

WESTERN AREA PLANNING COMMITTEE
Wednesday 12 November 2008 at 2pm
Planning and Other Applications for Consideration

Members of the Western Area Planning Committee will decide the following applications. If you are accessing this schedule from the website, further details can be obtained about each planning application by clicking on the relevant application reference no. from those listed and underlined below:

APPLICATION	DESCRIPTION LOCATION	RECOMMENDATION	DECISION	PAGE
<u>TW/08/03119</u>	<p>Demolition of all existing buildings to facilitate redevelopment of site with mixed use classes including D1 (hotels), B1 (offices), A1 (Shops), A2 (professional & financial services) & A3 (restaurants) together with servicing and car parking.</p> <p>Cinema Development Site Mount Pleasant Road ROYAL TUNBRIDGE WELLS</p>	APPROVE		1 – 56
<u>TW/08/03297</u>	<p>Lawful Development Certificate (Proposed) – Single storey rear conservatory extension.</p> <p>44A Culverden Down, ROYAL TUNBRIDGE WELLS</p>	DEEMED PERMITTED DEVELOPMENT		57 – 59
<u>TW/08/02950</u>	<p>LISTED BUILDING CONSENT – Vary detail of existing permission (TW/08/04021 refers) by removing one chimney stack and by varying size of gutter on part of building.</p> <p>Broom Farm, Broom Lane, LANGTON GREEN</p>	APPROVE		60 – 63

APPLICATION	DESCRIPTION LOCATION	RECOMMENDATION	DECISION	PAGE
TW/08/03325	<p>Trees in a Conservation Area Notification : 2 No. ALDERS - Fell; SMALL CHERRY (dead) - Fell; Several (self sown) SYCAMORE (within hedges) - Fell; Roadside HEDGE (inc. HOLLIES close to sycamores) - Prune to level top at approx. 2.5m; LAUREL (remove overhanging parts to allow 1 metre gap and trim sides); NORWAY MAPLE ans small ASH - Fell. Dying ELM - Fell; LAUREL - Reduce height; INDIAN BEAN TREE - Deadwood.</p> <p>3 Camden Park, ROYAL TUNBRIDGE WELLS</p>	NO OBJECTION		64 – 66
TW/08/03372	<p>TREES: Robinia Frisia – Fell.</p> <p>3 Camden Park, ROYAL TUNBRIDGE WELLS</p>	APPROVE		67 – 68

WESTERN AREA PLANNING COMMITTEE
WEDNESDAY 12 NOVEMBER 2008
REPORT OF THE HEAD OF PLANNING SERVICES
(081112/WAP001)
PLANNING AND OTHER APPLICATIONS FOR CONSIDERATION

APPLICANT CONTACT ADDRESS	REFERENCE DATE VALID	LOCATION GRID REFERENCE	PROPOSAL DATE OF APPLICATION
RYDELL PROPERTIES LTD (Mr Philip Villars Indigo Planning Swan Court Worple Road Wimbledon London SW19 4JS)	TW/08/03119 08/10/08	Cinema Development Site Mount Pleasant Road ROYAL TUNBRIDGE WELLS CU 558434/139434	Demolition of all existing buildings to facilitate redevelopment of site with mixed use classes including D1 (hotels), B1 (offices), A1 (Shops), A2 (professional & financial services) & A3 (restaurants) together with servicing and car parking. 10/09/08

MAJOR APPLICATION

1.0 DESCRIPTION

- 1.01 The application site is located in Tunbridge Wells town centre. It is in a prominent location wrapping around the corner of Mount Pleasant Road and Church Road junction on its south west side with important frontages to both roads. There is also a secondary frontage to Clanricarde Road.
- 1.02 At present, several buildings occupy the site:
- A vacant cinema;
 - Small A1 (shops), A2 (financial and business services), and A3 (restaurants and cafes) units at ground floor level fronting Mount Pleasant and Church Road, forming part of the original cinema complex;
 - Further small and medium A1 and A3 uses fronting Mount Pleasant Road, some with servicing from the rear, including Pizza Hut;
 - Hill House – dental practice/offices;
 - Clanricarde House – doctors' surgery;
 - A car park to the rear, with access from Clanricarde Road.
- 1.03 There is a pedestrian link between Mount Pleasant Road and Clanricarde Road, and at the north western corner of the site there is a link between Clanricarde Road through the car park to Church Road.
- 1.04 There is existing vehicular access to the site from Church Road and Clanricarde Road.
- 1.05 The ground level of the whole application site slopes down from north to south, such that the southern end of the site is equivalent to at least two storeys lower than the Church Road/Mount Pleasant Road junction.

- 1.06 The existing 'cinema building' varies at street level from two/three storeys in height at its Mount Pleasant Road/Church Road frontages, to the equivalent of four/five storeys in the location of the auditorium of the cinema, in the centre of the site.
- 1.07 To the south, fronting Mount Pleasant Road and separated from the cinema building by the pedestrian way previously mentioned, is a two-storey A3 use (Pizza Hut), and further retail uses. The application site adjoins a further length of terrace on the Mount Pleasant Road frontage, consisting of five units, largely retail, with a bank at the corner of Lonsdale Gardens.
- 1.08 Adjacent to the west of the application site fronting Church Road is an A3 use (The Pitcher and Piano) contained in a four-storey building. Wellington Gate, a substantial office building, lies adjacent to the Pitcher and Piano, and extends back from the main frontage so that it has a common boundary with the application site.
- 1.09 To the west of the site is Clanricarde Road and Clanricarde Gardens. This locality is characterised by medical and financial/office uses housed in substantial, detached villas, with access from Lonsdale Gardens.
- 1.10 There are several listed buildings in the vicinity: the Town Hall, the bank at 80 Mount Pleasant, Trinity Arts Centre, and 2-3 The Priory.

2.0 APPLICATION

- 2.01 The submitted application consists of the following documents:
- Planning statement.
 - Design and access statement, including photographs of 3D model.
 - Air quality assessment.
 - Demolition report.
 - Phase 1 ecological assessment.
 - Contaminated land desk study.
 - Conservation area statement.
 - Building engineering scheme design report.
 - Construction sequencing report.
 - Basis of structural design report.
 - Renewable energy assessment.
 - Flood risk assessment.
 - Daylight and sunlight report.
 - Environmental noise and vibration assessment.
 - Transport assessment.
 - Draft unilateral undertaking (superseded by Section 106 agreement).
 - Sustainability assessment.
- 2.02 Further information provided additional views of how the finished development may look, as well as information in relation to the phasing of construction and a statement of community involvement.
- 2.03 The original submission showed a mixed use development of hotel, office and retail uses as follows:
- Hotel – 139 bedroom hotel with restaurant.
 - Office – 7,410 square metres.
 - Retail, financial/professional services, and restaurants/cafes – 9,930 square metres.
 - Basement parking for 122 cars, 7 motorcycles and 63 bicycles, with associated servicing.

- 2.04 The proposed building would occupy almost the whole site and would involve demolition of all existing buildings. It proposes to deal with the difficult topography of the site by incorporating accesses at different levels, and also incorporates basement levels. There would be various elements to the development as follows (described as perceived from adjacent street level):
- Corner element fronting Church Road/Mount Pleasant Road. Four storeys above ground, with a set back fifth storey housing plant/machinery.
 - Mount Pleasant Road frontage - Four and five-storey building stepping down, with a covered colonnade at street level. There would be a set back in the building half way along this frontage, forming an open area. This would accommodate the main entrance to the hotel element of the proposal. This part of the building would contain A1/A2/A3 uses on lower floors and hotel use above.
 - Church Road frontage – three/four storey office building and access to the service yard and car parking. This part of the building would appear as three elements, combined with the ‘corner’ building, with the central part set forward of the other two.
 - An open space at the corner of Church Road/Mount Pleasant Road.
 - Clanricarde Road frontage – office building of three/five storeys.
 - South elevation, facing the side of Mount Pleasant House – three/five storeys.
 - Western section – office use. Eastern section – A1/A2/A3 use and hotel use.
- 2.05 The retail units would be capable of sub-division, but units are shown occupying more than one floor. The office element could be a single large unit, but would also lend itself to sub-division into at least two units.
- 2.06 The shape of the building above lower floor level can be described as an approximate ‘figure 8’, with two raised courtyard gardens in the spaces created above ground level, so that the new building looks out into these spaces as well as to the street frontages.
- 2.07 The applicant’s Design and Access Statement explains:
- The design will use local Wealden Sussex sandstone predominantly along the Church Road façade. Along Mount Pleasant Road, the buildings will be brick with stone detailing then as they reach the corner the buildings will become predominantly stone to emphasise their civic value. To Clanricarde Road the elevation will be wholly brick to respect the more domestic buildings of the environs. The buildings will use bronze anodised aluminium as a material for detailed work. This includes opening and fixed panels to the offices, angled windows to the hotel, and louvres to the service and plant areas.’
 - The Mount Pleasant Road elevation is a contemporary interpretation of the proportion and scale of the local streetscape.
 - The new development on the corner addresses the prominence of the bank on the opposite side of Mount Pleasant Road. It has a civic role to play in its relationship to the bank and town hall. It also acts as a full stop to the newly created terrace much like the relationship of the bank and the existing Georgian terrace (opposite).
- 2.08 Sections have been submitted to show how the building would relate to existing street levels and how much would be underground. It also shows the proximity of the rail tunnel which passes under parts of the Mount Pleasant Road frontage. Storey heights vary throughout the development, with taller floor to ceiling heights in the office and retail elements, and lower, more domestic ceiling heights for hotel rooms and the car parking levels. The result is a complex building, with some common circulation and servicing areas. There would be one/two floors below ground level throughout much of the building.

2.09 Landscaping is proposed in the form of retained and new street trees. New landscaping would be concentrated around the Church Road/Mount Pleasant Road corner, and the hotel entrance on Mount Pleasant Road. Further planting would be carried out in the two courtyards.

2.10 Floor plans show:

Basement

Parts of four retail units

Lower Ground

Parts of 7 retail units

Part of office building 2

Switch room

Biomass boiler and store

Car parking level with cycle store

Ground

Parts of 6 retail units

Part of office building

Waste/recycling room

Three substations

Car parking level with cycle store

Hotel entrance and reception

Mezzanine hotel rooms and offices

Upper ground floor

Parts of three retail units

Office and main entrance 1

Mezzanine office 1

Service yard. Car parking

Part of office building 2

Hotel rooms

Southern courtyard

First floor

Part of two retail units

Office 1

Office 2

Hotel rooms and restaurant

Northern courtyard

Second floor

Hotel rooms

Office 1

Office 2

Roof terrace

Solar panels on lower roof

Third floor

Hotel rooms

Office 1

Office 2

Roof terrace over office 1

Fourth floor

Plant rooms

Solar panels

2.11 Other documents submitted with the application include:

Phase 1 ecological assessment

- 2.12 This consists of a desk study, field survey, and evaluation to provide information on the habitat characteristics of the site and its surroundings including the likely presence of legally protected species and habitats.
- 2.13 The conclusion is that there is no evidence of bat species using the structure in areas of the building that could be safely accessed. Feral pigeons were nesting, but no other nesting bird species were noted.
- 2.14 Overall, the site is considered of low ecological value.
- 2.15 The report concludes that a bat emergence survey should be conducted. (This was carried out later in September and evidence of bats was found).
- 2.16 The report also noted that incorporation of a green roof, green walls and a native planting scheme would benefit local biodiversity. Further detailed recommendations were made in this respect.

Contaminated land desk study

- 2.17 This concludes that there may be some residual contamination within the site from former uses. It recommends that intrusive geo-environmental ground investigation sampling and testing be carried out to provide additional information.

Renewable energy assessment

- 2.18 This report considers various options for complying with the Council's policy and concludes that there is most scope to improve the buildings by new services, strategies and technologies. The use of biomass boilers, solar water heaters and mixed mode ventilation (natural and mechanical) mean that the performance of the building is estimated to be about 22% better than what is required by Part L of the Building Regulations.

Daylight and sunlight report

- 2.19 This report assesses the daylight and sunlight issues in respect of the existing surrounding buildings from the proposed development.
- 2.20 In relation to daylight and sunlight, the report concludes that residential windows at 2 – 3 The Priory and upper floors to buildings on the eastern side of Mount Pleasant Road will continue to be adequately day lit. However, some windows to non-residential uses would fail to meet the Building Research Establishment 'Vertical Sky Component' standards.
- 2.21 The garden of the Pitcher and Piano would experience additional overshadowing.

Environmental noise and vibration assessment

- 2.22 As a result of this assessment, it is suggested that acoustic glazing and acoustic airbricks are used for the hotel element of the development. It assesses the amenity of existing residential properties and considers that future occupiers of the hotel and offices would be protected from external noise break-in through the design of the building envelope. Noise and vibration from trains within the tunnel under part of the site are within current guidelines.

Transport assessment

- 2.23 This confirms that 100 car spaces will be provided for the operational and guest needs of the hotel. The remaining 22 spaces will be set aside for the operational needs of the retail and office space.
- 2.24 Eight disabled spaces are included in the total provision. Cycle parking is provided in accordance with County Standards. 63 spaces are provided. This is higher than the minimum required in recognition of the town centre site where a higher provision is deemed appropriate.
- 2.25 The main point of vehicular access will be from Church Road. The access to Clanricarde Road will be an additional access for the parking. It will also be the main egress for private motor cars. The main egress for servicing vehicles will be to Church Road.
- 2.26 The report concludes that the trips generated by the proposed development will not have a detrimental impact on the operation of transport networks in Tunbridge Wells.
- 2.27 A Travel Plan would be part of the Section 106 Agreement

Basis of structural design report

- 2.28 This report considers the structural loading for which the building will be designed. It states that the most significant site constraint is the railway line which runs in a tunnel under the eastern edge of the site. The new development is not permitted to cause any settlement or deflection of the tunnel in either the temporary or permanent conditions. This has an impact on how the new building must behave and dictates the foundation locations and the load paths through the structure. It is intended that the foundations will not be less than 3m on plan from the outer surface of the tunnel lining.

Demolition report

- 2.29 It is proposed that detailed structural and material surveys will be carried out prior to any demolition.
- 2.30 Access and egress to the demolition site will be onto Church Road. A large volume of the hard materials will be crushed on site for re-use.
- 2.31 A 2.5 high timber security boarding will be erected around the entire site.
- 2.32 A plan shows the arrangement of demolition areas, stockpile area, segregation areas and access road.
- 2.33 There are two phases of demolition. Firstly, the cinema and frontage buildings and secondly, Hill House, Clanricarde House and the remaining Mount Pleasant Road frontage buildings.

Construction sequencing report

- 2.34 This report follows on from the demolition report. It sets out the proposed sequence of new construction for the development.

Flood risk assessment

- 2.35 This concludes that the site will not be the subject of any flooding

Sustainability assessment

2.36 This states that the building will be designed to minimise its environmental footprint and impact. The measures will be in relation to environmental/natural resources, economic and societal solutions. Examples are:

- Utilisation of low energy, renewable or zero carbon technologies for the provision of heating.
- Site – wide heat distribution systems to maximise operating efficiencies of central plant.
- Use of 'green roof' construction for 25% of roof areas.
- Increased employment (approximately 200 jobs during construction and 100 jobs for hotel/retail/office).
- Office accommodation for 500 employees.
- Promotion of use of public transport infrastructure thereby reducing pollution for personal car usage and increasing public transport efficiency.
- Buildings meet latest requirements in accessibility.

2.37 A draft legal agreement would cover the following matters:

- Highway contributions.
- Public art.
- Travel plan.
- Tunbridge Wells Museum display in the hotel.

3.0 AMENDED PLANS/ADDITIONAL INFORMATION

3.01 Following comments received and further discussion, the application has been amended and supplemented with additional information. This includes:

3.02 Revised schedule of accommodation

- Hotel – 137 bedroom hotel with restaurant.
- Office – 7,213 square metres.
- Retail, financial/professional services, and restaurants/cafes – 9,905 square metres.
- Basement parking for 122 cars, 7 motorcycles and 63 bicycles, with associated servicing.

Design/amenity issues

3.03 Clanricarde Road Frontage

- Top storey adjacent to Clanricarde Road and the building line adjacent to No.1 Clanricarde Road Gardens set back by 1.5 metres from the western boundary and set back 4.5 metres from the car park access to Clanricarde Road. This reduces the height of the building along these boundaries, and sets the top floor back.
- Stone cladding to the top set-back storeys with light coloured brick to the lower storeys. This seeks to differentiate the upper storeys and breaks down the homogenous bulk of the building, and adds visual interest to the elevations.
- Introduction of metal handrails to the parapets.
- Replace previously proposed metal louvres to the upper storeys with infill panels of open brickwork to allow ventilation on the walls adjacent to Clanricarde Road.

- Remove all ventilation louvres of any type from the boundary walls with No.1
- Clanricarde Road and the Pitcher and Piano. Ventilation ducts within the building envelope will instead vent at the first floor office roof level.
- Since the need for louvres along the boundary wall to both No.1 Clanricarde Rd and The Pitcher and Piano would be removed by the new ventilation strategy the treatment of the boundary walls to these sides will be recessed brick openings to the upper storey only.
- The number of window openings on the South office Elevation has been reduced in order to comply with boundary wall fire regulations.

3.04 **South Elevation**

- Height of the southernmost end building reduced by one floor by omitting three hotel bedrooms.
- Layout of the hotel bedrooms rotated on the top floor of the end building to take advantage of the views down Mount Pleasant Road and to give a 'face' to this side of the South elevation.
- Continuation of the language of the buildings facing Mount Pleasant Road onto the central southern elevation to make a coherent whole of this corner composition as seen from the lower end of Mount Pleasant Road.

3.05 **Corner Building**

- Three hotel bedrooms in lieu of a plant room to the top storey of the building on the corner of Mount Pleasant Road and Church Road. This floor now includes windows and a more articulated architectural treatment. Plant room retained in this area away from main elevations.
- Replacement of plant louvres with stone walling and windows.
- The top floor set back from Church Road has been increased.

3.06 **Office Entrance**

- Fritted glazing added to upper levels up to desk height to screen clutter within.
- Additional detail/articulation added to the elevations.
- Hardwearing base of glazing added to ground floor facing onto Church Road in place of previous stone clad elevation.

3.07 **Hotel Entrance**

- Remove two hotel rooms at mezzanine level of the ground floor to create a more generous and naturally lit hotel entrance area.
- Identification of hotel signage zone to enliven the northern return facade.
- Retail entrances to the South and North of the public space.

3.08 Other Design Matters

- Updated photographs of the 3D model.
- Drawings showing external lighting proposals and landscaping.
- Drawings showing comparison of previously approved development and current proposals.

Addendum to Transport Report

- 3.09 This was prepared in response to issues raised by the Kent Highways Officer and covers car parking, access and trip generation.
- 3.10 The applicant states, 'The addendum made an assumption that the distribution of movements at the junction of Mount Pleasant Road, Church Road, and Crescent Road, would be representative of the direction of travel to and from the proposed development, and thus the use of the two possible access/egress points. This took into account the left-in left-out nature of the Church Road access/egress to and from the site and how this would affect use of the two entry/exit points. With the exception of servicing trips which would be required to use the Church Road entrance/exit, there are no entry or exits barriers or controls proposed for either the Clanricarde Road or Church Road entrances/exits which would limit the use of each point by the trips generated by the proposed development, other than the left-in left-out nature of the Church Road junction.'
- 3.11 Car parking – The existing car parking on the site provides approximately 89 spaces available for public use. Access is from Clanricarde Road. The proposed car parking for the development is now proposed to be 115 spaces for the hotel and office use and 7 for the operational needs of the retail use. It is anticipated that during office hours, the 115 spaces will be used most heavily by the office use and outside of these hours it will be available for the hotel use. A management regime would ensure that the parking is used appropriately. It is anticipated that this would be by a permit scheme.
- 3.12 Access/egress – The proposed development would provide access and egress form Clanricade Road and Church Road. The priority controlled junction with Church Road would be restricted to 'left in and left out' only.
- 3.13 Servicing – The servicing area would be accessed via Church Road. Three loading bays would be provided on site and the report concludes that all vehicles can be accommodated outside the network peak periods without obstruction of the public highway.
- 3.14 The assessment concludes that the development will not have a detrimental impact on the operation of the highway network.

