) retail uses (Use Class A1/ A2), 1,895 sqm GIA restaurant use (Use Class A3), 1,049 GIA sqm cinema (Use Class D2) and 99 dwellings (Use Class C3) together with provision of car and cycle parking, highway works, public realm improvements, and associated works, realignment of Public Right of Way ref WBX17 and extinguishment of Public Right of Way ref WBX18, and either:-</p> <p>(a) 9 additional dwellings (Use Class C3) and 372 sqm GIA office uses (Use Class B1);</p> <p>Or</p> <p>(b) 1,144 sqm GIA medical centre (Use Class D1)</p>
<p>ADDRESS Former ABC Cinema Site Mount Pleasant Road Royal Tunbridge Wells Kent TN1 1PN</p>
<p>RECOMMENDATION - GRANT subject to completion of s106 legal agreement (see section 11 of report for full recommendation).</p>
<p>SUMMARY OF REASONS FOR RECOMMENDATION</p> <ul style="list-style-type: none"> - There is no objection to the principle of the proposed development as the site is allocated for mixed use purposes in the SALP under Policy AL/RTW2B - The range of uses in both of the optional proposals and the quantum of retail development accords with the requirements of SALP Policy AL/RTW2B - The proposed development would cause less than substantial harm to the character and appearance of the Conservation Area and the setting of Holy Trinity Church (Listed Building Grade II*) and 2 and 3 The Priory (Listed Building Grade II). However, this harm is clearly and convincingly justified when weighed against the public benefits of the proposals. - The scale, layout and design of the development would respect the context of the site and preserve the visual amenities of the locality. - The development would provide an acceptable mix of dwelling sizes and sufficient justification has been provided for the non-provision of affordable housing. - Sustainable design, energy efficiency and renewable energy measures have been satisfactorily incorporated within the proposals. - The development would not be harmful to the amenities of nearby dwellings and other properties. - The traffic movements generated by the development can be accommodated without detriment to highway safety and are less than the existing commercial use.

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- The development is well served by sustainable transport modes and suitable measures have been proposed to meet the needs of pedestrians, cyclists and bus users.
- Subject to mitigation measures to be secured by means of a Section 106 obligation adequate on-site provision is made for the parking of vehicles.
- Public realm improvements and other public benefits and mitigation measures can be secured by means of a Section 106 obligation and / or planning conditions
- Other environmental impacts have been assessed and there are not any which are potentially significant and which cannot be controlled by conditions.
- Other concerns raised are not considered to be sufficient to justify refusal.

INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

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

Primary school contribution of £ 65,649 towards expansion of Broadwater Down Primary School (£59,832 in the event of medical centre option being implemented)

Secondary school contribution of £46,606.05 towards the enhancement of St Gregory's Secondary School (£42,476.40 in the event of medical centre option being implemented)

Cultural and Learning Hub contribution of £37,960.92 towards Tunbridge Wells Cultural and Learning Hub (£34,797.51 in the event of medical centre option being implemented)

NHS West Kent Clinical Commissioning Group contribution of £76,392 towards Lonsdale Medical Centre, Kingswood Surgery, Grosvenor Medical Centre and / or St James Medical Centre (No contribution necessary in the event of medical centre option being implemented)

Youth & adult recreation contribution of £194,328 towards Calverley grounds and / or Rusthall playing fields expansion (£184,915 in the event of medical centre option being implemented)

Public Realm contribution of £100,000 towards works to the north of the Church Road/Mount Pleasant Road junction.

Town centre parking / sustainable transport contribution of £50,000 towards the exploration of and implementation of measures to deter private car use and manage public parking in Tunbridge Wells town centre.

Parking restrictions contribution of £2,000 towards (on-street parking management)

Common Local Wildlife site contribution of £8,370 towards mitigation of recreational pressures on the Common (£7,672.50 in the event of medical centre option being implemented)

Car club contribution of £20,000 for 1 x Co-Wheels car club car

Total S106 contributions listed above is £601,305.97 (£501,693.41 in the event of medical centre option being implemented)

PLEASE NOTE: The proposals are for a mixed use development, part of which has optional proposals, referred to in the submitted plans and supporting documents as the 'applicant's preferred scheme' (Option A) and the 'alternative scheme' (Option B).

Net increase in numbers of jobs: 297 for applicants preferred option (Option A); 287 for

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alternative option (Option B))			
Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: Option A £3,999,224; £3,864,570 for Option B			
The following are not considered to be material to the application:			
Estimated annual council tax benefit for Borough: Option A: £18,207.72; Option B: £16,690.41			
Estimated annual council tax benefit total: Option A: £182,077.20; Option B: £166,904.10			
Annual New Homes Bonus (for first 4 years): Option A £108,000; Option B £99,000			
Estimated annual business rates benefit for Borough: £400,000			
REASON FOR REFERRAL TO COMMITTEE			
Significant major application recommended for approval.			
WARD Culverden	PARISH/TOWN COUNCIL	APPLICANT Prime Finance (Tunbridge Wells) SARL AGENT Turley	
DECISION DUE DATE 11/10/17	PUBLICITY EXPIRY DATE 11/08/17	OFFICER SITE VISIT DATE 17/07/17	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
16/06516/ENVSCR	Proposal: EIA Screening Opinion for Up to 110 dwellings, Up to 6,000 sqm GIA of flexible non-residential floorspace (Use Classes A1, A2, A3, A4, A5, D1, D2 and B1a) in units predominantly fronting Mount Pleasant Road New car parking (up to circa 100 spaces to serve the residential properties), New access arrangements (vehicle and pedestrian); Alterations to the road layout; and Landscaping and enhanced public realm	Not required	12/10/16
11/00358/S215	S215 Notice requiring the demolition of all buildings on the site, to include measures to leave the site in a safe and tidy state	Served	21/03/14
11/03332/CAC	Proposal: Conservation Area Consent: Demolition of former ABC Cinema, 10-15 Ritz Buildings, Church Road, 41-67	Granted	23/12/

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	Mount Pleasant Road, Clanricarde House and Hill House, Clanricarde Road		
09/03456/NMAMD	Proposal: Non-material amendment in relation to TW/08/03119/FULMJ - alteration to line of walkway from Clanricarde Road to Mount Pleasant Road to improve access, safety and security	Granted	20/11/09
09/03185/S257	Proposal: Application for a Stopping up Order under section 257 Town and Country Planning Act 1990 - order No. WBX17 - Clanricarde Road to Mount Pleasant Road and no. WBX18 - Church Road to WBX17 and the provision of two replacement walkways	Granted	01/03/10
08/03126/CAC	Proposal: Conservation Area Consent: Demolition of all existing buildings to facilitate comprehensive development of site including: the former cinema site, no.s 10-15 Ritz Buildings, Church Road; no.s 51-67 Mount Pleasant Road; and Hill House and Clanricarde Medical Centre, Clanricarde Road.	Granted	31/10/08
08/03119/FULMJ	Proposal: Demolition of all existing buildings. Redevelopment of site with mixed use classes including C1 (hotels), B1 (offices), A1 (Shops), A2 (professional & financial services) & A3 (restaurants), with servicing and car parking.	Granted	06/01/09
04/00940/FULMJ	Proposal: Comprehensive redevelopment of site with mixed use Class A1 (Shops) Class A3 (Food and Drink) Class C3 (Dwellinghouses) and Class D2 (Assembly and Leisure) together with servicing and car parking	Refuse	08/10/04
01/02446/FULMJ	Proposal: Comprehensive redevelopment of site with mixed use	Refused	09/04/03

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	class A1 (shops) class A3 (food and drink) class D3 (dwellinghouses) and class D2 (assembly and leisure) together with servicing and car parking	Appeal allowed	16/12/04
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MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This application relates to the development of a prominent site located at the corner of Church Road and Mount Pleasant Road at the heart of Tunbridge Wells town centre. The site has a secondary frontage to Clanricarde Road at the rear.
- 1.02 The 0.8 ha site is currently vacant with the exception of an end-terraced shop unit, 41 Mount Pleasant Road. It was occupied by the former ABC cinema with associated shop/cafes fronting Mount Pleasant Road and Church Road that had been built in the 1930s, with car parking to the rear and two additional buildings, Clanricarde House (doctor's surgery) and Hill House (dental practice).
- 1.03 The cinema closed down in 1999, followed by the shops/cafes. The buildings were demolished in 2014 and since then the site has remained vacant. (Demolition of the remaining building at 41 Mount Pleasant is authorised under TW/11/03332/CAC). The majority of demolished buildings were two storeys high, with the exception of the three storey Clanricarde House and the cinema, which was the equivalent of four storeys. Demolition took place at the request of TWBC, following the service of a Section 215 Notice.
- 1.04 The site is bounded by Church Road to the north, Mount Pleasant Road to the east; existing retail properties fronting Mount Pleasant Road to the south; and Clanricarde Road to the west.
- 1.05 The area surrounding the site comprises a range of uses. Retail and restaurant/ café uses front Mount Pleasant Road. On the opposite side of Church Road is Cote Brasserie, the residential properties of 2 and 3 The Priory and Trinity Arts Centre. Adjoining the site to the north is the Pitcher and Piano public house, with the 7 storey Wellington Gate office block beyond. The area to the west / south west of the site (Lonsdale Gardens, Clanricarde Road and Clanricarde Gardens) comprises residential and office uses as well as a doctor's surgery and childrens nursery / pre-school premises. Many of the adjoining properties have windows that face towards the site.
- 1.05 The site has a challenging topography:
- west to east - On Church Road, from the Pitcher and Piano boundary to Mount Pleasant Road the ground level drops by 1.9m. Further south, however, the fall from west to east is significantly greater with a level difference of 4.8m from Clanricarde Road to Mount Pleasant Road over a distance of about 50m.
 - north to south - the site levels fall from Church Road to the southern end of the site, at 39 Mount Pleasant Road, by 9 metres. On average the gradient in this section of the road is 1:9.

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- 1.06 Mid to long range views of the site are gained from Calverley Grounds to the east, and from The Common / Mount Ephraim to the west.
- 1.07 The site lies within the Tunbridge Wells Conservation Area and there are a number of Grade II listed buildings in the vicinity, including the Lloyds Bank building at 82 Mount Pleasant Road, the Civic complex (Town Hall, Assembly Theatre and Police Station) diagonally opposite the site, 2 and 3 The Priory and Trinity Theatre on the opposite side of Church Road. Also, the gate piers and a post box at the entrance off Lonsdale Gardens are Grade II listed.
- 1.08 There are two vehicular accesses into the site.
- Off Church Road, adjacent to Pitcher and Piano
 - Off Clanricarde Road, accessed via Lonsdale Gardens (private road serving predominantly office buildings, but also residential uses and the Lonsdale Medical centre (doctor's surgery).
- 1.09 Two public footpaths cross the site, which became designated Public Rights of Way in July 2009:
- A north / south route linking Clanricarde Road and the former cinema car park with Church Road to the north (route WBX18).
 - An east / west route that links Clanricarde Road with Mount Pleasant Road to the east (route WBX17).
- 1.10 The main line railway passes through a tunnel beneath the north east edge of the site. This acts as a constraint on the weight of construction materials above this edge of the development.
- 1.11 There are two trees in the south west corner of the site adjacent to Clanricarde Road and six trees adjoining it, the most significant of which are three London plane street trees on Mount Pleasant Road. These trees are protected by virtue of being within the Conservation Area.
- 1.12 The site lies within the Tunbridge Wells town centre boundary, within the Primary Shopping Area and within the Tunbridge Wells Central Access Zone (Residential) and Central Parking Zone (Commercial).
- 1.13 The site is allocated for mixed/retail development under Site Allocations Local Plan Policy AL/RTW2B. In addition, the Draft Urban Design Framework (March 2015) recognises the potential for the Site to *'create a landmark development to counterbalance the Town Hall reinforcing the identity of the location at the main cross-roads in the centre of the town'*.

2.0 PROPOSALS

Proposed mix of uses

- 2.01 The proposals are for a mixed use development, part of which has optional proposals, referred to in the submitted plans and supporting documents as the 'applicant's preferred scheme' and the 'alternative scheme'.

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- 2.02 The common elements of both options are:
- Retail units at street level on Mount Pleasant Road;
 - Restaurants at an upper level (first floor) walkway, leading to a 3 screen cinema facing Mount Pleasant Road; and
 - Residential apartments at the upper floors, providing a minimum of 99 dwellings,
- 2.03 The optional elements relate to the use of part of the rear section of the building, fronting Clanricarde Road, which would either be used, in the 'applicant's preferred scheme', as an office unit and 9 further apartments or, in the 'alternative scheme', as a medical centre.
- 2.04 The reason for two options being proposed is that the applicant had originally hoped to include a medical centre but, by the time the application was ready to be submitted, the applicant had not had the necessary assurances that there would be a tenant for the medical centre. To avoid obtaining planning permission for a bespoke facility that may not attract an end user, the applicant changed the proposals to instead use this part of the building as offices and additional apartments. However, at officers' request, the applicant agreed to include the medical centre as an optional use, to allow for the possibility that the commitment of a future potential medical occupier might be secured. In the event that planning permission for both options is granted, the choice of which option to implement would be a matter for the applicant to decide upon before development commences. **To clarify, the Committee's approval of both options is being sought and any permission granted would enable either one option or the other to be implemented.**
- 2.05 The components of the two options, both of which would have 75 parking spaces, are set out in the table below.

Applicant's preferred scheme		Alternative scheme	
	Area (sq.m)		Area (sq.m)
Retail / Commercial (A1/A2) 9 shops	3,039	Retail / commercial (A1/A2) 9 shops	3,039
Restaurants (A3) 5 restaurants	1,895	Restaurants (A3) 5 restaurants	1,895
Cinema (D2) 1,049 3 screens	1,049	Cinema (D2) 3 screens	1,049
Residential (C3) 108 dwellings		Residential (C3) 99 dwellings	
Office (B1) 1 office	372	Medical centre (D1) 12 GP consulting rooms	1,144

- Distribution of uses
- 2.06 The proposed uses are distributed in four main 'blocks' (referred to in the Design and Access Statement as Blocks A, B, C and D). The non-residential uses occupy the lower floors of these blocks in the form of retail/commercial units which provide active frontages along Mount Pleasant Road, Church Road and, to a lesser degree, Clanricarde Road. On the Mount Pleasant Road frontage, restaurants at first floor level front onto an upper level walkway, which leads to the cinema.

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- 2.07 At the rear of the site on the Clanricarde Road frontage the 'applicant's preferred scheme' (Option A) provides office space at street level with 9 additional apartments above. The 'alternative scheme' (Option B) is for a medical centre at this location, occupying two levels of accommodation.

Non-residential uses

- 2.08 Each of the non-residential uses is further described in the table below:

Use	Description
Retail / commercial units	Located at street level. The five units furthest from the corner of Church Road and Mount Pleasant Road are accessed at the lower ground level and have stair / lift connections to an upper floor. The four units nearest to the corner are accessed at the upper ground level and are single storey.
Restaurants	One large restaurant (2 storey) located at the corner and at street level fronting onto Church Road. Four additional restaurants at the first floor walkway level fronting Mount Pleasant Road.
Cinema	Three screen cinema with foyer facing Mount Pleasant Road, accessible only from the first floor walkway.
Office	This would be provided only within the 'applicant's preferred scheme'. Located at street level (lower ground) accessed from Clanricarde Road.
Medical centre	This would be provided only within the 'alternative scheme'. Accessed at street level (lower ground) on Clanricarde Road. Two storey with upper floor bridging over the east/west footpath.

Residential

- 2.9 The residential units are distributed across four residential blocks: two to the east of the site facing onto Mount Pleasant Road (Block A and B) and Church Road (Block A) and two located to the west of the site (Block C) and south-west facing onto Clanricarde Road (Block D).
- 2.10 The range of dwelling sizes for both options are as shown below:

'Applicants preferred scheme':

Size	No of units	Percentage
1 bed	29	27%
2 bed	62	58%
3 bed	17	15%
Total	108	100%

'Alternative scheme':

Size	No of units	Percentage
1 bed	27	27%
2 bed	57	58%
3 bed	15	15%
Total	99	100%

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- 2.11 A number of the apartments have external terraces and balconies. Some are single aspect. The majority of the residential floors are set out on east or west orientation to reduce the number of single aspect north facing units. Many of the apartments face onto a large private garden built in the centre of the development above the restaurant level (and therefore not visible from any public viewpoints).
- 2.12 No on-site affordable dwellings are proposed. The viability assessment submitted by the applicant demonstrates that the scheme would not be viable (and therefore not be implemented) if on-site affordable dwellings were to be provided. This matter is addressed in the appraisal section of this report.

Highway works

- 2.13 The proposed works to the highway are minimal and involve:
- Minor kerb alignment to improve existing Church Road site access radii, enabling a 12m rigid lorry to turn in and out of the site access without straddling the opposing carriageway.
 - Minor kerb alignment on Mount Pleasant Road / Lonsdale Gardens junction to protect listed pillars and bollards to close to pillars to deflect vehicles.

Car parking

- 2.14 A total of 75 parking spaces are proposed, accessed as follows:
- At the lowest level, 48 spaces are accessed off Clanricarde Road (via Mount Pleasant Road and Lonsdale Gardens), in two separate areas containing 11 and 37 spaces
 - At a separate, higher level a further 27 spaces are accessed off Church Road.
- 2.15 Whilst the total number of spaces is the same for both options, the uses they would serve are as follows:

'Applicants preferred scheme':

	No of spaces	Ratio per dwelling
Residential car parking (108 apartments)	74 (including 8 wide spaces)	0.67
Office car parking	1 (wide space)	N/A
Retail, restaurant and cinema parking	0	N/A
Total	75	

'Alternative scheme':

Residential car parking (98 apartments)	69 (including 8 wide spaces)	0.7
Medical centre car parking	6 (including 1 wide space)	N/A
Retail, restaurant and cinema	0	N/A

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parking		
Total	75	

Cycle parking

- 2.16 In the preferred option, 108 secure cycle parking spaces for residents are provided (24 resident cycle spaces at the lower ground level off Clanricarde Road and 84 resident cycle spaces at upper ground level off Church Road).
- 2.17 In the alternative option, 108 secure cycle parking spaces for residents are provided (24 resident cycle spaces at the lower ground level off Clanricarde Road and accessed off the east / west public footpath and 84 resident cycle spaces at upper ground level off Church Road).
- 2.18 11 stainless steel cycle stands (for 22 bicycles) are provided for the commercial units on the public highway on Church Road and would be provided as part of the Section 278 highway works.

Servicing

- 2.19 The main service area is accessed from Church Road and serves the retail, restaurant, cinema and residential uses in Blocks A, B and C. This includes access to plant and segregated refuse storage spaces for the commercial and residential uses (as well as the 27 resident car park spaces and secure cycle storage at this level). Due to size constraints of the service area the maximum size of delivery vehicle that can be accommodated is a 12m rigid lorry (equivalent to the size of a large refuse vehicle). The servicing area can accommodate three large delivery vehicles although turning within the site would need a caretaker to oversee this. The applicant proposes to implement a Service Vehicle Management Plan to secure the implementation of the vehicle size restriction and to ensure the servicing area and access to car parking area off Church Road are kept free from obstruction.
- 2.20 Servicing for Block D (office and residential in the 'applicant's preferred scheme' and medical centre and residential in the 'alternative scheme') is accessed from Clanricarde Road. Secure cycle storage is accessible from the same route at lower ground level

Pedestrian access and public rights of way

- 2.21 The proposed shops would be accessed from street level. Most of the restaurants and cinema would be accessed off the first floor walkway. Pedestrians would access the apartments in Blocks A, B and C from a residential lobby off the Church Road frontage. Block D apartments would be accessed from Clanricarde Road for both the preferred and alternative options.
- 2.22 It is proposed to relocate the east/west public right of way (footpath WBX17), which connects Clanricarde Road with Mount Pleasant Road, approximately 30m to the south. This would be a step free ramp with a gradient of 1 in 21 for much of its length and 1 in 15 for the remainder.
- 2.23 It is proposed to create a new north/south link in place of the existing public right of way (WBX 18), connecting Clanricarde Road to Church Road. This new link would be a step-free raised public walkway. It would be accessed at street level at the Clanricarde Road end and would connect to Church Road either via 2 wide sets of stairs at the

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Church Road and Mount Pleasant Road corner or via a gently sloping ramp to further along Church Road.

- 2.24 As the existing pedestrian routes across the site are public rights of way the applicant has submitted an application for a Stopping Up and Diversion Order under Section 257 Town and Country Planning Act 1990. How this relates to the planning process is further explained in the Appraisal section of this report.

