

Examination of the Tunbridge Wells
Borough Local Plan

Tunbridge Wells Borough Council
Hearing Statement

**Matter 11: Retail, Town
Centres and Community
Facilities (Policies STR/RTW1,
ED8, ED9, ED10 and EN6)
Issue 4: Commercial and Mixed-
Use Site Allocations**

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Matter 11 – Retail, Town Centres and Community Facilities (Policies STR/RTW1, ED8, ED9, ED10 and EN6)

Issue 4 – Commercial and Mixed-Use Site Allocations

AL/RTW2 – Land at the Auction House, Linden Park Road

Inspector's Question 1: [re. status of the site]

What is the latest position regarding the construction of the scheme already approved on the site?

TWBC response to Question 1

Introduction

1. This site falls within the southern extent of the town centre of Royal Tunbridge Wells and comprises of a former auction house, which is an unusual brick-built octagonal building, which is integrated into the Linden Road Multi-storey car park. The lower ground floor forms the covered part of the car park, the ground floor comprises the lower level of the auction house and open air part of the car park. The main door to the auction hall opens on to the higher car park level and the first floor of the building is a mezzanine 'half floor'.
2. The site was considered through the Strategic Housing Land Availability Assessment (SHELAA) [[CD 3.77n](#)] as suitable for allocation within the Local Plan (pages 155 – 159) and confirmed through the Sustainability Appraisal (SA) [[PS 013](#)].

Consideration

3. This site (as well as a wider site comprising the public car park area) was allocated within the Site Allocations Local Plan 2016 (SALP) [\[CD 3.119\]](#) under Policy AL/RTW 24 for a mix of town centre uses. The draft policy in the Local Plan - AL/RTW 2, differs from the SALP [\[CD 3.119\]](#) allocation, in that it seeks to allocate the Auction House only and not the public car park adjacent to the site. This was in response to correspondence received from the freehold owner of the site (Tunbridge Wells Borough Council Property team) confirming that only the Auction House was available for redevelopment, rather than the wider site, including the public car park subject to the SALP policy.
4. Planning permission was granted in September 2018 under [18/01928/FULL](#) for the *“Change of use of ground and first floors from auction house (sui generis use) to business centre comprising open plan offices within use classes B1 (Business) and A2 (Financial and professional services), together with ancillary operation works to facilitate the new uses to include the introduction of new window openings and minor internal works”*. Although some conditions were discharged, this permission has not been implemented and has now expired.
5. Following on from this, a further planning application was submitted and permission was granted in August 2021 [\(21/01487/FULL\)](#) for the *“Change of use of the Auction House (sui generis) to flexible Class E (Commercial, business and service) use (excluding uses falling within E c(iii) any other service which is appropriate in a commercial, business and service locality) and f) (creche and day nurseries)”*.
6. This permission sought the change of use of the Auction House only to a broad Class E use, which differs from the previously permitted scheme which sought the change of use of the building to B1 (Business) and A2 (Financial and Professional Services). No changes were proposed or permitted for the existing public car parking provision on the wider site.
7. The amended scheme essentially reacts to the changes in relation to the new Class E (Commercial and business services), introduced by the government in September 2020 as well as the impact of the Covid pandemic. It was considered that the new scheme

permitted for the site provided flexibility for future uses on the site in accordance with national policy.

8. The [Officer's committee report](#) in relation to the permitted scheme, refers to the fact that although the consented scheme only relates to part of the site, it was considered that the application would not compromise the wider aims and comprehensive development of the area covered by AL/RTW 24, (SALP allocation) and would not preclude the future redevelopment of the application site and the wider car park area for a mixed-use scheme in accordance with the SALP policy.
9. It is understood that the physical works to the building have been partly undertaken and the facility now benefits from the broader more flexible use Class E and the facility is currently being operated in these terms.
10. However, the agent has confirmed (May 2022) that this is an 'interim use' and that the medium-term ambition is to redevelop the site for a mixed use of residential (apartments) and small office suites and a number of feasibility options are currently being explored by the agent. It is anticipated that this would create three floors of residential over a first floor of offices, with ground floor parking, either through complete redevelopment or conversion and upward extension. Pre-application discussions have taken place with the Council on this basis.

Inspector's Question 2: [re. developability of the site]

Is the allocation developable within the plan period?

TWBC response to Question 2

Introduction

11. As referred to above – the site benefits from an existing planning consent for a mix of uses, which was permitted in August 2021.

Consideration

12. Development has been completed on site for the change of use and the ground floor of the building is now in Class E Commercial use, however as referred to above, this is considered as an 'interim use'.
13. The policy as drafted refers to a range of uses being appropriate on the site and the permitted, implemented scheme only relates to the ground floor premises. Therefore, it is considered that it is appropriate to continue to allocate the site in order to provide the policy framework for the further redevelopment of this site as outlined above.
14. The agent has confirmed that they are currently progressing towards the preparation of a full planning application and would hope to be on site within the next three-five years, with completion on site within five-ten years – so within the plan period.

AL/RTW14 – Land at Tunbridge Wells Garden Centre

Inspector's Question 3: [re. Justification for the allocation]

What is the justification for allocating the site as a mixed-use development of housing and an extension of the garden centre?

TWBC response to Question 3

Introduction

15. This site is partly within and partly adjacent to, the existing Limits to Built Development (LBD) of Royal Tunbridge Wells towards the south of the town. It is an existing garden centre, with associated car park, open car wash facility and a wooded/scrub area which appears to have formerly been used as an area for growing containerised nursery stock for the garden centre which has not been used in recent years and is now overgrown. There is also an undeveloped area on sloping ground to the north of the allocation which also formed part of the original nursery for field grown stock and which now appears as a wooded area.
16. Policy AL/RTW 14 of the Local Plan, allocates the site for the expansion of the garden centre, which is currently in Use Class E (a) Commercial use as well as an element of residential development for approximately 25-30 dwellings limited to the land which had formerly been levelled and cleared for growing containerised nursery stock and is now either overgrown or comprises open space to the rear of the garden centre.

Consideration and justification for the allocation

17. The site was considered through the SHELAA process and the full assessment is included in the SHELAA sheet [[CD 3.77n](#)] (pages 36-38) and considered in the SA [[PS 013](#)]. The SHELAA concludes that the site is identified as a suitable site subject to overcoming identified constraints and Green Belt designation and would form a logical extension to the LBD. It is in established employment use, adjacent to the main built up area of Royal Tunbridge Wells – i.e. a sustainable location.
18. This site was also proposed to be allocated within the Draft Local Plan [[CD 3.9](#)], although at that stage it was referred to as AL/RTW 16 – Land at Wyevale Garden

Centre, Eridge Road and was allocated for 'A1 retail use that could include an A1 convenience store at the eastern part of the site with an element of residential'.