Building Engineering Scheme Design Report (issue 2)

- 3.15 This report provides further information in relation to the mechanical and electrical services for the development. It needs to be read in conjunction with the amended plans for the development showing where plant would be accommodated on the building.

Addendum to Ecological Assessment

- 3.16 This recommends, as a result of bats observed in a bat emergence survey carried out, that an application to close the roost be submitted to Natural England. The applicant has discussed this with Natural England and the two surveys carried out will assist in the determination of the application.

Travel Plan, October 2008

- 3.17 Measures contained in the Plan include the active encouragement of travel by non-car modes and provision of public transport travel information packs to employees and visitors. Travel patterns will be monitored and necessary measures introduced to improve travel by sustainable modes. Specific measures are proposed to encourage different modes of transport.

Addendum to Planning Statement

- 3.18 This provides additional information relating to:

- Green roofs.
- Public access to courtyards – this will be semi-public/semi-private nature and will be managed to provide a secure environment for patrons of the retail units, offices and hotel. The hotel breakfast room and bar will have access to this courtyard with the capacity for outdoor seating. The southern courtyard is of a more private nature and is bounded on three sides by hotel rooms.
- Retail – The exact split of retail use-classes is unknown. A total of 9,930m² will be split between A1, A2, and A3. The retail element will have a majority element of comparison floorspace and allow a maximum of 40% non A1 land uses fronting Mount Pleasant/Church Road.
- Public Art – This will be provided at the north eastern corner of the site. A sum will be allocated for public art as part of the Section 106 Agreement.
- Ecology – The further information submitted shows that subject to the granting of a licence from Natural England, there will be not detrimental effect on the nature conservation of the site.
- Transport/highways – Works to the highway can be covered in conditions.
- Air quality – Discussions are continuing with Environmental Services regarding the requirement for an air quality monitoring station.

Addendum to contaminated land report, 24/10/08

- 3.19 This updates the original report in the light of further information about previous uses, but the conclusion to the report remains unchanged.

Revised draft Section 106 agreement, 28/10/08

- 3.20 Matters to be covered by the agreement:

- Highway contribution – provision of cycle parking, improvement to pedestrian crossing facilities, improvement of bus services/facilities.
- Public art provision on site.
- Air quality monitoring station contribution.
- Tunbridge Wells Museum display provision within hotel/office foyer.

4.0 RELEVANT HISTORY

4.01 Whole site

- 4.02 TW/08/02877 Screening Opinion – Mixed use scheme comprising a hotel, office space, retail units and associated car parking. Not Required.
- 4.03 TW/08/03126 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 - Permitted

4.04 Cinema Site and Ritz Buildings, Mount Pleasant Road

- 4.05 TW/01/02443 – Conservation Area Consent – Demolition of all existing buildings. Permitted.
- 4.06 TW/01/02446 – 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.
- 4.07 TW/88/01104 – New office block and associated parking. Permitted.
- 4.08 TW/95/10409 – Formation of a car park. Permitted.
- 4.09 TW/04/00940 – 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.
- 4.10 TW/06/00369 – 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. Permitted.
- 4.11 TW/06/01323 – Condition 12 (part) of TW/01/02446. Details of demolition scheme of works. Refused.
- ### **4.12 Hill House Clanricarde Road**
- 4.13 TW/01/02168 – Change of use of first floor from doctor's surgery (Class D1) to offices (Class B1 (a)). Permitted.
- 4.14 TW82/00542 – Change of use of part of premises to a doctor's surgery. Permitted.
- 4.15 TW/83/00027 Renewal – Change of use to doctor's surgery. Permitted.
- 4.16 TW/88/01827 Renewal – Change of use of first floor to doctor's surgery. Permitted.
- 4.17 TW93/01334 Renewal – Change of use of first floor to doctor's surgery (TW/88/1827 refers). Permitted.
- 4.18 TW06/02204 – Change of use and redevelopment to provide four-storey accommodation comprising B1 offices, a three-bedroom penthouse apartment, access, ground floor parking and cycle storage. Permitted.

- 4.19 TW/06/02206 – Conservation Area Consent. Demolition of the existing building and the erection of four-storey accommodation comprising B1 offices, a basement, a three-bedroom penthouse apartment, access, ground floor parking and cycle storage. Permitted.
- 4.20 TW/07/03552 – Change of use and redevelopment to form a 4 storey building comprising 7 x 1, 5 x 2 and 1 x 3-bedroom apartments, access, ground floor parking and cycle storage. Permitted.
- 4.21 TW/07/03555 – Conservation Area Consent. Demolition of existing buildings and change of use and redevelopment to form a 4-storey building comprising 7 x 1, 5 x 2 and 1 x 3-bedroom apartments, access, ground floor parking and cycle storage. Permitted.
- 4.22 **Clanricarde Medical Centre Clanricarde Road**
- 4.23 TW/82/00542 – Change of use of part of premises to a doctor’s surgery. Permitted.
- 4.24 TW/83/00027 Renewal – Change of use to doctor’s surgery. Permitted.
- 4.25 TW/87/00782 – Change of use from office to ancillary surgery accommodation. Permitted.
- 4.26 TW/93/01334 – Renewal – Change of use of first floor to doctor’s surgery (TW/88/1827 refers). Permitted.
- 4.27 **10 Ritz Buildings Church Road**
- 4.28 TW96/00213 – Change of use from A1 (shop) to A3 (food and drink). Permitted.
- 4.29 **12 Ritz Buildings Church Road**
- 4.30 TW/04/00226 – Change of use from shop to restaurant. Permitted.
- 4.31 **41 Mount Pleasant Road**
- 4.32 TW/95/10935 – Change of use from Class A1 (Shop) to Class A3 (Food & Drink). Permitted.
- 4.33 TW/77/00816 – Proposed restaurant. Permitted.
- 4.34 **45 – 49 Mount Pleasant Road**
- 4.35 TW/81/00428 – Change of use of first floor garage workshop to offices. Permitted.
- 4.36 TW/86/01014 – Change of use of first floor from garage workshop to offices. Permitted.
- 4.37 TW/86/01249 – New restaurant three storey office block and parking – No Decision. Appeal allowed.
- 4.38 TW/86/01250 – Listed Building Consent. Demolition of existing buildings. No decision. Appeal allowed.
- 4.39 TW/86/01863 – Change of use from car showroom to restaurant. Permitted.
- 4.40 TW/87/00356 – Retention of facade, demolition of remaining buildings, new retail building with associated parking area. Permitted.

- 4.41 TW/87/00357 – Conservation Area Consent - Retention of facade demolition of remaining buildings. Permitted.
- 4.42 TW/87/01299 – Variation of Condition – Non-compliance with condition (2) of TW/86/1250 (demolition of buildings to be phased). Permitted.
- 4.43 TW/87/01300 – Variation of Condition – Non compliance with condition (3) of TW/86/1249 (parking provision to be phased). Permitted.
- 4.44 **Former cinema car park Church Road**
- 4.45 TW/86/01014 – Change of use of first floor from garage workshop to offices. Permitted.
- 4.46 TW/88/01104 – New office block and associated parking. Permitted.
- 4.47 **43 Mount Pleasant Road**
- 4.48 TW87/00872 – Change of use of first floor office to ancillary retail use. Permitted.
- 4.49 **The Institute Of Printing Clanricarde Road**
- 4.50 TW/83/00027 Renewal – Change of use to doctor’s surgery. Permitted.
- 4.51 TW/88/01827 Renewal – Change of use of first floor to doctor’s surgery. Permitted.
- 4.52 **Clanricarde House, Clanricarde Road**
- 4.53 TW/87/00782 – Change of use from office to ancillary surgery accommodation. Permitted.
- 4.54 TW/94/00910 – Change of use of second floor flat from residential to architects office. Permitted.
- 4.55 TW/94/01428 – Part change of use to architects office. Permitted.
- 4.56 TW/95/11096 – Formation of ramp for disabled access, external alterations to enlarge car park and change of use of flats 3 & 5 to doctor’s surgery. Permitted.
- 4.57 TW/96/00161 – Conservation Area Consent – Demolition of garages. Permitted.
- 4.58 **The Mews Hill House Clanricarde Road**
- 4.59 TW/82/00542 – Change of use of part of premises to a doctor’s surgery. Permitted.
- 4.60 TW/83/00027 Renewal – Change of use to doctor’s surgery. Permitted.
- 4.61 TW/88/01827 Renewal – Change of use of first floor to doctor’s surgery. Permitted.
- 4.62 **Pitcher & Piano 3 - 5 Church Road Royal Tunbridge Wells Kent TN1 1HT**
- 4.63 TW/79/00150 – Car park. Permitted.

- 4.64 TW/89/01276 – Change of use of ground and lower ground floors from office (B1) to professional service (A2). Permitted.
- 4.65 TW/95/00454 – Change of use from office to restaurant with residential use at second floor level; External alterations. Permitted.
- 4.66 TW/95/00455 – Conservatory to rear elevation. Permitted.
- 4.67 TW/95/10750 – Alterations to provide cafe/bar/restaurant, balcony to rear, new air conditioning extractors and landscaping. Refused.
- 4.68 TW/98/01653 – Erection of new glazed conservatory at rear. Permitted.
- 4.69 TW/04/00626 – Certificate of Lawful Development (Proposed) - Conversion of part of existing front of building car park into terrace facility. Refused.
- 4.70 TW/04/01427 – Variation of condition 5 – vehicle parking (TW/98/01653 refers) Provision of seating terrace in place of 6 car spaces. Permitted.
- 4.71 TW/04/02887 – New opening to rear façade. Permitted.
- 4.72 TW/05/00125 – Application for Variation and Condition. No objection.
- 4.73 TW/07/00712 – External works to the garden area: new timber canopy to existing bar. New freestanding timber and glass canopy to the west side of the garden. Fixed seating and lighting. Lowering of ground level outside private function room. Permitted.
- 4.74 TW/08/01814 – Demolition of existing red brick bar counter, construction of new all timber clad bar with roof and creation of small low level barrel store next to bar. Permitted.

5.0 POLICIES

5.01 National/Regional Policies

- Planning Policy Statement 1: delivering sustainable development.
- Planning Policy Guidance Note 4: Industrial, commercial development and small firms.
- Planning Policy Statement 6: Planning for town centres.
- Planning Policy Statement 9: Biodiversity and geological conservation.
- Planning Policy Guidance Note 13: Transport.
- Planning Policy Guidance Note 15: Planning and the Historic Environment
- Planning Policy Statement 22: Renewable energy.
- Planning Policy Statement 23: Planning and pollution control.

5.02 South East Plan (draft)

- Policy SP3 – Urban focus and urban renaissance.
- Policy CC1 – Sustainable development.
- Policy CC2 – climate change.
- Policy CC3 – Resource use.
- Policy CC4 – Sustainable design and construction.
- Policy CC6 – Sustainable communities and character of the environment.
- Policy NRM9 – Air quality.

- NRM11 – Development design for energy efficiency and renewable energy.
- Policy BE6 – Management of historic environment.
- Policy TSR5 – tourist accommodation.
- Policy AOSR8 –Tonbridge/Tunbridge Wells hub.
- Policy T5 – Travel plans and advice.
- Policy TC1 – Primary regional centre.

5.03 Kent and Medway Structure Plan 2006

- Policy SP1 – Conserving and Enhancing Kent’s Environment.
- Policy SS5 – Mixed use in town centres & inner urban areas.
- Policy QL1 – Quality of development and design.
- Policy QL6 – Conservation areas.
- Policy QL8 – Buildings of architectural or historic importance.
- Policy QL11 – Community facilities
- Policy QL12 – Provision for new community services and infrastructure.
- Policy EP12 – Tourist accommodation.
- Policy EP15 – Sequential consideration of sites for retail and leisure development.
- Policy EP16 – Development for core comparison goods shopping.
- Policy TP3 – Transport and the location for development.
- Policy TP11 – Facilities for pedestrians and cyclists.
- Policy TP12 – Development and access to the primary/secondary road network.
- Policy TP19 – Vehicle parking standards.
- Policy NR1 – Development and the prudent use of resources.
- Policy NR3 – Renewable and sustainable energy production.
- Policy NR5 – Pollution impacts.
- Policy NR7 – Air Quality Management Areas.
- Policy WM3 – Securing waste reduction.

5.04 Tunbridge Wells Borough Local Plan 2006

- Policy EN1 – Development Control criteria.
- Policy EN3 – Alteration to Buildings of Architectural and Historic Interest.
- Policy EN4 – Demolition in Conservation Areas.
- Policy EN5 – Development within, or affecting the character of, a Conservation Area.
- Policy EN8 – Outdoor Lighting.
- Policy EN10 – Archaeological Sites.
- Policy EN12 – Skyline Protection.
- Policy EN13 – Tree and Woodland Protection.
- Policy EN17 – Capacity of sewerage and water supply services.
- Policy EN19 – Development on contaminated land.
- Policy CR1 – Location of large-scale (500 sq metres or greater gross floorspace) A1, A2, A3, A4, A5, B1, C1, D1 and D2 Uses within defined Primary Shopping Areas.
- Policy CR4 – Allocations for town centre uses in Royal Tunbridge Wells.

Policy CR4 (b) says:

Cinema And Land Adjoining Mount Pleasant Road, Royal Tunbridge Wells

Type of Use:

The Local Planning Authority will seek a mixed use development comprising A1, A3, A4, A5, D2 leisure and entertainment uses and a nightclub. Ground floor uses provided on the frontage to Mount Pleasant Road and Church Road should comply with the provisions of Policy CR5.

Access:

Pedestrian access into the development should be provided at a corner splay between Mount Pleasant Road and Church Road. Parking areas should be accessed via Clanricarde Road and servicing areas via Church Road.

Form and Layout:

The development of the site should provide a visual focal point. The massing, scale and modelling of development must avoid a bulky or amorphous appearance, and the level changes should be used to provide interesting forms, and ensure an active frontage to Mount Pleasant. The design of the roofscape in terms of form, articulation and materials, should be carefully considered. The introduction of public art should be considered as part of this development.

- Policy CR5 – Royal Tunbridge Wells Primary Shopping Area.
- Policy TP1 – Major development requiring Transport Assessments and a Travel Plan.
- Policy TP5 – Vehicle Parking Standards.
- Policy TP4 – Access to the road network.
- Policy TP7 – Tunbridge Wells Central Parking Zone (commercial).
- Policy TP9 – Cycle Parking.

- Town, Neighbourhood and Village Centres Chapter – Cinema and land adjoining, Mount Pleasant Road. Paras. 5.69 – 5.73

- Tourism Chapter – paras. 8.19 and 8.23

- Royal Tunbridge Wells and Rusthall Conservation Areas Appraisal

- Supplementary Planning Document, ‘Renewable Energy’

6.0 CONSULTATIONS AND BACKGROUND PAPERS

All the following comments relate to the original submissions

6.01 English Heritage – 07/10/08

6.02 Summary – English Heritage is the national advisory body for the historic environment and is a statutory consultee in relation to prescribed planning applications affecting conservation areas, listed buildings and scheduled monuments. In this case, the application has been referred to us as it is development within a conservation area over the prescribed threshold. In coming to a view, we have taken into account the relationship of the site and the proposals to the immediate environmental context, in particular the conservation area, and views to and over the site from key locations in surrounding streets and open spaces. We have also taken into account the setting of nearby listed buildings, all Grade II, although it is primarily for the local planning authority to evaluate this aspect of the scheme.

6.03 Advice – Any new buildings on the site of the former Ritz Cinema should respect the existing scale and grain of the locality, and in particular, relate to Mount Pleasant and the retail terrace opposite the site. The height of new buildings should not intrude into long views over the town and along Mount Pleasant. Despite some increase in the height of the proposed buildings at their highest point in relation to the existing cinema, we are confident the scheme will sit well within the townscape as the present envelope is largely maintained. The intention to step down with the incline of Mount Pleasant, in parallel with the terrace opposite, is an appropriate response to the changes in site levels.

- 6.04 The design approach to the elevations, in particular the retail and hotel frontages to Mount Pleasant, in our view, appropriately reflect the rhythm of the terrace opposite and aim to replicate the form of a traditional commercial street frontage. In doing so the unit size dictated by modern retail requirements is well disguised. The colonnade is a feature elsewhere in Tunbridge Wells, and is appropriate to the retail elevation of the site. We note that a palette of facing materials has been chosen to reflect the prevailing materials of the town; these are generally acceptable and are used to distinguish between activities and building volumes within the site.
- 6.05 We think that the approach taken to the flank wall on the lower part of the site on the Mount Pleasant side is somewhat unresolved. This end wall is likely to be highly visible in views from lower down the street and has potential to detract from the overall effect of the scheme on the street. We suggest that further consideration is given to the resolution of this matter.
- 6.06 Recommendation – In conclusion, English Heritage is satisfied that, in terms of overall height, form, massing and detailed design the proposed development will sit comfortably within the town and street, and will not have an adverse impact on character and appearance of the conservation area. Views across the site from the upper part of the town will be maintained and the setting of nearby listed buildings will not be adversely affected.
- 6.07 **Leisure Services – 29/09/08**
- The public art element should be by way of a financial sum, which is set aside for this purpose. The public art can be part of the design, and Planning Services have a document which sets out guidance on how the public art should be commissioned.
- 6.08 **Environment Agency – 25/09/08**
- No objection on the clear understanding that the conditions within this letter are imposed on any permission granted. Without these conditions the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.
- 6.09 Land Contamination – The applicant has submitted a desk study report which investigates the potential for the site to be contaminated. The desk study concludes that due to a number of past uses there is a potential for land to be contaminated which may pose a risk to human health and the environment. The report recommends that further assessment is required through an intrusive investigation.
- 6.10 To ensure that risks to human health and the environment from any land contamination are appropriately investigated and managed we consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below.
- 6.11 Condition – Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be 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 scheme, 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) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect human health and the environment.

6.12 There is a potential that an intrusive investigation may not identify contamination as result of restriction on access. This may be later discovered as part of construction work. We therefore consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below.

6.13 Condition – If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect human health and the environment.

6.14 Drainage – Drainage to land may result in underlying groundwater in the aquifer becoming polluted as result of the leaching of any contaminants and if there is insufficient depth unsaturated zone to attenuate any percolating pollution.