Design and external appearance of the proposed buildings

Mount Pleasant Road and Church Road frontages:

- 2.25 Although the proposal is effectively for a single building, the built form has been broken down into 'blocks' of differing height, with variations in architectural detailing and materials.
- 2.26 The tallest element is on the corner of Church Road and Mount Pleasant Road where the height rises to 7 storeys (above a lower ground floor level). The buildings then step down from this highest point. On the Mount Pleasant Road frontage the building steps down by two floors, then down again to the cinema element, which is the equivalent height of 3 to 4 storeys but set further down the slope. On the Church Road frontage the step down is first to 6 storeys, then to 4 storeys at the site boundary adjacent to the 'Pitcher and Piano'.
- 2.27 The footprint of the building fills most of the site. The building line follows the back of pavement on Mount Pleasant Road. On the Church Road frontage, the building is set back just behind the main front wall of the 'Pitcher and Piano', therefore creating a deep forecourt behind the existing pavement, which would form a new landscape public space.
- 2.28 In terms of the overall design approach, the architect has sought to develop a unified scheme which seeks to create 'urban' buildings facing onto the main road junction, 'residential' buildings facing onto Clanricarde Road, and a 'destination' cinema. The architecture is intended to be simple and elegant, with vertical openings that reinforce the repetitive linear qualities of Georgian and neo-Georgian architecture.
- 2.29 The commercial floors are at street and upper walkway level. On Mount Pleasant Road, the restaurants that front onto the upper walkway are set back in order to reduce the loading on the railway tunnel beneath this part of the site. The design of the shop fronts and restaurants takes precedent from the retail frontage on the opposite side of the road and further south. In particular, the stone character of Carluccio's frontage, which has heavy stone piers and base, has been cited as an inspiration for the design approach. The shop fronts are framed within large bay windows that step down, generally in pairs, from the Church Road corner to the adjacent existing shop units. The upper walkway provides a further level of public realm with the restaurants and external seating providing active frontages.
- 2.30 A strong horizontal 'line' separates the street level commercial floors from the residential element above. At the upper levels the residential floors have a regular grid like appearance, with vertically proportioned window openings with deep reveals. The height of the corner building and the detailing of the uppermost floor (window height and parapet height) signify the corner as an important focal point in the town centre.

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- 2.31 The proposed materials for the commercial and residential elements are high quality brick and precast concrete or reconstituted stone. The two residential blocks fronting Church Road and Mount Pleasant Road, would have a buff brick colour to help lighten their appearance. Setbacks and recesses would have a darker-toned brick to help break down the mass.
- 2.32 The cinema stands as a physically separate element and is designed to appear as a lightweight box that would have a strong visual identity (in a similar way to how the original glass tower of the former ABC cinema that stood on the site appeared). The cinema foyer, which would sit above the two storey shop units would have large expanse of glazing then above this the top of the building would be solid and clad potentially in a metal material with perforations to allow illumination to pass through. The applicant has proposed that the design for the cladding pattern could be the result of collaboration with a local artist with a brief to draw on local themes of heritage, art or industry such as Tunbridge Ware. The final detailed design of the cinema cladding is proposed to be dealt with by condition to enable the community to get involved in the final design, which would be approved by the LPA.

Clanricarde Road frontage:

- 2.33 At the rear of the site, the building (Block C) wraps around the back of the Pitcher and Piano and extends to the boundary with the Wellington Gate office block, although there are a series of set backs to reduce its impact on adjacent buildings. The building (Block D) also wraps around the back of the adjacent shops on Mount Pleasant Road.
- 2.34 The design approach for this part of the site acknowledges the domestic character of the 3-storey villas in the Clanricarde Gardens / Clanricarde Road area. Facing onto Clanricarde Road, the building (Block D) is part 5 /part 6 storeys high. To match in with the nearby buildings a smooth red brick is proposed for the elevations of Blocks C and D facing onto Clanricarde Road.

Landscaping, water feature and public realm

- 2.35 The main landscape elements of the scheme are as follows:
- (a) Church Road public space – the setting back of the building on Church Road allows an area of public realm to be created. Planters and single stem trees are proposed on either side of a stepped access and forming an avenue along Church Road. This green transition between the street level and the restaurant levels help demarcate the public pavement zone from the walkway along the building base of Block A. There is also step free access to the development from Church Road nearer to the western boundary of the site with the 'Pitcher and Piano'.
 - (b) A water feature is proposed at the junction of Church Road and Mount Pleasant Road which would be integrated into a wall separating the upper walkway and the lower public realm area turning the corner between Mount Pleasant and Church Roads. Due to the pavement levels, the height of the water feature gradually increases as it transitions between Church Road and Mount Pleasant Road. The wall would be constructed from varied layers of stone and would have lightly flowing water passing over it. A glass balustrade at podium level would provide an uninterrupted view from / to the road below. Maintenance access to the water tank plant room is located below the public staircase at the junction.

- (c) Two wide stepped accesses with balustrades would lead from either side of the water feature to the restaurant and seating areas on the upper walkway level. The restaurants would have spill out areas, defined by a change in paving materials and space for planters.
- (d) Residential courtyard – at the centre of the development is a private, communal garden space enclosed by the proposed residential blocks. This would include areas of lawn areas, planted gardens with pergolas, seating areas, small trees and small play areas. The courtyard would be for use by residents of the scheme and their guests. The space would be accessible from the main residential entrance on Church Road via lifts and stairs that lead to the entrances to all individual blocks.
- (e) Private amenity terraces – All of the blocks have some apartments that have private amenity terraces with planting to provide privacy and soften the appearance of the building. Some of the terraces front onto the residential courtyard, others face onto Mount Pleasant Road (above the restaurants).
- (f) Living roofs – A brown roof is proposed on the top of Block A and green roofs are proposed on the top of Block B and part of Block C. These will contribute to biodiversity and the reduction of water run-off.

Amended plans

2.36 In response to comments from consultees and members of the public, some minor changes have been made to the proposals, as follows:

- The parapet line of the corner building has been raised by 300mm in order to emphasise the ‘crown’ of the building;
- Darker bricks are proposed for the stair/lift core at the top of the corner building in order to reduce the impact of the corner building on the skyline in long distance views;
- Darker bricks are proposed for the step-backs in the main buildings adjacent to the corner feature building to break up the mass of the building; and
- More robust metalwork stanchions have been added to the balconies of the residential block facing onto Mount Pleasant Road (Block B) in order to break up the long run of railings and reduce the horizontal emphasis.

2.37 Additional CGIs have been prepared to illustrate the amended design and assist the consideration of the proposals, showing

- The effect of the above minor amendments on the appearance of the building when viewed from Mount Pleasant Road / Church Road junction and in longer range view from Mount Ephraim; and
- Various cladding options for the cinema and a night-time view of potential internal illumination

Developer contributions and Section 106 matters

2.38 The applicant considers that the proposals are unable to financially support the provision of the full requirement of on-site affordable housing and developer contributions. A confidential viability statement has been provided by the applicant, which has been appraised (at the applicant’s expense) by independent consultants acting for the Local Planning Authority.

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- 2.39 Following appraisal of the financial evidence relating to the scheme, as amended, it is proposed that a Section 106 agreement would secure the delivery of the following:

Contribution	Applicants Preferred Option	Alternative Option
Broadwater Down primary school	£65,649	£59,832
St Gregory's secondary school	£46,606.05	£42,476.40
Cultural hub	£37,960.92	£34,797.51
Central Tunbridge Wells Doctors surgeries (NHS West Kent CCG)	£76,392	£0 as medical centre already being provided.
Calverley Grounds (Youth and adult recreation) and / or expansion of Rushall playing fields	194,328	£184,915
Town Centre parking / sustainable transport	£50,000	£50,000
Public realm	£100,000	£100,000
Car club	£20,000	£20,000
On-street parking management	£2,000	£2,000
Tunbridge Wells Common	£8,370	£7,672.50
Total	£601,305.97	£501,693.41

- 2.40 Matters relating to viability and developer contributions are set out in the final part of the Appraisal section of this Committee report.

3.0 SUMMARY INFORMATION

	Proposed Applicant's preferred option	Proposed Alternative option
Site Area	0.8 ha	0.8 ha
Retail floorspace	3,039 sq.m 9 shops	3,039 sq.m 9 shops
Cinema floorspace (Use Class D2)	1,049 sq.m 3 screens	1,049 sq.m 3 screens
Restaurant floorspace (Use Class A3)	1,895 sq.m 5 restaurants	1,895 sq.m 5 restaurants
Office floorspace (use Class B1(a))	372 sq.m	N/A
Medical centre floorspace (Use Class D1)	N/A	1,144 sqm 12 GP consulting rooms
No. of dwellings	108	99
No. of bed spaces	312	285
No. of affordable units	None	None

Car parking spaces (inc. disabled)	75	75
Parking ratio	0.68	0.7
Service vehicle service spaces	3	3
Cycle spaces (secure residential)	108	108
Cycle spaces (external on Church Road)	22	22
Number of jobs	Approx. 297 FTE	287
Block A (corner building and Church Road frontage) - No of storeys	Max 7 storeys reducing to 6, but with top 2 floors set back, then down to 4 at boundary with 'Pitcher and Piano'	Max 7 storeys reducing to 6, but with top 2 floors set back, then down to 4 at boundary with 'Pitcher and Piano'
Block B (Mount Pleasant Road frontage) - No of storeys	6 storeys with set backs at levels 3 and 6	6 storeys with set backs at levels 3 and 6
Block C (block behind Pitcher and Piano) - No of storeys	Max 6 storeys with step backs at levels 3 and 6.	Max 6 storeys with step backs at levels 3 and 6.
Block D (block adjacent Clanricarde Road) - No of storeys	5 and 6 storeys	5 and 6 storeys
Cinema	2 storeys above two storey shops	2 storeys above two storey shops

4.0 PLANNING CONSTRAINTS

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

Potentially Contaminated Land

Public Right of Way Public Footpath - WBX17

Public Right of Way Public Footpath - WBX18

Ashdown Forest

Local Plan Primary Shopping Area (Local Plan Character Frontage Area 7 – Mount Pleasant (South))

Local Plan Economic Development Area

Local Plan Central Access Zone (Residential)

Local Plan Central Parking Zone (Commercial)

Allocated Site (Area of Change) AL/RTW2B - Site Allocations Local Plan, 2016

Constraints within vicinity of site:

Listed Buildings: (*The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving the special interest of listed buildings and their settings, and also special attention to preserving or enhancing*

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the character or appearance of conservation areas, in determining applications). Grade II:

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

5.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework, March 2012

Tunbridge Wells Borough Core Strategy 2010

Core Policy 1: Delivery of Development

Core Policy 3: Transport Infrastructure.

Core Policy 4: Environment.

Core Policy 5: Sustainable Design and Construction.

Core Policy 6: Housing Provision.

Core Policy 7: Employment Provision

Core Policy 8: Retail, Leisure and Community Facilities Provision

Core Policy 9: Development in Royal Tunbridge Wells.

Site Allocations Local Plan 2016

AL/RTW1: Urban Development Framework

AL/RTW2B: Former Cinema Site Area of Change

Tunbridge Wells Borough Local Plan 2006

Policy EN1: Development Control Criteria.

Policy EN5: Development within a Conservation Area

Policy EN6: Shopfronts

Policy EN13: Tree and Woodland Protection.

Policy EN16: Protection of groundwater and other watercourses.

Policy CR1: Large-Scale Development of Centre Uses

Policy CR5 Royal Tunbridge Wells Primary Shopping Area, Character Area 7 – Mount Pleasant (South);

Policy TP1: Transport Assessments and Travel Plans

Policy TP4: Access to Road Network.

Policy TP6: Tunbridge Wells Central Access Zone (Residential) Vehicle Parking Standards

Policy TP7: Tunbridge Wells Central Parking Zone (Commercial)

Policy TP9: Cycle Parking

Supplementary Planning Documents

Renewable Energy SPD 2007 and Update 2016

Recreation Open Space SPD 2006

Noise and Vibration SPD

Affordable Housing SPD 2007

Contaminated land SPD 2016

Royal Tunbridge Wells and Rusthall Conservation Area Appraisal

Other documents

Draft Urban Design Framework

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

6.0 LOCAL REPRESENTATIONS

Pre-application consultation

- 6.01 In accordance with national planning policy in the NPPF, the applicants undertook pre-application consultation with local ward councillors, local residents, resident / amenity groups, local businesses, stakeholder groups (including the Town Forum, Tunbridge Wells Civic Society and Water in the Wells) and Historic England. Full details of the consultation process is set out in the Statement of Community Involvement submitted with this application. This included:

General Public Design Workshop 18th July 2016 at Trinity Arts Centre 13.30 to 19.00. Estimated 135 people attended, including local councillors, County and Borough Council officers, representatives of the Civic Society, Town Forum, RTW Together, local businesses and community groups. The applicants considered that the overall response to the outline plans was positive and local people were grateful to have been given an early opportunity to comment on the site, consider the architecture of similar developments and to have their thoughts deliberated by the development team.

General Public Design Exhibition 6-7th October 2016 at the Camden Centre Thursday 12.30 to 20.00 and Friday 14.00 and 20.00. These sessions were well attended with 147 people registering but an estimated 180 actually attended (some declined to register and others failed to register their attendance when in company with others). The applicants have stated that the feedback from the 2-day public consultation provided further information which resulted in more detailed comments being received, which was used to further inform the evolution of the proposals, as demonstrated through the Design and Access Statement.

Responses to planning application

Comments on initial submission

- 6.02 Site notices were posted on 17 July 2017 and the application was publicised in the Kent Messenger on 21 July 2017.

- 6.03 14 objections received. Their concerns are summarised as follows:

Height and massing

- Scale and massing is an over-intensive and out of keeping with the surrounding buildings - would over-dominate / harm the historic character of the area.
- Site lies at prominent crossroads at the very centre of the town, where the town is characterised by its soft townscape (Mount Pleasant Road has the continental feel of a tree lined boulevard). Proposals are at odds with this.
- Scale and massing conflicts with Local Plan Policy EN5 (would not preserve or enhance the character of that part of the Conservation Area).
- Seven storeys at the corner is excessive for this prominent position within the Conservation Area, would dwarf Holy Trinity Church and the Decimus Burton houses directly opposite and dominate longer distance views of the site.

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- The tall corner block will be overbearing and destroy the relationship that Holy Trinity Church, The Priory and the adjacent buildings have with the crossroads and Mount Pleasant.
- The corner building is too aggressive and seeks to compete with the Town Hall corner tower and Lloyds Bank building.
- Is it right that RTW might have the proposed seven storey building as the most prominent feature at the top of Mount Pleasant?
- The height of the corner building should be reduced and stepped back further to reduce its dominance over the corner of Church Rd and Mount Pleasant.
- Too tall and imposing - will stand out like a 'sore thumb', should be at least two floors lower.
- The seven story building should be sited lower down the hill, not at the highest point of the site, so that it would have less impact on Decimus Burton architecture.
- Would be better if the tower was positioned to the south east corner.
- The existing Wellington Building further along on Church Road is an eyesore that should not have been permitted as a six story building. (*Officer note: this is seven storeys in height*). This should not set a precedent.
- The height of the building should not exceed that of the Pitcher and Piano.
- The corner of the site needs a taller element, but concerned that the relationship with the Pitcher and Piano building is not well thought through (the corner image in the townscape study (page 16) does not clearly show this relationship). The applicants should be asked to submit further design studies of Church Road and Mount Pleasant. Such studies would make it clear whether or not the requirement to respect the streetscape is met or not. Insufficient information in townscape study to make judgement on acceptability of proposals.
- The transition between the smaller buildings set lower down Mount Pleasant and the new development is very sudden and the cladding treatment of the lower (cinema) block is out of character with the style of the existing Mount Pleasant shopfronts and upper storeys (apparent from view from lower down the hill)
- The images presented in support of the application are grossly misleading as to the impact on the street scene experienced when walking or driving in the vicinity.
- The height of the proposed buildings will inevitably cast shadows over the adjoining and neighbouring buildings and the shadows will be cast ever longer during the spring and winter months.

Design

- The style of the buildings is very corporate and bland, similar to so much of what is built in our cities. A prominent and valuable site such as this deserves better.
- This architectural solution is quite poor, especially at the corner at Church Road and Mount Pleasant.
- The design of the buildings is brutal and not sympathetic with the historic surroundings.
- Suggests that rather than a typical modern building or a pastiche of an historical style, something more radical could be more appropriate ie '*Something that Decimus Burton would be proud of: remembering how radical and innovative the Victorians were and are best known for? His Palm House at Kew, for example? Or, Paxton's perhaps best known his Crystal Palace?*'

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- The design is not well related to the streetscene of either Church Road or Mount Pleasant and it is telling that no street elevations have been submitted, apart from the existing.
- Bland upper levels that do not relate or acknowledge the adjacent and wider town in both design and scale.
- The upper restaurant terrace appears to be clumsily detailed in relationship to the existing townscape and bears no relationship to the character of Mount Pleasant.
- The brutally rectangular block (cinema) block appears more like an industrial building and lacks careful humane scale detailing that should be sought in this spa town.
- The cladding treatment and massing of the cinema block when viewed from the lower section of Mount Pleasant is out of character with the style of the existing shop fronts. Alternative cladding solutions should be considered to break up the visual appearance of the cinema block.
- Proposed metal louvres and door to tank room at the most prominent corner is indicative of poor design.

Highways and parking

- Increased traffic congestion.
- Query whether sufficient parking is being provided given the problems of parking in the town centre and the lack of residential parking permits.
- Residents with parking permits within zone C will be worried that the new owners/occupiers will also be entitled to on-street parking permits and park in the roads and share the parking bays. New arrangements to use multi-storey carparks as a resident should be found.
- The infrastructure has not been prepared to cope with the population growth arising from this proposal. At an average of 1.3 cars per household this development alone will add many cars in the centre of town. Also people from out of town will be drawn to the extra shops, or the medical centre and cinema. There are no plans to prepare the infrastructure for this, in terms of road conditions, congestion, parking, extra demand for alternative public transport, and so on.

Residential amenity

- Block A, is six storeys high (22 metres) and is directly opposite, and to the south of, 2 & 3 The Priory, Church Road. The large expanse of residential windows and balconies which overlook these dwellings, would compromise their privacy and outlook, in conflict with Local Plan Policy EN1. A significant reduction in height is necessary, the balconies should be omitted and a visual impact assessment from these properties should be undertaken.
- The Daylight and Sunlight report which specifically relates to the effects on 2&3 The Priory is incorrect when it states the properties “enjoy an elevated position over the development site” as the site levels only fall by 1.5 metres from numbers 2 & 3 The Priory to the frontage of the proposed development.

Cinema related

- The proposed cinema would have an adverse effect on the Trinity Theatre which supports itself in large part by showing films. Such revenue contributes to the maintenance of this historic building. Suggest S106 monies are used to assist with both the upkeep of the building and the churchyard. (An objection has been received from Trinity Theatre and is set out in full at the end of the following section of this report).

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- Another cinema in town is not needed as Trinity Theatre shows films and a new cinema is to be built at RVP.
- Object to the use of illuminated and/or large signage and posters for films on the roadside, which would be out of keeping with the area. A series of large adverts for the latest blockbuster movies would be inappropriate.

Other

- Concern over potential for disruption to train services should the construction cause damage to the tunnel. This should be thought out and planned for prior to permission. Would like to see the risk assessment for this and how the reduced depth piles guarantee there will be no damage and associated service deterioration.
- Concern over lack of masterplan for the Areas of Change, which should form the basis for the assessment of these proposals. Object on the basis of the lack of a) a vision, b) a strategy in the form of Designated Areas of Change to ensure cohesion for the town, and c) no master plans upon which to evaluate the scheme.
- Pollution levels are already above EU limit. More cars in the town centre could cause harm to residents' health.
- Concern over impact on drainage system
- Would like to see a 20mph speed limit in the town centre.
- The development will deliver much-needed homes but there does not appear to be any social housing, despite the majority of the site being used for homes.
- Support the mixed-use proposal but would prefer to see more space given up to offices.
- Affordable office space orientated towards the need of SME business is required. People living and working in the town is key to the town's commercial success. The town needs employment; it needs lunchtime trade.
- No need for further restaurants – already 128 establishments recorded by 'RTW Together'.

6.04 In addition a response was received from the Parish Footpath Warden: Tunbridge Wells Urban, neither objecting nor supporting but pointing out that that any re-alignment or extinguishment of public footpaths WBX17 and WBX18 should not be at the detriment or inconvenience of pedestrians. I would expect full formal public consultation on any such proposals and that any order to close or divert a footpath follows the legal requirements concerning such consultation. Walking makes a significant contribution to the health and wellbeing of society and is also the choice for many people.

Comments in support

6.05 1 representation supporting the scheme, stating looking forward to walking through and using the various venues.

Comments on amended plans

6.06 Site notices referring to the minor amendments described at paragraph 2.36 above (requesting comments within 7 days) were displayed on 5th October.

6.07 A further response was received on behalf of the occupiers of 2 & 3 The Priory – regarding heritage impacts, referred to the recent Court of appeal decision in relation to Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council (2014) and the need for decision makers to give 'considerable importance and weight' to the

desirability of preserving the setting of listed buildings. Requested that 'considerable importance and weight' is given in this instance to the effect on the setting of listed buildings, including 2 and 3 The Priory. Also, reiterated concerns regarding loss of daylight and sunlight and concerns that the Daylight and sunlight report has not assessed the effect on the lower ground floor rooms for Nos 2 and 3 The Priory which are in active and constant habitable use, and the report does not take account of the change in ground levels between the properties. Also made reference to Rights to Light considerations (*Officer note: Rights to light is not a material planning consideration*).