19. The site name was updated to reflect the fact that the site was sold by the previous owners, and it is now referred to as the 'Tunbridge Wells Garden Centre'. From discussions with the new owners, it is understood that the intention is to grow the garden centre business on the site and therefore the policy as drafted reflects this by way of its reference to the 'expansion of the garden centre'. It is also understood that the owners consider that an element of residential could be appropriate on the site, in order for them to make best use of the land, which is not all required for the garden centre business, including any planned expansion.
20. In terms of the previous allocation of this site for 'A1 retail that could include an A1 convenience store', this element of the allocation reflected the need for A1 retail provision as identified within the 2017 Retail and Leisure study [[CD 3.30\(i\)](#)] carried out by Nexus planning which informed the Draft Local Plan. Also, the site owners considered that this would be an appropriate complimentary use on the site and could be accommodated on site without impacting on the garden centre use.
21. However, following the updated Retail, Commercial Leisure and Town Centre Uses Study, also carried out by Nexus Planning in 2021 [[CD 3.86a](#)], the uses proposed for the site were re-assessed. This study re-considered the needs for retail and other commercial uses for the borough over the plan period, with a particular focus on Royal Tunbridge Wells Town Centre. This included the calculation of both convenience and comparison retail needs.
22. Specifically in terms of convenience floorspace provision, although a convenience capacity is identified in quantitative terms over the plan period, of between 5,300-9,300sqm over the plan period to 2038, as referred to at paragraph 7.52 of the 2021 study [[CD 3.86a](#)], paragraph 7.53 considers whether it is actually desirable to bring forward new convenience goods floorspace over the plan period, and where it might be needed. Paragraph 7.27 also importantly notes that, any retail capacity identified in the study, does not necessarily equate to the justification of retail floorspace allocations, especially in out-of-centre locations. The overall findings of the study concluded at paragraph 8.24i) that 'we (Nexus) do not consider that there is a pressing qualitative

need to allocate a site for a further foodstore at this time, and do not recommend that the Council specifically plans for the allocation of a site for convenience retail’.

23. Additionally, as part of the Retail, Commercial Leisure and Town Centre Uses Study, an assessment was carried out of a number of allocations proposed within the Draft Local Plan, taking into account the characteristics of the site and the use and quantum of floorspace proposed, and considered the sites suitability, availability and delivery. This assessment is included within Appendix H [[CD 3.86h](#)] of the above study and includes an assessment of this site on pages 17-18. This considered the following – *“It is likely that residential use could be delivered in this location during the plan period. This site is far enough from the town centre that the site may suit a mix of housing and flats rather than a higher-density town-centre scheme. It is likely that this site would be attractive to convenience retailers if the garden centre were to vacate the site; however, given the site’s out of centre location this would not be encouraged’. The site is already in A1 use, although promoting additional retail floorspace would not be appropriate given its out of centre location. Delivery of housing in this location is achievable throughout the plan period and this site offers the potential for new houses in a location close to the centre”.*
24. The above section justifies the approach to the allocation of the site and the uses proposed within the Submission version of the Local Plan.

Inspector's Question 4: [re. developability of the site]

Can the proposed uses be achieved on the site? Is the allocation developable?

TWBC response to Question 4

Introduction

25. It is considered that the site is developable within the Local Plan period and further detail is provided in response to the Inspectors question 6 below.

Consideration

26. The site promoters have confirmed through their Regulation 19 responses that the allocation of the site under Policy AL/RTW 14 is supported by the company (Blue Diamond) and they consider that the uses can be accommodated on the site alongside the existing garden centre operation.
27. It is noted that the site promoters preferred mix of uses for the site are - the existing garden centre (and its expansion), and A1 convenience store and an element of residential as provided for within the allocation in the Draft Local Plan [[CD 3.9](#)] for this site. The rationale for the amendment to the policy and the mix of uses now proposed, i.e. the expansion of the garden centre and residential, is set out in response to Question 3 above.
28. The Council's housing trajectory (please see Matter 9, Issue 1 [[TWLP/038](#)] and Issue 2 [[TWLP/039](#)] - Appendices) has currently phased the site for delivery for 2028/29.

Inspector's Question 5: [re. suitability of access]

Can a safe and suitable access be achieved for the proposed uses? How has this been considered as part of the plan making process?

TWBC response to Question 5

Introduction

29. As set out within the supporting text to Policy AL/RTW 14, at paragraph 5.91 – the site is currently accessed directly from the A26 Eridge Road to the south east corner of the site. It is acknowledged that it is close to a bend on Eridge Road and there is a bridge that crosses the Eridge Road just south of the site access which is related to the Spa Valley Railway.

Consideration

30. It is considered that a safe and suitable access can be achieved for the site for the uses proposed through Policy AL/RTW 14.
31. As illustrated on the site layout plan within the Local Plan, the existing access is considered to provide appropriate access into the site. Criteria 1 of Policy AL/RTW 14 – sets out the requirement that *'Means of access, including secondary and emergency means of access, to be informed by a transport statement; it is likely that the scale of any development may be limited by the quality of access arrangements that can be achieved within the confines of the site. An emergency access is likely to be required to the north'*.
32. The policy, at criteria 2 and 4 also provide for improvements to pedestrian and cycle links providing access into the town as well as to the north of the site connecting with the public right of way network and range of pedestrian routes through the Tunbridge Wells Common, Cabbage Stalk Lane and beyond.
33. KCC Highways and Transportation, in its Regulation 18 response conditionally supported the policy subject to the requirement of a transport assessment as detailed above in criteria 1 of the policy. Subsequent discussions have indicated that details of traffic movement and capacity assessment would be required as part of any development coming forward on the site as part of a transport assessment for a detailed

scheme. Additionally, KCC Highways have confirmed that a secondary access is not required for a development of this scale or indeed an emergency access, and so it is proposed that the policy is amended at criteria 1) in this regard.

Inspector's Question 6: [re. justification for uses on the site]

How have the proposed site areas been established? What are they based on and are they justified?

TWBC response to Question 6

Introduction

34. The supporting text to Policy AL/RTW 14, at paragraph 5.95, refers to the fact that development of this site would need to be sensitively designed to respect the location in proximity to the Tunbridge Wells Common, the Conservation Area and the topography of the site. These factors have been taken into account in the establishment of the area suitable for any further development as well as the sites location within the Green Belt, which is addressed in response to Question 7 below.

Consideration

35. Criteria 5 of Policy AL/RTW 14 refers to "*Development shall be located on the areas identified for mixed use on the site layout plan*".
36. There has been a nursery on this site since the late 1800's which has developed into a modern garden centre probably in the 1980's. An aerial photograph from 2000 (below) show the extent of development at its height. This includes the main buildings and hardstanding in the south east corner on the site of the former glass houses, a central area on the flatter land which are the setting out beds for container stock and an wide area to the north which is on sloping ground showing rows of trees and shrubs planted out in rows as open ground stock.
37. On-site growing was ceased some years ago and the area of open ground stock now has the appearance of woodland and self-sown trees are merging with the plantation. The flat area for container stock which would have included paths, edging, weed suppressant matting and irrigation has been colonised by trees and shrubs, almost entirely comprising goat willow. It is this area which contains areas of concrete and shingle, and is almost certainly contaminated with chemicals and the redundant infrastructure, that is shown – together with the existing buildings and parking areas - as the development area on the site layout plan and is considered suitable for built

development within this section to the rear of the garden centre as referred to at paragraph 16 above.