6.15 We therefore consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below.

6.16 Condition – No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To protect the water environment.

- 6.17 Waste Management – The developer should note that if any imported material is waste arising from another site the activity of depositing the material on-site is likely to be subject to waste legislation. If this were the case we would recommend that the developer contact the Environment Agency's National Customer Contact Centre (Tel: 08708 506506) to discuss the proposal and requirements for registering a waste exemption.
- 6.18 The developer as waste producer has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations. Waste arising from the site will need to be assessed in line with the Environment Agency's guidance WM2 to establish whether any material would be classified as Hazardous Waste. Hazardous waste will require pre-treatment before disposal to landfill permitted to accept Hazardous Waste. If waste soil is to be disposed within a landfill then Waste Acceptance Criteria testing will be required in order to determine which appropriately permitted waste facility the material could be deposited in. Duty of care notes should be obtained from the licensed waste haulier and kept as an audit trail as evidence that waste has been managed appropriately. Please note that European Waste Catalogue codes are now required to be entered onto waste transfer notes. Please note that from April 2008 a site waste management plan (SWMP) are required for all new construction projects worth more than £300,000.
- 6.19 **Highways Agency – 02/10/08**
- No objection.
- 6.20 **Kent County Council Planning – 27/10/08**
- 6.21 The County Planning Authority wishes to comment as follows on the above application.
- 6.22 The proposal relates to a 0.67 hectare site in the centre of Tunbridge Wells' town centre and involves redevelopment of vacant retail units and a cinema for mixed use development incorporating a 139 bedroom hotel (C1), offices (B1), shops (A1), financial and professional services (A2), and restaurants (A3), together with servicing and car parking.
- 6.23 The site is embedded within Tunbridge Wells town centre with its associated facilities and good accessibility to public transport. It is allocated in the Tunbridge Wells Local Plan for mixed use development, including A1, A3, A4, A5 and D2 uses together with leisure and entertainment. Part of the site is subject to a, now expired, planning permission for mixed use development which included A1, A3, D3 and D2 uses. There is an extant permission for redevelopment of a different part of the site (Hill House) for residential and office uses.
- 6.24 The main strategic planning policy considerations raised by this proposal are:
- (1) The relationship of the site and proposed uses to with spatial strategy for Tunbridge Wells and development of town centres.
 - (2) The transport implications of the proposal.
 - (3) Design quality and impact.
 - (4) Impact on the conservation and heritage value of the town centre.
 - (5) Implications for the use of natural resources.
 - (6) Implications for air quality and biodiversity.

Relevant Kent and Medway Structure Plan (adopted 2006) Policies are SS1, SS4, SS5, WK1, TW1, EN8, QL1, QL6, QL11, EP2, EP12, EP14, EP15, TP3, TP11, TP19, NR1, NR3, NR5, NR7, and WM3.

- 6.25 Spatial Strategy and mix of uses – The spatial strategy established in the KMSP focuses development at the major urban areas or at principal urban areas in districts without a major urban area. Tunbridge Wells is a principal urban area within the hierarchy established in Policy SS1. Development of this scale, character and location is consistent with the spatial strategy established within the KMSP and the role of Tunbridge Wells as a regional hub, established in the draft South East Plan, where mixed land uses requiring a high level of accessibility are to be encouraged. The KMSP also supports sequential approach to development within major and principal urban areas through Policy SS4, which directs development towards previously developed land as a priority before the development of greenfield land. The site is previously developed land.
- 6.26 The proposal includes a 139 bedroom hotel and a mix of A1, A2 and A3 uses. This is consistent with KMSP Policy SS5, which ascribes a high priority to the provision of retail, service and leisure uses within the town centre. However, Policies SS5, TW1 and WK1 recognise the relevance of other uses within the core area of the town centre, including residential and employment. For instance, Policy WK1 specifically encourages safeguarding of new or existing employment land for more intensive (office) employment uses within Tunbridge Wells town centre and Policy TW1 encourages a balance between business, commercial and residential development within the urban area of Tunbridge Wells/Southborough. It is noted that the proposal includes a significant amount of B1 office space.
- 6.27 Retail need – KMSP Policy EP14 sets out a strategic hierarchy of retail centres, under which Tunbridge Wells is identified as a sub regional town centre, and focuses on the need to ensure that development proposals enhance the shopping, leisure or service offerings of the town centre. KMSP Policy EP15 reinforces this sequential approach by encouraging new retail and leisure development towards sites within the centres of towns identified in the retail strategic hierarchy, taking into account the scale of the development vis-à-vis the size and function of the centre. The scale and location of the proposal (located within the primary shopping area of the town centre of Tunbridge Wells) is wholly consistent with the retail hierarchy and locational strategy for retail development.
- 6.28 There is no requirement to demonstrate retail need given the town centre location of the proposal although Indigo Planning have considered demand for the town centre uses in question (para. 6.7, Planning Statement, September 2008) and refer to the Tunbridge Wells Shopping Study (2003) which forecast need at 23,400 sq m gross to 2011 in Royal Tunbridge Wells.
- 6.29 Indigo Planning’s assessment does not take into account developments completed or in the pipeline which would contribute to meeting demand. It also refers to retail need at 2026, rather than considering retail need at the time when the development is expected to come on stream.
- 6.30 The Retail Need Assessment conducted by KCC and its partners (2007) is also referenced. This assessed retail headroom at successive future years. After due allowance for previously committed schemes this headroom is:

Forecasts of retail need by goods types (all results in m² gross after an allowance for committed schemes)

M² gross	Comparison	Convenience
2011	8,652	938
2016	36,696	2,109
2021	69,602	3,379
2026	109,956	4,997

- 6.31 9,930 sq m of A1, A2 and A3 uses are proposed but there is no specific indication as to the A1 element. However it would appear that the scheme would generally absorb residual retail floorspace headroom as at 2011 but with substantial scope for continued growth beyond this point in prospect.
- 6.32 The scheme is on an allocated site within the town centre and it is considered that there is appropriate demand in the town centre for the retail element of this scheme. As a Primary Regional Centre in the draft South East Plan and Principal Town Centre in the Kent and Medway Structure Plan, the scale of the development is in keeping with the role and function of Royal Tunbridge Wells. It is not considered that the development would have adverse impacts on neighbouring strategic centres.
- 6.33 Many of the current shops currently located on the site are small in size. Although the unit sizes are not given, many of the retail units proposed are split across more than one floor which indicates that some units would be of a size conducive to meeting the needs of modern retailers. In this regard the scheme would add to the viability and vitality of the town centre.
- 6.34 Tourist accommodation – The proposal includes a 139 bedroom hotel. The sequential approach to the location of tourist accommodation, established in Policy EP12 encourages the development at centres within the retail hierarchy identified in Policy EP14 provided that there are no significant or adverse environmental or transport impacts. The location of the proposal is fully consistent with the sequential approach for tourist accommodation.
- 6.35 Office use – Policy EP2 establishes strategic guidelines on net change in employment floorspace within the A2/B1-B8 Use Classes. The 2006/07 commercial land survey suggests that Tunbridge Wells currently has committed employment space above (+21%) the KMSP modest guideline of 74,000 sq m when considered in relation to B1-B8 uses as a whole.

B1-B8 Land Supply: Tunbridge Wells Borough: 2007

	B1 (m²)	B1-B8 (m²)
Net Allocations	26,605	51,552
Net Completed 2001-2007	-8,223	37,905
Net Committed	5,008	-1,154
Vacant plots without planning permission	315	945
Total land supply	23,705	89,248
KMSP guidelines	-	74,000
Percentage of guidelines	-	121

Source: 2006/07 Commercial Information Audit Monitoring Survey

- 6.36 The employment land study conducted for Tunbridge Wells Borough Council in 2006 indicated that growth in demand for office/B1 space equated to around 22-23,000 sq m or 2-3,000 sq m per annum. Current supply, which includes the application site, provides a land bank of this order. The recent pattern of development suggests a net loss of B1 floorspace in the Borough. Increasing B1 floorspace within the town centre is consistent with the strategy of the KMSP and South East Plan and the approach outlined to employment provision in the Borough's Core Strategy Preferred Options (2007).

- 6.37 Community Infrastructure – The site currently includes a dentist’s and a doctor’s surgery and the proposal does not appear to include any space to accommodate these uses. Policy QL11 of the KMSP encourages the protection of existing community facilities where there is still a demonstrable need for them but there is no indication as to whether the facilities are still well used by the community or whether there is any potential to relocate these facilities within the new development or elsewhere.
- 6.38 Transport implications of the proposal – The town centre location of this proposal means that it benefits from high levels of accessibility by public transport, being located only a short distance from several bus stops and Tunbridge Wells’ station. The proposal is therefore very well located in terms of the criteria established within KMSP Policy TP3. The proposed provision for a travel plan as part of a Section 106 agreement is welcomed.
- 6.39 It is understood that Kent Highway Services have not objected to the development in principle, although a number of concerns were raised with regard to the car parking provision. Further information is required regarding how the car parking is to be managed, the impact of the loss of the existing car park and how the access/egress to the car parking is to be managed.
- 6.40 The applicant proposes 100 car parking spaces for the hotel and 22 spaces for the office space. This number of spaces is below the maximum number allowed for in the Vehicle Parking Standards (KMSP SPG 4) which Policy TP19 seeks compliance with. The standards also make reference to coach parking for hotels over a certain size although the application does not contain any details as to whether the servicing area or car parking arrangements would be capable of accommodating coaches. The provision of 63 cycle spaces is welcomed in contributing to the aims of KMSP Policy TP11 regarding provision of facilities for cyclists.
- 6.41 Design – Policy QL1 of the KMSP requires that developments are well designed and high quality. The design of the proposal has been thoroughly explored through the design competition. The suggestions for improving the public realm at the junction of Mount Pleasant and Church Road are particularly welcomed and should provide a quality setting for the new development.
- 6.42 Conservation and heritage – The site is located within the Royal Tunbridge Wells Conservation Area and the KMSP (Policy QL6) sets out to preserve and enhance their special character or appearance. The conservation area appraisal conducted by Tunbridge Wells suggests that the existing site adds little value to the conservation area, with plain street frontage and little townscape presence, and the existence of conservation area consent for demolition of many of the buildings on the site has established the principle of demolition.
- 6.43 With regard to archaeology, the Kent Historic Environment Records includes numerous post-medieval buildings close to the site connected with the growth of Tunbridge Wells. Although there may be hitherto unknown archaeological remains at the cinema site, it is likely that the highest potential is related to the existing structure(s).
- 6.44 The cinema’s 1930s design and its 20th century presence in Tunbridge Wells have cultural heritage significance in terms of the social history of the town and the building’s layout, features and fabric should be recorded prior to demolition. Given the size of the site and its urban setting, this work may also be informed by a watching brief during demolition and then during construction groundworks.
- 6.45 (Relevant conditions on any consent would satisfy these requirements).

- 6.46 Prudent use of natural resources – The application makes reference to a number of sustainability measures, including provision of a biomass boiler for heating and use of solar panels to heat hot water. Policy NR3 of the KMSP is supportive of providing renewable energy measures as an integral element of new developments.
- 6.47 Policy NR1 encourages the use of sustainable construction techniques and prudent use of natural resources, such as water and energy. The application suggests a number of other measures designed to reduce resource use including a number of water efficiency initiatives, such as spray taps, water metering and rain water harvesting for toilet flushing and external uses such as landscaping, and a number of energy efficiency measures such as motion sensors to control lighting and careful building design to ensure optimal temperature control. These sustainability initiatives are all welcomed, as is the suggestion of using green roofs over 50 percent of the roof space.
- 6.48 The sustainability assessment also refers to ensuring that space is provided for recycling bins and that measures to segregate construction and demolition waste will be taken. In the light of KMSP Policy WM3, which requires development proposals to demonstrate that they are able to make a contribution to reducing growth in the volume of Kent's waste, these measures are also supported.
- 6.49 Pollution – Developments should be designed to avoid or adequately mitigate pollution impacts under Policy NR5 and avoid undermining improvements to Air Quality Management Areas under Policy NR7. It is understood that the Environmental Protection Manager at Tunbridge Wells has raised some concerns with regard to the impact of the proposal on air quality and these should be resolved prior to determination of the application.
- 6.50 Biodiversity – Paragraph 6.2.1 of the ecological assessment states that an emergence survey for bats was scheduled for the 15th of September but this survey has not been included within the documents. It would be helpful if this could be provided for comment along with the results of the initial surveys examining trees for bat potential. The assessment also confirms that bats have been recorded within 500 metres of the development site, which suggests that bats may use the site for foraging or commuting. However, no information has been provided as to the lighting strategy for the development.
- 6.51 Measures to mitigate any harm to birds during construction should be undertaken and any work that might affect possible nesting sites should be completed outside of the breeding season to protect nesting birds; this should be a condition of any grant of planning permission.
- 6.52 The inclusion of measures to encourage biodiversity, such as bat boxes, swift bricks and green roofs are welcomed and are consistent with the aim of KMSP Policy EN8, which encourages the protection, conservation and enhancement of wildlife habitats and species.
- 6.53 The Design and Access statement also provides some information about using plants similar to those found on Tunbridge Wells Common and it is suggested that plants could also include those of native local provenance which might encourage a variety of wildlife to use the courtyards.
- 6.54 Conclusion – Subject to resolution of concerns regarding the parking aspects of the proposal, the County Planning Authority raises no strategic planning policy objection to application TW/08/3119.

6.55 Southern Water – 16/09/08

Inadequate capacity to provide foul sewage disposal to serve the development. Investigation required. Requests conditions if application approved.

6.56 Kent County Council, Heritage Conservation Group – 16/09/08

The cinema's 1930s design and its 20th century presence in Tunbridge Wells have cultural heritage significance in terms of the social history of the town and the buildings' layout, features and fabric should be recorded prior to demolition. Suggests conditions.

6.57 Kent Highway Services – 29/09/08

6.58 My preliminary observations on this application are as follows:

6.59 The supporting transport assessment discusses the policy context in considerable detail, and also describes the site and its surroundings together with accident data and traffic flow information.

6.60 It indicates a low level of impact on the Mount Pleasant/Church Road/Crescent Road signalised junction, although it does not comment on the gridlock situation which regularly occurs during PM peak periods along Church Road between London Road, Mount Pleasant and the Crescent Road multi-storey car park.

6.61 No assessment has been made of the impact of losing the car park presently on the site, where those cars will be dispersed to and how the extra parking generated by the new development will impact on the town's existing car parking facilities. Since these already at times operate to capacity, it may be that there is insufficient space within the town centre to accommodate this extra need. Even a successfully implemented travel strategy will result in extra demand for car parking. There is no assessment within this application of existing levels of car park use or how the development will impact on them either in terms of overall capacity or duration of stay arising out of extra retail floorspace within the town centre. If not already consulted, I would recommend that TWBC's parking manager should be asked to look at this particular element of the scheme.

6.62 The current proposal indicates that 100 car parking spaces will be for the hotel, whereas the pre-application proposal only provided a small number of operational spaces for that use. The comment by the applicants architect was to the effect that, to make the scheme viable, as much on-site car parking as possible would be needed for the office uses and that the hotel could operate successfully without any. If the development were to be permitted in its current form, how would the LPA monitor car park use to ensure that it was indeed being used for the hotel customers and not for the office accommodation?

6.63 How would the car park be managed in terms of access/egress? Although the application states that access could be via Church Road or Clanricarde Road and that the main egress for cars would be via the latter, it doesn't state how this would be managed. It would seem that all cars could, and many probably would, exit directly onto Church Road. This could have a significant adverse impact on traffic flows on this already highly sensitive section of the highway network. I note that there are already a number of objections from local interests concerning additional use of the Clanricarde Road route. Since those roads are privately owned and maintained, there may be ways in which traffic could be prevented from using them, with the consequent impact on the primary route network.

- 6.64 There appears to be no indication of the number of HGV's which will be required to access the site. The previous proposal suggested a low level of trip generation which was considered to be acceptable in terms of impact on Church Road, but this is a substantially different scheme, both in terms of scale and types of use. This information and an assessment of likely impact should have been submitted.
- 6.65 There is no assessment in the report of pedestrian routes within the town centre between the site and public car parks or public transport links. This would help to determine what upgrading of those links may be necessary.
- 6.66 The draft SECTION 106 agreement agrees to pay money for highway improvements, but it is worded such that it can only be used by the Borough Council. I would suggest that this needs to be expanded to be and/or the local highway authority.

6.67 South East Regional Design Panel – 30/10/08

- 6.68 Panel members and staff have visited the site and considered the pre-application scheme at a meeting in July. We welcomed the proposals, noting that they were appropriately scaled and used the gradient of the site in an imaginative way. We invited the developer and architects to investigate some particular aspects of the design and hoped to be able to comment on any revisions in due course.
- 6.69 The architects Panter Hudspith have recently presented the planning application drawings to us and explained recent changes to the design. We welcome the revisions and are pleased to confirm our support for the project, which will we believe will significantly improve this part of the town.
- 6.70 We have a number of detailed observations to make, which are set out below.
- 6.71 Context – The development proposal is for a key site in the town centre, occupying one corner of a prominent crossroads and facing the Town Hall. The cinema, built in 1934, has been out of use for nine years and there is an opportunity for a bold and positive contribution to the townscape, which could help to strengthen the route from the Pantiles to the heart of the town and boost its retail attractiveness.
- 6.72 Tunbridge Wells is an important and largely well preserved historic town. Its special character owes much to the relationship between buildings and the parks and green spaces that come right into the centre. The relationship between the landscape and a new building (or buildings) on the cinema site will be critically important, and design expectations are deservedly high.
- 6.73 The site is well served by public transport with the railway station nearby and there is already a large car park on the site. Mixed use development of the kind envisaged seems appropriate.
- 6.74 Layout and Form – The lengthening of the site has created new design opportunities and the architects have worked hard to create a form that is responsive to the street scene, including the view up Mount Pleasant Road, whilst meeting the needs of users. Servicing options are limited to a single point of access. We think the relationship between the new development and the historic town and the handling of the internal courtyards will work well.
- 6.75 We are pleased to see the new elevations on Mount Pleasant which, in pairing the bays as they step up the hill, echo the rhythm of the buildings opposite and allowing flexibility in the retail units at the lower floors. We endorse the subtle combination of stone and brick and do not see the need for any embellishment, but a stepping in the heights of the windows might help to underline the gradient of the street.

- 6.76 We also welcome the changes that have been made to the attic area, reducing it to a single floor and thereby lowering the height of the central section of the block. This greatly improves the proportions of the street elevations, although we think that a verified perspective view from the pavement at eye level would help to confirm its contribution to Mount Pleasant.
- 6.77 We are not so convinced by the box-like element on the roof of the corner block, facing the Town Hall. A rooftop terrace, perhaps serving the hotel, would look better in long views and would offer a fine panorama for its users, but it should be shielded by an interesting parapet or screen.
- 6.78 We like the idea of the colonnade and it has historical antecedents in Tunbridge Wells, but we noted earlier that if passers-by are to be attracted to walk beneath it, it needs to be skilfully proportioned, positioned and lit. We think the arrangements will work well and we like the use of two scales of arcading, with the close-centred, slender colonnade to the south. We also agree that the southern elevation should be expressed as the return to the Mount Pleasant Road frontage.
- 6.79 On Clanricarde Road, the top floor offices could be set back further and possibly treated in a different manner, thereby lowering the eaves to improve the relationship with the neighbouring villas.
- 6.80 Public Realm - The relationship with the junction needs particular attention, particularly if there is to be a little public space for pedestrians to pause on their journey to and from the station. The junction itself is a busy traffic intersection as well as an important pedestrian hub with a strong association with the listed Town Hall diagonally opposite the old cinema. Whilst we appreciate the complexities of the gradient, the transformation of this space and of the public realm generally should be part of the project, which calls for close and imaginative cooperation between the developer, your Council and the highway authority. The quality of the courtyard gardens will largely depend on the survival and growth of the trees and their proper installation and care should be explicit in any planning conditions. Equally, the paving and planting on the northern corner should be carefully designed and executed.
- 6.81 Sustainability – We are pleased that the safeguarding of energy and resources has been given high priority from the outset, using technologies appropriate to the density and nature of this town centre site. A high BREEAM rating is expected.
- 6.82 **Royal Tunbridge Wells Civic Society – 21/10/08**
- 6.83 We were actually very surprised to hear that these major proposals may come before the Council as early as November 12th. After eight years of dereliction we don't see the need to agree the redevelopment only two months after the proposals were first seen by the public (sooner we believe than the developer himself was expecting and after minimal public discussion).
- 6.84 This is the key development site in the centre of the town at present and it is essential that the solution is the best possible – not just a desperate reaction to a long-standing problem. We feel the financial situation may mean construction is delayed for some time, and whatever the developer's intentions that a consent now may be used as a basis for further negotiations, or even passed on to another developer.