7.0 CONSULTATIONS

Historic England

- 7.01 (16/10/17) (In response to amended plans / further information).
- 7.02 While Historic England (HE) have always been supportive in principle of proposals to redevelop the site, because we recognise the positive benefits arising from doing so, HE's previous advice (August 2017) nonetheless highlighted the potential to make further amendments to mitigate the harmful impacts we identified.
- 7.03 Those harmful impacts were principally, for HE, about the visual impact of the building in long views towards the site. HE noted the verified views indicated that the proposed building would have a strong visual presence when seen from Mount Ephraim, a viewpoint which provides a good vantage point of the town and an opportunity to appreciate the way in which the historic roofscape is generally only punctuated by key historic building such as the tower of Holy Trinity Church. HE also noted that its presence was increased in the view because it broke the green ridge which forms the backdrop of views of the town from Mount Ephraim and that this was unfortunate because the largely unbroken verdant ridgeline is a part of how the historic town is appreciated.
- 7.04 In HE's initial advice it was suggested the harm could be lessened in two ways. Firstly, removing a storey from the corner element would ensure the building did not break the ridge in the key long view we identified. HE understand from discussions with the Council that the viability on this site is very finely balanced and therefore suggest the Council must in the first instance, satisfy itself that this is the case insofar as it is a credible argument to retain the proposed scale of the corner element. HE also suggested that introducing darker finishes at the top of the building would be an alternative way of lessening the impacts we identified as harmful.
- 7.05 In the end, the applicant has chosen to explore our second suggestion in discussions with the Council and Historic England and we acknowledge the visual impacts of the building are lessened by introducing darker materials on the highest elements of the building and consequently, the harmful impacts are lower.
- 7.06 In reaching a decision on this application, the Council will need to satisfy itself that the harm has been minimised (Paragraph 129 of the NPPF) and that any remaining is clearly and convincingly justified (Paragraph 132). The Council will then need to weigh the harm against the public (including heritage) benefits of this proposal (Paragraph 134). As noted in the previous advice, it is for the Council to decide how to weight the public benefit of providing new housing which assists in meeting the overall needs, in addition to any benefits the Council may assess as arising from the provision of a town

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centre cinema and additional retail units. HE continue to believe the application does not provide any direct heritage benefits, except insofar as the enhancement of a site in the conservation area which has been blighted for many years.

- 7.07 (22/8/17) (Summary) Historic England (HE) welcomes in principle, this proposal to redevelop the former cinema site which has been vacant for many years. HE fully acknowledge the wider benefits this will bring to the town.
- 7.08 HE recognises that the design of new buildings here has been carefully considered to take account of the sensitivities of the site's historic setting and its prominent position in the Royal Tunbridge Wells Conservation Area. HE had some pre-application discussions after which HE indicated that they did not object to the overall proposal. HE suggested that there were some harmful aspects to the design and we suggested some ways by which this might be minimised. Some of these have been responded to but based on the full planning application HE think that some further changes might be possible which would enhance the scheme. Suggest the changes that could be helpful in reducing harm. These include removal of the top storey from the corner building or, if this cannot be achieved, the use of darker materials. If it is agreed that such amendments should be explored HE would be pleased to join any such discussions.
- 7.09 Overall HE think that this is a thoughtful design response for what is a key development site at the heart of Tunbridge Wells. The corner element is tall for a town with few such tall buildings and think this therefore needs careful consideration.
- 7.10 Recommendation: HE has concerns regarding the application on heritage grounds. It is for the Council to judge whether harm to heritage significance has been adequately minimised in line with the requirements of the NPPF Paragraph 129 and whether any remaining harm is justified as per the requirements of Paragraph 132. In determining this application the decision maker should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Network Rail

- 7.11 (02/08/17) (Summary) As the location site is in proximity to Network Rail's operational railway infrastructure (tunnel) and is within the zone of influence, the developer needs be aware of shafts and possible hidden shafts within this location. Detailed stipulations are set out with regard to protecting Network Rails assets and securing the safe operation of the railway under the headings of future maintenance, drainage, plant and materials, piling, noise and vibration, and landscaping. Network Rail strongly recommends the developer agrees an Asset Protection Agreement with them to enable approval of detailed works and contacts them prior to any works commencing on site to discuss the proposals in relation to the underlying tunnel, and to enable approval of any relevant works. *(Officer note: The applicant has been in dialogue with Network Rail since taking ownership of the site and is fully aware of the constraints that the presence of the tunnel places on the development of the site)*

UK Power Networks

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7.12 (13/07/17): No objections.

Scoitia Gas Networks

7.13 (19/07/17) Provided extract from mains records showing locations of low, medium and intermediate pressure gas mains. Should be no excavations above or within 0.5m of low or medium pressure system or above or within 0.3m of intermediate pressure system.

Southern Water

7.14 (01/09/17) Additional information submitted by the applicant demonstrates reduction in flow to combined system which is satisfactory to Southern Water. A combined discharge no greater than existing contributing flows can be accommodated in this system. Surface water should be attenuated and stored on site to match the existing flows. Where flow attenuation is proposed and the sewerage in question is to be offered for adoption, the sewerage undertaker should be involved in discussions with all relevant parties to agree the ownership/responsibility for the facility.

7.15 The drainage arrangement should be such that the flows will result in no net increase in the flows currently received by the sewer. Please note: Foul and surface water systems to be separate until the last manhole before connection to the public sewer. Also, surface water attenuation structures should be offline. All other comments in the response dated 02/08/2017 remain unchanged and valid for the additional information.

7.16 (02/08/17): (Summary) No objections subject to conditions being imposed.

7.17 Requests the applicant determines the exact position of the combined sewer before the layout of the proposed development is finalised.

7.18 The initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. Without such infrastructure upgrade the proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

7.19 The public sewer is a combined system, receiving both foul and surface water flows, and no flows greater than currently received can be accommodated in this system. The developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the combined system. Requested a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul flow will be no greater than the existing contributing flows.

7.20 Seek conditions to ensure that appropriate means of surface water disposal are proposed. Discharge to sewer should occur only where this is necessary and where adequate capacity exists to serve the development.

7.21 Under current legislation and guidance Sustainable Urban Drainage Systems (SUDS) rely on facilities that are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of

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such facilities. Where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development to include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. *(Officer Note: these requirements are covered by the conditions requested by Kent County Council as Lead Local Flood Authority)*

- 7.22 Request conditions requiring a drainage strategy detailing the proposed means of foul disposal and an implementation timetable to be approved and implemented; and requiring details of the proposed means of foul and surface water sewerage disposal to be approved in consultation with Southern Water. *(Officer note: these requirements are included in the drainage related-conditions included in the recommendation. In addition informatives are included relating to the procedure to be followed if other sewers are found during construction; the requirement for Southern Water's agreement to connect to a public sewer; and for measures to be installed to prevent oil/petrol spillages, grease and land drainage or ground water from entering the public sewers network).*

NHS West Kent CCG

- 7.23 (5/10/17) As of 1 April 2016, NHS West Kent Clinical Commissioning Group (CCG) took on responsibility for the delegated co-commissioning of primary care services in West Kent. The CCG is now the body which requests Section 106 and Community Infrastructure Levy health care contributions on behalf of NHS England South (South East). The CCG wishes to continue to apply for such assistance and a healthcare contribution is therefore requested in accordance with the recognised Planning Obligations Guidance for Communities and Local Government and the adopted Council development plans.
- 7.24 Inevitably any increase in the local population has an impact on provision of health care and the CCG would seek to apply this s106 contribution to meet these extra demands placed upon primary and community health service and to meet the needs of this population. The existing general practices in this area are under considerable pressure and is not possible simply to absorb an additional influx of population. In addition many of the surgery premises are not suitable for extension and new premises may need to be found.
- 7.25 The CCG expect this development to result in a need to invest in one or more of the following practices (Lonsdale Medical Centre, Kingswood Surgery, Grosvenor Medical Centre and St James Medical Centre) and using a standard formula seek a healthcare contribution of £76,392. The healthcare contribution would be directly related to supporting improvements to primary care infrastructure by way of extension, refurbishment and/or upgrade to existing buildings or as a contribution towards the cost of a new primary healthcare facility serving this population. These improvements will support the registration of the new population.
- 7.26 This planning application provides an option (b) for a 1,144 sqm GIA medical centre (Use Class D1). Lonsdale Medical Centre and Kent Community NHS Foundation Trust have expressed an interest in the proposed medical centre and have been working with

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the developer regarding the specification and requirements. Once plans are finalised the CCG will instruct the district valuer in order to receive a value for money assessment; this is standard process and alongside the business case from the practice this would be considered through CCG governance. We would therefore request that if the plans are approved by TWBC that a period of time is allowed in order to allow standard processes to be taken forward and decision making to be completed within the CCG and Kent Community NHS Foundation Trust with regards the medical centre option.

Kent Highways

7.27 (10.10.17): Summary: No objection subject to the proposed conditions and S106 contributions stipulated.

Trip generation and assignment

7.28 Transport Assessment Supplementary Note (Revision A) provided details of how new trips generated by the development have been assigned to the network, and the counts used in the modelling are a good reflection of traffic experienced at the A26/Church Road and Church Road/Mount Pleasant Road junctions. The modelling has been carried out in line with industry recommendations. Traffic surveys undertaken by KCC show that the Church Road/MP Rd junction is currently at capacity, and Kent Highways therefore do not agree with the applicant's conclusion that the junction is 'operating comfortably within capacity'. However, the 2009 consented development for this site (TW/08/03119 Demolition of all existing buildings to facilitate redevelopment of site with mixed use classes) which was given planning permission in 2009, and the former use of the site as a cinema, retail units and car park, show comparable trip rates through the key junctions to this proposal.

7.29 The table below is taken from the Transport Assessment Supplementary Note 2:

Junction	Trip generation through junction					
	Former cinema and carpark		2009 consented development		Proposed development	
	AM	PM	AM	PM	AM	PM
London Road / Church Road	3	16	8	13	8	12
Mount Pleasant Road / Church Road	22	79	53	57	17	26
Mount Pleasant Road / Grove Hill Road / Vale Road	25	65	57	50	13	18

7.30 Whilst it would not be good practice to consider the figures in the 2009 consented development as the planning permission has lapsed, the former cinema building was demolished at the request of the planning authority in 2014, and it seems unreasonable to penalise the current developer for this when, if the buildings had not been demolished, the site could once again be a cinema/retail/car park site with no need for planning permission. (*Officer note: or alternatively to a cinema, other D2 assembly and leisure uses such as music and concert halls, bingo or dance halls*). Therefore consideration of the former use seems appropriate in this case, and trips through the three immediate junctions are comparable (with the former use resulting in more trips during the peak hours in 5 of the 6 scenarios tabulated above).

7.31 Therefore, whilst it is recognised that these junctions are currently experiencing capacity issues, the additional trips proposed are below those that would be experienced with the former use. KCC Highways consider that likely future conditions on the local highway

network will be worse than currently being experienced, but are not able to conclude that this will result in conditions that could be described as having a severe impact on congestion or safety. However, the residual impact of this development is likely to be characterised by additional local traffic generation and some consequent increase in congestion. It should be noted that future plans for the Public Realm Phase 2 works to the north of the Church Road/Mount Pleasant Road junction are currently being drawn up, and the developer has agreed a contribution of £100,000 towards the works should the application be successful, to include any alterations to the junction itself.

Parking provision for residents

- 7.32 This development includes one parking space for 68% of the residential units proposed (in the applicant's preferred option). TWBC has confirmed the inclusion of a condition to prevent residents of this site applying for parking permits in this parking zone. *(Officer note this would be achieved by other means to a condition)* More information was requested from the applicant to justify the proposed level of parking is adequate for the site. The Transport Assessment Supplementary Note (Revision A) states that the 2011 census data shows 60.5% of households in Tunbridge Wells have 1 car or less, equating to 0.70 cars per household. The number of cars per household is usually less in a town centre owing to better public transport accessibility, greater housing density (less space for curtilage parking) and reduced private car parking availability to encourage sustainable transport modes. The central location of this site with public transport opportunities within walking distance means that there is no objection to this aspect of the application.

Parking provision for non-residential use

- 7.33 Very limited parking is proposed for the non-residential uses on this site. It is accepted that retail and A3 related trips can be linked to trips to the town centre as a whole and will therefore be catered for in existing town centre car parks as currently happens. It is also accepted that cinema trips will generally be outside peak car park-occupancy times, and therefore spaces will be available in the public car parks near to the site. However, the duration of stay in the car parks is likely to increase. This aspect has been considered by TWBC colleagues in the Parking team and they are able to verify that the additional parking demand generated by this site can be met within the existing car parks.
- 7.34 The medical centre option specifies a total of 6 parking spaces for staff use only. Maximum parking standards would allow for 1 space per 2 members of staff, and 4 spaces per consulting room. The number of staff is difficult to predict, but with 17 consulting rooms (GPs, nurses, treatments rooms etc) an allowance of 68 spaces would be plausible. Whilst this number might not be justified in a town centre location, 6 spaces seems to be a significant under-provision. The applicant was asked to justify this number, and has provided information showing similar sized practices in the town with a comparable number of parking spaces. However, TWBC colleagues have confirmed that lack of on-site parking has resulted in parking problems in the vicinity of the surgeries. In the case of this site, on street parking would be difficult, as the private roads on Lonsdale Gardens and Clanricarde Road are patrolled, and there is no on street parking on the public highways in the vicinity. This would leave patients to travel by public transport or on foot/cycle, or to park in the town centre public car parks. Therefore whilst parking is within maximum standards and inconsiderate on street parking is unlikely to be a problem in the vicinity, consideration should be given to how ill and frail patients may have difficulty accessing the site. However, in pure transport and development

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planning terms, no objection is raised to this aspect of the proposal, subject to a S106 contribution as outlined below.

- 7.35 KCC and TWBC are currently embarking on a Town Centre Parking and Park and Ride Feasibility Study to understand how parking in the town centre can be better managed, and whether Park and Ride could be implemented as an alternative to the private car. The study will explore both issues, as previous assessments have shown the two issues to be inextricably linked. Whilst some parts of the study will be exploratory, funding is required to implement improved intelligent signing to direct drivers to public parking spaces nearest to their route into the town, and other measures to deter or manage private car trips through the town to ease congestion. This development site has illustrated through the Transport Assessment a strong reliance on public car parks, and therefore a contribution of £50,000 towards exploration of and implementation of measures to deter private car use and manage public parking in the town is sought.

Cycle parking provision

- 7.36 Minimum cycle parking standards apply, not maximum as stated in the original Transport Assessment. Whilst the level of cycle parking for the residential units was acceptable (one space per unit), only 6 spaces were proposed for staff/visitors to the site. The applicant has now amended plans to show 15 cycle stands for 30 bikes. This is an acceptable improvement, and vital for such a key site with limited parking opportunities.

Service vehicles and goods vehicles - Church Road

- 7.37 Whilst the plans show that three vehicles can be accommodated within the site from the Church Road access, it was not evident that vehicles could adequately manoeuvre independently of each other (i.e. without one or two needed to move if the third wishes to enter/exit). This has been of concern, as a service yard that cannot accommodate goods vehicles is likely to result in informal on-street loading/unloading which would not be acceptable so close to the Church Road/Mount Pleasant Road junction. The developer's transport consultant has confirmed that a caretaker would be on site to manage servicing and keep the servicing area and access to car parking area free from obstruction. This should be conditioned (alongside the production of a Service Vehicle Management Plan to be agreed with KCC Highways prior to construction) should the application be granted permission.

Service vehicles and goods vehicles - Clanricarde Road

- 7.38 Servicing for residential block D, cinema, and the office/medical centre is from Clanricarde Road. This is a private road. The Transport Assessment states that there will be fewer Other Goods Vehicles (OGV, which is similar to a Heavy Goods Vehicle) using this access than with the previous use, and goods vehicles and refuse trucks will access the site as they have previously. The amount of OGV traffic has apparently been discussed and agreed with the estate, as has the fact that OGVs will stop on the private highway to load/unload, and turn at the Clanricarde Road junction off the public highway.
- 7.39 The works to protect the bollards at the Lonsdale Gardens access have been requested by TWBC and do not represent a highways requirement. A diagram showing the path a large delivery vehicle would take to access the tighter turning have been submitted. Whilst the swept path shows a large vehicle would have to cross the central line markings when accessing/egressing Lonsdale Gardens which should ideally be avoided, the swept path of an 11.4m refuse vehicle is normally used to assess the turning

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movement as this would be a more common occurrence. This would have a tighter swept path. The highway works will be subject to separate highway approval and it is recommended that a Grampian condition is imposed to ensure the applicant submits further details of the proposal to the highway authority to ensure that access is maintained and highway safety is not compromised.

- 7.40 The proposal both protects the listed bollards and shortens the distance across Lonsdale Gardens a pedestrian has to cross. Good visibility of oncoming traffic on Mount Pleasant Road at this location and the benefits as discussed above mean no objection is raised to this part of the scheme subject to the suggested condition.

Travel Plan

- 7.41 Submission of a Residential Travel Plan should be conditioned as detailed in the original Transport Assessment, to encourage the take up of sustainable transport opportunities and modal shift away from the private car.

Kent County Council Public Rights of Way and Access Service

- 7.42 (21/07/17) Public footpaths WBX17 and WBX18 cross the site and are identified in the application. In order to avoid delays, the diversion or extinguishment of the rights of way should be considered at an early stage. Where it is probable that consent will be granted, it is sensible to initiate consultation on proposed alterations to the path network as soon as possible. It is important that TWBC are in a position to make the necessary Orders at the point at which consent is given. The successful making and confirmation of an order should not be assumed.

- 7.43 The temporary closure of the right of way to enable development work to progress will only be considered once a confirmed diversion/stopping up order is in place. The temporary closure will be processed by Kent County Council on the basis that:
- The closure is paid for by the developer,
 - The duration of the closure is kept to a minimum,
 - Alternative routes will be provided for the duration of the closure,
 - Six weeks notice of the requirement of a closure is given by the developer.

Kent County Council Lead Local Flood Authority

- 7.44 (30/08/17) Re applicants response to Southern Water's comments – no further comment.
- 7.45 (1/8/17) - The applicant's Flood Risk Assessment and Surface Water Drainage Strategy proposes a significant reduction (approximately 79%) in surface water flows from the existing brownfield site contributing to the combined sewers which have in the past served the development site. A drainage strategy comprising on-site attenuation, blue roof deck and permeable pavement storage is proposed and has been shown to be accommodated within the layout proposed. Comments are as follows:
- 7.46 The proposed development surface water discharge rate is significantly reduced and this is considered beneficial. The reduction complies with KCC's requirements for surface water management from brownfield development.
- 7.47 Drainage contributions from the developed site will however comprise both foul sewage and the controlled surface water discharge. Given that these flows are contributing to a combined sewer system which has capacity issues, it is important that the actual

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acceptable total flow rate to be discharged to the combined sewer is agreed with Southern Water. The acceptable flow rate for surface water can then be calculated after deducting the peak allowance for foul flows.

- 7.48 Recommend that these design parameters for the drainage system are agreed with Southern Water prior to commencement as the discharge rates have a direct impact on the attenuation volumes required to be included within the building design and may have implications for the building arrangement. *(Officer note: The response from Southern Water dated 01/09/17 confirms that the additional information submitted by the applicant demonstrates a reduction in flow to the combined system that is satisfactory to Southern Water)*
- 7.49 Flood Risk Assessment (section 2.4.4) states that the site is served by four pipe network connections to the two combined sewers in Mount Pleasant Road and Clarinccarde Road. No information has been provided as to the current condition of these connections. Notwithstanding these comments KCC have no objection in principle to the drainage proposals presented. Recommend conditions are imposed requiring the approval of a detailed sustainable surface water drainage scheme and requiring the implementation and management of such a scheme. *(Officer note: these conditions have been included in the recommendation).*

Kent County Council Development Investment

- 7.50 (13/09/17): Request the following developer contributions etc for the 108 dwellings option:
- Primary school – £65,649.00 towards expansion of Broadwater Down Primary School
 - Secondary school - £46,606.05 towards enhancement of St Gregory's school School.
 - Tunbridge Wells Cultural Hub and Library - £37,960.92
 - High speed fibre optic broadband connection (informative requested).
- 7.51 (13/09/17): Request the following developer contributions etc for the 99 dwellings option:
- Primary school – £59,832.00 towards expansion of Broadwater Down Primary School
 - Secondary school - £42,476.40 towards the enhancement of St Gregory's school School.
 - Tunbridge Wells Cultural Hub and Library - £34,797.51
 - High speed fibre optic broadband connection (informative requested).

Kent County Council Heritage Conservation (Archaeology)

- 7.52 (03/08/17) The site lies within the historic core of Tunbridge Wells, an important post medieval spa town. The site has been redeveloped several times and it is likely that any post medieval or earlier archaeology has been impacted. However, there is still some potential for as yet unrecorded archaeological remains. Recommend a condition is imposed requiring a watching brief by an archaeologist. *(Officer note: a condition requiring this is included in the recommendation).*

Kent Police Crime Prevention Design Adviser

- 7.53 (27.07.17) - The applicant has considered crime prevention and designing out crime comprehensively in the Design and Access Statement, notably Sections 5.0 Access and

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Safety and 5.2 Safe Environment on page 114, in relation to Secured By Design for both the residential and commercial elements of the proposal.