38. The wider land, a strip to the river to the south and the former area of field grown stock to the north are shown within the allocation as they are in need of remediation and can through enhancements contribute to wider sustainability objectives, provide landscape and biodiversity improvements as well as providing a more appropriate landscape setting for this part of the town and the new development.

39. Aerial photograph 2000



- 40.
41. This former uses of the site are reflected within the Site Layout Plan – Map 14 on page 109 of the Local Plan, which clearly shows which parts of the site are proposed for 'Mixed use' and also for the 'Open Space and Buffer' area.
42. The SHELAA [\[CD 3.77n\]](#) sheet – (Pages 36-38) which considered the suitability of this site for further development considered that it is a suitable site in part for expansion of the existing use and some residential development due to it being part PDL and partly within and adjacent to the existing LBD of Royal Tunbridge Wells.

Inspector's Question 7: [re. Exceptional Circumstances]

Do the exceptional circumstances exist to justify amending the Green Belt boundary in this location?

TWBC response to Question 7

Introduction

43. The Council's case for exceptional circumstances for the release of Green Belt as part of the overall spatial strategy is set out in response to the Inspectors questions on Matter 3, Issue 1 Spatial Strategy Questions 7 to 9 [TWLP/014], but in particular Matter 4 Principle of Green Belt Release Issue 3 Exceptional Circumstances Question 1 [TWLP/020].

Consideration

44. The responses to these questions refer the Inspector to the Development Strategy Topic Paper [CD 3.126] section 'I – Exceptional Circumstances for Green Belt releases'. The strategic exceptional circumstances for Green Belt release are set out at paragraphs 6.183 to 6.185 and are not repeated here. At paragraph 6.187 the Topic Paper identifies those site-specific issues that may be taken into account as part of exceptional circumstances, which include:

- The level of harm to the Green Belt that is likely to arise from the specific release
- The predicted harm to adjacent remaining Green Belt
- Localised need issues
- Site specific measures available to ameliorate any harm
- The context and nature of the site such as areas of previously developed land, site condition and locational advantages.

45. The Stage 1 Green Belt Study identified this area as part of the Broad Area BA8 [CD 3.93a]. This was further refined through the Stage 2 Green Belt study work, where the Stage 2 Green Belt Study Appendix A [CD 3.93b(v)]. assessed this area as parcel TW11 against Green Belt Purposes and found a, **weak or no contribution** to Purpose 2 (Prevent neighbouring towns merging into one another), **relatively weak**

contribution to Purpose 1 (Check the unrestricted sprawl of large built-up areas), **relatively weak contribution** to Purpose 4 (To preserve the special character of historic towns) and **Moderate** to Purpose 3 (Assist in safeguarding the countryside from encroachment). Based on the highest ranking purpose, Purpose 1, check the unrestricted sprawl of large built-up areas, the report concluded an overall harm rating of **relatively weak** as shown on figure 6.1 page 31 [[CD 93b \(i\)](#)].

46. Additionally, the Green Belt Study Stage 3 [[CD 3.93](#)] which refers to the site as 'Land at Wyevale Garden Centre, Eridge Road – Policy AL/RTW 14 provides the information on the first two bullet points and in terms of 'overall harm, at paragraph 4.49, it concludes that ; *“AL/RTW16 makes a Relatively Strong contribution to the prevention of encroachment on the countryside and a Moderate contribution to checking the unrestricted sprawl of the large built up area and to preserving the setting and special character of Tunbridge Wells. The impact of its release on the adjacent Green Belt will be Negligible. Harm resulting from the release of AL/RTW16 will be Low-Moderate”*.
47. The Development Strategy Topic Paper [[CD 3.126](#)] identifies additional site-specific factors in Table 5, page 67, which includes 'Green Belt Outcome', 'Mitigation' and 'Rationale'. In terms of Green Belt outcome, for this site it is concluded that the site should be removed in part and refers to the following – *“The land to be released from the Green Belt is the allocation less the landscape buffers (which are to be retained as landscape features) and a narrow strip to the south that would be otherwise left to ensure that the GB follows strong features on the ground that will endure. The area to be removed from the green belt is 5.521 ha”*.
48. In terms of 'mitigation', Table 5 refers to “the proposed allocation includes significant landscape buffers/enhancement particularly to the north to strengthen the Green Belt boundary”. Under 'rationale' it is observed that – “Railway to south provides strong boundary feature; allocation improves weak northern boundary. Area proposed for development is either already developed or has previously been subject to development. Site improves local pedestrian permeability”.
49. The above has been taken into account in the proposed allocation and provides justification for the approach.

AL/RTW 1 – Former Cinema Site, Mount Pleasant Road

Inspector's Question 8: [re. status of the site]

What is the latest position regarding the construction of the scheme already approved on the site?

TWBC response to Question 8

Introduction

50. The former cinema site constitutes a significant, previously developed site, within the Royal Tunbridge Wells town centre, located within a central and prominent part of the centre. It has been vacant since 2002, with the former cinema buildings being demolished in 2014.
51. The site was considered through the SHELAA process and the full assessment is included in the SHELAA sheet [[CD 3.77n](#)] (pages 7-8) and confirmed through the SA [[PS 013](#)]. The SHELAA concludes that the site is identified as a suitable potential Local Plan Allocation.
52. Policy AL/RTW 1 allocates the site for mixed use development to include approximately 100 residential dwellings, uses falling within Commercial Class E and Sui Generis uses to include a cinema and cafes or drinking establishments. A number of required criteria are included within the policy reflecting the sites' sensitive location, within the central Conservation Area and proximity to a number of listed buildings.
53. The site was previously allocated within the Site Allocations Local Plan (SALP) 2016 [[CD 3.119](#)] under Policy AL/RTW2B: Former Cinema Site Area of Change. The 'Area of Change' policies sought to identify sites that had the potential to come forward for "refurbishment, change of use or redevelopment over the Plan period". Specifically, Policy AL/RTW2B sets out the framework for the redevelopment of the site and details a number of uses which would be acceptable as part of a mixed use scheme including; retail of approximately 3,500sqm (net) additional A1 comparison to include the creation of an active retail frontage to Mount Pleasant Road, hotel and conference facilities, office (B1), restaurants and cafes, residential use: supplementary to the other uses and transport improvements.