- 6.85 In terms of form and use the proposals are broadly acceptable, but we are seriously worried about issues of traffic impact, the bulk of the development and some aspects of the architectural treatment. We would be very concerned if the application was approved without these being fully resolved.
- 6.86 Road Access – There are 122 car parking spaces proposed. We understand that only 'occasional' access for cars will be permitted from the private Lonsdale estate. Otherwise all access for cars and service vehicles would be via the existing turning in Church Road less than fifty metres from the Mt Pleasant junction. We are sure this would lead to unacceptable conditions on the A264 Church Road, at least during peak times. We are particularly concerned about the mixing of large service vehicles with private cars, and the effect of eastbound vehicles seeking to turn right into the development.
- 6.87 There are currently about 95 car parking spaces which will be displaced by the new development, and these together with vehicles servicing the small businesses there, now mainly use Lonsdale Gardens/Clanricarde Road for access. With much more intensive activity on site, if these rights are preserved for the benefit of the new development we think this would amount to more than 'occasional' use. However the Lonsdale Estate roads would clearly not be suitable under present management arrangements for an increased level of traffic, or for large service vehicles.
- 6.88 Bulk of the Offices - We believe the bulk and floor area of the offices have been considerably increased from those shown as the competition winning design, and the central courts (originally a single courtyard) to be smaller. The offices now dominate the scheme and, possibly as a result, the developer proposes no public access to the central courts and no public routes through the development. The subsidiary block on the West side comes uncomfortably close to no.1 Clanricarde Gardens. We feel at least the footprint should be reduced on the west side and the scale of the inner courts restored, so as to retain a satisfactory environment within the scheme and in the very different enclave adjoining.
- 6.89 Architectural Treatment – We are glad about the attempt to respect the Mount Pleasant street-scene, and to use local stone in the north-eastern block to balance the Lloyds Bank building opposite. We note the intention to use local materials, and welcome the attempt to marry these with modern design. But a number of comments have been made to the effect that the overall result is 'boxy' or 'square' and we have sympathy with these.
- 6.90 We feel the design does not complement the facades on the eastern side of Mount Pleasant with their handsome ensemble of stucco (a true Tunbridge Wells material), classical details, and a succession of verticals reflecting the slope of the hill. We find the use of yellow stock brick on the major part of the Mt Pleasant facade as now proposed inappropriate in itself, and together with the stone banding unduly emphasising the horizontal; the use of flint panels also seems fussy. We would welcome a simpler treatment of this facade based on a modern smooth-finish cementitious render and vertical rhythms.
- 6.91 We don't understand the reasons for the variations in the colonnade, which we believe could be unified and made more of a feature. We also find elements at the Church Road end, the north east corner block and the projecting wing of the offices, which will be highly prominent from the east, oppressively rectangular. We applaud the suggestion made at the Town Forum that either or both of these could be diversified with a more imaginative roof treatment – if not more radical reconsideration. We do not consider the present proposals respond adequately to Decimus Burton's Trinity Church and The Priory, together with which they will enclose our main civic space.

6.92 Conclusion – We welcome the redevelopment as a step towards restoring the link between the upper and lower parts of the town centre with a retail frontage and other commercial activity. However this strategy requires other components to be effective, eg. reviving the Safeways/Morrisons site, creating a landscaped civic space between the Ritz, Trinity and the Town Hall, and on a larger scale relating these proposals to any development brought forward shortly by the Council’s commercial partners. We would like to see the Ritz proposals as a first element in a masterplan for the town centre.

6.93 **Royal Tunbridge Wells Town Forum – 02/10/08**

6.94 Keen to see site rejuvenated as soon as possible.

6.95 Scheme needs to be commercially sound to fulfil function of link between lower and upper part of town.

6.96 Concerned about square corner block.

6.97 Importance of phasing of development and adequate screening of site during works.

6.98 Suggest improvements in front of Hawkshead, opposite.

6.99 **Transition Tunbridge Wells – 07/10/08**

6.100 Concerns as to how development will meet reasonable energy and sustainability targets. Comments in relation to details of submission and lack of figures to show that council’s requirements met, or preferably exceeded at such a key site. Suggests methodologies that should be used to show this.

6.101 Queries how the building contributes to town as a whole.

6.102 Public space inadequate. Courtyards not public.

6.103 Corner space too small.

6.104 Public art important.

6.105 **Environmental Services – 23/09/08**

Contamination

6.106 The desk study report is a generally acceptable but does lack detail as to sources of contaminant within the actual cinema site itself and makes little reference to other potential sources over the development site as a whole such as the dentist and doctors surgeries.

6.107 However it is adequate to be confident that the development may proceed subject to the standard conditions relating to land contamination.

Demolition/Construction

6.108 The outline proposals are satisfactory, however further detail will be required with regard to the control of noise, dust smoke etc. These in order to progress the application these details may resolved by condition to be addressed prior to the commencement of the demolition. I would also draw the applicant’s attention to the Environmental Code of Development Practice with which we expect broad compliance.

6.109 The application does not contain a Site Waste Management Plan. Although these are not a requirement of the planning process they are a legal requirement for sites of this size.

6.110 I am also concerned that prior to any demotion a comprehensive program of pest control will need to be undertaken. The cinema and empty shop buildings are known to be home to a large population of feral pigeons and are likely to be infested by rats. The treatment must involve the eradication of these pests rather than their displacement to the surrounding area. The site will then need to be cleansed of the accumulations of droppings prior to any demolition to prevent dust laden with pathogens being released to the local area and affecting the health of both the public and site workers.

6.111 Requested conditions:

EH18 – Scheme for the control of noise and dust

EH19 – Hours of work-demolition/construction

Program for the investigation and treatment of pest infestation to incorporate the disposal of any accumulated animal waste.

Air Quality – 30/09/08

6.112 In principle I have no objections to this development, however due regard must be given to the air quality in the area.

6.113 An air quality assessment was undertaken by the developer, which considers the baseline year 2007, with and without the development, as the worst-case year. No future years projection was undertaken. Traffic is still showing growth and is not fully offset by improved technology, hence there is doubt as to whether this is the “worst case year”.

6.114 There are a number of discrepancies within the assessment that need to be addressed separately. The consultants concluded that air quality is a low priority consideration for this development.

6.115 However, taking into account all of the relevant information, the air quality assessment is less conservative than stated. Using the “Development Control: Planning for Air Quality” EP (UK) formerly NSCA guidance document 2006, Chapter 6 Assessing Significance, figure 1 and table 3 the outcome suggests a medium priority consideration for impact.

6.116 This conclusion was reached by taking the following matters into account.

6.117 Importantly it should be noted that the assessment was not agreed with this Service. Information by e-mail was provided as to the type of matters that needed to be taken into account in the air quality assessment and it was specifically stipulated that this list was not exhaustive.

6.118 The development itself is of mixed retail/office use covering approximately 18,000m² and a 139-bed hotel. It is anticipated by the developer that there will be 800-1000 employees. There is over a 50% increase in the number of parking spaces currently provided.

6.119 It is observed that consideration is being given to travel planning and a good number of cycle parking places have been included. However, this is a significant development within a town centre area where air quality action planning is in progress to work towards achieving the air quality objectives that are being breached.

6.120 Equally, it seems traffic data is being used from a one-day survey undertaken on the 12th August 2008. It is good practice to avoid undertaking traffic surveys during school holiday periods as these do not generally reflect true traffic levels.

- 6.121 The Local Air Quality Management Annual Progress Report 2008 reports on possible exceedences along Mount Pleasant Road, London Road and Pembury Road. It is anticipated that a more detailed air quality assessment will commence in 2009 to assess the possible exposure to exceedences of the air quality objective for NO₂, with the potential to possible extending the air quality management area.
- 6.122 It is important to use the correct background contributions, especially in a town centre area and the use of the urban background, rather than the semi-urban category, would be more appropriate. The town centre monitoring station is classified as an urban background site and the results from this should be used.
- 6.123 No screening assessment was included for the proposed biomass heating system. It is known that biomass boilers can have a detrimental effect on local air quality. This is especially important in areas of lower air quality and in, or close, to an air quality management area. Levels of emissions from any biomass combustion process depend on the equipment itself, the height of the stack, the quality and uniformity of the fuel and on how the plant is operated and maintained. The type of fuel used will also impact on the number of lorry movements to the site to deliver fuel. I note that wood chip is being considered, which will require more regular deliveries than pellets.
- 6.124 Street canyons affect dispersion of pollutants and were used elsewhere in the modelling process by the consultant. However, this was not considered for Mount Pleasant Road with the development in place and therefore the report needs to be reviewed.
- 6.125 Regarding verification of modelled data with measure data, there is a lack of transparency. Verification needs to be carried out on the NO_x roads emission contributions, as per the technical guidance to more accurately show model uncertainty. At present the accuracy of the modelled data cannot be confirmed. The results in Table 4.5 are therefore questionable..
- 6.126 Taking the above matters into account a more appropriate conclusion is one of medium priority consideration. Therefore, to reduce the impact from this development, mitigation, offsetting and compensation measures should be considered.

Demolition/Construction Phase

- 6.127 I note the mitigation methods as listed in the air quality assessment during the demolition/construction phase. These must be clearly set out within the demolition/construction scheme. Consideration must also be given to the possible suspension of organic dust particles such as rat and pigeon droppings, feathers and mould spores.
- 6.128 The scheme must also make reference to the use of Euro compliant/standard vehicles or use of alternate fuels. The air quality assessment refers to all vehicles being Euro III compliant or higher and needs to be included within the scheme. Similarly non-road mobile machinery (NRMM) must use low sulphur diesel to comply with current EU NRMM emissions standard, be fitted with diesel particulate filters and be subject to on-site performance checks.

Operational Phase

- 6.129 The proposed development sits within the town centre adjacent to the air quality management area and possibly within it, subject to the results of more detailed air quality assessment work.
- 6.130 Therefore, mitigation and offsetting are vital to ensure that the aims of the action plan, "working towards achieving the air quality objectives", are not hindered.

- 6.131 Offsetting to assist with the actions, as set out in the draft action plan and further air quality monitoring should be provided. It is recommended that an agreement is reached which includes provision for the developer to purchase, site and operate an air quality monitoring station to run until 10 years after the development is complete and fully occupied.
- 6.132 The development of an effective travel plan and appointment of a travel co-ordinator will contribute towards the air quality mitigation required.
- 6.133 A package of measures is proposed in the travel plan. However, I would also recommend that the following are considered further for incorporation within the travel plan:
- The provision of one or two vehicle charging points,
 - Differential on-site car park charges based on compliance with specified European emission standards,
 - Requiring delivery vehicles to be compliant to a specified European emission standard and promoting safe and fuel-efficient driving.
- 6.134 I note the travel plan forms part of the unilateral undertaking pursuant to Section 106 and will be considered further. The travel plan also currently considers the first five years. I am unclear as to what is proposed post this timeframe. Travel planning and the provision of a travel plan co-ordinator will need to be an ongoing requirement.
- 6.135 Further information also needs to be provided in relation to the biomass combustion process and the height of the stack.

6.136 **Environmental Services – 26/09/08**

Lighting

- 6.137 Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.
- 6.138 Reason: to protect the appearance of the area, the environment and wildlife and local residents from light pollution.

Electromagnetic Radiation

- 6.139 The applicant must take into account the design standards regarding the proximity of the electricity sub-station. Details of these requirements are set out in Advice on Limiting Exposure to Electromagnetic Fields (0-300 GHz) published by NRPB in Volume 15 No 2 2004.
- 6.140 These comments are in addition to those made in respect of areas that cover the rest of the planning application

6.141 **Cinema Theatre Association – 30/09/08**

Object. Building of architectural and social value – should be retained. Built in 1934 by Robert Cromie Impressive auditorium for 2500. First purpose built cinema by Union circuit. Very rare 'saucer' floor.

Auditorium's potential future use for the community should be considered.

TWBC Economic Development Team – 03/10/08

- 6.142 We welcome the development of this key site within the town centre which will improve the overall appearance of this part of the town and contribute to the retail and leisure offer of the town centre to visitors and to local residents. Its development also has an important role to play in linking the Pantiles and High Street area of the town and businesses located within Calverley Road and Royal Victoria Place.
- 6.143 We also welcome the additional employment the development stands to bring to Tunbridge Wells. It will be a development that allows for large scale employment in the town centre.
- 6.144 The Hotel Futures Study 2005 published on behalf of the Council identified the future need for additional hotel rooms within the town centre, and this proposal to develop a 139-bedroom hotel will contribute to this requirement in the long-term based on the projections for medium to high growth in demand, and enhance the overall hotel offer within the town centre. We would wish the hotel within this development to supply graded/star rated accommodation in accordance with the Council's policy to encourage accommodation of this standard within the borough.
- 6.145 Visitor research carried out on behalf of the Council in 2001 showed that 84% of visitors to the area travel by car. Whilst encouraging visitors to travel by more sustainable means should be supported, the number of car parking spaces allocated, at least initially, may not be sufficient to meet the demand of visitors, who may not wish to park elsewhere in the town and carry luggage to the hotel, as well as cater for the needs of shoppers and office workers.
- 6.146 We welcome the net increase in retail floor space in this location for shops, restaurants and financial services businesses. We think some consideration needs to be given to the size of the retail units and the demand from national chain stores to locate in the town centre. Demand for medium sized stores is high in high street locations and availability of such medium to large size retail premises is currently limited in the town. Most large-scale retail development has taken place in out-of-town locations in Tunbridge Wells.
- 6.147 The net increase in B1 office space is good news and the demand for 'modern quality' office space in Tunbridge Wells town centre is high but the local economy is always affected by London and global related economic situations. One solution to the economic downturn problem has been to keep medium to large-scale office space flexible so that it can be converted to small office space. This would allow business space agencies to take space for dividing into smaller more affordable units that would meet the demand. Tunbridge Wells has had demand for expansion space for existing businesses located in the town centre.
- 6.148 The media, PR and marketing sector and the financial services sector businesses have expressed interest to the Council for joint location/clustering of their businesses in one location, creating a so-called 'Centre of Excellence' in the town. This office space could provide for a Creative Media Centre with both offices and studios allowing for creative and innovation businesses to locate in the town centre. Many businesses in these sectors are or will be experiencing expansion over the next few years.
- 6.149 We note the net increase in car parking spaces of only 33 to cater for both new businesses/employment and a new hotel. This needs to be addressed.

6.150 **Private - 27 letters, largely supporting redevelopment, but objecting to the proposal on the following grounds:**

Pre-application:

- Concerned that brief did not place emphasis on preserving character of Belvedere Estate.
- Lonsdale/Clanricarde Roads overloaded. Inadequate parking.
- Additional parking requirements.
- Over-development.
- No provision for benefit to community, e.g. meeting place.
- Car parking should be shared outside business hours.
- Car park access adjacent to doctors' surgery entrance – noise and pollution from vehicles. Car park ventilated directly to adjacent site.
- Vehicular right of way?
- Loss of privacy.
- Overshadowing.
- Support general process and architectural considerations.
- Public open space has been over emphasised.
- Second letter suggests alternative vehicular route, all served off Church road and traffic management.

6.151 Comments on original submitted application:

Design/external appearance

- External design not in keeping.
- Design mediocre and not of real architectural merit.
- Not an iconic building (should be).
- Materials drab.
- Object to roof at corner of Mount Pleasant/Church Road.
- Loss of trees on adjacent site – Clanricarde Gardens.
- Development plans need to make more positive statement.
- Materials not in keeping. Will not weather well.
- Façade should be made more 'local' looking.
- Building should be scaled down.
- Solar panels – important what these look like – can be harmful to conservation area.
- Overscale, angular and clumsy design.
- Public space very small.
- Building fronting Church Road/Mount Pleasant too high – not in scale with existing.
- Bulk of building on frontages (existing cinema bulk set back).
- Needs a design that is modern and inspiring.
- Covered walkway should not be incorporated – encourages anti-social behaviour.

6.152 **Parking/traffic issues**

- Seek reassurance that any demolition/construction traffic would not use Lonsdale Gardens/Clanricarde Road.
- Concerned about impact on deliveries for existing shops.
- Not clear how Lonsdale Gardens/Clanricarde Road affected by traffic during construction and afterwards. Concerned about increased traffic burden. Will affect condition of road. Question of who pays for repair and upkeep, particularly as use would increase significantly.
- Additional traffic at Lonsdale Gardens/ Mount Pleasant. Harmful impact on amenities and conservation area.
- Access should be from Church Road. Could be linked to wider scheme of traffic management in town centre.
- Need to offset increased traffic flow.

- Inadequate parking for development.
- Additional traffic in Clanricarde Road would worsen prospect of adequate access for ambulances.
- Junction at Mount Pleasant/Lonsdale Gardens not suitable. Traffic should use Church Road.
- Additional traffic in Clanricarde Road would make access for disabled to doctors' surgery difficult.
- Contrary to policy T5 of Draft South East Plan, TP11 of Structure Plan. Need to ensure that direct, safe cycling/pedestrian routes maintained to allow access to upper part of town centre.

6.153 Uses

- Contrary to policy – does not include housing.
- Include opportunities for young and old.
- Community facility should be included.
- Need good town centre mix.
- No objection to hotel use.
- Loss of light and privacy to consulting rooms.

6.154 Amenity issues

- Objections to further restaurants/pubs. Late evening disturbance.
- Loss of light.
- Overlooking/loss of privacy.
- Overshadowing.
- Lack of light resulting in dangerous and slippery surface.
- Pollution to car park area/building entrance from proposed vents to car park.
- Object to any pub, bar, nightclub due to existing unacceptable noise and other disturbance late at night.

6.155 Other issues

- Loss of access through to Clanricarde Gardens from Church Road. Believe this may be a public right of way.
- Pleased that site to be developed. Consider including new central piazza.
- Presentation material poor.
- Inadequate opportunity to consider plans before application submitted.
- Should be space for medical and dental uses in development.
- Queries what habitats/species affected by development.
- Concerns about asbestos disposal from building. Also other potential contaminants on site.

6.156 The following comments relate to the amended submissions and additional information

6.157 Environmental Services - 21/10/08

6.158 Building Engineering Scheme Design Report Issue 2:

I have no additional comments to make and request that the conditions previously imposed remain and are added to any approval that may be granted.

6.159 Additional Information – Previous Uses – 09/10/08:

6.160 The additional information is of interest and adds more comprehensive information to the desk study report submitted with the main application. The conditions previously requested, however, will need to be maintained.