TWBC Parking Services

- 7.54 (12/10/17) Confirm that parking Services are not raising an objection to the proposal but do want to make the point that there is very likely to be a negative impact on parking availability within the town when on-site provision for parking is at such a low level. Also confirm that support the request from KCC for S106 funding in respect of study work since this department is actively involved in that process.
- 7.55 (6.10.17) (Summary) Regarding the TA Addendum information relating to parking at doctors' surgeries in the town, expressed concerns that the statement relating to existing surgeries operating effectively in respect of parking provision is not an accurate reflection of the existing situation.
- 7.56 To put this further into context, recent proposals to adjust permit parking restrictions in and around the town centre resulted in a great many objections. Although many were understandably being made by local traders, there was a significant level of objection from medical practices (including dental surgeries) and their patients. Issues which were frequently raised were that there was, without exception, insufficient on-site parking (or none at all) and that people visiting such premises were, in effect, not typical of the general population – they were either unwell or elderly often with mobility issues – and needed access to nearby parking.
- 7.57 Parking Services would, therefore, be concerned about a town centre medical practice that cannot provide adequate parking either on the site or very close by. Any consent which results in the provision of a medical centre would be likely to result in parking related problems – whether these impact on the highway is another matter, although it should always be borne in mind that blue badge holders can, and do, park on yellow lines with little restriction on when and where they can do so.
- (15/09/17) Comments on Supplementary Note to the Transport Assessment:
- 7.58 In accordance with current practice, new build or converted (to) residential buildings in the town centre should be excluded from the permit parking zone within which they sit or are adjacent to. In this instance, the site lies within Zone C Permit Parking Area and, in the absence of planning controls over such matters, would seek to remove eligibility from any residential unit in the development. This would require an amendment to the relevant traffic regulation order which would incur cost to the Council. Therefore request that a S106 contribution of £2,000 be sought to cover this expenditure.
- 7.59 Note that it would appear from other flatted developments in the town centre that car ownership appears to be closer to 1:1 than the suggested 0.7, although Parking Services have no specific data to support this.
- 7.60 Note that the car park data provided by TWBC is the best that is currently available but there will be significant variations at busy times so would still expect to see a shortfall in town centre availability at peak periods.
- ### **TWBC Affordable Housing Officer**
- 7.61 (13.10.17): Notes that there is a viability appraisal submitted with this application. This states that the provision of either on or off site affordable housing is not viable on this

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mixed use site that will provide 108 apartments including one, two and three bedroom properties. Considering the need for social rented accommodation, (current housing need, taken from TWBC Housing register is for 507 dwellings), finds this disappointing. In addition, the numbers of households waiting for shared ownership housing of all sizes currently stands at approximately 1000 (data is held by the South East Homebuy Agents).

- 7.62 There is a dispute in the viability study regarding the value of the residual valuation of the land and the actual price paid. Understand from the Council's viability consultants, Dixon Searle Partnership (DSP), that if the lower residual land value was used there would be scope for the provision of affordable housing or a commuted sum. However the site has been purchased for a considerably higher figure. DSP have advised that if the Council insists on affordable housing using the lower residual land value, the site and the benefits that this brings to the town centre may not come forward. Ultimately, as DSP point out, it is for the Council to decide whether, in particular circumstances, securing the wider benefits of the development may outweigh the lack of affordable housing.

TWBC – Environment and Street Scene

- 7.63 (16/10/17)
Air Quality: - No specific objection on air quality grounds. The methodology in the Air Quality Assessment seems robust, and has considered the impact of the development's own heating system, as well as the traffic impact. It has considered a good range of receptors both within and outside the development, and concludes that the impact of the development will be negligible at all receptors. This though is an example of another 6-7 storey building which while considered individually is unlikely to be significant. However there have been several examples of this type of high rise redevelopment in recent months near to or within the air quality management area. The risk of developing street canyons where none currently exist must be borne in mind.
- 7.64 The previous application on this site attracted a section 106 contribution of £100,000 for air quality. We would seek a similar contribution in addition to mitigation being installed in the development itself as per the condition below. *(Officer Note: The Section 106 agreement would secure a £50,000 contribution towards Town centre parking / sustainable transport and a £20,000 contribution towards an additional Car Club car – in view of the conclusion that there are no specific objections on air quality grounds, such provision is considered to be satisfactory).*
- 7.65 Condition requested relating to electric vehicle charging points. Publically accessible EV 'rapid charge' points (of 22kW or faster) should be provided per 10 residential dwellings (where no dedicated off-street parking is provided) and/or per 1000m² of commercial floor space. Any dwellings with dedicated off-street parking should be provided with their own charge points for low-emission plug-in vehicles. Where these things are not practicable, contribution towards installation at nearby locations should be considered. *(Officer note: a condition relating to on-site EV charging points is included in the recommendation. Off site EV charging points in public car parks could be funded through the £50,000 contribution towards Town centre parking / sustainable transport)*
- 7.66 Noise: - The Noise and Vibration Assessment provided is concerned almost exclusively with road traffic noise affecting the wider development and vibration affecting the cinema. It touches on the cinema affecting its neighbours and Environmental Services

are reasonably confident that this will not be a factor. As the Assessment is dated July 2017, would expect reference to the Prop G Document released in May 2017. However the Assessment does not address:

- Vibration to residential premises
- Noise from the Pitcher and Piano premises and beer garden in operation until 03:00 hours and overlooked by the development.
- Noise from the commercial uses underneath the residential premises, shops, bars restaurants etc.
- Noise from customers of the residential premises arriving, departing, generally in the area etc.
- Noise from plant associated with the development itself
- Noise associated with construction.

7.67 It would have been desirable for some of this to be addressed prior to determination but conditions are recommended to require this to be done prior to construction. (*Officer note – these are included in the recommendation*)

7.68 Odour: - There is minimal information as to odour extraction from the various commercial uses. Pre-commencement condition recommended. . (*Officer note – this is included in the recommendation*).

7.69 Contaminated Land: - There are 4 documents on the portal prepared by 2 different companies. This feels disjointed to reader and reduces confidence that the environmental consultant has fully appreciated the site. Provides critique of the submitted documentation but concludes that this can be dealt with by way of pre-commencement conditions. (*Officer note – this is included in the recommendation*).

TWBC – Client Services

7.70 (11/10/17) Bin allocations have been discussed with the applicant. The plans show that space would be allocated for waste bins and recycling bins. Currently, in the town centre, waste bins are collected weekly and recycling bins are collected on alternate weeks. The proposed allocated capacity should be adequate, at combined 124lt per flat per week. Bins are to be purchased from TWBC by the developer or their client. The plan also shows an area for Commercial waste storage. It will be for the management company for the business/ surgery/ communal cleansing within the development to arrange private waste and recycling collections by a registered waste carrier and to ensure the correct collection method, transport, and disposal of waste.

TWBC – Conservation Officer

7.71 (02/06/17) (Summary) The site of the proposed mixed use development is at an important junction within the Royal Tunbridge Wells Conservation Area that, since the early 19th century, has evolved into a major focal point for the upper end of town, with each subsequent layer bringing high quality development that has resulted in all buildings at the junction achieving listed status. The dereliction of the Art Deco cinema, which lost any sense of architectural innovation with the loss of the tower and 'RITZ' individual letter signage much earlier than the closure of the cinema, and its subsequent demolition, has created an area which now detracts from the special character and appearance of the conservation area. It has left a weak area of leaked space and exposed elevations of buildings to the west and south which were not meant to be prominent elevations.

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- 7.72 Have focused on the heritage statement, which helpfully combines its own assessment of the significance of the heritage assets with references to the other supporting documents, including the design and access statement and the townscape and visual impact assessment. It identifies, as the conservation officer has, that some harm will be caused to the significance of the heritage assets, but that some enhancement would also be a result.
- 7.73 In summary, support in principle the proposals as this site offers a good opportunity for a new landmark to complement the others here, and the width and general scale of Mount Pleasant calls for a taller building. The potential allows for an innovative approach to enhance and help to orientate this junction as a destination, with potential for further future improvements and to act as a catalyst for such, whilst taking advantage of, as well as having to mitigate for, the changes in levels in regards to landscaping, elevations and views to it. The bold but classically deferential architecture is also complementary to its context in use of materials and architectural rhythm and it has the potential to enhance the setting of the landmark buildings here by creating a set-piece of corner buildings.
- 7.74 The architects' portfolio is promising (note in particular the Cambridge fire station development as a comparison and that earlier in the design process the scheme had similar elements) in terms of reassurance of a high quality development, subject to the further details that will be required at condition stage, and the design process as detailed in the design and access statement demonstrates that local distinctiveness and sound urban design principles which assist with this have been taken into account.
- 7.75 The relationship of the rear residential blocks with the buildings on Clarincade Gardens is respectful of the scale and architectural character here.
- 7.76 The cinema block is modest in size and in principle the architectural detailing could be satisfactory (subject to further details).
- 7.77 However, due to the overall massing of the development (height combined with width of the corner building, unbroken line of the Mount Pleasant elevation, including the shopfronts on the upper part of the podium), concerns remain regarding harm caused to the significance of the affected character areas of the Conservation Area, and to the setting of the listed buildings, mainly Trinity Church and the former priory houses. This harm would be less than substantial harm, in reference to paragraph 134 of the National Planning Policy Framework (NPPF).
- 7.78 Notes the heritage statement's contribution towards justifying the development in order to allow for the weighing up of planning benefits over harm caused, as local planning authorities are guided to do in paragraph 134. This is set out in particular in paragraph 6.16: 'It is larger building than other existing buildings on the crossroads, but it had been accepted that its massing is a necessary response to the constraints of the weak railway tunnel, the costs of cantilevering the structures over it and viability. Its mass is carefully articulate [sic], both in terms of rooflines and elevational treatment.' Whilst the supporting documents have made a thorough case for the form and mix of uses as proposed, the massing and architectural rhythm could be improved to further minimise harm caused and enable a better balance of the benefits of redevelopment of this detractor site against this harm. Therefore remain of the view that less than substantial harm would be caused to the significance of the conservation area and some of the listed buildings in close proximity to the site. This is the conservation officer view only

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and whilst these views will be taken into account as part of the decision making process all other material matters will need to be considered to reach a balanced planning recommendation or decision.

TWBC – Urban Design Officer

- 7.79 (10.10.17): (Summary). Conclude this is a thoughtful self-effacing design. It is not trying to emulate some historical retro style, rather it is looking forward and would add to the eclectic mix. The location at this junction is a prime example of the mix of periods and styles of architecture. This is a highly sustainable location and the proposals provide a range of uses wholly appropriate to the town centre location. Overall recommend approval.

TWBC Landscape and Biodiversity Officer

- 7.80 (11/10/17) Regarding the additional information / amended plans, these were proposed in response to some adverse criticism and the effects of these changes are illustrated in plans and a photomontage. Considers these are a small but noticeable improvement, emphasising the tower element but reducing some negative effects of other upper elements. Photomontages are useful tools but seldom convey the true likeness of a real life view and are there merely to illustrate, as accurately as possible the likely effects. Consider that In this case they illustrate:
- That the tower element is of an acceptable height and is a strong and positive townscape feature.
 - The upper elements are unlikely to be perceived as a single monolithic block but rather as a varied and broken form and in any event any such effects are from a limited and dynamic view point.
- 7.81 Pleased to see that there has been further work on the cinema element to demonstrate how the design can be taken forward with the involvement of an artist. Consequently, still able to support the scheme and consider the changes and additional information are all positive.
- 7.82 (26/07/17): Summary: Overall, happy to support the proposal as considers it is a positive response to the site and sits well within the townscape but great care will be needed with writing and discharging conditions to ensure that the quality indicated in the illustrative material is achieved.

Ecology

- 7.83 The Preliminary Ecological Appraisal and Bat Survey show that no bat roosts were recorded on site and only a small number of bats were recorded passing over or foraging on site. The report makes recommendations for enhancements for biodiversity including the provision of bats boxes, which can be secured by condition.

Townscape and Visual Impact

- 7.84 The Townscape and Visual Impact Appraisal has been carried out by a suitable professional to a recognised methodology and is sufficient for the Council to come to a view on the likely townscape and visual effects. It uses verified views (and provides the detailed methodology for this) and in such a townscape setting is likely to give a high degree of accuracy for the photomontages and wire frame views and so these can be relied upon as part of the assessment. Individuals may come to a slightly different view on each of the townscape and visual effects predicted but overall this appears to be a

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fair and balanced assessment that is clear and well presented. Comments on two viewpoints, as follows:

- 7.85 View point 1 – This is perhaps the most disappointing elevation with the large flank of the cinema box dominating the view but the flank of the box will not be seen when further south near Hoopers and will fade in prominence as the viewer walks northward up the Hill. Choice of materials for the box will be important and perhaps some revised detailing of the top floor of the residential block that appears above the cinema box would help lessen the severity of the view. The adverse effects of the above street level elements have to be set against the beneficial effects at street level and it is changes at street level that will be most noticeable to most viewers.
- 7.86 Viewpoint 5 – From this view it can be seen how the building imposes itself as a landmark but also makes connections at street level integrating itself with the streetscape. Whilst a tall building it appears respectful of its surroundings and integration is assisted by the set back and stepping down of the blocks behind the corner tower.
- 7.87 Representative view A – This view demonstrates that the building successfully turns the corner and addresses the junction in an open way that adds to and animates the streetscape. It shows a respectful relationship to Church Road buildings and steps down Mount Pleasant both in the massing but also at street level with the detailing of the retail units reflecting the opposite side of the road. Block B shows some attempt to break it down into bays but this currently looks too subtle in these images and would benefit from further consideration.

Design

- 7.88 The Design and Access Statement demonstrates a thorough understanding of the site, concept and design iterations. Shows how the scheme has responded to previous comments. Design changes have specifically addressed concerns about massing, height, public realm and in particular the pattern and stepping down in the façade at street level for Mount Pleasant. The upper retail street was a particular concern in respect of connectivity and activity with Mount Pleasant but can see the benefits of this approach and there have been considerable improvements to the Mount Pleasant frontage. In addition alternative design approaches have their own drawbacks and having looked at these have no objection to what is now proposed.
- 7.89 Illustrative material for the street frontage and public realm show high quality materials and an attractive design including a water feature and areas of planting which have the potential to greatly add to public amenity and compliment the spaces to the front of the Town Hall. Conditions for landscaping and external details will need to be carefully worded to ensure that items like the water feature, street tree planting, balustrades and handrails are given proper consideration and the intended quality is achieved.
- 7.90 The use of metal for the cinema box, whether perforated or extruded is supported but further work is needed on the details as this would be a key visual element of the scheme. The use of the lighter bricks for the main building is supported but further details and sample panels should be secured by condition. In particular the issue of the curved section and how the brickwork will be detailed to achieve this.

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7.91 The use of extensive and intensive green roofs in this town centre location is welcomed but the planting in the courtyard looks ambitious compared to the soil levels proposed. The extensive green roof described as 'green and brown roofs' appears to indicate a sedum roof. This is not the most appropriate solution for this location where a rubble or brown roof could compliment and support plants and invertebrates found on the exposed sandstone soils of the Common. This would require a slightly deeper substrate. Confirmation of the make up of both extensive and intensive green roofs should be sought prior to determination as it may effect design considerations.

7.92 Lighting is discussed and illustrated and shows the potential to enliven the area around the building as a positive contribution to the night time economy and full details can be secured by condition. Lighting (or not) of the cinema box will need particular care but could be quite interesting.

TWBC Tree Officer

7.93 (10/08/17) No concerns. The trees are described in the Arboricultural Impact Assessment (AA). They are protected by virtue of being in the Conservation Area. No trees are proposed to be removed, although development will take place in close proximity to neighbouring trees. Satisfied with the analysis made in the AIA, which also contains the Tree Protection Plan and serves as an Arboricultural Method Statement. Provided that this document is approved in whole, and that the arboricultural supervision takes place, then no objection are raised. Recommend conditions are standard conditions LAN002 - Arboriculture Method Statement: As submitted and LAN003 - Tree protection as submitted.

TWBC Planning Environmental Officer

7.94 (1/8/17): The applicant has followed the guidance within the TWBC renewable energy SPD, in following the energy hierarchy and then offsetting 10% of remaining site emissions with renewable energy technology.

7.95 A combination of air source heat pumps and PV panels is an appropriate method for generating the 10% offset. The height of the building should ensure no over shading of panels. Suitable positioning of the panels can be confirmed at a later stage through condition. Furthermore, the noise generated from heat pumps is unlikely to cause disturbance to sensitive receptors in this area of the town.

7.96 Overall, the applicant has demonstrated a 22% savings in emissions beyond 2013 Building Regulations through the fabric first method, followed by a 19% saving in emissions through renewable energy technology. This reduction is laudable.

7.97 Supports the application and recommends standard conditions relating to energy conservation, renewable technologies, water conservation and sustainability / BREEAM standards. (*Officer note: These conditions are included in the recommendation*).

Royal Tunbridge Wells Civic Society

7.98 (09/08/17) Object: Deeply concerned that after a long delay the submitted scheme is so unsatisfactory. The following are the aspects are of concern:

Use of the site:

7.99 The applicant describes the scheme as retail-led. In fact the proposed floorspace is 19% retail, 12% bars/restaurants, 7% cinema, and either 54% or 59% residential, depending

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on whether a medical centre and a small element of offices are included. There is also dedicated parking for residents and the central courtyard garden is restricted to them. The scheme is thus clearly residential-led, although the site is the only major one in the town centre suitable for fully commercial use and there is clear need to replace sources of employment in the town centre.

- 7.100 There is no master-plan for the area, as required by the recently adopted Site Allocations Local Plan (Site AL/RTW2B), and thus no way of knowing what the Council's objectives and requirements for it are, and how far they would be compromised. The onus is on the Council to ensure that the future use of a key site is not determined by short-term factors.

Massing of the development:

- 7.101 The proposed development is large (approx. 15,600sqm plus parking etc on about 0.8ha), with six storeys to Mt Pleasant and Church Road, five storeys to Clanricarde Gardens, and eight storeys at the Church Road/Mt Pleasant junction, compared to a maximum three and a half for the four adjacent listed buildings. The block to Mt Pleasant is set back behind a podium but remains dominant. The eight-storey block with a rounded corner at the junction is particularly unfortunate, not tall enough to be a feature but tall enough to be intrusive from all directions, with a disastrous impact on the street scene, particularly the more distant views northwards and southwards along Mt Pleasant. Don't believe trying to avoid any impact on the skyline is realistic or necessary, at the price of compatibility with nearby buildings and ground-level impact. If a tall building was required it should have been possible to position it on a lower part of the site. Similar objections apply to the proposed cinema, a large blank box making no concessions to its context.

Architecture:

- 7.102 Surprised that so little account is taken of the boulevard character of Mt Pleasant; during consultation the Society argued that the development should echo the context by stepping down the hill. The scheme now shows a small concession with a slight incline of the podium and minimal `steps` in the facades, but these are barely visible and do not echo the buildings opposite. The use of a modern idiom is acceptable but can hardly be judged when details of materials are not available. On the evidence of the artist's impressions the blocks A-D are bland and over-regular; this is particularly unfortunate with the eight-storey block because of its prominence, and the five-storey block abutting Clanricarde Gardens with its strong Edwardian gables and bays. A more modulated treatment than shown would be less oppressive and more sensitive to its setting. This applies strongly to the treatment of the cinema with an incongruous metal skin; do not agree that the effect would be alleviated by display advertising at street level.

Housing:

- 7.103 Note that there is no commitment to provide affordable housing, which will be subject to a viability assessment later. Under Core Policy 6 this size of development would normally be required to provide about 35 units. Urge that no decision is taken on the scheme as a whole until agreement is reached on the level of affordable housing to be provided.

Trinity Arts Centre

- 7.104 (09/10/17) Support the principle of redeveloping such a key site within the town and believe a combination of residential and commercial occupancy will bring benefits to the

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area as it provides housing, employment and leisure opportunities and encourages vibrancy and footfall by bridging a key gap between the two ends of the town.

- 7.105 The primary concern however is of the provision of the cinema offering. Trinity is a charity based in a community venue which aims to serve an important artistic offer for the local community. Trinity have been made very clear assurances that the cinema offering provided would be of blockbuster films charged at premium prices for a premium offer. If this remains the case then this may have limited impact on Trinity.
- 7.106 However, assurances made now would not be binding on the operations of the future and the business model of the operation could easily be altered at a future date which could focus on more artistic films and/or the provision of live broadcasts from the likes of the National Theatre, the Royal Opera House and the Royal Shakespeare Company.
- 7.107 This change would have a very significant impact on Trinity and potentially threaten the entire financial viability of a well-loved community operation and so we would object to the provision of a cinema offer within the redevelopment. (*Officer note: matters relating to competition are not material planning considerations*)

8.0 APPLICANT'S SUPPORTING COMMENTS

- 8.01 The site is situated in a sustainable location where the Council encourages mixed use development. The applicant is dedicated to delivering a high quality development that is well designed, will enhance the character of Tunbridge Wells, and will deliver significant benefits to the local community.
- 8.02 The scheme will create a vibrant street corner and enhance the existing footpaths with improved access and active frontages. It will bring forward a landmark building supported by new retail and evening uses to animate the heart of the town. The residential element of the development will provide high quality new homes, offering a mix of unit sizes including family accommodation, and will make a significant contribution to the Borough's housing needs.
- 8.03 The development supports the Council's aspiration of making Tunbridge Wells a leisure destination through the inclusion of a new boutique, independent cinema. The existing and new community will be supported through the provision of commercial floorspace which will create new jobs within the Town Centre.
- 8.04 The site has been vacant for 17 years and is a blight on the townscape of Tunbridge Wells. The proposed scheme presents a viable opportunity to redevelop the site and bring it back into use, ensuring it makes a significant contribution to Tunbridge Wells and does not remain derelict.