Consideration

54. The site has a lengthy planning history with a number of different owners pursuing a variety of consented schemes for the redevelopment of the site, the most recent being for a comprehensive mixed use development comprising A1/A2/A3 retail and restaurant uses, D2 cinema use and C3 (up to 108 residential dwellings) under permission [17/02262/FULL](#). A minor material amendment was approved in 2019 under [\(19/01869/FULL\)](#), for a number of amendments, although still incorporating a mixed-use development but with a reduction of retail floorspace, removal of office accommodation and external and internal alterations.
55. The 2019 permission has been implemented and a Lawful Development Certificate (Existing) was granted in March 2021 for “*The installation of 10 contiguous piles in the location shown on Plan No 19/01869/FULL, constituting the lawful implementation of planning permission 19/01869/FULL*”. However, this scheme has not been built out.
56. The site has been contracted to purchase subject to planning by ‘Retirement Villages Services Ltd’ (RV Services Ltd) and they are now pursuing an amended scheme for the site and their agents have commenced pre-application discussions with the Council in this regard.
57. RV Services Ltd carried out a public consultation between March and April 2022, within the town centre, providing the opportunity for the local community to provide feedback on the proposals as drafted and to inform the final proposals for the site.
58. Additionally, DHA Planning on behalf of RV Services have now submitted an EIA Screening Request- [22/01547/ENVSCR](#) (as of May 2022) for proposed development which they intend to apply for as described in their EIA Screening request as “*The redevelopment of the former Cinema Site comprising the demolition of no. 41 Mount Pleasant Road, removal of existing hardstanding and the provision of an extra care retirement community comprising extra care accommodation together with associated facilities; new commercial floorspace Use Classes E(a), E (b), E (c), E (e), E (g) and Sui Generis uses (beauty related uses and drinking establishments); access, landscaping, public realm improvement works; engineering and earthworks; associated infrastructure; and the re-alignment of Public Right of Way ref WBX17 and extinguishment of Public Right of Way ref WBX18*”.

59. Paragraph 1.4.1 of their request further confirms that *“The development will include approximately 165 apartments together with associated facilities and approximately 800sqm of commercial floorspace. Vehicle access to the site is proposed from Clanricarde Road”*.
60. This screening opinion has been submitted to the council as a formal request for an opinion as to whether the above proposed development constitutes a project requiring an Environmental Impact Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The EIA Screening Opinion was determined on 1st June – EIA Not Required.

Inspector's Question 9: [re. developability of the site]

Is the allocation developable within the plan period?

TWBC response to Question 9

Introduction

61. As referred to above, the site does benefit from an existing planning permission for redevelopment for a mixed-use scheme, which has been implemented on site, but not built out as referred to at paragraph 35 above.
62. Furthermore, RV Services Limited are currently preparing a new scheme for the site and have submitted an Environmental Impact Screening Request in this regard, which was determined on the 1st June – EIA Not required as referred to above.

Consideration

63. Taking into account the above, it can be concluded that despite the sites' history, it is considered that the site is deliverable within the plan period. Additionally, a Planning Performance Agreement is in place between the Council and Retirement Villages Services Ltd. This is in order to focus pre-application discussions on the issues that will need to be addressed throughout the course of preparing and determining the planning application and the timescales and resources likely to be required.
64. Recognising the importance of this site to the town centre of Tunbridge Wells, a Statement of Common Ground between the Council and Retirement Villages Services Ltd has been agreed and is appended to this statement at Appendix 1.
65. Within this statement, RV Services Limited have confirmed that Subject to the completion of technical assessments, a Full planning application is due for submission in summer 2022, with a target determination date of Autumn 2022.
66. On the grant of planning permission RVG has confirmed that allowing for detailed technical design, development is expected to commence in 2024, with first units complete in August 2025 and all units complete by the end of 2025. It is also considered that due to the site constraints and compact nature, it is not a site that can be phased. The development will therefore be completed within the Plan period.

67. Alongside work to prepare the planning application, RVG has advised that it has engaged a full technical and engineering team to ensure the proposals are deliverable.

AL/RTW15 – Land at Showfields Road and Rowan Tree Road

Inspector's Question 10: [re. justification for allocation]

What is the justification for the proposed allocation and mix of uses?

TWBC response to Question 10

Introduction

68. This site, which is located to the south west of the town of Royal Tunbridge Wells currently comprises a mix of uses, including residential, a library, café, health facility, a small convenience store and a community hall, as well as a childrens' play area and car park.
69. The site falls within the defined Showfields 'Neighbourhood Centre' (within both the adopted Local Plan 2006 [\[CD 3.120\]](#) and the Site Allocations Local Plan 2016 (SALP) [\[CD 3.119\]](#) reflecting the mix of existing uses on the site. It is located on a prominent position on the corner of Showfields Road and Rowan Tree Road.
70. The site was considered through the SHELAA process and the full assessment is included in the SHELAA sheets [\[CD 3.77n\]](#) (pages 174-179) and considered through the SA [\[PS 013\]](#). The SHELAA concludes that the site is identified as being suitable as a potential Local Plan allocation. In the 'Reason' it refers to the site being in a sustainable location being part PDL and within the LBD of Royal Tunbridge Wells, and is considered appropriate for a mixed use scheme reflective of the fact that the existing site comprises a mix of uses and would benefit from regeneration and enhancement of the existing residential dwellings on the site, supported by enhanced community facilities in this sustainable location.
71. Policy AL/RTW 15 allocates the site for residential development, providing approximately 155 additional dwellings and health and community uses.

Consideration

72. The policy as drafted identifies this site as being in existing residential and community uses within an area that is considered suitable for regeneration. This is particularly to provide updated residential accommodation with a high level of affordable housing and

associated community facilities and services, to act as a 'hub' for this part of the town – as per paragraph 5.99 of the Local Plan.

73. Policy AL/RTW 15 requires the 'comprehensive redevelopment' of the site in order to bring forward residential and community development. This reflects the emerging proposals that were being drawn up by the agent promoting this site at the time of the preparation of the Regulation 19 Local Plan. Officers considered these proposals, and – on the basis of the evidence available at that time – it was concluded that this level of housing and community use could be delivered. In its Regulation 19 representation Town and Country Housing did not set out that it considered the numbers indicated in the policy to not be deliverable, but rather sought that specific reference to 155 dwellings is removed and that the policy provides an indicative range of a suitable number of new dwellings to allow maximum flexibility, recognising that the number of new units will be subject to a range of design issues and constraints including building heights and car parking requirements.
74. However, it is now understood from recent discussions, that Town and Country Housing Group, part of the Peabody Trust, (which is promoting part of the site for redevelopment of residential uses), is no longer pursuing the comprehensive redevelopment of the site as a whole, but are rather promoting a smaller development reflecting its ownership and aspiration for the part of the site that is within their control (the site is in a number of different ownerships, including the Town and Country Housing Group, The No.1 Community Trust, Kent County Council, Tunbridge Wells Borough Council and private individuals).
75. Furthermore, Frankham Projects have now submitted a planning application to the Council on behalf of the Town and Country Housing Group. (This application has been received by the Council but is invalid – an update will be provided to the Inspector at the Hearing session). This application is for the *“Demolition of existing residential units and existing garages and construction of 146 new residential units (Use Class C3) with associated vehicular and pedestrian access, car parking, cycle parking, refuse storage and other associated works including servicing and landscaping, works to public highway, public realm improvements and a new sub-station”*.