- 6.161 Additional Information – Demolition – 09/10/08
- 6.162 Construction Sequencing Report Issue 2:
- 6.163 Again the additional information is of interest but does not address issues of dust and noise control etc. The conditions previously requested are to be maintained.
- 6.164 External lighting plan, landscape plan and Design and Access addendum – 24/10/08
- 6.165 Contents of submissions are noted. Additional technical information must be submitted for approval in respect of external lighting proposals and the ventilation strategy. The agreed measures must be implemented prior to the premises opening for business.
I have no additional comments and request that the conditions previously recommended remain and are added to any approval.
- 6.166 Noise – 24/10/08
- 6.167 The substation would generally come under the Rating Level Night and Day conditions. However I would like to see it assessed for low frequency noise as well hence we have the new condition EHextra. What we are asking them to do is not measure inside the residential accommodation but to ensure that levels inside do not exceed the Criterion - this can be done by working on standard SRI for building components (walls and windows) and working what this would equate to outside. They can then design the equipment to ensure they match this using anti-vibration mounts and appropriate construction materials to give appropriate sound insulation (it is even possible to come up with some clever detuning devices using Helmholtz resonators if necessary). We should also ask for an acoustic consultant's report to verify the noise of the plant upon completion as satisfactory installation of this major plant.

Suggested conditions:

EH01 Plant and ducting systems

EH03 Rating level - night

EH04 Rating level - day

Acoustic report assessing the impact of the electricity substation. The report shall address the issue of low frequency noise and vibration from the station so that it complies with the conditions

- 6.168 Air quality
- 6.169 I note that in principal there is agreement to offset against the impact of this development on local air quality. To this end I would suggest the following is included within the 'agreement'.
- 6.170 "To address the air quality impact of this proposed development, it is considered necessary to enter into a planning obligation to improve the local air quality and offset against the subsequent air quality impacts. A contribution is sought to assist in strategic air quality monitoring, by supporting the purchase, installation, operation and maintenance of air quality monitoring equipment and/or provision of other assistance or support to enable the authority to implement the draft air quality action plan to improve the local air quality."
- 6.171 With regards to the additional information relating to the Travel Plan I note a more detailed package of measures is included, especially in relation to the soft measures. I anticipate that the transport planning team at KCC will comment accordingly.

- 6.172 Reference is made to encouraging occupiers to use low emission vehicles, but not to how this will be achieved. I assume this will form part of car parking management and could include differential charging measures.
- 6.173 However, I note there do not appear to be any provision to include electric vehicle charging points in the car parking area. This is especially important in the light of the imminent launch of Britain's electric car programme by the Transport Secretary. To incorporate a charging point during the construction phase, would I expect be more cost effective than retrofitting at a future date.
- 6.174 Equally, the following condition should also be included in conjunction with the information as provided previously by this service.
- 6.175 Prior to the commencement of any demolition/construction work the developer shall submit a scheme for such works for approval.
- 6.176 This scheme should not only include the standard mitigation methods used within this industry and those contained within the Councils Code of Construction Practice and other measures as detailed in observations made by the environmental protection team, but also incorporate the mitigation measures specific to local air quality and as set out in the air quality assessment.
- 6.177 The scheme must also make reference to the use of Euro compliant/standard vehicles or use of alternate fuels. Construction vehicles must be Euro III compliant or higher. Similarly non-road mobile machinery (NRMM) must use low sulphur diesel to comply with current EU NRMM emissions standard, be fitted with diesel particulate filters and be subject to on-site performance checks.
- 6.178 As well as daily perimeter checks and weekly area checks a log must be kept with the appropriate mitigation detailed.
- 6.179 **Kent Highways – 28/10/08**

Further to our previous comments, discussions and meetings with the applicant together with the submission of additional information in respect of certain highway matters, the highway authority confirm that no objection is being raised to the principle of development, although certain concerns still remain over the impact on the local highway network and car parking facilities within the town centre. The addendum to the TA recently submitted by Capita Symonds does not answer all the points raised in previous correspondence, particularly in respect of the loss of the existing car parking facility and the ability of the town's remaining car parks to absorb the displaced demand; the manner in which the car park will operate with two points of access; the quality of pedestrian routes within the town centre; and, the effect on local highway junctions.

- 6.180 However, in view of the previous consent to develop the site and works agreed as being necessary at that time, it is considered that, subject to an appropriate developer contribution towards the cost of traffic management, highway improvements including upgrading pedestrian and cycle facilities together with public transport measures, no objection is raised. The amount estimated to be necessary in this instance is £254,800. The precise manner in which that money will be spent will depend on a more detailed analysis of the needs arising out of development. It is further recommended that the proposed 3 year expenditure period given in the draft Section 106 agreement be increased to 10 years.

6.181 Kent Highways further comments – 29/10/08

The amount was calculated on the following basis:

£15,000 contribution towards TW traffic modelling.

£50,000 contribution towards public transport information/priority.

£130,000 contribution towards upgrading pedestrian facilities including junction alterations, with £50,000 of that being for the A26/A264 junction where a pedestrian phase is required.

£5,000 contribution towards cycle parking facilities in the town centre.

£50,000 contribution towards urban traffic management control.

£4,800 for travel plan monitoring.

Royal Tunbridge Wells Town Forum, 25/10/08

6.182 Not clear what properties are subject to the conservation area consent application. Would like to see more information about decorating hoardings around construction site.

6.183 Private – three letters of objection

- Object to closure of two pathways. Properties in Clanricarde Gardens rely on route. Have been available for at least 48 years.
- Developer has not approached owners of one property. Given no agreement to purchase/demolish
- Maintain objection to impact on 1 Clanricarde Gardens.

6.184 NHS West Kent

Implications for GP. Object to scale of development.

7.0 APPRAISAL

7.01 The key issues for consideration in assessing this proposal are:

- Principle, including policy, uses and demolition of existing buildings
- Design/appearance/size/impact on conservation area and listed buildings
- Impact on amenities
- Highways
- Ecology
- Landscaping
- Air quality
- Renewable energy
- Other matters

Principle and policy

7.02 The site is within the limits to built development in the centre of Tunbridge Wells. A mixed use, including a substantial amount of retail and similar uses is considered appropriate for this site.

- 7.03 The loss of the cinema use, though regretted, has previously been accepted at appeal. The site is within Character Area 6 and the northern part of the site is covered by Policy CR4(b) of the Local Plan. The development now proposed confirms that at least 40% of the frontages to Mount Pleasant and Church Road will be retail (A1), rather than A2(financial and professional services) or A3 (restaurants and cafes) uses. This policy would therefore be met subject to a suitable condition to require this. The Retail Needs Study also refers to the role of the site in providing additional comparison, rather than convenience goods shopping. Policy CR4 refers to specific uses, access, form and layout within development of the site. The policy seeks A1, A3, A4, A5 and D2 uses and a nightclub. The proposal does not include 'leisure' uses within Class D2, but does include instead a hotel, which is an appropriate use for this town centre site, well related to public transport links and the amenities and attractions of the town. There is no objection in principle to the office use in this central location. Although a third party has raised objection due to the lack of housing within the scheme, this is not a requirement of the policy. I consider that the proposed uses are within the terms of the policy in relation to the retail uses. Although the hotel and office uses are not part of the policy requirements, these need to be considered in the wider context of the scheme as a whole, the changing requirements of Tunbridge Wells as a regional centre, and the other sections of this appraisal.
- 7.04 Pedestrian access is provided at the corner of the development, and various other points along the frontages. The development is therefore well related to the street frontages. Servicing is via Church Road as required. Parking access is shown from Church Road and Clanricarde Road rather than Clanricarde Road only. However, it should be noted that the site is now larger than the 'allocated site', so the volume of traffic generated would be likely to be significantly higher. The form and layout of the development is discussed below.
- 7.05 The policy requires that the introduction of public art should be considered. This is offered for inclusion as part of the Section 106 Agreement, which is sufficient to meet the requirements of this part of the policy, subject to an adequate figure being agreed for this purpose.
- 7.06 I have taken into account the concerns raised by the Cinema Theatres Trust regarding the retention of the cinema. However, taking into account the previous appeal decision, the current harm to the conservation area and the approved Conservation Area Consent for the demolition, there is no objection to demolition of the existing buildings on the site. The existing auditorium building is an uncompromising fletton brick box, with an open car park area to the west. The frontage buildings also have little architectural merit. Much of the northern part of the site has been vacant since the closure of the cinema in October 2000. It was identified in the Conservation Area Appraisal, adopted in November 2000, as a visual detractor and has since deteriorated. In my view the principle of redevelopment is therefore acceptable. From the conservation point of view the duty is to preserve or enhance the character or appearance of the Conservation Area. Removing the current detractor would be welcome therefore and with the right development should meet the enhancement test. Conservation Area Consent has been granted for demolition of buildings on the northern part of the site, including the cinema, and there is an extant permission for demolition of Hill House.
- 7.07 The development does not make provision for the displaced medical surgery uses. However, there is scope within the development for part of the office use to be reconsidered as 'medical' uses if necessary. In addition, other recent developments close to the town centre have provided new and replacement medical facilities.

Design/appearance/size/impact on conservation area and listed buildings

- 7.08 The site occupies a key position within the centre of the town at its principal crossroads. In urban design terms any development should mark the fact that this is the heart of the town and should fulfil a critical civic/townscape function.
- 7.09 Given its location, in terms of activity it needs to achieve a quantum of development that is attractive enough to users and draws people to it. In my view it needs to fulfil a role in adding to the vitality and viability of the town. The likely social and economic success of the scheme should therefore be an important consideration in assessing this proposal.
- 7.10 Policy EN1 of the Local Plan requires that new development should respect its context. Policy QL1 of the Structure Plan requires new development to be well designed and be of high quality. It also requires that it should enhance the public realm.
- 7.11 In addition to the above general policies, the site is in the heart of the Conservation Area. Planning Policy Guidance Note 15, Policy EN5 of the Local Plan and the equivalent Policy QL6 in the Structure Plan require that development should preserve or enhance the buildings, related spaces, vegetation and activities which form the character and appearance of the Conservation Area. The Council has a duty to ensure this happens.
- 7.12 In Tunbridge Wells there is a historical quality particular to the more southern parts of the town, which establishes much of the character. The location of this site though is within the part of the town which is more modern and mixed in nature. It also lies at a point between the more historic part to the south, and the more recent shopping area to the north.
- 7.13 This site has been the subject of much discussion and applications in recent years. This included the preparation of a planning brief by the Local Planning Authority, together with a public inquiry into a previous scheme on the grounds that it contained no cinema. Subsequent to changes in ownership a number of further informal schemes were put forward which have struggled to be of the standard that this site demanded.
- 7.14 In order to cut through the impasse the Borough Council and current developer initiated a design competition which was run by the South East Royal Institute of British Architects. This process involved an independent jury assessing proposals from six invited firms of architects to a clear brief. This also had the benefit of raising the design quality for the site.
- 7.15 Subsequent to the appointment of the winning architects the proposal was presented to the South East Regional Design Panel on two occasions and to English Heritage and resulted in further design quality inputs. In my view, introducing this level of design scrutiny into the process has brought additional informed discussion on the designs and added robustness to the outputs. Both organisations have given support to the current submissions.

Context

- 7.16 The site lies at a key junction in the town centre and it is important that it addresses the space and the buildings nearby. Some of these are listed buildings. It should be noted though that there is a wide mix of building styles and ages in this part of the town and therefore no particularly strong architectural characteristic to emulate. Planning Policy Guidance Note 15 requires that local planning authorities have special regard to the desirability of preserving the settings of listed buildings. I do not consider that the development would harm the setting of nearby listed buildings, which are each very different in character.

- 7.17 One aspect of key relevance is the 'civic' nature of the site and the need to complement the Town Hall on the opposite corner and the bank on the eastern side of Mount Pleasant Road. Also the site has a role in 'containing' and helping to define the space in front of the Town Hall/War Memorial, which is the main civic space in the town. The building achieves an appropriate scale which stops the space leaking away but does not dominate.
- 7.18 There are views of the site from some distance as one approaches, particularly from the east along Crescent Road and from the north. How this development turns the corner is a key factor and contributes to the richness of the townscape.
- 7.19 It is also important to consider the wider views from Mount Ephraim and therefore the overall height of development and its appearance as part of the roofscape of the town. The top of the building would be seen in this wider view. I consider that the development assimilates itself comfortably into the grain and texture of this part of the town's roofscape.
- 7.20 The site has intrinsic difficulties notably the topography sloping both north-south and also east-west. Inevitably this has posed issues in level changes, but in the design it also offers potential for accesses to the development at various levels. The submission proposes a building layout/arrangement that skilfully addresses this potential providing a rich and integrated scheme, but which maintains an important permeable presence to Mount Pleasant Road and Church Road. The structure also has to cope with the railway tunnel to the eastern edge of the site.
- 7.21 The form of the development comprises perimeter development with two internal courtyards, and a mix of uses. The layout creates a relatively clear distinction in the arrangement of uses within a complicated development and is logical in its form and layout. The massing is broken up into a series of elements that attempt to reflect the grain and local character.
- 7.22 The two courtyards within the scheme would provide a pleasant environment for users and also allow for views out to the south lower elements.
- 7.23 The height of development respects the immediate context whilst addressing the urban design/townscape imperative of having a civic role and marking the town centre. Although the architecture is restrained and self-effacing, it is not an apologetic building but instead, in my view, is more successful in fulfilling the role that the current buildings fail to do.
- 7.24 In my view the overall proposal therefore achieves an appropriate form of development with an acceptable balance of height and massing that respects context, adds to the variety and richness of architecture and contributes to the evolution of the town.

Detailed Design

- 7.25 Looking at aspects of the building in turn:
- 7.26 Mount Pleasant Road is currently a boulevard with the strength of architecture in the eastern part stepping down the slope. It has a strong rhythm and consistency in the architectural form and detailing. The proposal emulates and complements this on the western side of the road but is not a slavish copy. This will in my view strengthen and add to the character of Mount Pleasant Road. The treatment of the elevation is essentially paired elements with punched windows in masonry walls. The 'attic' floor is treated as a mansard. This all complements the existing buildings opposite.

- 7.27 Additionally the proposal introduces colonnades, a particular characteristic of the town viz the Pantiles, Monson Colonnade, Calverley Crescent. This will add to the richness of the scheme and also increases the width of public realm at street level.
- 7.28 The set-back forecourt for the hotel introduces an articulation into the façade and allows stepping. It also creates an incidental space onto Mount Pleasant Road, again adding a greater public dimension.
- 7.29 The corner element to Church Road and Mount Pleasant Road is given more height, reflecting its importance in townscape and turning the corner. The introduction of the space, the grander scale of the architecture, and use of Sussex sandstone etc, all provide the necessary anchor/fulcrum to the development. The roof element is now set in from the face by an appropriate amount. I do consider however that this should be seen as a roof element and not an extension of the elevation. However, I am satisfied that this is a matter that will not alter the basic form and can be dealt with by condition.
- 7.30 The remainder of Church Road is presented as elements of different scale, stepping forward and back to reveal critical views, create spaces and to integrate with the varied forms and rhythms of existing buildings on Church Road.
- 7.31 The southern elevation steps down at the last bay to make transition to the remaining two and single storey units on the south east corner of Lonsdale Road/Mount Pleasant Road. The lower part has been left blank of windows in anticipation of the final corner being redeveloped at some stage to complete the block. This in my view is an appropriate response.
- 7.32 The elevation to Clarnicarde Road is presented as a simple, honest treatment. It does not attempt to copy the individual villa form of the area to the west. It should be seen more as a complementary backdrop, and forming the interface between the more active, civic forms of the development to the front and the domestic, quieter enclave to the rear. The parapet height is kept consistent throughout with the upper floor set well back so that it will generally not be apparent from street level. This results in a simple self-effacing treatment rather than trying to compete or copy. Although it will be a significant contrast to the existing villas and pattern of development, in my view this is, on balance an acceptable architectural response.
- 7.33 The internal courtyards are a reflection of the uses behind and maintain the consistency and language of the architecture.

Materials

- 7.34 These have been refined down to three main components - Sussex sandstone, Kent yellow stock brick and mid/dark bronze. The use of sandstone is considered vital in giving the building the civic quality required by its location and local context. The principle of the other materials respect the location in the town. Further consideration needs to be given to details of colours, but this can be covered by condition.
- 7.35 With this restricted palette the building relies heavily on the quality of these materials and the detailing. As part of the development of the design, greater attention than normal has been paid to how this will work. Although relevant conditions would need be proposed in any consent I am satisfied at this stage that the design and consideration of detailed matters are of an acceptable quality. It is though in my view important that as the development relies to some extent on its quality and simplicity it should not be diluted through subsequent stages.

External spaces

- 7.36 The scheme introduces a series of external spaces as part of the proposals viz corner space, hotel incidental space and two courtyards within the scheme. The corner space is of particular importance to the way in which users move within it, cross the junction to the north side of Church Road and how it should incorporate public art. This space and how it is used, and detailed, will be a key measure of the success of the development. The public spaces will add to the richness of the town, which is characterised by a variety of spaces. The detailing of these and their landscape is still indicative at this stage and would need to be subject to relevant conditions.
- 7.37 The development takes into account accessibility issues throughout the scheme and uses main ground level access where possible, taking advantage of sloping ground across the site. It also incorporates clear entrances, so that the building is convenient and easy to use for as many people as possible.
- 7.38 Lighting is an important area that has been considered in principle. An acceptable approach has been adopted in my view.
- 7.39 In conclusion, it is my view that the proposal preserves and enhances the Conservation Area. The design has been subject to careful consideration and has been refined as a result. Whilst architecture is to some extent an art and not everyone will agree with how it looks in my view this is more an issue of style and taste. The process in this case has resulted in a quality scheme, and in my view achieves significant townscape, and urban design goals in a modest, sensitive and responsive way. It is compliant with Policies EN1 and EN5 of the Local Plan and Policies QL1 and QL6 of the Structure Plan in relation to its design and character.

Impact on amenities

- 7.40 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.
- 7.41 The Daylight and Sunlight Report for the original submission concludes that residential uses around the site all retain levels of daylight and sunlight which the British Research Establishment recommend. It acknowledges that some commercial and non-residential premises would have a reduction in daylight. In my view, the original submission would have resulted in a significant harmful impact on the amount of light reaching the rear elevation and rear garden of 1 Clanricarde Gardens, and the rear of the Pitcher and Piano. These are the properties most greatly affected by the reduction in light, and the perception of overbearing due to the height and proximity of the new building. It must be noted that the previously approved scheme would also have had a significant, but lesser impact. The building would also be unduly unneighbourly in relation to 1 Clanricarde Gardens due to the large number of ventilation louvre on the common boundary, serving the car parking for the new development. These would be next to the main parking area and entrance point for the doctors' surgery at no. 1.
- 7.42 The amended scheme has moved the top floor of the building back from the common boundary with no.1 by 1.5 metres, and has set the front (south-facing) elevation back by 14.5 metres. The height of the wall adjacent to no. 1 would now be 8.3 – 7.5 metres measured from existing ground levels. This height varies due to the slope of the land down from north to south.

- 7.43 This top floor was set back from the Pitcher and Piano boundary in the original scheme. The further 1.5 metres inset on the west elevation has helped slightly to reduce the impression of a particularly high wall on the western elevation when viewed from the rear of this property. It must also be noted that part of the garden to this property is under cover at present.
- 7.44 The top floor of the western elevation fronting Clanricarde Road has also now been set back by 1.5 metres, so the impression of the overbearing nature of the new building by reason of its height and proximity to the road, would be reduced considerably.
- 7.45 Overall, with regard to the impact of the development on occupiers and users of adjacent buildings, whilst acknowledging that there will still be a harmful impact, I consider that the scheme has reached a point where this is not so undue as to justify refusal on this basis.
- 7.46 This intensive development would be likely to result in considerable activity in the vicinity of the site. Indeed, in many respects, this is a positive aspect of the development in this important town centre location. I consider that pedestrian activity can be absorbed satisfactorily on the main 'shopping' frontages and would be an asset in encouraging people to travel between the upper and lower parts of the town. To the rear, in Lonsdale Gardens and Clanricarde Road, there would be some increased pedestrian activity, but again I consider that this would be consistent with the character and should not harm existing amenities. Some of this activity would replace movement associated with the existing uses. In relation to vehicles, there would be likely to be a significant amount of additional private cars using Lonsdale Gardens/Clanricarde Road to access the new car park. It is difficult to be clear as to the extent of the additional impact. As a 'worst case' all private vehicle could use this access/egress. Although this additional traffic would cause additional noise and disturbance to existing uses with frontages to Clanricarde Road, particularly 1 Clanricarde Gardens, I do not consider that this would be so undue as to justify refusal of the proposal.
- 7.47 Environmental Services have commented in relation to proposed mechanical ventilation to serve the development. Subject to the imposition of suitable conditions they are satisfied that the location and functioning of this would be acceptable.
- 7.48 Overall, I am satisfied that the amended proposals, supported by additional information now comply with Policy EN1 of the Local Plan and would not cause significant harm to amenities of the area.