9.0 BACKGROUND PAPERS AND PLANS

Access Statement
Air Quality Assessment
Arboricultural Assessment
Archaeological Baseline Report Assessment
Bat Survey
Built Heritage Statement
Daylight & Sunlight Report
Addendum BRE Daylight and Sunlight Report (10. 2017)

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Design and Access statement
Energy Report
Flood Risk Assessment
Phase 1 Desk study and Land Contamination Report
Noise and Vibration Assessment
Planning Statement
Preliminary Ecological Appraisal
Statement of Community Involvement
Structural Design Summary
Surface Water Drainage Strategy
Sustainability Statement
Townscape and Visual Impact Assessment
Transport Assessment
Transport Assessment Supplementary Note Rev A
Transport Assessment Supplementary Note 2
Wells Tunnel Report
Ventilation Strategy
Utility Services Statement Rev 1
Letter to SW 8 August 2017
Scheme Internal Daylight Report
Cinema Design - Illustrative options (4.10.17)
Corner Building – additional supporting information relating to amended plans (9.10.17)

10.0 APPRAISAL

Principle of Development

10.01 The key issues are:

- Principle of development, mix of uses and masterplan considerations
- Viability and Section 106 Agreement (including affordable housing)
- Scale, design and external appearance
- Heritage and townscape impacts
- Landscape, public art and public realm
- Highways impact and sustainable transport considerations
- Car and cycle parking
- Public footpaths and pedestrian access
- Residential amenity and impact on neighbouring properties
- Sustainable design and renewable energy
- Air quality
- Flood risk and drainage
- Noise and vibration
- Other detailed matters (flood risk and drainage, tunnel / ground conditions, trees, biodiversity, Ashdown Forest SAC, archaeology, crime prevention, lighting, refuse storage)
- Impacts during the construction stage
- Section 106 Agreement

Principle of development, mix of uses and masterplan considerations

10.02 Paragraph 23 of the NPPF identifies town centres as the heart of communities and requires local authorities to pursue policies to support their vitality and viability. In determining planning applications, Paragraph 196 of the NPPF confirms that planning

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- law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.03 The site occupies a prominent town centre location where national and local planning policies support high density, mixed use development.
- 10.04 The Site Allocations Local Plan, through Policy AL/RTW2B, allocates this long-time vacant site for mixed use development. The policy refers to a number of uses that would be appropriate including retail, hotel/ conference facilities, offices, restaurants/ cafes and residential uses. However, the policy is prescriptive only in respect of retail uses, requiring approximately 3,500 sq.m. of retail floorspace.
- 10.05 The proposed range of uses complies with the aspirations of this policy and would contribute towards the retail, leisure, economic development and community functions of the town centre, as well as providing a significant amount of residential development at the upper floors.
- 10.06 The proposed shops at street level on Mount Pleasant Road would ensure continuity in the retail frontage at this transition point between the upper and lower parts of the town centre. The amount of retail floorspace proposed (3,039 sq.m) accords with the SALP Policy requirement.
- 10.07 The street would be further enlivened by the cinema and restaurants at the level above the shops. Accessed off an upper walkway (often referred to in the supporting documents as the podium level), these facilities are expected to operate in a complementary way. The re-provision of a cinema on this site (on an area outside the restrictive covenant imposed by the former cinema owners) would be a welcome addition to the town's leisure facilities, helping to support the night time economy.
- 10.08 The additional provision of a 1,144 sqm. medical centre or 372 sqm of offices further diversifies the proposed mix of uses and would add to the employment generating capacity of the site. The applicant has estimated that the proposals would generate approximately 297 full time equivalent jobs and 287 in the case of the alternative, medical centre, option. Consequently either scheme would significantly increase employment opportunities within the town centre.
- 10.09 In addition, depending on which of the two options is developed, the proposals would provide either 99 or 108 market dwellings as a range of 1, 2 and 3-bed apartments. This would make a significant contribution towards meeting the Borough's housing needs. The Council currently cannot demonstrate a five year housing supply compliant with the full objectively assessed needs (OAN) requirement for market and affordable housing (or the need identified in the 'Planning for the right homes in the right places' consultation proposals published on 14/09/17). With reference to NPPF paragraphs 14 and 49, the site is considered to be in a highly sustainable location where higher residential densities are appropriate.
- 10.10 With regard to the amount of residential development in relation to other uses, Site Allocations Local Plan Policy AL/RTW2B refers to residential uses that are 'supplementary to other uses' as being acceptable. Whilst a high number of dwellings are proposed, it is not considered that the residential component is achieved at the expense of other uses, as there is a genuine mix of commercial and leisure / community

uses at the lower levels where they can be accessed directly off the street and walkway. If Members considered that the residential provision is not supplementary and there is some conflict/departure with the policy, the inclusion of 100 or so dwellings assists the viability of the whole development and bringing the site back into use would have economic, environmental and social benefits: these represent material considerations that (only in the event that Members considered the residential provision is not supplementary) would justify that conflict/departure.

- 10.11 The site is designated as an Area of Change in its own right and is covered by its own policy (the Former Cinema Site Area of Change Policy AL/RTW2B). It also adjoins another Area of Change ie the Civic buildings covered by Policy AL/RTW2A. Both Policies require a masterplan to be prepared for their sites, the purpose of which is to ensure that the land within them is not developed in a piecemeal fashion.
- 10.12 The Civic Society and others have referred to the lack of master-planning associated with these proposals. However, as the proposals involve the development of the whole of the Area of Change, rather than being part of it, there is no question of the development prejudicing the development of any remaining land within it. The pre-application process, which involved consultation with the Council, stakeholders and the local community, has in effect performed a master-planning function and the planning application (informed by a Townscape and Visual Impact Appraisal and Built Heritage Statement) is in effect a highly detailed Masterplan for the site.
- 10.13 Officers are clear in their conclusions on this point. However, if Members did not consider that the pre-application process and planning application does not comprise a Masterplan, para 3.41 of the Site Allocations Local Plan states *'it is acknowledged that some buildings and sites may come forward in advance of a comprehensive masterplan; however, any proposals should not compromise the comprehensive redevelopment of each area covered by an Area of Change or the wider Core Strategy'*. Given the above conclusions, the proposal would accord with this supporting text and (only in the event that Members considered that the pre-application process and planning are not considered to be a masterplan) therefore any conflict with the policy would be limited and there are material considerations which justify this.
- 10.14 Consequently the proposals are considered to be acceptable in principle. They accord with the objectives of Paragraph 23 of the NPPF with regard to town centre developments, as well as with Core Strategy Policies CP8 and CP9, and Site Allocations Local Plan Policy AL/RTW2B.

Viability and Section 106 Agreement (including affordable housing)

- 10.15 Paragraph 173 of the NPPF specifically addresses viability, stating that: *'Pursuing sustainable development requires careful attention to viability and costs in Plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the Plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable'*.

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- 10.16 The NPPF also states that planning obligations (such as Section 106 agreements) should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms,
 - directly related to the development, and
 - fairly and reasonably related in scale and kind to the development.
- 10.17 The applicant has agreed to enter into a Section 106 Agreement that would make the contributions set out in at the front of this report, and as summarised at section 2. It is considered that all of these contributions would comply with the above tests.
- 10.18 Core Strategy Policy CP6 requires major housing developments to provide 35% of the total number of dwellings as affordable. However, this policy states that where it can be demonstrated to the satisfaction of the Borough Council that 'site-specific factors would render the development to be non-viable in terms of cost', then a mutually appropriate alternative proportion of affordable housing will be negotiated.
- 10.19 The applicant has submitted a Viability Assessment that demonstrates that the development cannot financially support the provision of any affordable housing, either through its incorporation within the scheme or through a developer contribution for off-site provision. This is the case for either of the two development options.
- 10.20 The Council's viability consultants have verified (other than small details) all of the applicant's viability figures with respect of costs and estimated sales values; and also notes that the developer profit levels are significantly less than would normally be considered acceptable. However, the one aspect that is in dispute regarding the methodology used is with regard to the land value. The applicant's viability statement uses the actual price paid for the site by the applicant in April 2016, rather than 'estimated' site value. This deviates from the RICS Guidance - 'Financial Viability in Planning' (August 2012). Typically the figure input for the land value is an Existing Use Value or Alternative Use Value. (This is considered to be more appropriate than the actual price paid, as a developer may have over-paid for the site and could use this to justify not providing affordable housing). The Council's advisors consider that the value of this cleared site, which does not have any buildings on it that would have an estimable value, is likely to be considerably less than the applicant paid for the site. The applicant is unable to justify that the price they paid is an accurate value. However, if the Council's advisor's estimated value is inserted into the appraisal this would demonstrate that the scheme could provide the required affordable housing.
- 10.21 The applicant has defended the viability approach and the price paid for the land on the basis that the site was bought unconditionally and at a price that was substantially lower than other potential purchasers had offered on a conditional (to planning permission being granted) basis and was also lower than the price paid for the land by the previous owner (ie the owner was making a loss). The applicant has asserted that the submitted viability statement:
- *'Details the process we have been through to secure the site at a level below which other parties had established as a commercially viable price on a conditional basis;*
 - *Takes an optimistic view on savings we hope to identify through the detailed design and tender process;*
 - *Takes the top-end of the residential sales values suggested by an independent professional agent; and*

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- *Responds to the scale and uses the Council have asked for throughout the design process’.*

- 10.22 Having reached an impasse on this matter, the Council’s advisers have concluded: *‘There is therefore potentially the risk that the current owner may not proceed with the development at the current time if the requirement for affordable housing is perceived to reduce the actual profitability of the scheme from the developer’s perspective (based on the site purchase price). Although beyond the scope and remit of this review, it would ultimately be for the Council to decide whether in the particular circumstances, securing the wider benefits of the development may outweigh the lack of affordable housing – we have commented from a viability perspective’.*
- 10.23 The applicant is accepting a lower than standard profit margin for the development and is committed to delivering a high quality building and public realm. The proposals will deliver the other necessary section 106 contributions and overall will provide substantial benefits to the town centre through the development of this long time vacant key site. It is considered that such advantages outweigh the failure of the project to deliver affordable housing and that non-compliance with Core Strategy Policy CP6 is justified in this instance.

Scale, design and external appearance

Policy background

- 10.24 NPPF Paragraph 57 seeks the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Paragraph 60 states that *‘planning policies and decisions should not attempt to impose architectural styles or particular tastes, and they should not stifle innovation, originality or initiative through unsubstantiated requirements to confirm to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness’.*
- 10.25 The Core Strategy, through Policy CP5, seeks to ensure that developments are of high-quality design, which will create safe, accessible, legible and adaptable environments. Additionally, Policy EN1 of the Local Plan sets out criteria that new development should meet. In particular, Criterion 3 seeks to ensure that the design of the proposal should respect the context of the site, in particular in terms of its scale, site coverage, external appearance, roofscape, materials and landscaping. Site Allocation Local Plan Policy AL/RTW2B requires that proposals must be of a high quality design and shall demonstrate how they conserve and enhance the conservation area. Additional policy considerations relating to the site’s location within a conservation area and its proximity to listed buildings are referred to in the section of this appraisal headed ‘heritage impacts’.

Applicant’s overall approach to design

- 10.26 The Design and Access Statement describes the site context, explains the evolution of the design, and illustrates the scale and appearance of the proposed buildings. It shows how the proposals have been developed in response to comments made by design consultees, including Historic England, and from feedback provided at pre-application meetings and from the public consultation events.
- 10.27 The applicant has stated that the design objectives are as follows:

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- Integrate the development into the landscape by stepping down the retail units along Mount Pleasant Road beneath a public podium / walkway accessible from the corner of Mount Pleasant Road and Church Road;
- Create a significant destination offer with a new independent cinema;
- Enhance existing pedestrian routes around and through the site to increase permeability between Mount Pleasant Road and Clanricarde Gardens;
- Provide safe and secure car parking and cycle storage provision which will be covered by the on-site security & CCTV;
- Design the building so that it complements the historic context and building styles with the centre of Tunbridge Wells; and,
- As the site occupies a prominent corner position in the town centre, build upon the existing townscape character by seeking to create a landmark building to counterbalance the major townscape feature of the Town Hall diagonally opposite the site.

10.28 The design approach has also been informed by the varied surrounding townscape, characterised by a range of buildings of different architectural styles and detailing, including the Art Deco Town Hall, the neo-gothic Lloyds building, Decimus Burton's Trinity Church, white stucco terrace buildings along Mount Pleasant Road and the large red-brick villas in Clanricarde Gardens. In addition the Townscape and Visual Impact Assessment (TVIA) process has considered how the scale and massing of the proposals would impact on key local views.

10.29 As explained in the applicants supporting documentation, the design approach uses a modern architectural language which draws reference to, but does not seek to directly replicate, the extensive variety of materials, decorative features and embellishments found within this part of the town.

Appraisal of proposals

Background considerations:

10.30 The Proposals section of this report includes a description of the design and external appearance of the scheme, when viewed from the Mount Pleasant Road / Church Road frontages as well as from the Clanricarde Road side of the site.

10.31 The site is located at the main crossroads in the centre of the town, at the mid point between the upper and lower parts of the town centre. As such, the proposals are expected to fulfil a critical townscape and economic function. A site of this size and in such a sustainable location should deliver a mix of uses and amount of development that draws people to it and adds to the vibrancy of the town centre. In order for development on this site to be economically viable it is inevitable that a building of significant scale and mass is required.

10.32 In townscape terms, the scale of the development needs to address the space and size of buildings that surround it. When considering what is an appropriate height, account must also be taken of how longer distance views will be affected, as there are few tall structures in the centre of the town and views can be obtained from the surrounding ridges across the town and towards the tree lined skyline beyond. There are additional heritage considerations as the site is within the conservation area and near to a number of listed buildings.

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- 10.33 Members will be aware of the site's somewhat chequered history: the cinema that occupied the site closed in 1999; two previously approved redevelopment schemes have not been built out; the derelict cinema buildings have been demolished; and the site has lain vacant and hoarded for the past three years.
- 10.34 The length of time the site has remained vacant is a reflection of changing economic conditions but is also a reflection of the complexity of the site constraints. The key constraints being:
- Railway tunnel that constrains the weight of buildings that can be constructed above it
 - Significant changes in the north/south and east/west gradients (10m and 4 to 5m respectively)
 - Public footpaths that cross this sloping site, which need to be replaced at acceptable gradients
 - Cinema covenant on the part of the site that was occupied by the former ABC cinema, requiring the proposed cinema to be located outside this area
- 10.35 Whilst the evolution of the proposal has reflected the applicant's desire to take on board the feedback received at the pre-application stage, this proposal, like previous ones, has generated a range of opinions as to the appropriateness of the proposed scale and design of the replacement buildings.
- 10.36 The concerns that have been raised regarding the design of these proposals may be summarised as follows:
- Scale of corner building – majority of comments consider the corner building to be too high, some comment that the corner building is not high enough
 - Overall mass of buildings too great
 - Horizontality – lack of stepping down on the Mount Pleasant Road frontage
 - Lack of design details – too plain and uninteresting
 - Cinema building too prominent and cladding materials inappropriate
 - Clanricarde Road proposals are not sensitive to the Edwardian character
- 10.37 The design merits of the proposals have been appraised by Historic England and the Borough Council's specialist design, conservation and landscape officers. All have made detailed comments, which are summarised earlier in this report. Whilst raising some detailed points, all accept that the proposals represent an appropriate design response to the site. The following paragraphs set out the conclusions on design matters, and also respond to the concerns set out above (matters relating to heritage impacts are set out in the following section of this committee report).
- Scale and height:*
- 10.38 With regard to scale, although the site is currently open, it should be remembered that it used to contain a large cinema with lower scale elements to the main road frontages. The former cinema building had a 'presence' at this main cross roads within the town centre and served as a 'wayfinder' in the wider townscape.
- 10.39 In order to be viable, the proposals need to achieve a certain amount of floorspace or mass. The key question has been how to best distribute that mass across the site, having regard to the site constraints outlined above and the need to respond to the historic townscape context. Various height and massing options have been considered, including a 10 storey building on the corner. A building of this height was considered to

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be too dominant in the context of other corner buildings at this junction and the effects it would have on the skyline from longer distance views. Such considerations led to the conclusion that the maximum appropriate height at the corner was 7 storeys and that it was appropriate that the tallest element should be on the corner. However, reducing the corner height below 7 storeys, and redistributing the mass elsewhere, could result in an excessively bulky appearance, which would make a less positive contribution to the townscape.

- 10.40 The proposed building height and mass is considered to achieve the correct balance of providing a development that punctuates and defines the corner, contains the space around the town hall, but does not dominate or appear out of scale with the generally domestic scale of town centre. The corner building does not appear as too squat but also does not intrude unduly into the skyline from wider viewpoints, as demonstrated through the verified images in the Townscape and Visual Impact Analysis. It is concluded that the corner building would create a landmark building of an appropriate scale at this prominent location, with the flanking buildings being set down and back towards the site boundaries in such a way as to not appear out of scale with neighbouring buildings.
- 10.41 The Site has been considered in a wider context including from Mount Ephraim and the Calverley Grounds to ensure it complements the established townscape. With regard to impact on longer distance views the roofscape has been carefully considered, in terms of its height, materiality and colouring, with subtle amendments being sought to lessen its impact. It is concluded that the building would assimilate into the general skyline and roofscape when viewed from Mount Ephraim
- Design and external appearance - Mount Pleasant Road and Church Road:*
- 10.42 To reflect the different character of the main road frontages to Mount Pleasant Road and Church Road, and the quieter residential character of the rear of the site, the proposals adopt a different, but complementary, design approach to each. There is a simplicity in the architecture detail which helps to keep the scheme harmonious, elegant and timeless. The proposals deliberately do not overstate historical features on the elevations, as this would weaken the identity of the building as a contemporary addition to the eclectic townscape.
- 10.00 The gentle curve of the tallest element addressed the corner, complementing the other corner buildings at this junction. It also allows for a more attractive public realm area at the junction and maintains continuity with the street façade along Church Road. The provision of a significant curving water feature also adds visual interest and movement at this point.
- 10.43 The design of the facades to Mount Pleasant Road and Church Road adopt a simple, self-effacing treatment, relying on proportion of windows and solid to void ratio. This reflects the local context provided by buildings such as those on the opposite side of Mount Pleasant Road and the Town Hall. Whilst this simplicity has been branded by some commentators as boring, when compared to often-cherished Georgian terraces, the proposed building exhibits the same considered approach of proportion and scale.
- 10.44 Concern has been expressed that the building does not respect the boulevard character of Mount Pleasant Road. However, the set back of the upper building on this frontage not only avoids the potential structural loading on the railway tunnel but also reflects the

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set back of upper floors on the opposite side of the street. At ground level, the proposed shop fronts follow the sloping topography, allowing for step free access into the units. As found on the opposite side of the road, a step-down in the architecture – predominantly 2 bays at a time - is also visible above the shop fronts. This architectural rhythm is also expressed in the design of the balustrade running along the upper walkway, and higher still, through the strong stanchions of the railings of the residential terraces above. It is considered that the ground floor shop design provides a suitably strong visual base to the building and an appropriate rhythm and modelling to the architecture. At pavement level, an attractive shopping environment would be created, similar in scale and feel to the existing shops along the street and with street trees being retained.

- 10.45 Regarding the criticism relating to horizontality, the upper walkway (podium) level is fixed by virtue of the need for the restaurants and cinema to be served off a level access for Disability Discrimination Act (DDA) reasons. Nevertheless, the two restaurant units closest to the cinema also step down to reflect the changing levels introduced by the very gentle ramp along the walkway. The top of the restaurant frontages - which are set 6m back from the retail elevation below - are arranged at a constant level in order to maintain consistency with the residential massing above, which continues as the building turns the corner onto Church Road. This ensures the proposal is perceived as one coherent development. However, step backs in the residential façade, further emphasised by the use of darker bricks, help to break up the massing.
- 10.46 Whilst it is acknowledged that several objections have been raised regarding the lack of detail proposed for the development and in some places may appear as a structure which lacks strong features, the applicant is mindful that these concerns are likely to be based on the CGI's that were submitted in support of the application. Detailed 'bay' studies have been provided as supporting material, which demonstrate the fine details and high quality of finish that would be apparent from closer range views. The choice of materials will be critical to the success of the scheme. It is proposed to use good quality buff/sandstone bricks (with a darker tone for the set backs) and reconstituted stone. Sample brick panels, pointing colour and style are important in the final appearance and would be controlled by condition. The incorporation of lighting will also be important, in view of the site's various night time uses and would need to be conditioned in terms of its appearance and lighting levels.
- 10.47 The cinema element has provoked some concern in the response from members of the public. It is essentially a soundproofed box. This presents a difficulty in elevating it, whilst making an appropriate presence onto the street. The position of this element over the rail tunnel also strongly dictates the use of a lightweight structure approach for the cladding. The illustrative details provided for the elevational treatment, including lighting, show that this element of the proposals will provide something distinctive as a punctuation to the overall design reflecting its different use.
- 10.48 With regard to the prominence of the cinema 'box' in uphill views, it should be noted that if the adjacent shops are redeveloped with larger buildings (as may happen once the development of this site acts as a catalyst for further investment) then part of the side elevation of the cinema would be obscured, thereby reducing its prominence. Notwithstanding this, it is important that the design and external appearance of this part of the scheme is appropriate in the current context.