76. This application focuses on the part of the site that is within the control of Town and Country Housing Group, with additional land within the ownership of Tunbridge Wells Borough Council and Kent County Council, which has been brought into the scheme to maximise the overall regeneration benefits, whilst ensuring that the proposals can be delivered. It is important to highlight that although the development is for the construction of 146 new dwellings, the actual net additional dwellings is 36.
77. The plan included in Appendix 1 of this statement highlights the areas of redevelopment subject to the current planning application taken from Figure 3 of the planning statement.
78. This application was submitted to the Council following on from consultation that Frankham Projects have carried out with key stakeholders, community groups and local residents.
79. The planning statement submitted in support of the planning application, highlights at paragraphs 2.9-2.10, the rationale for the redevelopment of the existing housing, primarily in relation to the outdated layout and subsequent resultant issues such as anti-social behaviour and limited natural surveillance and legibility, as well as the concern in relation to the timber construction of the properties with subsequent fire safety issues and many of the apartment blocks and maisonettes being undersized with a limited useable life.
80. The planning application also proposes enhanced open space as part of the proposals as well as new children's play equipment. Although the proposals currently being considered do not include enhancement to the community facilities, it is understood that the Town and Country Housing group and Tunbridge Wells Borough Council (property and estates team) have engaged with the No.1 Community Trust and Kent County Council as part of the process and the current proposals do not prejudice the future redevelopment or enhancement of the community buildings. More information on this is provided below.
81. An update on the application will be provided to the Inspector at the relevant hearing session as appropriate.

82. The above paragraphs update the Town and Country Housing Group's intentions for the development of the site within its control, which is helpful in confirming the current situation. This is clearly a far reduced scheme than that envisaged by the Council in preparing the Regulation 19 Local Plan, which sought to plan for the comprehensive redevelopment of the site with approximately 155 additional dwellings. The chief reasoning for the substantial decrease in additional dwellings relates to an inability to provide sufficient car parking in a manner which KCC find acceptable. The timeline and evolution of the proposals is helpfully set out within the applicant's planning statement for the current application.
83. In terms of the aspirations of the wider ownership of the site, it is understood that the Number One Community Trust who represent the current community facilities on the site have been party to discussions with the relevant stakeholders including, Town and Country Housing Group, Tunbridge Wells Borough Council (Property and Estates Team) and Kent County Council. Whilst, at this stage proposals for the wider allocated site, including the existing community facilities, have not been included in the planning application, discussions are continuing and it is considered that redevelopment of the remainder of the allocation will occur over the lifetime of the Local Plan. Further discussions will be carried out with the relevant parties as appropriate.
84. Breaking this down further, in terms of the requirement for a new medical centre on the site, by way of background, it is worth highlighting the fact that a medical centre was previously located within the site – the Rowan Tree Surgery, as a branch surgery of the Clanricarde Medical Centre. This was, however, closed in January 2020 and since this time, the premises have been used by Kent County Council as a specialist health clinic.
85. In terms of the justification for allocating this site for a medical centre/health use is provided in part within the Infrastructure Delivery Plan (IDP) 2021 [\[CD 3.142\]](#) in relation to the promotion of health uses on the site and which has informed the Local Plan. Specifically, section 3 of the IDP sets out the health requirements of the borough over the plan period to support the proposed growth and details any specific needs. In relation to Royal Tunbridge Wells Main Urban Area it states that, *"There are nine general practices that cover all or part of the main urban area; this includes the practice at Pembury and most of the practice catchment/boundary areas overlap. The new premises for St Andrews Medical Practice, part of the Southborough Hub, opened in*

May 2021. Opportunities through the Local Plan to secure options for new general practice premises (as a relocation), is something the CCG has been exploring with Tunbridge Wells Borough Council. There is a need to secure additional capacity in/around the town centre to accommodate the growth and two site allocations provide for this at the TN2 centre and adjacent land and Land at Showfields Road and Rowan Tree Road'.

86. There has been continuous engagement with the Clinical Commissioning Group (CCG) throughout the Local Plan preparation process in this regard and confirming the required health infrastructure over the plan period as set out within the Duty to Cooperate meeting log [\[CD 3.132b\(v\)\]](#) and the Statement of Common Ground with the CCG [\[CD 3.132cv\]](#).
87. The CCG, through its Regulation 19 Local Plan comments and through the Statement of Common Ground with the Council [\[CD 3.132cv\]](#), has stated that “*The statement regarding a new medical centre in Policy AL/RTW 15 is noted as an opportunity to inform the planning for primary medical care services in Tunbridge Wells*” and that “*The CCG have supported the opportunity these allocations provide to inform the planning for Primary medical care services within the borough*”. The Council has continued to engage with the CCG in relation to this site following the submission of the Local Plan and explored options for the possibility of a new practice within the site to serve this southern part of the town. Proposals have not been included within the planning application prepared by Town and Country Housing Group, and there are some constraints within the site which must be addressed (including land ownership), but given the comments of the CCG and the discussions held with other landowners, the Council considers that the provision of new health and community facilities as part of the allocation is still deliverable.
88. Taking the above into account, it is considered that it would be appropriate to propose an amendment to the Local Plan policy AL/RTW 15 accordingly to reflect this updated information primarily that the reference to 155 dwellings should be removed as it is now evident that this quantum can no longer be achieved from this site. The Council would still wish to support any redevelopment opportunities within this area, in order to regenerate elements of the site and ensure that appropriate facilities are provided for the local population within this defined ‘Neighbourhood Centre’:

89. This site, as defined on the Royal Tunbridge Wells and Southborough Policies Map (Inset Map 1-1d and 2) is allocated for residential development providing between 35-40 ~~approximately 155~~ additional dwellings and ~~health and~~ community uses.

Development of the site shall accord with the following requirements:

1. ~~A comprehensive~~ Any proposals for the redevelopment of the site or part of the site shall seek to provide ~~to include~~ the re-provision and enhancement of the existing residential dwellings alongside enhanced and improved community facilities, ~~to~~ which may include a new medical centre. The enhancement or re-provision of the existing community facilities will be considered and carried out in co-operation with the relevant stakeholders/providers. ~~and health facilities to be provided in accordance with an agreed timetable, relative to the phasing of the residential element of the development.~~
90. Further consideration of the community facilities is covered in the Councils response to Question 13 below.

Inspector's Question 11: [re. developability of the site]

Is the allocation developable within the plan period?

TWBC response to Question 11

Introduction

91. As referred to above, a planning application has been submitted for the redevelopment of part of the allocated site for the *“Demolition of existing residential units and existing garages and construction of 146 new residential units (Use Class C3) with associated vehicular and pedestrian access, car parking, cycle parking, refuse storage and other associated works including servicing and landscaping, works to the public highway, public realm improvements and a new sub-station”*.
92. The Council is currently considering this application and will update the Inspector as necessary and appropriate at the relevant hearing session.
93. The Plan provided within Appendix 2 of this statement provides clarity on the part of the site that this proposal relates to.