Highways

- 7.49 The development relates to redevelopment at one of the key junctions in the town. There is also vehicular access from Mount Pleasant Road, via Lonsdale Gardens/Clanricarde Road. The new development would result in an intensive development of the site. However, the existing development and uses also have/had the potential to generate significant traffic.
- 7.50 Kent County Council highways and planning officers have considered the reports submitted in relation to transport implications, including traffic movements and patterns, and parking quantities and patterns. The applicant has provided additional information to confirm traffic circulation and the use of the Church Road and Clanricarde Road access. Servicing would be from Church Road only, and there would be a restriction on right turn movements. This arrangement is acceptable from a highway point of view.

- 7.51 Car parking would use either the Church Road or Clanricarde Road access and egress. Potentially, all such traffic generated may use one access or the other. It is therefore necessary to consider these extreme cases. In highway terms concerns have been raised in general terms regarding the impact on junctions, the local highway and the use of existing car parks. However, Kent highways have also considered the proposal in the light of the existing consent for a smaller site, and on balance do not raise an objection.
- 7.52 Local Plan Policy TP7 does not normally permit non-operational parking on-site in central locations for office and retail uses. However, in this case this must be weighed against the intensification of use of the site proposed and the existing parking and uses on the site as a whole. I conclude that this is not an overriding objection to the comprehensive development and servicing arrangements proposed.
- 7.53 The impact of cars using the Clanricarde Road access/egress has been considered above under 'amenities' in relation to the impact on the character of the area and noise/disturbance for existing users.
- 7.54 The development would attract additional users to the site in view of the nature of the uses proposed. In this town centre location, this is a suitable location for such uses, but a large proportion of users will rely on public transport, cycling and walking. Thus it is appropriate that improvements are made to facilitate these modes including improving the physical environment. This is offered by the applicant in terms of financial contributions from highway improvement. Kent Highways agree the general types of improvements, and that these could be covered by a financial sum.
- 7.55 Overall, I conclude that the application proposals and details are now supported by sufficient information such that highway aspects of the development are acceptable, subject to financial contributions for improvements and additional appropriate conditions.

Ecological Issues

- 7.56 Phase 1 Ecological Assessment/Bat Survey
The survey appears to have been carried out by an appropriate professional to a recognised methodology and its findings are accepted.
- 7.57 The presence of bats has been confirmed following an emergence survey. It seems that Natural England have indicated that these surveys are sufficient in this case in order to consider the issuing of a licence. This is largely a matter for Natural England but taking account of the condition of the building, risks for vandalism and fire and its location in my view, it would be unreasonable to delay permission for further surveys. Further surveys can be conditioned where these are needed to inform mitigation measures.
- 7.58 Subject to satisfactory mitigation measures as part of the new development, and temporary mitigation during construction, I consider that the development proposals are now acceptable in terms of their impact on protected species, from a planning point of view.
- 7.59 The development proposals include other ecological enhancement measures, including green roofs. These, and a suitable landscaping scheme result in a development which would be acceptable in ecological terms, and would comply with requirements of Planning Policy Statement 9: Biodiversity and Geological Conservation.

Landscaping

- 7.60 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. None of the trees is protected by a Tree Preservation Order, but they are all protected by virtue of being in the Conservation Area. The intention to retain and supplement the street trees on Mount Pleasant Road is important.
- 7.61 I would wish to have a survey to BS:5837 of the trees that have the potential to be impacted on, together with an Arboricultural Method Statement on the protection through the proposed development of those retained, and also a Tree Protection Plan. A condition should also require a plan showing which trees are to be retained, and which removed. The impact on trees in adjacent properties is not clarified. This needs to be covered in the survey.
- 7.62 Streetscape/external landscaping is shown on the submissions, which illustrates a commitment to the extent of works and materials but do not provide a sufficiently detailed or acceptable layout. However a specific condition requiring the redesign of the streetscape around the site could overcome this. The scheme could then be worked up in conjunction with the public art element of the proposals.
- 7.63 The plans indicate that the roof gardens will be a combination of 1 metre deep planting pits, pots and rubble roofs which whilst not detailed is acceptable. There is some concern over the deliverability of the proposal, as it is not supported by any technical details, but it does provide the basis of a condition to ensure that the green roof proposals are incorporated into the completed scheme.
- 7.64 The artistic use of lighting can greatly add to the character and quality of the street scene. The strategy set out by the plans is acceptable in principle, but details will need to be resolved through condition, which should also be related to Environmental Services' requirements.

Air quality

- 7.65 The development would result in a more intensive use of the site, which would have an impact on air quality. In addition the operation of the proposed biomass boiler may have a detrimental effect on air quality, and the buildings themselves may have an impact due to changes in air circulation. Mitigation, offsetting and compensation measures are therefore relevant in relation to the development. A financial contribution will be required to enable the provision of a new air quality monitoring station as part of the Section 106 Agreement.

Renewable energy

- 7.66 The development proposes a number of sustainable features. In relation to onsite renewables a number of sources are proposed. Solar thermal is included on some of the roofs. These are acceptable in terms of the impact on the skyline. Air source heating is also proposed which can also operate to cool the building rather than air conditioning. A 900 kw biomass boiler is proposed. An assessment has been submitted in line with the Council's Renewable Energy Supplementary Planning Document which seeks a minimum of 10% carbon dioxide savings from onsite renewables. The applicants propose that the above measures would achieve a 23.7% saving in carbon dioxide

- 7.67 Other sustainable measures are proposed including areas of green roof, grey water harvesting, water efficiency, passive ventilation and waste management, both in construction and use. These are set out in general in the sustainability assessment and detailed more in the building engineering design. These measures are acceptable subject to suitable conditions, and comply with Policy NR1 of the Structure Plan and Policy EN1 of the Local Plan and the Supplementary Planning Document, 'Renewable Energy'.

Other matters

- 7.68 The Environment Agency has requested conditions that should be imposed in relation to drainage.
- 7.69 Conditions are needed in relation to implications of contaminated land measures, pursuant to comments by Environmental Services and the Environment Agency.
- 7.70 Matters relating to ownership have been raised. These have now been considered and the extent of the site clarified.
- 7.71 Queries have been raised in relation to the two pedestrian routes that currently cross the northern part of the site. The land is in private ownership. Whether there are any rights of public access through continuous use is a legal, not a planning matter. It should be noted that the previous scheme for this site also involved the closing of the Church Road/Clanricarde Road access route.

Conclusion

- 7.72 This is a key site in the centre of Tunbridge Wells. Its development at the scale proposed will have an impact on the local and wider area, particularly in terms of its appearance, character and uses and the effect on highways and circulation. There are other important issues arising from the nature of the proposals, including the impact on adjacent and nearby occupiers.
- 7.73 The uses proposed have been considered in terms of how compatible these are with policies for the area and this particular site. Although the development does not include all the uses mentioned in the site-specific policy, it does result in a good and appropriate mix of uses, well related to the street frontages, which is an important benefit in this location.
- 7.74 The buildings can be described as contemporary in appearance and design, but utilising some traditional materials. The overall impression of the development would be of a large and fairly tall building in relation to most of its neighbours, but it is broken into elements. I consider on balance, taking account of the view of external consultees both before and after submission of the application, that the building does respect its setting and context, and would be a suitable addition to this central and prominent part of Tunbridge Wells. It will result in a new 'sense of place' and should add to the facilities and vitality of this part of the town, helping to link the south part with the north.
- 7.75 Highways-related issues have been considered by the Highways Agency and Kent County Council. Servicing arrangements are considered to be satisfactory, subject to conditions. Vehicles parking within the site will use either entrance. This will result in additional traffic in the vicinity, but is not of a scale that would justify refusal.
- 7.76 The application proposes financial contributions to contribute to a range of measures to improve and encourage travel by other means.
- 7.77 Subject to suitable conditions to cover matters of detail, and a suitable legal agreement to cover other matters arising from the development I recommend approval.

8.0 SUMMARY

The following is a summary of the main reasons for the recommendation:

- The site is within the limits to built development where there is no objection to the principle of the proposed development.
- The site is within a designated retail area where there is no objection to the principle of the proposed development.
- The development would preserve and enhance the special character and appearance of the Conservation Area.
- The development would preserve the setting of the listed buildings.
- The development would not cause significant harm to amenities of the area.
- The traffic movements generated by the development could be accommodated without detriment to highway safety.
- The development makes provision for access by a range of transport modes.

RECOMMENDATION – THE APPLICANT BE INFORMED THAT THE COMMITTEE WOULD BE MINDED (1) TO REFUSE PERMISSION FOR THE REASONS SET OUT IN PARAGRAPH (3) UNLESS BY 12 JANUARY 2009, THE FREEHOLD OWNER AND ANY OTHER NECESSARY PARTIES ENTER INTO A BINDING AGREEMENT TO COVER THE MATTERS SET OUT BELOW UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS AMENDED BY THE PLANNING AND COMPENSATION ACT 2004, IN A FORM TO BE PREPARED BY THE HEAD OF LEGAL SERVICES IN WHICH CASE HE SHALL BE AUTHORISED TO CONCLUDE SUCH AN AGREEMENT:

- (1) Financial contribution towards highway improvements to cover the provision of cycle parking, improvements to pedestrian facilities, and the improvement of bus services/facilities.
 - (2) Provision and maintenance/retention of traffic management measures to prohibit right turn out and right turn in to the site from Church Road.
 - (3) The provision of public art as part of the development.
 - (4) Production and implementation of a travel plan.
 - (4) Financial contribution to air quality contribution.
 - (5) Provide an area for display of Tunbridge Wells Museum artefacts in the hotel/office foyer.
 - (6) To pay the Council's legal expenses for the preparation and completion of such an agreement.
- (2) IN THE EVENT OF SUCH AN AGREEMENT BEING CONCLUDED, THE HEAD OF PLANNING SERVICES SHALL BE AUTHORISED TO GRANT PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS:**
- (1) Standard detailed YZ04.

- (2) Before any work commences, drawings to show the following details shall be submitted to, and approved in writing by, the Local Planning Authority and the work shall be carried out in strict accordance with those details:

- windows, glazing, cladding, external doors at a scale of 1:5, including details of openings
- railings, parapets
- balconies and canopies
- treatment of junctions of roofs and walls
- roof treatment at corner building at north eastern corner
- Service yard gates
- Louvres
- Details of Mount Pleasant Road and Church Road elevations frontages at 1:20 to include details of shopfronts

Reason: To ensure a satisfactory appearance upon completion of the development in the conservation area accordance with Policies EN1 and EN5 of the Local Plan.

- (3) Details of any external lighting, including the hours at which such lighting is to be operated, and technical information shall be submitted for the written approval of the Local Planning Authority prior to the installation of such lighting. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: to protect the appearance of the area, the environment and wildlife and occupiers of existing premises from light pollution in accordance with Policy EN1 of the Local Plan.

- (4) Notwithstanding the details submitted, details and samples of any materials to be used externally, shall be submitted to, and approved by, the Local Planning Authority before any construction is commenced, and the development shall be carried out only in accordance with the approved details. The details shall include a sample panel and shall include mortar colours and joints, and details of glazing.

Reason: To safeguard the characteristics of the locality in accordance with Policy EN1 of the Local Plan.

- (5) Water Conservation Details D032.
- (6) Hours of construction G035.
- (7) Dealing with land contamination EH23. <(8) – (10) and (11)>.
- (8) Site Characterisation EH24.
- (9) Submission of Remediation Scheme EH25.
- (10) Implementation of Approved Remediation Scheme EH26.
- (11) Reporting of Unexpected Contamination EH27.

- (12) A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time is to be agreed in writing by the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy NR5 of the Structure Plan and EN1 of the Local Plan.

- (13) Prior to the erection of the development hereby approved, written and illustrative details for energy conservation within the development shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall be generally in accordance with the Renewable Energy Assessment Issue 1 received 10 September 2008 and provide details of fuel delivery and maximisation of system efficiency. 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 in accordance with Policy EN1 of the Local Plan.

- (14) In addition to the details submitted with the application, no development after demolition shall take place until full details of both hard and soft landscaping have been submitted to and approved by the Local Planning Authority. These details shall cover: Proposed finished levels or contours; Hard surfacing materials; Existing tree survey; Planting plans; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities, and Implementation timetables; and a tree protection plan. Details of hard landscaping shall include redesign of the public spaces/footway along Church Road and Mount Pleasant incorporating and designed in conjunction with the public art element forming part of the legal agreement relating to this permission.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

- (15) Landscaping scheme to be implemented L001.

- (16) Existing trees to be retained L003.

- (17) Protection of existing trees L008.

- (18) In addition to the information submitted, no construction works shall take place until details and specifications for all areas of green roofs are submitted to and approved by the local planning authority. The works shall be implemented and thereafter retained in accordance with the approved details.

Reason: To ensure a satisfactory standard of development, which meets the needs of current and future generations in accordance with Policy EN1 of the Local Plan and Planning Policy Statement 9.

- (19) The area shown on the approved plan as service vehicle parking, loading, off-loading and turning space, shall be provided before the premises is first occupied and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 1995 and Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (or any Order revoking and re-enacting those Orders), shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for loading, off-loading and turning of vehicles is likely to lead to such activities inconvenient to other road users and detrimental to amenity in accordance to Policy TP5 of the Local Plan

- (20) Means of vehicular access to, or exit from, the development for all service vehicles shall be derived solely from Church Road.

Reason: In the interests of highway safety in accordance with Policy TP4 of the Local Plan.

- (21) The Church Road access/aggress and the Clanricarde Road access/egress shown on the approved plans shall be kept available for use at all times.

Reason: In the interests of highway safety in accordance with Policy TP4 of the Local Plan.

- (22) Prior to first occupation of any of the uses hereby approved, the refuse storage facilities within the building shown on the approved plans or as otherwise agreed in writing, shall be provided and available for use, and shall thereafter be retained unless agreed in writing by the Local Planning Authority.

Reason: To facilitate the collection of refuse and preserve visual amenity in accordance with Policy EN1 of the Local Plan other than during demolition.

- (23) Servicing and deliveries/collections shall take place only between the hours of 10.00 and 16.00 and 19.00 and 22.00.

Reason: In the interests of highway safety and residential amenities in accordance with Policies EN1 and TP4 of the Local Plan

- (24) The areas shown on the submitted plan as car, motor cycle and bicycle parking and disabled parking spaces shall be provided surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use hereby approved is commenced and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 and Town and Country (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (or any Order revoking and re-enacting those Orders) shall be carried out on that area of land or in such a position as to preclude vehicular access to the parking areas.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and to accord with Policies TP5 and TP9 of the Local Plan.

(25) Works to prevent the deposit of mud GO33.

(26) Prior to the commencement of the development hereby approved a scheme for the disposal of foul and surface water drainage, including roof and courtyard area drainage, shall be submitted to and approved by the Local Planning Authority. Once approved the development shall be carried out in accordance with the approved details unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure satisfactory development of the land in accordance with Policies EN1 and EN18 of the Local Plan.

(27) Before occupation of any part of the development, an ecological scheme of enhancement and management shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason: In the interests of nature conservation to safeguard the character and appearance of the locality in accordance with Policy EN1 of the Local Plan and Planning Policy Statement 9.

(28) 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. The brief shall include a record of the interior and exterior of the cinema building in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded and that features of archaeological interest are properly examined and recorded in accordance with Policies EN4 and EN10 of the Local Plan.

(29) No development, including demolition and construction, shall commence until a Scheme of Works has been submitted to and approved in writing by the Local Planning Authority. This shall show:

- Phasing of demolition and new development.
- The means of access to and egress from the site for construction vehicles, and all vehicles associated with the site clearance, demolition or construction works.
- Parking and loading/unloading on site for operatives' vehicles.
- Any associated works to any means of vehicular access including making good after construction works.
- Measures for the control of noise/dust.

This scheme should not only include the standard mitigation methods used within this industry and those contained within the Councils Code of Construction Practice and other measures as detailed in observations made by the environmental protection team, but also incorporate the mitigation measures specific to local air quality and as set out in the air quality assessment.

The scheme must also make reference to the use of Euro compliant/standard vehicles or use of alternate fuels. Construction vehicles must be Euro III compliant or higher. Similarly non-road mobile machinery (NRMM) must use low sulphur diesel to comply with current EU NRMM emissions standard, be fitted with diesel particulate filters and be subject to on-site performance checks.

As well as daily perimeter checks and weekly area checks a log must be kept with the appropriate mitigation detailed.

The scheme shall include a program for the investigation and treatment of pest infestation to include rats and pigeons shall be submitted and approved and implemented to the satisfaction of the Local Planning Authority. This scheme shall also incorporate the disposal of any accumulated animal waste

All operations carried out on the site shall be managed in strict accordance with the approved Scheme of Works.

Reason: In the interests of the protection of residential and other amenities and highway safety, in accordance with Policy EN1 and TP4 of the Local Plan.

(30) Scheme for the control of noise and dust EH18

(31) Hours of work-demolition/construction EH19

(32) Notwithstanding the details submitted, no part of any roof shall be used other than for emergency or maintenance purposes other than in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such details shall show which areas are for use by occupants of the building for amenity purposes.

Reason: In the interests of amenities of occupiers of adjacent properties in accordance with Policy EN1 of the Local plan.

(33) Prior to any A1/A2/A3 unit being brought into use the proposed use shall be submitted to and approved in writing by the Local Planning Authority. No more than 40% of the frontage at anytime at or closest to pavement level frontage to Mount Pleasant Road and Church Road shall fall within Class A2 or A3 of the Town and Country Planning (Use Classes) Order 1987 as amended, or any Order revoking or re enacting that Order.

Reason: To provide certainty to the first use of the units and to safeguard the character of this shopping area in accordance with Policy CR5 of the Local Plan.

(34) A minimum of 5,000 square metres of A1 (shops) shall be provided out of the total of 9,905 square metres of A1 (shops), A2 (Financial and Professional Services) and A3 (Restaurants and Cafes). A minimum of 4,500 square metres will be for comparison retail.

Reason: To ensure the provision of a substantial area of retail comparison floorspace in accordance with policy CR4 of the Local Plan and findings of the Retail Study 2006.

(35) Use of the building, other than the vehicle parking/servicing, hotel, and offices shall not take place outside of the hours of 07.00 and 00.00 Mondays – Saturdays and 08.00 and 23.00 on Sundays.

Reason: To safeguard the character and amenities of the locality in accordance with Policy EN1 of the Local Plan.

(36) An electrical charging point shall be provided for use by vehicles on each floor of the car park.

Reason: To facilitate the efficient use of resources, pursuant to Policy EN1 of the Local Plan and NR5 of the Kent and Medway Structure Plan.