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10.49 With regard to the choice of cladding materials, this has been the subject of discussions with stakeholders and officers, with some form of metal cladding emerging as the preferred option as it offers great flexibility visually, with the possibility of introducing pattern and lighting into the metal fabric, and also addresses the structural constraints related to the railway tunnel. Final details of the choice of external material would be the subject of a planning condition. The applicant is happy for the community to get involved in the final design, perhaps in collaboration with a local artist, for instance to design a cladding pattern with a brief to draw on local themes of heritage, art or industry such as Tunbridge Ware. The final decision, however, would be controlled by condition and therefore would rest with the Local Planning Authority.

10.50 With regard to the effect of cinema advertising on the street scene of Mount Pleasant Road, in order to ensure the aesthetics of the scheme are not compromised, the applicant wishes to restrict the area where adverts could be displayed to specific parts of the cinema building. Whilst supporting material indicating these locations has been submitted, the Local Planning Authority has control over the display of adverts through a separate Advertisement Consent process.

Design and external appearance - Clanricarde Road:

10.51 On the Clanricarde Road frontage, the mass has been broken down into equally sized façade bays using shadow gaps in the brickwork. The intention is to create a series of pavilions in order to respond to the surrounding residential buildings. The top levels are also partly or fully recessed so as to minimise the massing of these elevations. Red brick would be used to reflect the predominant brick colour of this area.

Connectivity and public realm:

10.00 The proposals will preserve the connectivity that is currently being provided by the two public footpaths that cross the site and link to Clanricarde Road. The proposed re-sited east/west footpath and north/south walkway route have successfully addressed the difficult level change and will allow a useful degree of permeability and accessibility for the scheme.

10.00 Having active frontages at two levels on Mount Pleasant Road will be beneficial in providing animation at this central part of the town. The animation will be helped by the relatively generous public realm providing seating opportunities for spill out of the restaurants at the upper level and the approach to the cinema and by the forecourt and landscaped area on Church Road. It is reassuring that the applicant proposes to use high quality paving, including the use of texture and laying pattern, to define more 'public areas' from restaurant seating forecourts.

Conclusions on design considerations

10.52 Having reviewed the application proposals and considered the responses from consultees and all other interested parties, and notwithstanding the objections from the Tunbridge Wells Civic Society and members of the public, it is considered that the proposals would provide high quality design in respect of the built form and public and private spaces that would be provided. The proposals would also reinforce local distinctiveness as sought by the NPPF.

10.53 It is concluded that the proposals will enhance the townscape character and visual appearance of this central part of Tunbridge Wells and will comply with the requirements of the NPPF, NPPG and Core Policy 4 of the Core Strategy, Site Allocations Policy

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AL/RTW2B and Policies EN1 and EN5 of the Local Plan with regard to heritage and design considerations.

Heritage and townscape impacts

Heritage policy background

- 10.54 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the local planning authority shall have 'special regard to the desirability of preserving [a listed building] or its setting' when making decisions on planning applications. Section 72 of the Act directs local planning authorities to give special attention to the preservation or enhancement of the special architectural or historic character or appearance of a conservation area when determining planning applications.
- 10.55 The NPPF, at Section 12, sets out the governments policies on conserving and enhancing the historic environment. The key paragraphs in relation to this proposal are as follows:
- 10.56 NPPF Paragraph 129 requires that Local Planning Authorities identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 10.57 NPPF Paragraph 131 encourages the desirability of sustaining and enhancing the significance of conservation areas; the positive contribution that the conservation of heritage assets such as this can make to sustainable communities, including their economic vitality; and, the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.58 Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 10.59 In cases where proposals are judged to lead to 'less than substantial harm', Paragraph 134 of the NPPF allows for this harm to be weighed against the public benefits of the proposal. . Case law makes it plain that, amongst other things, when a development will cause any harm a heritage asset or its setting, the decision-maker must give that harm considerable importance and weight.
- 10.60 In addition, the NPPF (paragraph 137) encourages Local Planning Authorities to look for opportunities for new development within conservation areas and within the setting of heritage assets, such as listed buildings, to enhance or better reveal their significance.
- 10.61 The Core Strategy, through Policy CP4, seeks to conserve and enhance the Borough's heritage assets such as Listed Buildings and Conservation Areas, and have special regard to their settings.

10.62 Local Plan Policy EN5 requires that development in Conservation Areas should “... *preserve or enhance the buildings, related spaces, vegetation and activities which combine to form the character and appearance of the area*”.

Heritage considerations

10.63 The applicant has submitted a Heritage Statement which describes the significance of the designated (and non-designated) heritage assets that will be affected by these proposals. It includes detailed assessments of the surrounding built context including prevailing architectural / decorative features, build styles, colours and materiality.

10.64 The proposals will have a direct impact on the significance of the designated heritage asset of the Conservation Area. In addition, the significance of the following nearby Grade II listed buildings, in particular, will be affected through new development within their settings:

- Lloyds Bank building at 82 Mount Pleasant Road (Grade II)
- Town Hall, Assembly Theatre and Police Station (Grade II)
- 2 – 3 Church Road, The Priory (Grade II)
- Trinity Theatre (Grade II*)
- Gate piers and post box (Grade II) at the entrance off Lonsdale Gardens (which are within the application site).

10.65 The proposals will also affect the setting of the Great Hall on Mount Pleasant, which whilst not listed, is of local heritage interest and, therefore, considered to be non-designated heritage asset.

10.66 The effects on heritage assets and townscape have been considered in detail by Historic England (the government agency responsible for heritage matters) as well as the Council’s conservation, urban design and landscape officers, whose comments are summarised earlier in this report.

10.67 With regard to the demolition of No 41 Mount Pleasant Road, this empty shop, the end of a parade of modern buildings, is of no particular architectural merit and does not contribute positively to the conservation area. Its demolition is therefore acceptable.

10.68 With regard to the impact of the proposed buildings on the conservation area, and with reference to Historic England and the Council’s Conservation Officer’s comments in particular, it is concluded that there are both positive and negative heritage impacts as follows:

- the currently vacant site detracts from the character and appearance of the conservation area and its redevelopment offers an important opportunity to enhance the conservation area. This site has been blighted for many years.
- With regard to the effect on the character of the conservation area, the proposed mix of uses is appropriate to the historic uses of the surrounding area and within the site, the layout and grain of the development is consistent with the prevalent grain, and the creation of a replacement cultural destination and focal point is appropriate to the existing character.
- With regard to the effect on the appearance of the conservation area in many aspects, as demonstrated by the Townscape and Visual Impact Appraisal (TVIA), the

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- appearance of the conservation area would also be preserved, and in certain viewpoints enhanced by the quality of design and materials and the creation of a new focal point at this key node. However, there is concern from Historic England that the height and massing would have a negative impact on some of the longer range views on the skyline when viewed from Mount Ephraim. The conservation officer is also concerned that there is some harm as well in the shorter range views from the Mount Pleasant / Crescent Road junction. Also, on Mount Pleasant Road, the building does not step down as convincingly as it could, when compared with the opposite side of the road, leading to a more monolithic appearance. Consequently there are some negative impacts that would mean that the appearance of the conservation area would not be preserved.
- 10.69 With regard to the impact on the setting of nearby listed buildings, the conservation officer concludes that there would be not be any harm to the setting of the listed civic complex, Lloyds Bank, the gate piers or post box; or indeed the non-listed Great Hall, would be adversely affected. Consideration has also been given to the effect on the Grade II registered historic park and garden at Calverley Grounds and adjacent listed buildings at Calverley Park. Whilst parts of the proposed building would be visible from certain viewpoints within the park and adjacent villas, it is not considered that the proposals would not have any adverse effect on the landscaped views or their settings.
- 10.70 However, the conservation officer does consider there would be some harm to the setting of Grade II* Trinity Church and its former Grade II priory houses (2 – 3 Church Road) which historically were part of a slightly lower density, greener and contrastingly quieter area in comparison with the surrounding areas. The conservation officer is concerned that the introduction of the tall corner element in particular, as well as the height of the Church Road elevation, despite the setting back of the building line, would not preserve the immediate setting of this group of listed buildings. It is relevant to note, however, that the setting of these buildings has been altered by the former cinema, and detrimentally altered by Wellington Gate office block on Church Road. Also, this conclusion is at odds with the applicant's Heritage Statement considers that 'in no cases does the proposed development overwhelm or dominate any nearby heritage assets of importance'.
- 10.71 In response to negative comments, and following further discussions with officers and Historic England, the applicant has submitted amended plans. Whilst these show relatively minor changes, they nevertheless have assisted to some degree with addressing concerns about longer distance impact and also creating a more elegant top to the corner building in shorter range views. Historic England have confirmed in their latest comments that *'the visual impacts of the building are lessened by introducing darker materials on the highest elements of the building and consequently, the harmful impacts are lower'*. It is concluded, with reference to NPPF Paragraph 129, that the harmful impacts have been minimised. The applicant is not able to make more significant changes without rendering the scheme unviable.
- 10.72 Notwithstanding these improvements it is still considered that there would be some residual harm to the appearance of the conservation area and the setting of Trinity Church and The Priory listed buildings. Whilst this harm is considered to be 'less than substantial' the Local Planning Authority has to be satisfied that there is clear and convincing justification for the development. In making this assessment the LPA can

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weight this against any public (including heritage) benefits of the proposals (NPPF paragraphs 132 and 134).

10.73 In this instance, the proposals are expected to deliver the following benefits:

- The development of a currently blighted, vacant and hoarded site with new buildings built to a high standard of design that responds sensitively to the Conservation Area, the setting of nearby listed and locally distinctive buildings
- The provision of a mix of uses that will re-activate this part of the town centre and create a range of employment opportunities
- Delivery of much needed additional housing
- Introduction of a new 'landmark' building at a prominent crossroads at the heart of the town centre.
- Provision of public realm improvements that will enhance the quality and attractiveness of the site.

10.74 Such public and heritage benefits are considered to outweigh the less than substantial harm to heritage assets as identified above. It is concluded that, overall the proposals will enhance the townscape character and visual appearance of this central part of Tunbridge Wells and will comply with the requirements of the NPPF, NPPG and Core Policy 4 of the Core Strategy, Site Allocations Policy AL/RTW2B and Policies EN1 and EN5 of the Local Plan with regard to heritage and design considerations.

Landscape, public art and public realm

10.75 NPPF Paragraph 57 points to the importance of planning positively for the 'achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces'.

10.76 The Core Strategy, through Policy CP5, seeks to ensure that developments are of high-quality design, which will create safe, accessible, legible and adaptable environments; and will conserve and enhance the public realm. With specific regard to this site, SALP Policy AL/RTW2B states that development proposals will be expected to: development will be expected to provide public art, which may include water features.

10.77 The proposals provide an opportunity to enhance the public realm experience and landscape at this important central location. The scheme introduces a series of external spaces as part of the proposals. The corner space, invites users towards the development, while maintaining a wide footpath along Church Road and Mount Pleasant Road. The proposed water feature, comprising a textured wall with lightly flowing water will activate and enhance the experience of this space. The proposal includes a detailed landscape scheme for this area that illustrates the high quality of the hard and soft landscaping. On the Church Road frontage, the development is softened by low planting and clear stem trees, which separate the public pavement from the walkway at the base of the building. On the Mount Pleasant Road, the existing street trees will be retained and the existing street paving will be made good following completion of the development. The upper level walkway will be an attractive, paved route and the provision of awnings to the restaurant frontages will further enliven the 'street' character of this thoroughfare. The section of the walkway between Clanricarde Road and the proposed cinema will be lined with raised planters.

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- 10.78 The scheme would therefore make a valuable contribution to the public realm, with the inclusion of the water feature achieving the policy aspirations for this site. In addition, in accordance with the SALP Policy AL/RTW1 a developer contribution would be made towards the implementation of the wider public realm proposals for the space in front of the Town Hall / Library / Museum, thereby helping to promote local distinctiveness and improved quality of the public realm in this part of the town centre.
- 10.79 The landscape and biodiversity officer has welcomed the inclusion of green and brown roofs at this town centre location and, following additional clarification of their specification, is satisfied that they can achieve their objectives, although final details would be provided by way of a planning condition. The submitted landscaping scheme demonstrates that the proposed upper level private amenity space at the heart of the residential element of the scheme would be of high quality, providing trees and other planting material that would contribute towards amenity and biodiversity.
- 10.80 As required by SALP Policy AL/RTW2B, the proposals provide many opportunities for the inclusion of public art and the applicant is committed to delivering a scheme that includes this. The water feature (which will be subject of specialist design) and the involvement of an artist in the design of cladding for the cinema 'box' are the main examples of this, but there may be additional opportunities for the inclusion of public art such as railings and balustrades and paving. Final details would be sought by way of planning conditions.
- 10.81 Accordingly, it is concluded that the requirements of the policies referred to above with regard to landscaping, public realm and the incorporation of public art will be complied with.

Highways impact and sustainable transport considerations

- 10.82 Policy TP4 of the Local Plan seeks to ensure that there is sufficient capacity within the road network to accommodate new development and that any additional traffic does not adversely affect the safe and free flow of traffic or other road users.
- 10.83 Core Policy 3 of the Core Strategy states that 'sustainable modes of transport, including cycling, walking and the use of public transport will be encouraged to reduce dependence on private car use'. In addition Policy CP9 expects development proposals in Tunbridge Wells to respect and, where necessary, contribute to an integrated approach to improve movement into and around the town, including the promotion of public transport use and improved routes and facilities for cycling and walking.
- 10.84 SALP Policy AL/RTW2B requires the development to contribute to transport improvements, to include the Royal Oak junction Bayhall Road, Church Road/Mount Pleasant junction, Church Road/A26 (London Road) junction and Garden Road/Victoria Road/Camden Road junction.
- 10.85 With regard to traffic generation, the Transport Assessment (and Supplementary Notes) submitted by the applicant provides details of how new trips generated by the development are likely to affect the local road network. This modelling work has not taken account of any reduction in trips that would be likely owing to the site's sustainable location and so represents a worst case scenario in terms of highways impact.

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- 10.86 The junctions of greatest concern to Kent Highways are the London Road / Church Road, Mount Pleasant Road / Church Road and Mount Pleasant Road / Grove Hill Road and Vale Road junctions, all of which are experiencing capacity issues. However, this is a previously developed site which until recently had buildings upon it that had a lawful use as cinema, retail units and car park (and it is relevant to note here that the buildings were removed at the request of the Council). When a comparison is made between the trip rates associated with these proposals and those connected with the previous use, they are comparable through these key junctions.
- 10.87 Whilst Kent Highways consider that likely future conditions on the local highway network will be worse than are currently being experienced, they are not able to conclude that this will result in conditions that could be described as having a severe impact on congestion or safety (which is the test set out in paragraph 32 of the NPPF). They have however, requested that if planning permission is granted, the developer contribution of £100,000 towards the planned public realm works in front of the Town Hall should be allowed to be used for any alterations to the Mount Pleasant Road / Church Road junction, should these be necessary. Flexibility for this can be written into the Section 106 Agreement. In addition, the applicant has agreed to a developer contribution of £50,000 towards the exploration of and implementation of measures to deter private car use and manage public parking in the town centre, which would ease congestion (and assist with car parking pressures as referred to below)..
- 10.88 It is acknowledged that Site Allocations Policy AL/RTW2B requires contribution to junction improvements, however the Transport Assessment accurately identifies that there are no proposals to deliver any improvement schemes on the local road network. In view of the conclusion that these proposals will not have any severe impact on congestion or safety at any of these junctions, it would fail the test of having to be 'necessary to make the development acceptable in planning terms' (NPPF para 204 and then Community Infrastructure Levy Regulations). It is accepted that the applicant has satisfactorily demonstrated why this part of the Policy is not complied with.
- 10.89 The site is located in an area with good access to nearby sustainable transport connections, including the railway and bus services, with adequate capacity to accommodate the likely number of sustainable transport trips arising from the development. Kent Highways have requested the submission of a Residential Travel Plan, as detailed in the original Transport Assessment, to encourage the take up of sustainable transport opportunities and modal shift away from the private car. A condition requiring this is included in the recommendation.
- 10.90 The proposed servicing arrangements, as described in Section 2 of this report are considered to be adequate. In accordance with Kent Highway's requests, a condition is included in the recommendation relating to a Service Vehicle Management Plan that would, inter alia, confirm that there would be an on-site manager to supervise the servicing area accessed from Church Road so as to keep this area and the access to it free from obstruction. The recommendation also includes conditions relating to the implementation of the minor highway works necessary at the Church Road access point, and requiring the submission of further details of the works to protect the bollards at the Lonsdale Gardens access to ensure that access is maintained and highway safety is not compromised.

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10.91 It is therefore concluded that with regard to the impact on the highway network, public highways adjacent to the site and sustainable transport considerations, the proposals comply with Core Strategy Policies CP3 and CP9 and Local Plan Policy TP4.

Car and cycle parking

10.92 The site is in a highly sustainable location, close to the main line railway station and bus services. It lies within the Tunbridge Wells Central Access Zone where Local Plan Policy TP6 states that within this Zone, the maximum provision should be one space per dwelling. This is in line with the standards set out in Kent County Council's Interim Guidance Note 3. The site is also within the Tunbridge Wells Central Parking Zone (Commercial), where operational parking only should be provided on-site for development within Use Classes A (including retail and restaurant), B (including office) and D (including medical centre) (Local Plan Policy TP7).

10.93 A total of 75 car parking spaces are proposed, regardless of which development option is considered. This represents the maximum that the two car parking areas (off Church Road and off Clanricarde Road) can accommodate without significantly affecting the scale and range of uses within the scheme.

10.94 For residential parking, one space for 68% of the residential units proposed (in the applicant's preferred option) and one space for 70% (in the alternative option). Kent Highways have confirmed that due to the central location of this site they raise no objection to this level of provision. TWBC Parking Services have pointed out that in accordance with current practice, new build or converted (to) residential buildings in the town centre should be excluded from the permit parking zone within which they sit or are adjacent to. In this instance, the site lies within Zone C Permit Parking Area and, in the absence of planning controls over such matters. Parking Services would seek to remove eligibility from any residential unit in the development. The applicant has agreed to make a developer contribution of £2,000 towards the required amendment to the relevant traffic regulation order and a contribution of £20,000 to provide an additional car for the Co-Wheels car club that is increasing in popularity in the town centre. Residents would also be able to purchase a season ticket to park their car in a town centre car park, subject to availability.

10.95 For non-residential use, very limited parking is proposed (ie none in the applicants preferred option and 6 in the alternative option). With reference to Kent Highways' comments, it is accepted that retail and restaurant related trips can be linked to trips to the town centre as a whole and will therefore be catered for in existing town centre car parks as currently happens. It is also accepted that cinema trips will generally be outside peak car park-occupancy times, and therefore spaces will be available in the public car parks near to the site. However, the duration of stay in the car parks is likely to increase. TWBC Parking Services have accepted that the additional parking demand generated by this site can be met within the existing car parks, and do not object to this proposal. However, they make the point that there is very likely to be a negative impact on parking availability within the town when on-site provision for parking is at such a low level.

10.96 Both Kent Highways and TWBC Parking services have raised concerns over whether the 6 parking spaces proposed for staff at the medical centre would be adequate. This falls well below the Kent County Council Parking maximum standard of 1 space per 2 members of staff, and 4 spaces per consulting room (there are 12 rooms for GPs).

Although the applicant has confirmed that similar sized practices in the town have a comparable number of parking spaces, it is known that parking problems occur in the vicinity of these surgeries. The medical centre is located at the rear of the site and there is space for visitors to be dropped off here. However, there are parking restrictions on the private roads on Lonsdale Gardens and Clanricarde Road, and there is no on-street parking on the public highways in the vicinity. Patients would therefore have to travel by public transport or on foot/cycle, or to park in the town centre public car parks.

- 10.97 Whilst parking is within maximum standards and inconsiderate on street parking is unlikely to be a problem in the vicinity, it is necessary to consider whether this is an appropriate place for a medical centre due to the minimal dedicated parking provision. The applicant is in discussions with the Lonsdale practice that is located adjacent to the site and the NHS West Kent CCG, neither of whom see the amount of on-site parking as a bar to the site's suitability for this use. In many ways a central location with such good public transport connections is a positive aspect of the proposal and although there may be some difficulties for ill, frail or elderly patients, this would not, in officers' opinion, be a sufficient reason to refuse planning permission.
- 10.98 In view of the overall lack of on-site parking for non-residential uses, and the strong reliance on public car parks, Kent Highways have requested a developer contribution of £50,000 towards the exploration of and implementation of measures to deter private car use and manage public parking in the town, such as implementing improved intelligent signing to direct drivers to parking spaces nearest to their route into the town, and other measures to deter or manage private car trips through the town to ease congestion. The applicant is willing to make such a contribution.
- 10.99 Given the accessibility of the site, and the proximity of public car parking, the level of on-site car parking is considered to be acceptable, but only when account is taken of the Section 106 contributions proposed to mitigate this.
- 10.100 In accordance with Local Plan Policy TP9, adequate on site provision is made for residents cycle parking (1 space per dwelling). Although there are no commercial cycle parking spaces on the site, the proposals include 22 cycle parking spaces on the public highway in front of the development on Church Road. These would be implemented as part of the highway work being undertaken under a s278 agreement and would include the incorporation of some 'Weisbaden' stainless steel stands. This level of provision is welcomed at such a central site.