Consideration

94. The above demonstrates that the residential part of the site, subject to the current planning application is developable within the plan period.
95. In terms of the remaining part of the site, the Council will seek to work with the Town and Country Housing Group and their agent to realise further redevelopment/regeneration of the site and with the other freehold owners/stakeholders to enhance/re-provide the community facilities as necessary to support the areas growth over the plan period.

Inspector's Question 12: [re. wastewater infrastructure]

How has existing on-site wastewater infrastructure been considered? Is the allocation deliverable?

TWBC response to Question 12

Introduction

96. In terms of the consideration of wastewater infrastructure, the Council has liaised with Southern Water throughout the Plan preparation process as set out within the Council's Duty to Cooperate Statement [[CD 3.132c\(v\)](#)] and [[3.132b \(v\)](#)] (pages 309-341) and also within the Infrastructure Delivery Plan – October 2021 [[CD 3.142](#)] at 'Theme 4 – Water' Additionally, Southern Water made comments at all the formal stages of plan preparation, including at the Regulation 19 stage.
97. Southern Water specifically submitted a representation on Policy AL/RTW 15 – Land at Showfields and Rowan Tree Road, Royal Tunbridge Wells at the Regulation 19 stage of the Local Plan, where it stated the following:

“Southern Water is the statutory wastewater undertaker for (Parish/settlement). Our assessment has revealed that Southern Water's underground infrastructure crosses this site. This needs to be taken into account when designing the site layout. Easements would be required, which may affect the site layout or require diversion. Easements should be clear of all proposed buildings and substantial tree planting.

In consideration of the above, we recommend the following criterion for Policy AL/RTW 15.

Layout is planned to ensure future access to existing wastewater infrastructure for maintenance and upsizing purposes”.

98. Additionally, Southern Water also made comments on their preliminary assessment of the capacity of their existing infrastructure and its ability to meet the forecast demand for this proposal. They state the following in relation to this site:

“The assessment reveals that existing local sewerage infrastructure to the site has limited capacity to accommodate the proposed development. Limited capacity is not a constraint to development provided that planning policy and subsequent conditions

ensure that occupation of the development is phased to align with the delivery of new wastewater infrastructure”.

99. Southern Water further state that development on the site would generate a need for reinforcement of the wastewater network in order to provide additional capacity to serve the development and therefore they recommend the following criteria be added to Policy AL/RTW 15:

“Occupation of development will be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider”.

100. Discussions were held with Southern Water following its comments made through the Regulation 19 consultation on the Local Plan. As a result of these discussions, it was not considered necessary to include specific criteria within the policy, but rather cross reference should be made below the policy itself to Development Management Policy EN24 – Water Supply, Quality and Conservation, as well as other relevant policies. The above approach was discussed and agreed with Southern Water in reviewing its representations and the cross reference to the relevant policy was agreed.
101. This collaboration is set out within the Statement of Common Ground between Tunbridge Wells Borough Council and Southern Water [[CD 3.132c\(v\)](#)] which was signed by both parties in October 2021.
102. Due to the fact that Southern Water’s underground infrastructure crosses the site, it will be necessary for the agent promoting the site and the Council to liaise with Southern Water to ensure that the necessary easements are considered as part of the site layout at an early stage in accordance with the approach advocated within Policy EN 24 – Water Supply, Quality and Conservation. It is the Council’s view that the applicants have produced a comprehensive drainage strategy which shows the layout of the sewers across the site, and they also produced detailed sub-surface infrastructure drawings at the pre-application stage.
103. It is therefore considered that the above approach is satisfactory for considering wastewater infrastructure and the site is deliverable in this regard. Additionally, Southern Water will be consulted by the Council as a statutory consultee on any future planning application coming forward for development of the site.

Inspector's Question 13: [re. impact on existing community facilities]

What impact will the proposed allocation have on existing community facilities and how will the policy provide for the effective enhancement and improvement of facilities?

TWBC response to Question 13

Introduction

104. As referred to in response to Question 10 above – the site includes a number of existing community uses including a community hall, a library, a health clinic, a small convenience store, a children's play space and a designated Village Green.

Consideration

105. The supporting text to Policy AL/RTW 15 at paragraph 5.99 was amended following the Regulation 19 consultation as follows – “The area is part of a defined Neighbourhood Centre, which occupies a prominent position on the corner of Showfields Road and Rowan Tree Road, and benefits from a range of existing community uses and facilities, which should be retained and enhanced and form an integral part of any redevelopment”.

106. This was to make it explicit to users of the Plan that the site already has a range of facilities and that they should be at least retained as part of any redevelopment schemes and any enhancements should form an integral part of any redevelopment.

107. An update had been provided in relation to the current status of proposals coming forward for the redevelopment of part of the site and as also referred to above, amendments are proposed to the wording of Policy AL/RTW 15 which relate to the provision of the community facilities and in particular the requirement for a medical centre to reflect the above and to aid clarity and interpretation of the policy and its intentions.

Appendices

Appendix 1: Statement of Common Ground between Retirement Villages Services Limited and Tunbridge Wells Borough Council

Tunbridge Wells Borough Council

Statement of Common Ground

Tunbridge Wells Borough Local Plan

**Tunbridge Wells Borough Council and
Retirement Villages Group Ltd**

June 2022



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Statement of Common Ground

Tunbridge Wells Borough Council and Retirement Village Group Ltd

1.0 Introduction

- 1.1 This Statement of Common Ground (SoCG) is jointly agreed between Retirement Villages Group Ltd (RVG) and Tunbridge Wells Borough Council (TWBC), hereafter referred to as “the parties”, in relation to Policy AL/RTW 1 in the submission Tunbridge Wells Local Plan (TWLP). The policy pertains to the Former Cinema Site, Royal Tunbridge Wells (the Site) which RVG has contracted to purchase subject to planning.
- 1.2 RVG were not in contract to purchase the Site at the time the submission Local Plan was consulted on and thus no separate representations by RVG have been made. This SoCG is therefore intended to provide an update on the status of the Site to assist in answering the Inspector’s questions:
 - Question 8: What is the latest position regarding the construction of the scheme already approved on the site?
 - Question 9: Is the allocation developable within the plan period?
- 1.3 This SoCG is to be read alongside TWBC separate statement in response to the questions.