(37) The development shall be carried out only in strict accordance with the approved plans, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the character and appearance of the locality in accordance with Policies EN1 and EN5 of the Local Plan.

- (38) Notwithstanding the details shown on the Building Engineering Scheme Design Report, Issue 2, no fans, louvers, ducts, meter boxes or other similar apparatus shall be installed externally without the prior written approval of the local planning authority.

Reason: To protect the visual amenities of the locality in accordance with Policies EN1 and EN5 of the Local Plan.

- (39) Pipes to be internal D008 add at end 'unless agreed in writing by the local planning authority'.

Reason: To protect the visual amenities of the locality in accordance with Policies EN1 and EN5 of the Local Plan.

- (40) Plant and ducting systems EH01.

Prior to the first use of the premises details of any plant (including ventilation, refrigeration 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 development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 1999 Sound insulation and noise reduction for Building Code of Practice and the Chartered Institute of Building

Service Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35, as described above, whenever it is operating. After installation of the approved plant no new plant or ducting system shall be used without the written consent of the local planning authority.

Reason: To protect the residential amenity of the locality in accordance with Policy EN1 of the Local Plan.

- (41) Prior to the first use of the electricity substation an acoustic report assessing the impact shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of low frequency noise and vibration from the station so that it complies with the conditions. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the low frequency noise emitted from the substation is controlled so that it does not give rise to a exceedence of the Low Frequency Criterion Curve for the 10 to 160Hz third octave bands inside residential accommodation as described in The DEFRA Proposed Criteria for the Assessment of Low Frequency Noise Disturbance 2005.. The equipment shall be maintained in a condition so that it does not exceed the criterion, as described above, whenever it is operating. After installation of the approved plant no new plant shall be used without the written consent of the local planning authority.

Reason: To protect the residential amenity of the locality in accordance with Policy EN1 of the Local Plan.

- (42) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142:1997 Rating for industrial noise affecting mixed residential and industrial areas) shall be at least 5dB below the existing measured background noise level $L_{A90,T}$ during the night time period. For the purpose of the assessment the authority will accept 23:00-07:00 hours as covering the night time period.

Reason: To protect the residential amenity of the locality in accordance with Policy EN1 of the Local Plan.

- (43) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142:1997 Rating for industrial noise affecting mixed residential and industrial areas) shall be at least 5dB below the existing measured background noise level $L_{A90,T}$ during the night time period. For the purpose of the assessment the authority will accept 07.00 -23.00 hours as covering the day time period.

Reason: To protect the residential amenity of the locality in accordance with Policy EN1 of the Local Plan.

Informatives:

- (1) Section 106 X141.
 - (2) Renewable technologies X139.
 - (3) Protected species licence X131.
 - (4) Access for fire appliances X134.
 - (5) Advice on trees and landscaping X102.
 - (6) The applicant's attention is drawn to the Council's Code for Environmental Construction. The Council would expect the development to be carried out in accordance with the Code.
 - (7) The applicant must take into account the design standards regarding the proximity of the electricity sub-station. Details of these requirements are set out in Advice on Limiting Exposure to Electromagnetic Fields (0-300 GHz) published by NRPB in Volume 15 No 2 2004.
 - (8) In order to carry out works, including landscaping, within the highway, the developer will be required to enter into a Section 278 Agreement with Kent County Council.
 - (9) With regard to the effect of works on the railway tunnel the applicant is advised to contact Network Rail – Southern East Territory, CP2-1E, General Offices, Waterloo Station, London SE1 8SW.
- (3) IF THE APPLICANT SHALL FAIL TO ENTER INTO SUCH AGREEMENT, THE HEAD OF PLANNING SERVICES SHALL BE AUTHORISED TO REFUSE PERMISSION FOR THE FOLLOWING REASONS:**
- (1) The development would not provide measures to facilitate the improvement of pedestrian links, cycle parking and bus services/facilities contrary to Policy TP1 of the Tunbridge Wells Borough Local Plan 2006.
 - (2) The development would be likely to result in harm to the free flow of traffic at the junction of the signal controlled junction, contrary to Policy TP4 of the Tunbridge Wells Borough Local Plan.
 - (3) The development would not make provision for public art and would therefore be contrary to Policy CR4(b) of the Tunbridge Wells Borough Local Plan 2006.

- (4) The development does not include a Travel Plan which would be contrary to Policy TP1 of the Tunbridge Wells Borough Local Plan 2006.
- (5) The development would not make provision for the monitoring and mitigation of air pollution and would therefore conflict with Policy NR5 and NR7 of the Kent and Medway Structure Plan 2006.
- (6) The development would not provide the opportunity for improved museum displays which would be a form of public art. It would therefore be contrary to Policy CR4(b) of the Tunbridge Wells Borough Local Plan 2006.

PLANS

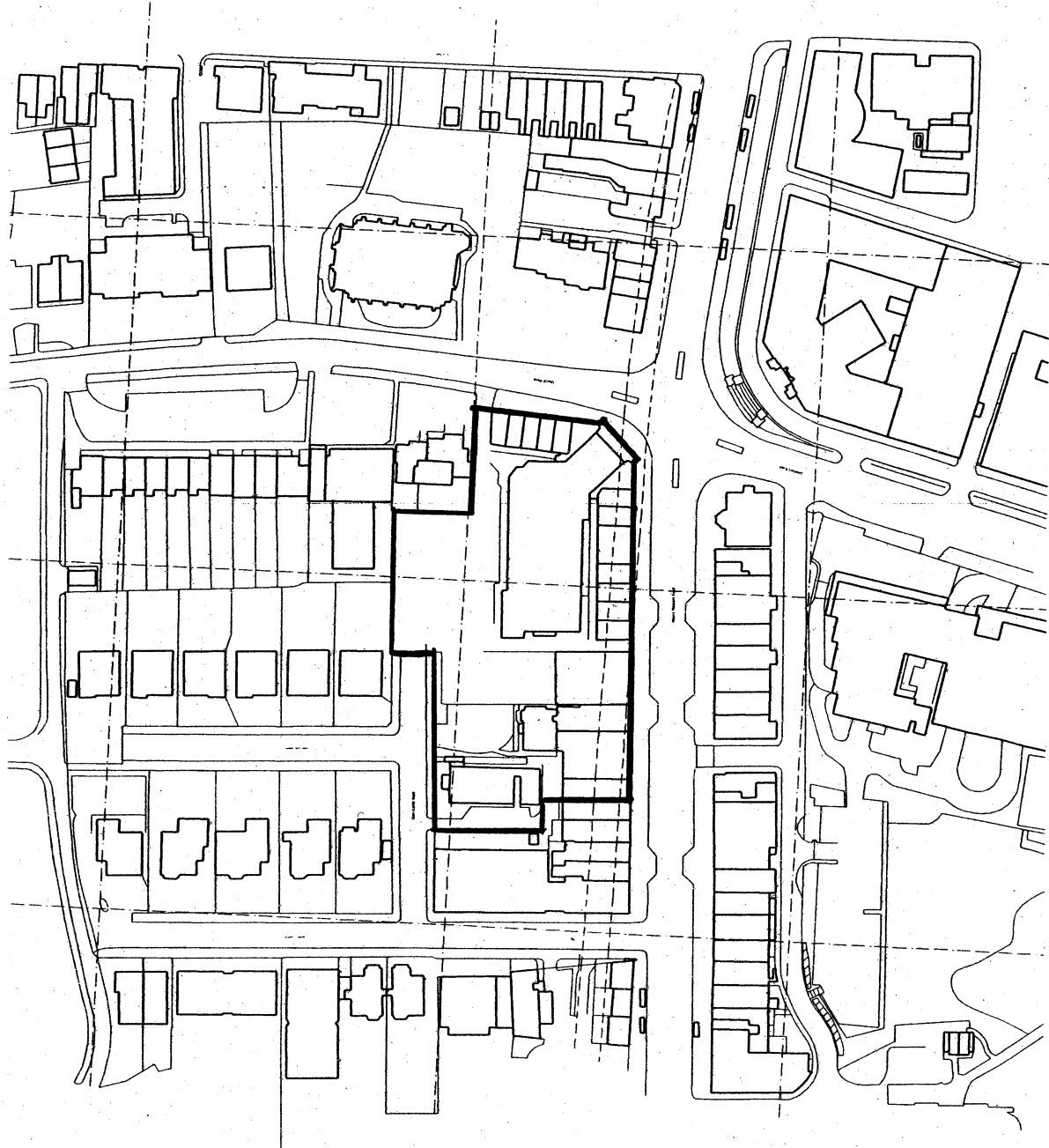
The following plans are the subject of the recommendation above: Planning statement; Design and access statement, including photographs of 3D model, reissued; Air quality assessment; Demolition report; Phase 1 ecological assessment; Contaminated land desk study; Conservation area statement; Building engineering scheme design report, issue 2; Construction sequencing report; Basis of structural design report; Utilities Statement; Renewable energy assessment; Flood risk assessment; Daylight and sunlight report; Environmental noise and vibration assessment; Transport assessment; Unilateral undertaking; Sustainability assessment and Statement of Community Involvement.

Addendum to Transport Assessment, Briefing Note, Addendum to Phase 1 Ecological Assessment, Travel Plan dated October 2008 and A3 plan showing comparison with existing buildings, received 21 October 2008.

Addendum to Design and Access Statement, received 23 October 2008. Programme and details of demolition – letter dated 9 October 2008; evidence of ownership, letter dated 9 October 2008 and A4 Land Registry copies received 30 October 2008.

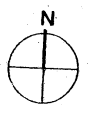
Drawing nos. P/01 Rev A received 31 October 2008, P/02, P/03, P/04, P/05, P/06, P/07, P/08A, P/09A, P/10A, P/11A, P/12A, P/13A, P/14A, P/15B, P/17, P/P18, P/P19, P/P20, P/30A, P/31A, P/32, P/33A, P/34A, P/35A, P/40A, P/41, P/42,

Reference: RCC/TN



DRAWING		No. 346		Rev. A	
Location Plan		P / 01		Date: Sept 08	
DRAWN BY	SR	CHECKED BY	HS	PROJECT	Former Ritz Cinema Site, Turbridge Walk
REVISIONS	SR	REVISIONS	HS	SCALE	1:1500
DATE		DATE		DO NOT SCALE THIS DRAWING. CHECK ALL DIMENSIONS ON SITE IF IN DOUBT. ASK.	
31/10/08				All dimensions are to the center of the building unless otherwise specified. All dimensions are to the center of the building unless otherwise specified.	
REVISION		REVISION		A Site boundary amended to exclude public footpath	
DESCRIPTION		DESCRIPTION			

PANTER HUBSPATH ARCHITECTS
 44, Emerson Street, London, SE1 8JY
 Telephone: 020 7633 8422 Fax: 020 7159 1645
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APPLICANT CONTACT ADDRESS	REFERENCE DATE VALID	LOCATION GRID REFERENCE	PROPOSAL DATE OF APPLICATION
MR MOORE (J R Willoughby 29A Forest Road Tarpорley Cheshire CW6 0HX)	TW/08/03297 30/09/08	44A Culverden Down TUNBRIDGE WELLS JO 557817/140676	Lawful Development Certificate (Proposed) – Single storey rear conservatory extension. 30/09/08

1.0 DESCRIPTION

- 1.01 This application seeks a Certificate of proposed Lawful Development for a rear conservatory.
- 1.02 The property is a large detached house within a residential area of Tunbridge Wells and is within the Limits to Built Development. There have been no extensions to this property and there are no other buildings within the curtilage of the dwelling.
- 1.03 **This application is referred to Committee because it is not within the terms of Officers' delegated powers as the applicant is related to a Borough Councillor.**

2.0 RELEVANT HISTORY

- 2.01 TW/02/02195 – Three no. five bed dwellings. Approved.
- 2.02 TW/06/01085 – Erection of a single storey brick based timber and double glazed conservatory. Withdrawn.

3.0 MATERIAL CONSIDERATIONS

- 3.01 The dwelling is not within a Conservation Area or an Area of Outstanding Natural Beauty and in this case would not fall within Article 1(5) land as defined in the Town and Country Planning (General Permitted Development) (Amendment) (No 2) Order 2008. The dwelling house is not a listed building.
- 3.02 The property is one of five recently built dwellings approved under application TW/02/02195. There have been no other extensions to this property and there are no other buildings within the curtilage of the dwelling, which would need to be taken into account.
- 3.03 This type of development would need to be assessed under Class A, Part 1, Schedule 2 of the above Order and providing the following criteria are met would be deemed permitted development:
- As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).
 - The enlarged part of the dwellinghouse would have a single storey and
 - (i) Extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

- (ii) Exceed 4 metres in height.
- The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.
- The enlarged part of the dwellinghouse would extend beyond a wall which
 - (i) Fronts a highway, and
 - (ii) Forms either the principal elevation or a side elevation of the original dwellinghouse.
- The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse.

4.0 APPRAISAL

- 4.01 The issue for consideration is whether, as a matter of fact, the proposal would be permitted development. The proposed extension does not exceed 3.4 metres in height (including lantern) and is 3.25 metres in depth from the rear of the house and would be sited more than 2 metres from the boundary. There have been no other extensions to the property and the proposed conservatory would not take up more than half the total area of land around the property, would not front a highway and the eaves would not exceed the height of the eaves of the existing dwelling house.

RECOMMENDATION – BASED UPON THE ABOVE CRITERIA THIS PROPOSAL IS DEEMED PERMITTED DEVELOPMENT BY VIRTUE OF SCHEDULE 2, PART 1, CLASS A OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (NO 2) ORDER 2008, AND SO PLANNING PERMISSION IS NOT REQUIRED.

PLANS

The following plans are the subject of the recommendation above: Location Plan and Block Plan – received 30/09/2008 and elevation and floor plans – D/5360/PD.

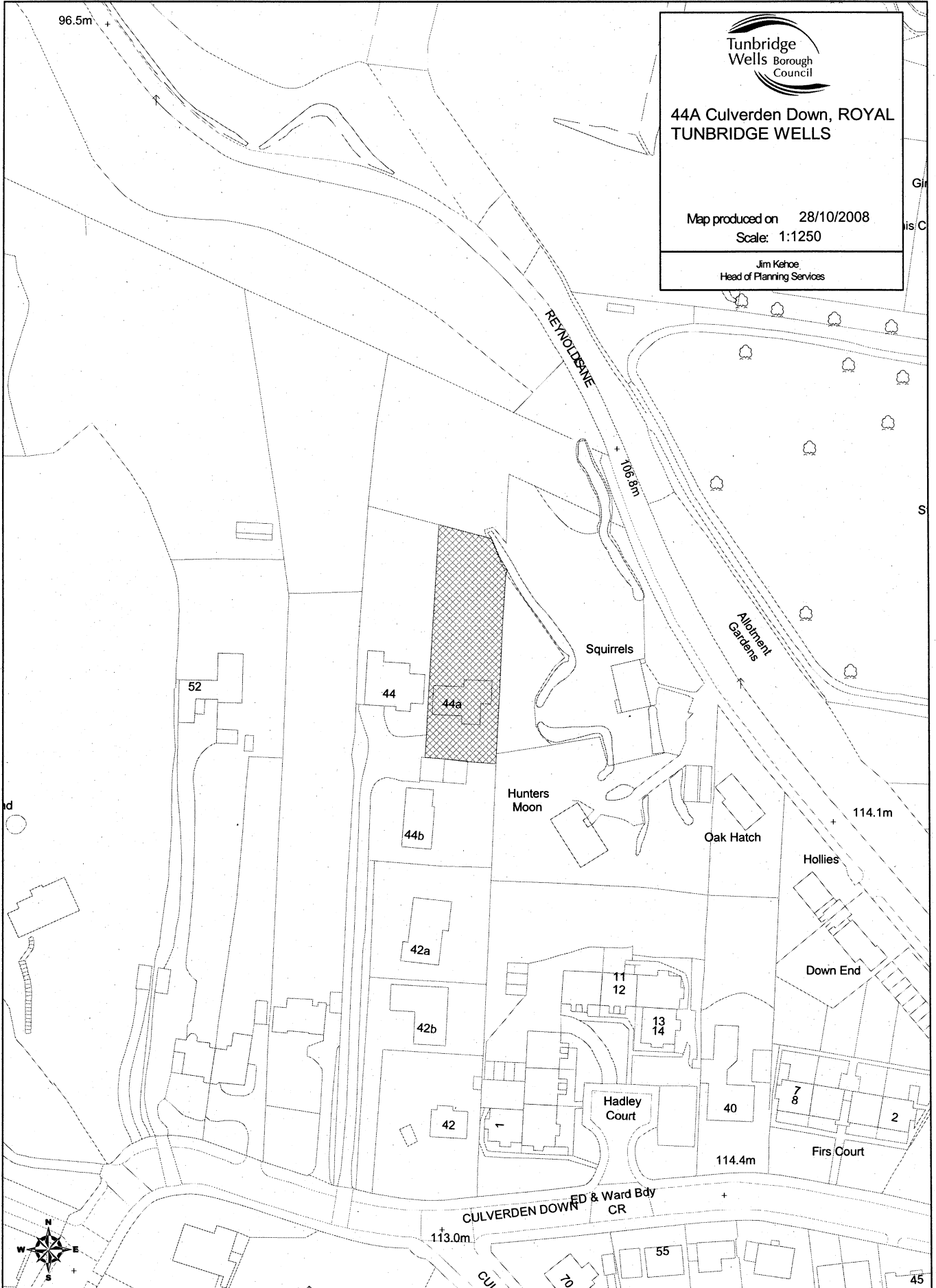
First Schedule

Single-storey rear conservatory.

Second Schedule

44A Culverden Down, Royal Tunbridge Wells, Kent, TN4 9SG.

Reference: SF/LM



Tunbridge
Wells
Borough
Council

44A Culverden Down, ROYAL
TUNBRIDGE WELLS

Map produced on 28/10/2008
Scale: 1:1250

Jim Kehoe
Head of Planning Services

APPLICANT CONTACT ADDRESS	REFERENCE DATE VALID	LOCATION GRID REFERENCE	PROPOSAL DATE OF APPLICATION
MR & MRS J D PAULSON-ELLIS (Stuart Page Architect Forge House The Green Langton Green Kent TN3 0JB)	TW/08/02950 26/08/08	Broom Farm Broom Lane LANGTON GREEN SP 554577/138549	LISTED BUILDING CONSENT – Vary detail of existing permission (TW/08/04021 refers) by removing one chimney stack and by varying size of gutter on part of building. 21/08/08

1.0 DESCRIPTION

This application relates to a large, isolated building, originally a farmhouse, which is currently unoccupied. It is a Grade II listed building, the original part of which dates back to the late 17th century, with subsequent additions having been made in the 19th and early 20th centuries. It is mainly two storeys in height, with a single storey section to the north, and is constructed in brick with tile hanging at first floor level, a peg-tiled roof, and five chimney stacks.

- 1.02 To the north and west of the farmhouse is a wooded area, whilst to the south and east is largely open grassland, which slopes down the valley to the south.
- 1.04 Planning permission and listed building consent were granted in March 2008 for the restoration of the house to modern living standards and substantial repairs to the fabric of the building and internal alterations. This application is for minor changes to the scheme including the removal of one of the chimney stacks and new guttering to part of the roof.
- 1.05 **This application is referred to the Committee as the applicant is a former Borough Councillor.**

2.0 RELEVANT HISTORY

- 2.01 TW/77/00079 – Double garage and workshop. Approved.
- 2.02 TW/07/01877 – Garage and tractor shed. Approved.
- 2.03 TW/08/04018 – Repairs and improvements, including extension and internal alterations. Approved.
- 2.04 TW/08/04021 – Listed Building Consent: Repairs and improvements including extension and internal alterations. Approved.