Public footpaths and pedestrian access

- 10.101 NPPF paragraph 69 requires the promotion of safe and accessible developments containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas. Paragraph 75 states that planning policies should protect and enhance public rights of way. Core Policy 3 of the Core Strategy encourages walking and Local Plan Policy TP3 requires larger-scale developments to demonstrate how the needs of pedestrians are met. In addition public rights of way have a legal status that provides protection to them.
- 10.102 Two public footpaths cross the site, which became designated Public Rights of Way in July 2009:

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- A north / south route linking Clanricarde Road with Church Road to the north (route WBX18).
 - An east / west route that links Clanricarde Road with Mount Pleasant Road to the east (route WBX17) and connects to route WBX18.
- 10.103 The proposed development seeks to ensure that pedestrian routes are as safe and direct as possible so that the rights of the public to cross the site are not adversely affected. The changes in site levels are a significant design constraint. The proposals use main ground level access where possible and incorporate clear entrances, so that the building is convenient and easy to use for as many people as possible.
- 10.104 The proposals necessitate the diversion of the existing east/ west footpath by moving it 30m to the south. This will still maintain a direct access from Clanricarde Road to Mount Pleasant Road which will be the same length. It will have the advantage of an improved, DDA compliant gradient. Currently, this footpath initially has a shallow gradient of 1:22 at the Clanricarde Road end and then drops at a steeper gradient of about 1:12 towards Mount Pleasant Road (i.e. non compliant under current regulations). The proposed scheme introduces instead, a ramped path from Clanricarde Road with a compliant gradient of 1:15 over the first 17 metres (including intermediary level landings every 5 metres). The path then converts into a standard path at a shallow gradient of 1:21 over 31 metres down to Mount Pleasant Road. Consequently it is considered that the accessibility of the new east / west footpath is improved.
- 10.105 It is proposed that the north/south footpath is stopped up and replaced by a 'walkway' that passes through the development. The rights of the public to use this route would be protected through a 'walkway agreement' entered into between TWBC and the applicant. The route of the walkway runs, at first, along the approximate route of the existing east / west footpath but at a constant height above ground. When it reaches Mount Pleasant Avenue (at a higher level than the street level) it turns through 90 degrees to pass in front of the restaurant frontages, and then to the corner with Church Road. At this point, for those who are not able to use the steps, the route then slopes gently down in front of the building on Church Road until it reaches pavement level.
- 10.106 For people who are able to use the steps at the corner, the length of the proposed walkway route between Clanricarde Road and the corner of Mount Pleasant and Church Road is comparable to the existing and, for most of its length, is at a more comfortable gradient. For people who are unable to use the steps the route to Church Road is longer (by approximately 60m) but would be at a DDA compliant gradient (which the current route is not). It should also be noted that those people who are passing through the site from Clanricarde Road to, for example Royal Victoria Place, may find it more convenient to use the diverted east/west footpath, which would not increase their journey length.
- 10.107 With regards to the planning merits of the proposed pedestrian routes, it is considered that the proposal will ensure that the permeability of the site will be preserved and that they will have a good standard of amenity. The fact that the routes are step free and at a DDA compliant gradient is also beneficial. With regard to security and crime prevention considerations, Kent Police Crime Prevention Design Adviser has not raised any concerns about the footpath and walkway, on the assumption that adequate lighting and CCTV is provided.

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- 10.108 The legal process relating to stopping up and diversion of Public Rights of Way can follow a parallel process to planning, although the two processes are independent. The applicant is in the process of applying for a stopping up and diversion order to TWBC (with KCC providing an agency service for processing this). Such an order can be applied for in advance of planning permission and if planning permission were to be granted it would then be necessary for the order to be 'confirmed' either by TWBC (Planning Committee or, under delegated powers, the Head of Planning Services) or, in the event of objections being raised following a further statutory consultation process, by the Secretary of State.
- 10.109 As far as the 'walkway agreement' is concerned, this will specify the times at which the walkway would be closed to the public and make provisions for the maintenance, cleansing, drainage and lighting of the route. It would also confirm that the rights of the public to use the route or any restrictions to particular users by the building's owner. As the legal agreement is between the owner and TWBC, the agreement will only be concluded if the Council is satisfied with its wording.
- 10.110 The applicant is willing to accept a planning condition that would prevent development from commencing unless and until the stopping up and diversion order has been confirmed and the walkway agreement has been completed.
- 10.111 The temporary closure of the right of way, to enable development work to progress, will only be considered once a confirmed diversion/ stopping up order is in place.
- 10.112 It is concluded that the proposals satisfy the requirements of the NPPF, Core Strategy and Local Plan with regard to pedestrian routes and that there are legal processes to be followed that will secure long term public access through the site.

Residential amenity and impact on neighbouring properties

- 10.113 Policy EN1 of the Local Plan requires that new development must not cause significant harm to amenities of the area. The impact on amenities in this case can be divided into two sections – the impact on the adjacent properties by reason of the size and location of the new building, and the impact on occupiers of properties in the locality due to the activity associated with the use of the new building.
- 10.114 The nearest residential properties that could be affected by the proposal are 2 and 3 The Priory on the opposite side of Church Road and 62 to 78 on the opposite side of Mount Pleasant Road. The BRE Daylight and Sunlight Report submitted by the applicant has assessed the impact on these dwellings and has concludes that these dwellings will retain very good daylight and sunlight levels, and will therefore satisfy the BRE Guidelines. The occupiers of 2 and 3 The Priory have criticised the study for not being explicit regarding the change in ground levels between the site and their properties and for not considering the impact on their lower ground floor rooms. In response, an Addendum to the Daylight and Sunlight Report (October 2017) has been submitted, which confirms that all of the windows and rooms in the lower ground floor of 2 and 3 The Priory will fully comply with the BRE Guidelines for both sunlight and daylight.
- 10.115 The remainder of the surrounding properties are in commercial use, including the Pitcher and Piano, Wellington Gate (offices), 1 Clanricarde Gardens (Lonsdale Medical Centre), 8 Lonsdale Gardens (offices) and Mount Pleasant House (offices). Information relating to daylight / overshadowing is also contained in Pages 3.10 and 3.11 of the Design and

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Access Statement. Whilst it is possible that neighbouring commercial premises may experience some loss of daylight or overshadowing it is not considered that the development is so unneighbourly in this town centre context as to be unacceptable in planning terms.

- 10.116 The level of vehicular and pedestrian activity along Clanricarde Road, which would be associated with the medical /office and residential uses within the site is considered to be compatible with the existing quiet character of the street and is unlikely to raise any amenity issues.
- 10.117 With regard to the residential amenity of the proposed apartments, the building has been designed so that the main habitable rooms have adequate daylight and sunlight, as referenced in the 'Scheme Internal Daylight Report'. All dwellings meet the Nationally Described Space Standards. This study also assessed the level of permanent overshadowing to a courtyard within the site, concluding that this was within the BRE standards.
- 10.118 Environmental Services have raised concerns over the effect of noise from the Pitcher and Piano beer garden on the proposed apartments in Block C that are located close to the boundary to the rear of these premises. A pre-commencement condition requiring an assessment of noise levels at the residential aspects of the site, including the approval of mitigation measures (such as the standard of double glazing) would be sufficient to address these concerns.
- 10.119 Subject to the imposition of conditions relating to noise and odour control recommended by environmental Services, it is concluded that the proposals comply with Policy EN1 of the Local Plan and would not cause significant harm to amenities of the area.

Sustainable design and renewable energy

- 10.120 Core Policy 5 of the Core Strategy explains that the Council will apply and encourage sustainable design and construction principles and best practices in order to combat avoidable causes of climate change. It also expects all development to make efficient use of water resources and protect water quality and be designed to minimise waste creation and disposal throughout the lifetime of the development.
- 10.121 The Council's Renewable Energy SPD and update of 2016 requires that renewable technology be incorporated into new developments in order to reduce predicted CO2 emissions by 10%. The 2016 update specifies that the 10% requirement can be negotiated if a developer is able to prove that they will achieve energy standards significantly beyond Building Regulations requirements.
- 10.122 The proposed combination of air source heat pumps and PV panels would result in a 22% savings in emissions beyond 2013 Building Regulations through the fabric first method, followed by a 19% saving in emissions through renewable energy technology. This represents a highly sustainable development in terms of energy consumption.
- 10.123 The proposed development is to achieve BREEAM Very Good and the aspirations for this has ensured that the environment and sustainability credentials of the development are of a high standard.

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10.124 Accordingly the Planning Environmental Officer supports the application and the recommendation includes standard conditions relating to energy conservation, renewable technologies, water conservation and sustainability / BREEAM standards.

10.125 It is concluded that the requirements of Core Strategy Policy CP5 relating to sustainable design and energy efficiency have been complied with.

Noise and vibration

10.126 Core Strategy Policy 5 expects development to manage and seek to reduce noise pollution levels. The Noise and Vibration SPD seeks to ensure that there is sufficient mitigation for noise to prevent substantial loss of amenity at the development stage.

10.127 The Noise and Vibration Assessment undertaken by the applicant identifies that the nearest noise sensitive receptors to the site are on Clanricarde Gardens to the west, and on the opposite side of Mount Pleasant Road to the east. Environmental sound levels were determined from two week-long noise surveys and one-week long vibration survey. The results indicated that the main sound sources affecting the site are vehicle movements on the two adjacent roads, and train movements within the railway tunnel contribute to vibration across the site. The report includes detailed specifications for the facades of the residential properties overlooking Mount Pleasant Road and Church Road and for the structural elements of the cinema auditoria.

10.128 Environmental Services would have liked to have seen more detailed information regarding the control of vibration to the apartments; the noise levels from the Pitcher and Piano premises and beer garden (in operation until 03:00 hours); the mitigation of noise from the commercial uses underneath the residential premises; noise from customers of the commercial premises arriving, departing, generally in the area; and noise from plant associated with the development itself. However, Environmental Services have accepted that such detailed matters can be dealt with through planning conditions.

10.129 It is concluded that the noise issues associated with these proposals will be addressed through appropriate detailed design, which can be secured by way of planning conditions. Accordingly, the development would not conflict with Core Strategy Policy 5 with regard to noise impact or the Council's Noise and Vibration SPD.

Air quality

10.130 The site lies close to Air Quality Management Area along the A26 where nitrogen dioxide pollutant levels are exceeding the air quality objective level. The Council's Air Quality Action Plan seeks to improve local air quality by focussing attention on promoting sustainable travel, reducing emissions from traffic and supporting future developments that incorporate low emission strategies. Core Strategy Policy CP5 requires all new development to manage and seek to reduce levels of air pollution.

10.131 There are three aspects relating to air quality to be considered for major schemes such as this:

- the impact of the proposals on air quality in the surrounding area (for example whether there would be an increase or decrease in traffic; and whether the presence of tall buildings would affect localised air quality to a degree that this would have a harmful impact on people passing through or living within the area. (This could justify a request for mitigation or refusal if significant worsening of air quality could be demonstrated).
- Impacts of existing pollution on residents of proposed apartments

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- The requirement of all major schemes to contribute towards improved air quality / good practice

10.132 In accordance with SALP Policy AL/RTW2B the applicant has submitted an Air Quality Assessment (AQA). Environmental Services have confirmed that the methodology used in this assessment is robust, and has considered the impact of the development's own heating system, as well as its traffic impact. The AQA concludes that the impact of the development on a range of receptors within and adjacent to the site would be negligible.

10.133 The proposals include measures that could have a beneficial impact on air quality, including the use of EV charging points within the car parking areas on the site, implementation of a Residents Travel Plan and the payment of developer contributions towards public realm improvements. The conditions requested by Environmental Services have been included in the recommendation.

10.134 The proposals are considered to comply with Core Strategy Policy CP5.

Flood risk and drainage

10.135 The applicant has submitted a Flood Risk Assessment (FRA) and Surface Water Drainage Strategy.

10.136 With regard to flood risk, the Environment Agency Flood Zone Map indicates that the site lies wholly within Flood Zone 1 'Low Probability', which has a less than 1 in 1,000 annual probability of river flooding.

10.137 The FRA demonstrates that the development is safe from flooding; does not increase flood risk; and does not detrimentally affect third parties.

10.138 In terms of the proposed land uses, the proposals for mixed use residential and commercial scheme constitute a 'More' and 'Less Vulnerable' land use, which is considered appropriate for Flood Zone 1.

10.139 With regard to foul and surface water drainage, the existing site drains into a combined foul and surface water sewer running along Mount Pleasant Road. The drainage strategy proposes that foul and surface water will be discharged into this sewer. Following initial comments from Southern Water, additional information was submitted regarding the drainage strategy for the site, including the means for foul disposal and an implementation timetable.

10.140 A sustainable drainage system (SUDS) is proposed which would reduce the rate of run off into the public surface water sewer by 79% compared to the existing discharge from the site. The system would comprise a piped network, inspection chambers/catchpits, permeable paving, blue roof deck laid across a waterproofed podium slab and its drains, cellular crate storage and hydraulic flow controls. Final details of the design of the SUDS, its maintenance and management would be provided by way of conditions, as requested by the Kent Flood and Water Management Team and Southern Water.

10.141 The development would not result in any adverse flood risk impact and, once implemented, would result in a benefit by reducing storm runoff. It is therefore concluded that subject to a number of conditions relating to drainage that are set out in

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the recommendation, the development would not conflict with the NPPF or Local Plan Policy EN18.

Other detailed matters (tunnel / ground conditions, trees, biodiversity, archaeology, crime prevention, lighting, refuse storage, high speed broadband)

Railway Tunnel / ground conditions / land contamination:

10.142 The applicant has provided a Report entitled 'Wells Tunnel' that summarises the information held about the tunnel and discusses the procedures to be followed to ensure the development would have minimal effect upon it.

10.143 The tunnel is assumed to have been constructed between 1843 and 1846. It has two hidden shafts and one suspected shaft, none of which underlie the application site. Ground investigations were undertaken in 2012 to confirm the ground conditions across the site. It is envisaged that the part of the building above the tunnel would have shallow foundations with low rise buildings over the top of the tunnel, with loadings no higher than was the case with the previous buildings. The foundations for the remainder of the building would be piled. No below ground construction / basements would be created. Network Rail have raised no objections to the proposed development but the applicant will be required to comply with their stipulations.

10.144 With regard to land contamination, Environmental Services have commented that although the background documents submitted are somewhat disjointed, this matter can be covered by standard planning conditions.

Trees:

10.145 The main trees that relate to this application are the street trees on Mount Pleasant Road and Clanricarde Road, and trees in the rear gardens of 1 Clanricarde Gardens and the Pitcher and Piano. These are protected by virtue of being in the Conservation Area.

10.146 No trees are to be removed but as the canopies of some of the trees over-hang the site some tree management will be required, but this would not be so severe as to threaten their survival. Regarding the street trees on Mount Pleasant Road, as the root spread within the pavements has been restricted by the former buildings, the excavations required for the new foundations are unlikely to affect these trees.

10.147 The conditions are imposed relating to the implementation of the Arboriculture Method Statement and tree protection, as requested by the Tree Officer, are included in the recommendation.

Biodiversity:

10.148 The applicant's Preliminary Ecological Appraisal identifies that the Site consists predominantly of hardstanding, a building and scattered scrub which is considered to be of low ecological value, and has limited potential to support any protected or notable habitats and species.

10.149 Bat Surveys of the partially derelict building (41 Mount Pleasant) have been undertaken and no bat roosts were identified, consequently no bat mitigation measures would be required prior to the demolition of the building.

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10.150 The development proposals include ecological enhancement measures, including green roofs. These, together with a suitable landscaping scheme would result in a development that would be acceptable in ecological terms, and would comply with requirements of the NPPF (paragraph 17) and Core Policy 4 of the Core Strategy in terms of avoiding a net loss of biodiversity and embracing opportunities for biodiversity enhancements.

Implications for Ashdown Forest Special Area of Conservation

10.151 Notwithstanding that Ashdown Forest SAC is situated a considerable distance, approximately 9.8km south-west, of the application site a screening exercise has been undertaken by the Council regarding the need for appropriate assessment under the Habitat Regulations, with regard to the potential air quality impacts arising from traffic associated with the development travelling on roads within or close to the Forest boundary. This has concluded that the proposals would have a negligible effect on the results of air quality modelling and its conclusions.

10.152 The application site outside the current zone of influence for visitor pressure..

10.153 Accordingly it is concluded that no further assessment is required with regard to the potential impacts on the Ashdown Forest SAC.

Archaeology:

10.154 The applicant's Archaeological Baseline Report establishes that is not within a designated area of Archaeological Potential and whilst development is known to have taken place on the Site from the late 18th Century, the development and demolition of the cinema (1930's onwards) is likely to have removed all archaeological deposits. It is considered that the proposed development will not have any impact or effect on archaeological deposits and consequently it will not be necessary to require any further archaeological investigation or mitigation.

Crime prevention:

10.155 As confirmed by the Kent Police Crime Prevention Design Adviser, the applicant has taken crime prevention into account and is liaising with Kent Police over this issue.

Lighting

10.156 The lighting proposals, including the potential to highlight architectural features such as the top of the corner building and the cinema facades, provide an opportunity to add to the character and quality of the street scene. As set out within the Design and Access Statement, the ground floor lighting strategy will allow for enough light to comply with the regulations, provide a pleasant atmosphere and increase the feeling of safety. Tree uplighters are proposed for the new street trees on Church Road and for the water feature. The lighting on the upper walkway would be by low level lights as well as lighting within the walls and above the walkway. The lighting of the private courtyard would be subtle, so as to create a warm and inviting lighting setting, using planter up-lights to illuminate trees and through concealed lights.

10.157 The lighting strategy is considered to be acceptable in principle, but final details will need to be agreed by condition.

Refuse storage

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10.158 Adequate provision is made for the storage of residential and commercial / medical waste within the car parking areas on the site. Client Services are satisfied with this provision and Kent Highways are satisfied with the access and turning arrangements for refuse vehicles.

Impacts during the construction stage

10.159 This is a major redevelopment proposal that will require careful management during the construction stage, which is expected to last between 2 and 3 years.

10.160 The recommendation includes a condition requiring a Construction Management Plan to be agreed which would have appropriate mitigation measures relating to issues such as noise, dust, vehicle routing etc.

10.161 The applicant has been in discussions with Network Rail about carrying out construction works in close proximity to the railway tunnel. The developer will be required by network Rail to enter into an Asset Protection Agreement through which Network Rail would ensure their assets are protected and the safe operation of the railway would be secured. Network Rail have strongly recommended that such an Agreement is in place prior to any works commencing on site. An informative to this effect is included in the recommendation.

10.162 Regarding the effect on public footpaths during construction, the temporary closure of the rights of way, to enable development work to progress, would only be considered once a confirmed diversion/ stopping up order is in place.

Summary and Conclusions

10.163 It has been nearly 20 years since the former ABC cinema closed. Following the failure of two previously approved schemes to be implemented, this vacant, hoarded site continues to detract from the local townscape and character and appearance of the conservation area.

10.164 The current proposals offer a real prospect for this key town centre site to be redeveloped in a way that is consistent with the Local Planning Authority's aspirations, as set out in the adopted Site Allocations Local Plan.

10.165 The proposals provide a range of commercial, entertainment and residential uses appropriate to the town centre and would make an efficient use of this centrally located site. By providing an attractive place for people to work, shop and enjoy their leisure time the development would contribute to the local economy and add to the vibrancy of the town centre at all times of the day and evening. The provision of much needed housing will help to meet the Borough's housing needs in a highly sustainable location.

10.166 With regard to design, since acquiring the site in April 2016, the applicant and design team have worked hard to overcome the site's many constraints, with the aim of creating a high quality development appropriate to the site's historic setting. The scale, massing and design of the buildings has been the subject of scrutiny by Historic England, the Council's specialist conservation, urban design and landscape officers; the Civic Society, Town Forum, neighbours and individual members of the public. Whilst all commentators welcome the redevelopment of the site, the scheme is not without criticism, mainly due to its scale and massing but also with regard to some of the detailed design aspects.