2.0 Background to the Site

Planning History

- 2.1 Since 2008 the Site has been subject to three consented planning applications for the following:
- 08/033119/FULMJ – Mixed use development including hotel, offices, shops, professional and financial services and restaurants
 - 17/02262/FULL – Mixed use development including 108 homes and commercial/non-residential floorspace
 - 19/01869/FULL – Amendment to the above application facilitating the reduction in retail/restaurant floorspace and removal of the office floorspace to increase the deliverability of the scheme. It further amended the residential element to age restricted specialist housing
- 2.2 The 2019 application comprised the following:
- 108 unit retirement community
 - 2,604 m² A1/A3 retail/restaurant floorspace
 - Cinema
 - Flexible option for a medical use (in lieu of 9 units)
- 2.3 For reasons of viability neither the 2017 or 2019 applications included affordable housing nor made contributions in lieu.
- 2.4 The 2019 application has been lawfully implemented and therefore is extant (ref 19/01869). Beyond putting in place three piles for foundations (to lawfully implement the consent) the development has not progressed any further.
- 2.5 The promoter of the 2019 proposal ultimately withdrew from any involvement in the Site. RVG's assessment is that the consented scheme was commercially undeliverable. RVG sought discussions with the Site owners in 2021 and secured a subject to planning contract.

Site Constraints

- 2.6 The Site is constrained by:
- The considerable level changes across the Site; and
 - Victorian railway line which diagonally crosses the Site frontage at a shallow depth.
- 2.7 The above have both cost and design implications. Allied to this, there are other planning considerations which add further to design and cost, including:
- Position in the Conservation Area;

- Proximity to several listed buildings opposite the Site and in close proximity; and
- High street frontage requirements and level of retail/commercial floorspace required to be delivered.

2.8 Balancing the above matters have contributed towards the delay in the Site coming forward.

3.0 New Proposals

The Proposals

- 3.1 RVG has contracted to purchase the Site subject to planning. The new proposals for the Site comprise:
- Circa 165 (C2) extra care units and associated facilities as part of an integrated retirement community;
 - 1,068 sqm of floorspace for E(a), E(b), E(c), E(e), E(g i& ii) & Sui Generis (beauty related uses and drinking establishments) uses, also referred to as commercial/retail floorspace; and
 - Central community courtyard.
- 3.2 The commercial/retail floorspace is contained at ground floor on Mount Pleasant Road and at the corner of Mount Pleasant Road and Church Road. Wellness and communal facilities associated with the extra care development (also accessible to the general public) are positioned on the ground floor of Church Road and part of Mount Pleasant Road. The latest ground floorplans and key corner elevation are provided at **Appendix 1**.
- 3.3 It is understood between the parties, that because of reasons of viability, that the proposals will not propose affordable housing, nor will a contribution be proposed towards off site provision (as with the previous consented schemes).
- 3.4 The emerging proposal as attached at Appendix 1, are supported by Tunbridge Wells Planning Services, including the amount and distribution of development which has responded to previous Officer feedback. Historic England has also raised no in principle concerns. This reflects where the parties currently stand in terms of pre-application discussions to date.
- 3.5 The increase in the number of units proposed, compared to the 2017 and 2019 schemes has principally arisen through a more efficient layout including “right sizing” units, removal of the cinema and reduction in the amount of commercial/retail floorspace.
- 3.6 The level of commercial and retail floorspace aligns with the “Commercial Leisure & Town Centre Uses Study Update, Feb 2021, prepared by Nexus” (Local Plan Core Document [CD 3.86a](#)). The assessment of the Site allocations appended to the Report (Appendix A), specifically notes the retail floorspace to be provided at the ground level only and the level of retail floorspace consented as part of the current 2019 scheme is likely to be too large given market conditions and retail capacity work. This is also echoed at para 3.145 of the report. It further notes the challenges of delivering a viable scheme with a Cinema (paras 3.147 & 8.17).

Pre-Application Consultation

- 3.7 RVG and its consultant team have been engaged in pre-application discussions with Tunbridge Wells Planning Officers since December 2021. Historic England has also been engaged in pre-application discussions since February 2022. The proposals have

further been informed by pre-application consultation with Kent County Council (KCC) Highways and Transport, KCC Public Rights of Way (PROW) Team and Tunbridge Wells Borough Council (TWBC) Environmental Health.

- 3.8 The proposals have been shaped by public engagement, including a consultation website, a live virtual consultant event, two-day in person public exhibition, two presentations to Members and various meetings with key local stakeholders and interested groups.

Comparison with Extant Permission


- 3.9 The extant 2019 permission is formative to Policy AL/RTW 1. In the context of the emerging proposals and to aid the delivery of the Site, the development proposals have evolved as follows:
- Like the 2019 scheme the residential element is for specialist accommodation, with the emerging proposals increasing the number of units to circa 165;
 - In contrast to the 2019 scheme, the proposals do not include a cinema;
 - Both the 2019 and the emerging proposals have residential accommodation above ground level fronting Church Road and Mount Pleasant Road, with a mixture of commercial/retail floorspace and shared amenity space on the ground floor. The emerging proposals increase the proportion of amenity space (which is publicly accessible), on the ground floor and reduce the amount of commercial/retail floorspace;
 - For the emerging proposals, a suitable solution has been found which is a combination of roadside and on-site servicing, rather than this all being contained in the Site, as per the 2019 scheme: and
 - Like the 2019 scheme, the emerging proposals do not include natural green space or children's play space which is not considered appropriate given the nature of the development. However, the emerging proposals provide significant private amenity space in the form of balconies, roof terraces and a publicly accessible courtyard.

4.0 Deliverability

- 4.1 The parties have entered into a Planning Performance Agreement (PPA). Subject to the completion of technical assessments a Full planning application is due for submission summer 2022, with a target determination date of Autumn 2022.
- 4.2 On the grant of planning permission RVG has confirmed that allowing for detailed technical design, development is expected to commence in 2024, with first units complete in August 2025 and all units complete by end of 2025. Due to the Site constraints and compact nature, it is not a site that can be phased. The development will therefore be completed within the Plan period.
- 4.3 Alongside work to prepare the planning application, RVG has advised that it has engaged a full technical and engineering team to ensure the proposals are deliverable. RVG therefore consider the proposals deliverable within the timescales outlined.