3.0 POLICIES

3.01 National/Regional Policies

- Planning Policy Guidance 15: Planning and the Historic Environment.

3.02 Kent and Medway Structure Plan 2006

- Policy QL8 – Buildings of Architectural or Historic importance.

3.03 Tunbridge Wells Borough Local Plan 2006

- Policy EN3 – Alterations to Buildings of Architectural and Historic Interest.

4.0 CONSULTATIONS AND BACKGROUND PAPERS

4.01 Speldhurst Parish Council

03/09/08 – Neutral (leave to Conservation Architect).

4.02 English Heritage

02/09/08 – Do not wish to offer any comments. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

5.0 APPRAISAL

5.01 The application relates to works to a listed building and the only planning issue is whether the works would protect its special character, appearance, historic fabric and setting.

5.02 The Conservation Officer has previously undertaken a full inspection of both the exterior and the interior of the building. He considers that the removal of the chimney is acceptable, subject to further information about related internal works.

5.03 In terms of the guttering, the applicant has indicated that sections of new guttering need to be increased in size from 100mm to 125mm in order to deal adequately with rainwater run-off from the roof. The Conservation Officer again has no objection, but re-affirms the need for such guttering to be in cast iron, as previously specified under condition 4 of the previous application (TW/07/04021/LBC). Conditions are recommended accordingly.

6.0 SUMMARY

The following is a summary of the main reasons for the recommendation:

- The works would protect the special character and appearance of the Listed Building.

RECOMMENDATION – APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) Standard Detailed YZ04.
- (2) New facing materials used on the exterior of the building shall match those used on the existing building.

Reason: To ensure a satisfactory appearance upon completion of the development in accordance with Policy EN3 of the Local Plan.

- (3) Notwithstanding the information shown on the submitted drawings, all new rainwater goods shall be made from cast iron and shall be thereafter retained.

Reason: To ensure a satisfactory appearance upon completion of the development in accordance with Policy EN3 of the Local Plan.

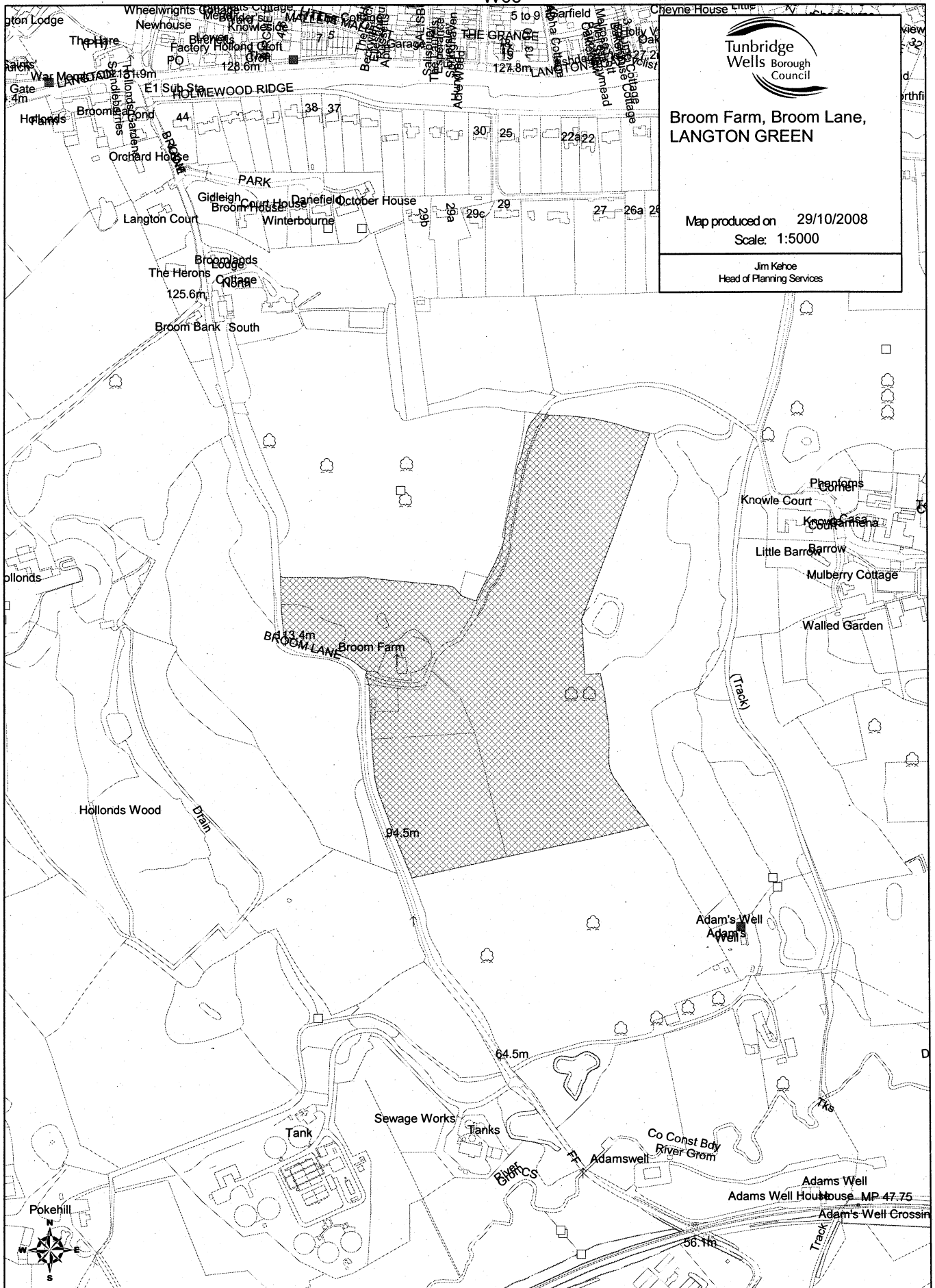
- (4) Before any work commences, a method statement for the removal of the chimney stack, including all associated internal works to the building, shall be submitted to, and approved in writing by, the Local Planning Authority and the work shall be carried out in strict accordance with those details.

Reason: To ensure a satisfactory appearance upon completion of the development in accordance with Policy EN3 of the Local Plan.

PLANS

The following plans are the subject of the recommendation above: 680A P.04 F, P.05 E, P.06 C, P.07 C, P.14 D, P.16 D, P.17 D and P.18 D, P272 Sheets 1 to 6 (inc), and 680 S.08

Reference: BD/TN



Tunbridge Wells Borough Council

Broom Farm, Broom Lane, LANGTON GREEN

Map produced on 29/10/2008
Scale: 1:5000

Jim Kehoe
Head of Planning Services

APPLICANT CONTACT ADDRESS	REFERENCE DATE VALID	LOCATION GRID REFERENCE	PROPOSAL DATE OF APPLICATION
MR MAYHEW (Keith Chalmers Treework Singlegate Lodge Bunny Lane Frant Road Tunbridge Wells Kent)	TW/08/03325	3 Camden Park TUNBRIDGE WELLS PK	Trees in a Conservation Area Notification : 2 No. ALDERS - Fell; SMALL CHERRY (dead) - Fell; Several (self sown) SYCAMORE (within hedges) - Fell; Roadside HEDGE (inc. HOLLIES close to sycamores) - Prune to level top at approx. 2.5m; LAUREL (remove overhanging parts to allow 1 metre gap and trim sides); NORWAY MAPLE and small ASH - Fell. Dying ELM - Fell; LAUREL - Reduce height; INDIAN BEAN TREE - Deadwood.
	23/09/08	559175/139060	23/09/08

1.0 DESCRIPTION

- 1.01 The trees in this Conservation Area Notification are within a detached area of garden to the NW boundary of Camden Park, separated from the property by the main drive of Camden Park itself.
- 1.02 The Alder trees are growing very close to the boundary wall of the detached garden. This wall is raised up from the level of the gardens on the other (NW) side. As the trees grow and gain in stem diameter, they are exerting an increasing pressure on the wall, and in time may cause it to fail if no action is taken.
- 1.03 The small Cherry tree is dead.
- 1.04 Within the hedges there are several small self-sown Sycamore trees. These add to the density of the hedge.
- 1.05 The hedge on the roadside provides screening to the garden, and also contributes to the character of this part of the Conservation Area. This hedge has grown freely over recent years and some of the trees have gained significant proportions.
- 1.06 The Laurel is a large tree within the garden and is increasing in size all the time. It is now beginning to encroach on gardens to the rear (NW) of this detached garden.
- 1.07 The Norway Maple and the Ash are close to the Laurel and add to the congestion of the garden.
- 1.08 Within the hedge there are some dying Elm saplings, with a Laurel behind.
- 1.09 In the rear garden of the house, is an Indian Bean tree which is carrying deadwood in the crown, in a manner typical of this species.
- 1.10 This application is referred to the Committee as the applicant is related to a Borough Councillor.**

2.0 RELEVANT HISTORY

2.01 TW/02/02420 – Conservation Area Notification – 2 No. Alder – Fell. No Objection.

2.02 TW/08/03372 – Robinia Frisia – Fell. Pending Consideration.

3.0 CONSULTATIONS

3.01 Neighbours

One letter of support.

3.02 Jacobs Tree Consultant (acting as support for Tree Officer)

Could not see any reason to make a TPO on any of the trees in the Notification.

4.0 APPRAISAL

4.01 The Alder trees are the larger of the trees in the notification. These are growing close to the boundary/retaining wall, TW/02/02420 related to the removal of other Alder trees on that boundary. At the time, it was suggested that whilst all of these trees would need removing over time, it would be better if this was phased, with other trees being planted further back and away from the wall. Other trees are now growing up in the garden area, and so the second phase of the removal, which is to protect the wall and allow light to the neighbouring gardens, is probably justified now.

4.02 The other works in the notification are management type works to remove dead and dying trees, tidy up hedges and existing large shrubs, and remove trees to open the area up a little so that more air and light reaches the remaining specimens. This work will probably improve the character of the Conservation Area in the longer term, and is based on sound arboricultural management principles.

5.0 SUMMARY

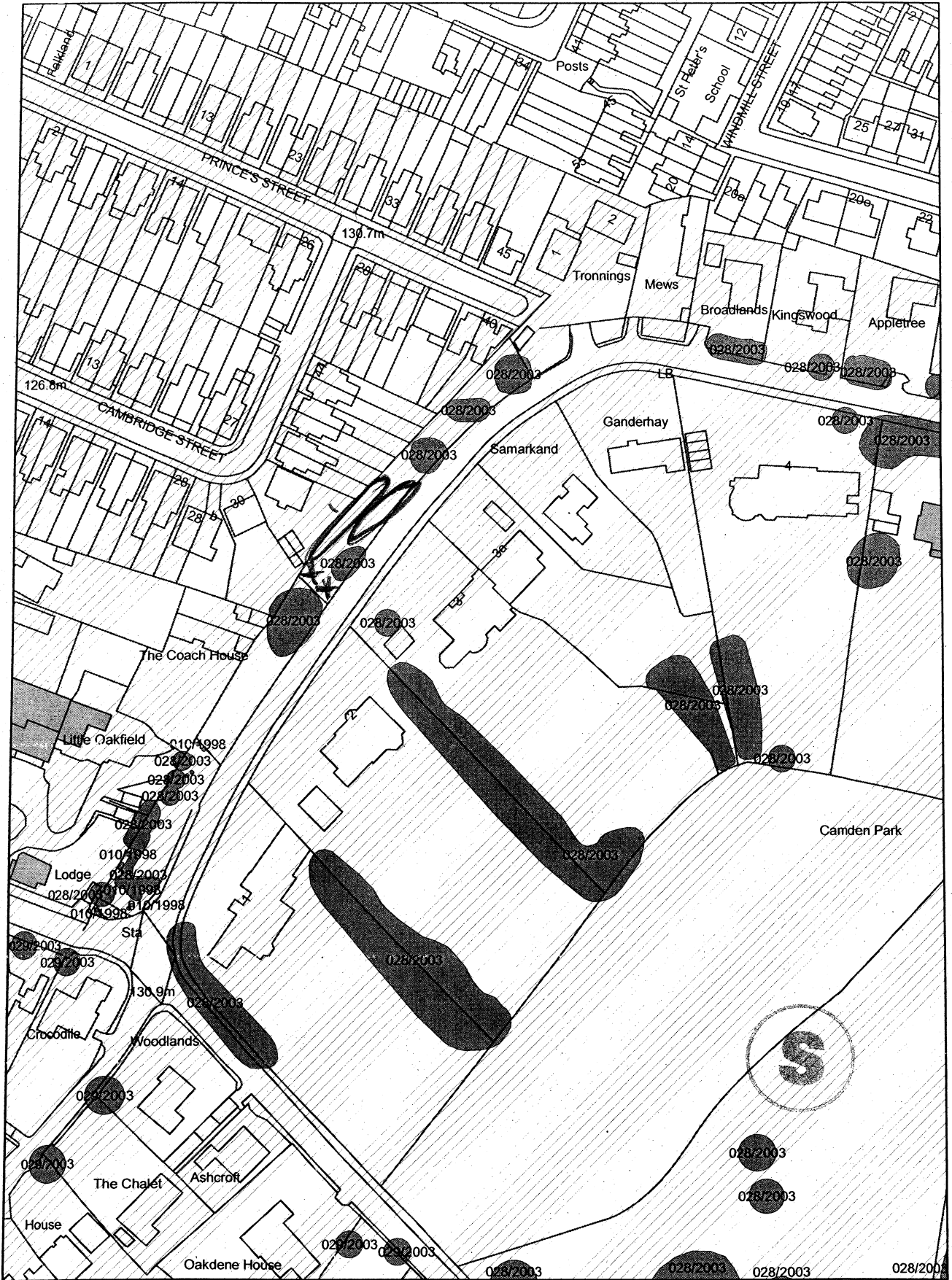
5.01 The following is a summary of the main reason for the recommendation:

- The works are part of a programme of long-term management for the garden areas. The serving of a Tree Preservation Order to prevent or add additional control over the works would not be appropriate or expedient in these circumstances.

RECOMMENDATION – THAT THE COUNCIL RAISE NO OBJECTION TO THE PROPOSALS PLANS

The following plans are the subject of the recommendation above: Site Location Plan.

Reference: DD/TN



APPLICANT CONTACT ADDRESS	REFERENCE DATE VALID	LOCATION GRID REFERENCE	PROPOSAL DATE OF APPLICATION
MR MAYHEW (Keith Chalmers Treework Singlegate Lodge Bunny Lane Frant Road Tunbridge Wells Kent)	TW/08/03372 15/09/08	3 Camden Park TUNBRIDGE WELLS PK 559175/139060	TREES – Robinia Frisia – Fell. 15/09/08

1.0 DESCRIPTION

- 1.01 The Robinia is in the rear garden. It is barely visible from a public place.
- 1.02 **This application is referred to the Committee as the applicant is related to a Borough Councillor.**

2.0 RELEVANT HISTORY

- 2.03 TW/02/02420 – Conservation Area Notification – 2 No. Alder – Fell. No Objection.

3.0 CONSULTATIONS

3.01 Neighbours

One letter of support.

3.02 Jacobs Tree Consultant (acting as support for Tree Officer)

Give consent.

4.0 APPRAISAL

- 4.01 The tree is dying back and has a very limited life expectancy. It would be beneficial to allow its removal and ensure that it is replaced by a young healthy tree with the potential to contribute to the visual amenity in the future.

5.0 SUMMARY

- 5.01 The following is a summary of the main reason for the recommendation:

- The tree is dying and needs to be removed for arboricultural reasons.

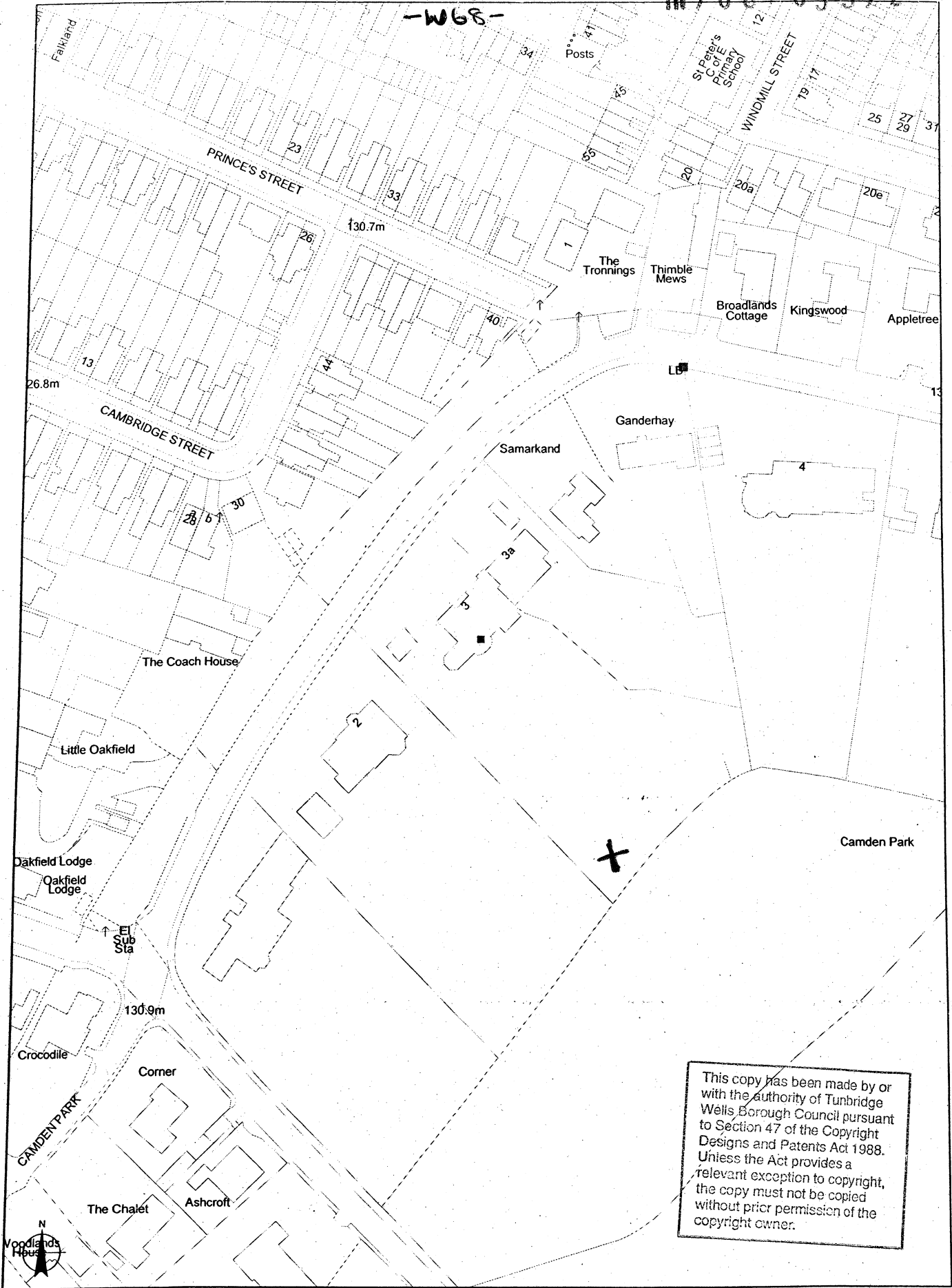
RECOMMENDATION – APPROVE

PLANS

The following plans are the subject of the recommendation above: Site Location Plan.

W/08/03512

-W68-



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Date: 03 October 2008
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 Scale: 1:1250