- 10.167 For economic reasons, the site would not be developed without a large building being built on the site. It should be remembered that the previous building was very large and had a number of unattractive elevations. In accordance with the statutory duties placed upon the Council with regard to heritage matters, the foregoing report assesses the impact of the proposals on the conservation area and the various nearby listed buildings whose settings will be affected. Whilst there is considered to be some harm to these designated heritage assets, this is outweighed by the public and heritage benefits that would accrue. The overall conclusion is that the proposed building responds appropriately to its context and is of an acceptable quality for a landmark location. The public realm proposals greatly enhance the attractiveness of the development. The scheme's final success will, however, depend greatly on the attention to the detailing, including choice of materials, which will be secured by planning conditions.
- 10.168 The application proposals include a range of Section 106 developer contributions. However, the most disappointing aspect of the proposals is the failure of the scheme to deliver much needed affordable housing. Whilst this could constitute a reason for refusing the proposals, the consequence would be that the scheme would not be built, the many benefits that would derive from it would not be realised and there would be little prospect of an alternative scheme coming forward in the near future. Under the very special circumstances of this long-vacant site, it is concluded that failure to justify non-compliance with the Council's affordable housing policy is outweighed by the significant benefits which will be delivered as a result of the new development proposed.
- 10.169 A scheme of this scale raises many detailed issues, all of which have been addressed in supporting documents submitted by the applicant and have been appraised by consultees, with conclusions on these matters set out in this report. It is concluded that national and local planning policy requirements are complied with.
- 10.170 The application is therefore recommended for approval subject to the completion of the Section 106 Agreement and the imposition of planning conditions as set out below.

11.0 RECOMMENDATION – GRANT Subject to the following:

(A) THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE LEGAL SERVICES MANAGER BY 31 DECEMBER 2017 OR SUCH EXTENDED TIME AGREED BY THE HEAD OF PLANNING SERVICES TO SECURE THE FOLLOWING:

- (i) Developer contributions, which apply equally to both development options unless stated, as follows:
- Primary school contribution of £ 65,649 towards expansion of Broadwater Down Primary School (£59,832 in the event of medical centre option being implemented)
 - Secondary school contribution of £46,606.05 towards the enhancement of St Gregory's Secondary School (£42,476.40 in the event of medical centre option being implemented)
 - Cultural Hub contribution of £37,960.92 towards Tunbridge Wells Cultural Hub (£34,797.51 in the event of medical centre option being implemented)

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- NHS West Kent CCG contribution of £76,392 towards Lonsdale Medical Centre, Kingswood Surgery, Grosvenor Medical Centre and / or St James Medical Centre (No contribution in the event of the medical centre option being implemented)
 - Youth & adult recreation contribution of £194,328 towards Calverley grounds and / or Rusthall playing fields expansion (£184,915 in the event of medical centre option being implemented)
 - Public Realm contribution of £100,000 towards works to the north of the Church Road/Mount Pleasant Road junction.
 - Town centre parking / sustainable transport contribution of £50,000 towards the exploration of and implementation of measures to deter private car use and manage public parking in Tunbridge Wells town centre.
 - Parking restrictions contribution of £2,000 towards (on-street parking management to ensure residents are not eligible for residents parking passes)
 - Common Local Wildlife site contribution of £8,370 towards mitigation of recreational pressures on the Common (£7,672.50 in the event of medical centre option being implemented)
 - Car club contribution of £20,000 for 1 x Co-Wheels car club car
- (ii) The requirement for the owner not to discharge Condition 2 relating to the choice of development options within 6 months of the date of the permission, to allow sufficient time for the alternative option containing the medical centre to be explored.
- (iii) Payment of the Council's legal costs

CONDITIONS to include

- Standard time limit for implementation
- (1) The works hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- Confirmation of which development option will be implemented
- (2) Prior to the commencement of the construction works hereby approved, the developer shall inform the Local Planning Authority in writing, which of the options for development as set out in the description of development will be implemented.
Reason: To clarify the nature of the development to be implemented. Such details are fundamental to the application and are therefore required prior to its commencement.
- Approved plans
- (3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan	2084-GHA-P-000
Site Plan	2084-GHA-P-001
Proposed Site Plan	2084-GHA-P-002
Development Blocks	2084-GHA-P-003
Floor Plans	
Floor Plan Ground-2 & Block D Ground – AOD +104.3 to +108.9 OFFICE	2084-GHA-P-100A
Floor Plan Ground-1 & Block D L01 AOD +108.0 to 109.4	2084-GHA-P-101

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OFFICE	
Floor Plan Ground & Block D L02 – AOD +112.4 to +113.0 OFFICE	2084-GHA-P-102
Floor Plan L01 & L03 Resi A+B (AOD +118.4) Resi C (AOD +119.4) Resi D (AOD +115.7)	2084-GHA-P-103
Floor Plan L02 & L04 Resi A+B (AOD +121.5) Resi C (AOD +122.5) Resi D (AOD +118.9)	2084-GHA-P-104
Floor Plan L03 & L05 Resi A+B (AOD +124.7) Resi C (AOD 125.7) Resi D (AOD +122.0)	2084-GHA-P-105
Floor Plan L04 Resi (AOD +127.8 to +128.8)	2084-GHA-P-106
Floor Plan L05 Resi (AOD +131)	2084-GHA-P-107
Floor Plan L06 Resi (AOD +134.1)	2084-GHA-P-108A
Roof Plan	2084-GHA-P-109A
North Elevation – Block A	2084-GHA-P-200B
South Elevation – Block A	2084-GHA-P-201A
East Elevation 1/2 - Block A & B	2084-GHA-P-202A
East Elevation 2/2 – Block B and Cinema	2084-GHA-P-203A
West Elevation – Block A & B (Courtyard)	2084-GHA-P-204A
South Elevation – Block B & C	2084-GHA-P-205
East Elevation – Block C	2084-GHA-P-206
West Elevation – Block C	2084-GHA-P-207
North Elevation – Block C	2084-GHA-P-208
West Elevation – Block D	2084-GHA-P-209
East Elevation – Block D	2084-GHA-P-210
North Elevation - Block D & Cinema	2084-GHA-P-211
South Elevation – Block D & Cinema	2084-GHA-P-212
Proposed Sections	
East West Section A-A Looking North & East West Section B-B Looking North	2084-GHA-P-300A
East West Section C-C Looking North & East West Section D-D Looking North	2084-GHA-P-301A
East West Section E-E Looking North & East West Section F-F Looking South	2084-GHA-P-302A
North South Section G-G Looking West & North South Section H-H Looking West	2084-GHA-P-303A
North South Section J-J Looking West & North South Section K-K Looking East	2084-GHA-P-304A
North South Section L-L Looking East & North South Section M-M Looking East	2084-GHA-P-305
Façade Bay Studies	
Façade Bay Study 01 Mount Pleasant Road – Retail	2084-GHA-P-400A
Façade Bay Study 02 Mount Pleasant Road – Restaurant	2084-GHA-P-401B
Façade Bay Study 03 Mount Pleasant Road – Block A & B	2084-GHA-P-402A
Façade Bay Study 04 Church Road – Block A	2084-GHA-P-403A
Façade Bay Study 05 Courtyard Block C	2084-GHA-P-404A
Façade Bay Study 06 Clanricarde Road – Block D	2084-GHA-P-405A
Façade Bay Study 07 Mount Pleasant Road – Cinema	2084-GHA-P-406A

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Or, in the event of the medical centre option being implemented, in accordance with the following plans in substitution for those marked * above (*Officer Note: plans with * to be confirmed*):

Floor Plan Ground-2 & Block D Ground – AOD +104.3 to +108.6 MED. CENTRE	2084-GHA-P-110
Floor Plan Ground-1 & Block D L01 – AOD +107.7 to +109.58 MED. CENTRE	2084-GHA-P-111
Floor Plan Ground & Block D L02 – AOD +112.88 to +113.0 MED. CENTRE	2084-GHA-P-112
West Elevation – Block D MED. CENTRE	2084-GHA-P-213
East Elevation – Block D MED. CENTRE	2084-GHA-P-214
North Elevation – Block D MED. CENTRE & Cinema	2084-GHA-P-215
South Elevation – Block D MED. CENTRE & Cinema	2084-GHA-P-216

Reason: To clarify which plans are approved for each option.

- Public footpaths – diversion and stopping up order
- (4) The development hereby approved shall not be commenced unless and until the Diversion and stopping Up Order(s) required in relation to the public rights of way that cross the site have been confirmed and no part of the development hereby approved shall be occupied until the Walkway Agreement that establishes public access through the site has been executed.

Reason: To ensure that there are adequate facilities for the pedestrians to walk through the site.

- Construction Environmental Management Plan
- (5) Prior to the commencement of the construction works a Construction Environmental Management Plan shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003). unless previously agreed in writing by the Local Planning Authority.

The Plan shall include:

- (i) An indicative programme for carrying out the works, including the sequence of construction
- (ii) Measures to minimise the production of dust on the site
- (iii) Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and, where appropriate, the use of noise mitigation barriers
- (iv) Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site
- (v) Design and provision of site hoardings
- (vi) Management of traffic visiting the site(s) including temporary parking or holding areas
- (vii) Provision of off road parking for all site operatives
- (viii) Measures to prevent the transfer of mud and extraneous material onto the public highway

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- (ix) Measures to manage the production of waste
- (x) Measures to minimise the potential for pollution of groundwater and surface water
- (xi) The location and design of site office(s) and storage compounds
- (xii) The location of temporary vehicle access points to the site during the construction works
- (xiii) The arrangements for public consultation and liaison during the construction works
- (xiv) The routing of construction vehicles between the site and the trunk road network

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

Hours of demolition and construction

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

Reason: To prevent disturbance to nearby residential properties.

Land contamination

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

1) A preliminary risk assessment which has identified:

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

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

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

4) A Closure Report is submitted upon completion of any remediation works undertaken pursuant to 3) above. The closure report shall include full verification details as set out in 3). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean; Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

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

Archaeology – watching brief

- (8) No development shall take place until the applicant has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded.

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The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Levels

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

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

Restriction of amalgamation of units

- (10) None of the retail units, as identified on drawings ref 2084-GHA-P-110 and 2084-GHA-P-111, shall be amalgamated without the prior consent of the Local Planning Authority.

Reason: To allow the Local Planning authority to control the size of retail units in the interests of highway safety, due to the size of servicing vehicles likely to be attracted to larger retail units, particularly if used for convenience retailing.

Flexibility for the A1 uses

- (11) The retail units hereby approved, as identified on drawings ref 2084-GHA-P-110 and 2084-GHA-P-111, shall be used for A1 (Retail) or A2 (Financial and professional services), or a mix thereof, as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to these Classes in any statutory instrument revoking and re-enacting that Order with or without modification).

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

Flexibility for the A3 uses

- (12) The restaurant uses identified on drawings ref 2084-GHA-P-111 and 2084-GHA-P-112, shall be used for A3 (Food and Drink) or A4 (Drinking Establishments), or a mix thereof, as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to these Classes in any statutory instrument revoking and re-enacting that Order with or without modification).

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

Noise from plant

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

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should contact the Environmental Protection Team to agree a site specific target level).
The development shall be carried out in accordance with the approved details.
Reason: To protect residential amenity.

Internal/external sound levels – residential

- (14) Prior to the commencement of construction works, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - shall be submitted to and approved in writing by the Local Planning Authority.
The assessment shall also specifically include noise from the adjacent licensed premises and from commercial premises included in the development itself particularly the outside seating areas. The assessment of these elements should not be restricted to use of the BS8233 methodology as it is not suitable for this purpose. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect residential amenity. Such details are fundamental to the application and are therefore required prior to its commencement.

Commercial/residential noise transmission

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

Extraction/treatment of fumes/odours

- (16) Prior to the first operation of any unit to be used for A3 or A4 purposes, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the DEFRA publication Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems January 2005. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.
Reason: To protect the amenity of nearby properties from fumes and odours.

Surface water drainage details (KCC 1 of 2)

- (17) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated within the curtilage of the site with an agreed rate of discharge to the adjacent combined sewer without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

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

- (18) Implementation and management of surface water drainage (KCC 2 of 2)
No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

a) a timetable for its implementation, and
b) a management and maintenance plan for the lifetime of the development to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- (19) Foul drainage (Southern Water)
Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by the local planning authority in consultation with Southern Water. The development shall be carried out in accordance with the approved scheme and timetable.

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

- (20) Air quality
No development shall commence until the developer has developed a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The report should be submitted to and approved by the Local Planning Authority, prior to development. (The developer should have regard to the DEFRA guidance from the document *Low Emissions Strategy -using the planning system to reduce transport emissions January 2010.*)

Reason: To ensure a satisfactory standard of development which meets the needs of current and future generations. Such details are fundamental to the application and are therefore required prior to its commencement.

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

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

Tree protection

- (22) The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, to be retained by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2005, and in accordance with the approved Tree Protection Plan and Arboricultural Report (Hal Appleyard, July 2017), to the satisfaction of the Local Planning Authority (or any variation thereof as approved in writing by the Local Planning Authority). Such tree protection measures shall remain throughout the period of construction
 - (b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
 - (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Areas of the trees or other vegetation;
 - (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
 - (e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
 - (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

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

External materials

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

Reason: To safeguard the characteristics of the locality. Such details are fundamental to the application and are therefore required prior to its commencement.

Cinema materials and design of cladding

- (24) Prior to the commencement of construction works of the part of the building containing the cinema (including the retail units beneath the cinema) details of details of the materials to be used for the cladding of the cinema elevations, including the design of any patterns to be incorporate within the cladding material, and any associated lighting, shall be submitted to, and approved in writing by, the Local Planning Authority. The

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development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the characteristics of the locality. Such details are fundamental to the application and are therefore required prior to its commencement.

Design details

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

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

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

Reason: To safeguard the character and appearance of the conservation area. Such details are fundamental to the application and are therefore required prior to its commencement.

Landscaping details

- (26) Construction works shall not commence until details of the proposed hard and soft landscaping and boundary treatments, together with a programme for implementation, have been submitted to and approved in writing by the Local Planning Authority for approval. The hard landscape proposals shall including hard surfacing/paving materials, street furniture and seating. The soft landscaping details shall include schedules of plants (noting species, plant sizes and proposed numbers/densities), details of planting medium depths, written specifications (including cultivation and other operations associated with the establishment and management of the podium roof), a programme of implementation and a 5 year management plan. A detailed specification for the construction details of the extensive and intensive green roofs shall also be provided. The landscaping shall be installed and thereafter maintained in accordance with the agreed details and programme.

Reason: To ensure a satisfactory external appearance to the development in the interests of enhancements to biodiversity and surface water management. Such details are fundamental to the application and are therefore required prior to its commencement.

Water feature

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

Reason: To safeguard the characteristics of the locality.

Public art

- (28) Prior to first occupation of any part of the building hereby approved, details of how public art will be incorporated within the development (to include, but limited to, the water feature, cinema cladding, and the provision of 'Weisbaden' stainless steel cycle stands on the adjacent highway), including a timescale for its provision and arrangements for its

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maintenance shall be submitted to, and approved in writing by, the Local Planning Authority. The public art shall be provided in accordance with the approved details and agreed timescale, and thereafter retained and maintained in accordance with the approved details.

Reason: To safeguard the characteristics of the locality.

Biodiversity enhancement

- (29) No construction works shall take place until a scheme for the enhancement of biodiversity (including provision of bird and bat boxes and living roofs), and including a programme of implementation and monitoring has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and programme, and shall be permanently maintained.

Reason: To protect and enhance existing species and habitat on the site in the future. Such details are fundamental to the application and are therefore required prior to its commencement.

External lighting

- (30) No external lighting shall be installed until a detailed scheme of lighting has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: To protect the visual amenity of the area.

Energy conservation

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

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

Renewable Technologies

- (32) Prior to the commencement of construction, final details of the location and appearance of the proposed PV panels and air source heat pumps, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

Water Conservation

- (33) Prior to the commencement of construction, written and illustrative details for water conservation within the development, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

Sustainability (BREEAM)

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

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

Section 278 works

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

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

Reason: In the interests of highway safety and to ensure an acceptable pedestrian environment. Such details are fundamental to the application and are therefore required prior to its commencement.

Provision of residential parking spaces

- (36) Prior to the commencement of construction, a programme for the provision of the residential parking spaces and, if the medical centre option is implemented, for the medical centre as well, in relation to the timescale for the occupation of the dwellings they serve and, if appropriate, the medical centre, shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be provided in accordance with the agreed programme. If the medical centre option is implemented, there should be a clear demarcation between the residential and medical centre spaces. The parking spaces shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude the use of such facilities.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users. Such details are fundamental to the application and are therefore required prior to its commencement.

Service Vehicle Management Plan

- (37) Prior to the occupation of any part of the development a Service Vehicle Management Plan to secure the implementation of the vehicle size restriction and discourage servicing from the public highway shall be submitted to and approved in writing by the

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Local Planning Authority. The approved Service Vehicle Management Plan shall be implemented on occupation of the development and remain operative thereafter.
Reason: In the interests of highway safety and to ensure an acceptable pedestrian environment.

Electric Vehicle Charging Points

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

Reason: To ensure a satisfactory standard of development which meets the needs of current and future generations. Such details are fundamental to the application and are therefore required prior to its commencement.

Cycle parking for dwellings

- (39) Prior to the first occupation of any dwelling hereby approved, cycle storage facilities to serve that dwelling shall be provided in accordance with the submitted cycle parking storage details and such facilities shall thereafter be retained.

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

Travel Plan / Residents Welcome Pack

- (40) A Residents Welcome Pack shall be made available to all new residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes by new occupiers, including the following:

- 1) Maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, and rail stations
- 2) Approximate time it takes to walk or cycle to various local facilities
- 3) Site specific public transport information including up to date public transport timetables
- 4) Links to relevant local websites with travel information such as public transport operator information, cycling organisations and the Council
- 5) Details of Car Club scheme
- 6) Information on public transport season tickets and offers
- 7) Information on specific incentives including "Walk to Work" or "Cycle to Work" initiatives
- 8) Information on the health, financial and environmental benefits of sustainable travel

Reason: In the interests of sustainable development.

Refuse storage

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

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

INFORMATIVES

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- (1) As the development involves construction, the applicant's attention is drawn to the Mid Kent Environmental Code of Development Practice, the terms of which should be met in carrying out the development.
- (2) This development is the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990.
- (3) As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts Asset Protection Kent <AssetProtectionKent@networkrail.co.uk> prior to any works commencing on site. More information can also be obtained from Network Rail's website at www.networkrail.co.uk/asp/1538.aspx.
- (4) Southern Water advise that should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- (5) The applicant is required to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure or to connect to the public sewerage system in order to service this development.
- (6) Southern Water further advise that land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors; no land drainage or ground water should enter the public sewers network; and wastewater grease traps should be provided on the kitchen waste pipes or drains installed and maintained by the owner or operator of the premises.
- (7) Kent Highways advise that it is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries> The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (8) Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of

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the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk

(9) No works considered necessary for associated realignment of vehicular access surfacing that affect the grade II listed lamp standards at the junction of Mount Pleasant and Clarinade Gardens shall be carried out until a listed building consent application is submitted and approved.

(10) The applicant is advised that the residential units hereby permitted would not be eligible for any on-street parking permits. Prospective purchasers should be made aware of this to avoid any misunderstanding.

(B) IF THE APPLICANTS FAIL TO ENTER INTO SUCH AGREEMENT BY 31 DECEMBER 2017, THE HEAD OF PLANNING SERVICES SHALL BE AUTHORISED TO REFUSE PERMISSION FOR THE FOLLOWING REASONS (UNLESS A LATER DATE BE AGREED BY THE HEAD OF PLANNING SERVICES):

(1) The proposal fails to make adequate provision for primary education, secondary education or the Tunbridge Wells cultural hub/library, to serve the needs of residents of the development as requested by Kent County Council, and would therefore conflict with the NPPF, Policy CP1 of the Tunbridge Wells Borough Core Strategy, 2010; and Policy CS4 of the Tunbridge Wells Borough Local Plan 2006.

(2) The proposal fails to make adequate provision for healthcare to serve the needs of residents of the development and would therefore conflict with the NPPF and Policy CP1 of the Tunbridge Wells Borough Core Strategy.

(3) The proposal fails to make adequate provision for youth and adult outdoor recreation to serve the needs of residents of the development and would therefore conflict with the NPPF, Policy CP1 of the Tunbridge Wells Borough Core Strategy, and Policy R2 of the Tunbridge Wells Borough Local Plan 2006.

(4) The proposal fails to make adequate provision for public realm enhancements and would therefore conflict with the NPPF; Policy CP1 of the Tunbridge Wells Borough Core Strategy, 2010; Policy AL/RTW1 of the Site Allocations Local Plan, 2016 and the Urban Design Framework SPD (Draft).

(5) The proposal fails to make adequate provision for the sustainable transport needs of the development and for air quality mitigation (including a Car Club contribution) and would therefore conflict with the NPPF; Policy CP1 of the Tunbridge Wells Borough Core Strategy, 2010; Policy AL/RTW4A of the Site Allocations Local Plan, 2016 and Policy TP4 of the Tunbridge Wells Borough Local Plan 2006.

(6) The proposal fails to make an adequate contribution towards the implementation of parking control measures and would therefore conflict with the NPPF, Policy CP1 of the Tunbridge Wells Borough Core Strategy, 2010; and Policy TP4 of the Tunbridge Wells Borough Local Plan 2006.

Appendix A

Planning committee
24 October 2017

(7) The proposal fails to make adequate provision for the management of the adjacent Tunbridge Wells Common Local Wildlife Site and would therefore conflict with the NPPF and Core Policy CP4 of the Core Strategy.

Case Officer: Lynda Middlemiss

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

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