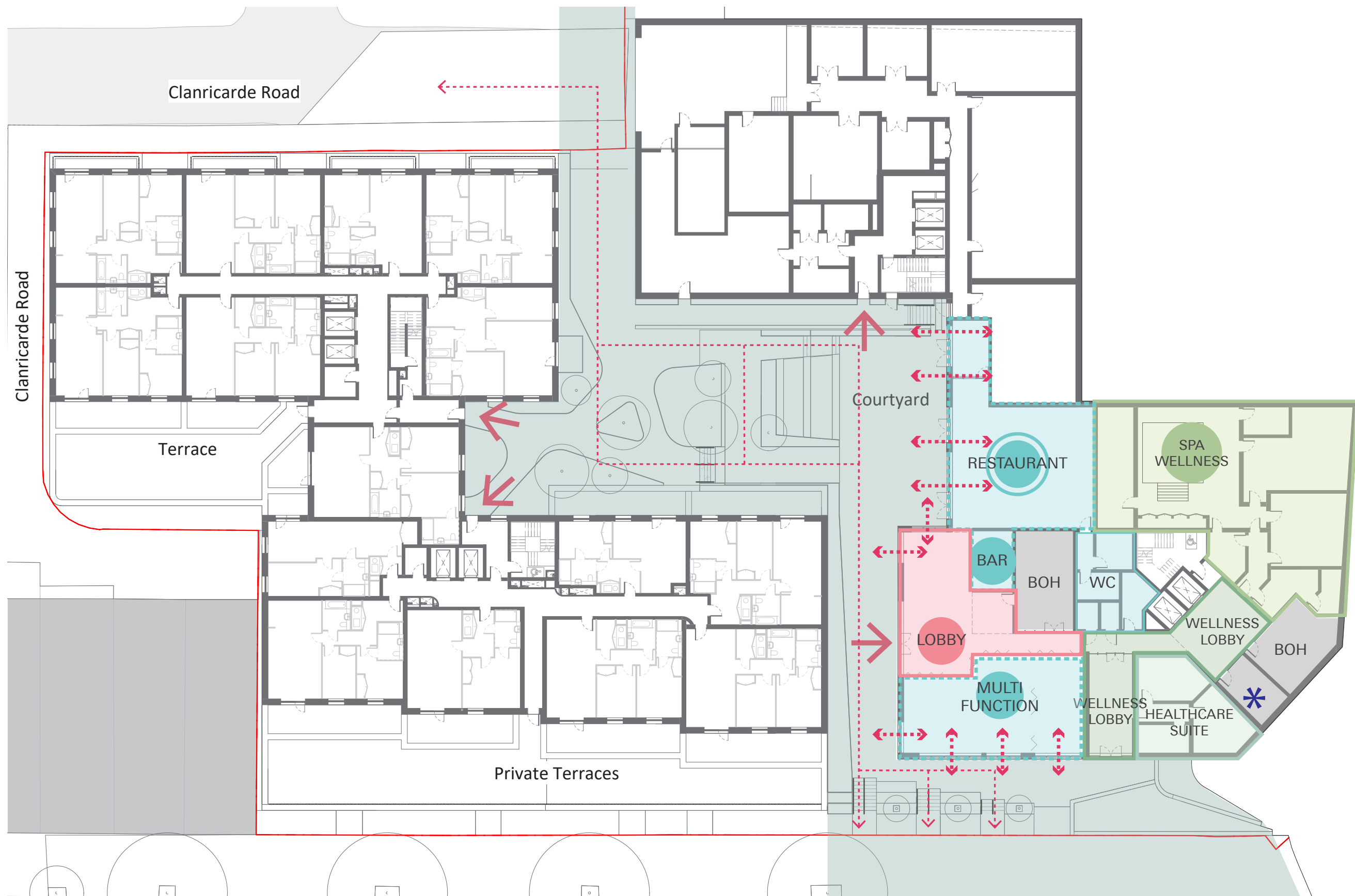
5.0 Signatories

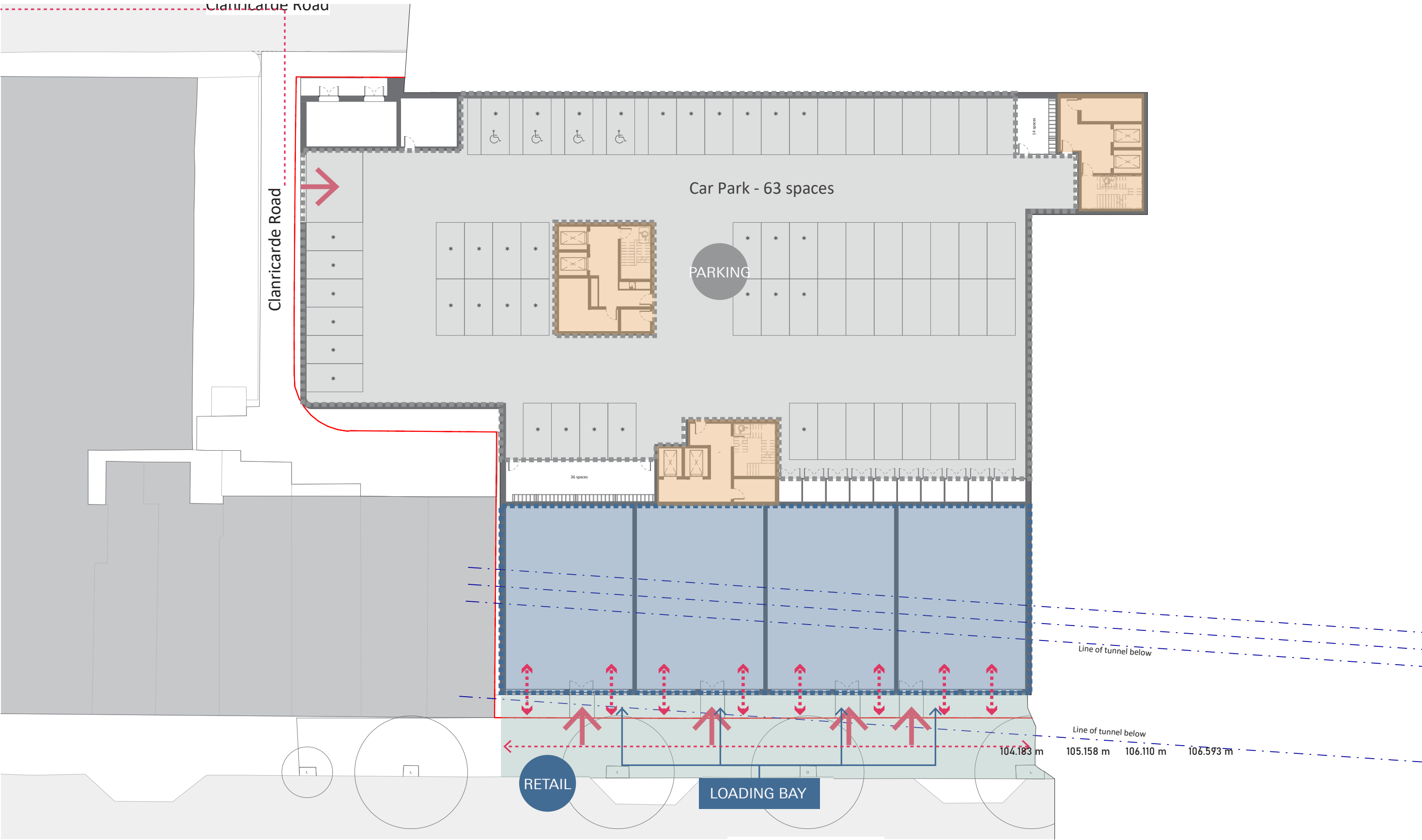
5.1 This statement has been prepared and agreed by the following organisations.

Organisation	Signature	Date
Tunbridge Wells Borough Council	William Benson 	10/06/2022
Retirement Villages Group Ltd	Lucy Wilford at DHA Planning on Behalf of Retirement Villages Group Ltd 	10/06/2022

Appendices

Appendix 1: Proposed Plans











Appendix 2: Area subject to the planning application for Policy AL/RTW 15

