

**FULL PLANNING APPLICATION**  
**BENHALL MILL CEMETERY DEPOT, BENHALL MILL ROAD, TUNBRIDGE WELLS**

Demolition of Existing Buildings and Erection of a Single-Storey Depot Building



Lee Evans Planning Ref: P03903

January 2021

## Full Planning Application

at

## Benhall Mill Cemetery Depot

<i>Client</i>	<i>Tunbridge Wells Borough Council</i>
<i>Determining Authority</i>	<i>Tunbridge Wells Borough Council</i>
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## **1. INTRODUCTION**

- 1.1 Lee Evans Partnership LLP has been commissioned by Tunbridge Wells Borough Council to prepare and submit a full planning application for the demolition of existing buildings and erection of new depot building (with associated access, parking and landscaping) at Benhall Mill Cemetery Depot.
- 1.2 The proposed development would comprise the demolition and removal of existing buildings and the erection of a single storey depot building at the south end of the application site. The net result would be a reduction in building footprint.
- 1.3 The associated grounds would comprise parking and external storage areas with perimeter and amenity landscaping.
- 1.4 This document considers those matters of planning relevance and should be read in conjunction with the Design & Access Statement and other supplementary reports hereby submitted.
- 1.5 **Section 2** of this Statement describes the Site and its context.
- 1.6 **Section 3** provides details of relevant site history.
- 1.7 **Section 4** provides details of the proposed development (to be read in conjunction with the DAS).
- 1.8 **Section 5** considers the planning policy framework and identifies the relevant national and local planning policy considerations and guidance in relation to the proposed development.
- 1.9 **Section 6** reflects on the merits of the indicative proposals hereby presented.
- 1.10 **Section 7** summarises and concludes.

## 2. APPLICATION SITE

### 2.1 Depot Site

2.1.1 The Benhall Mill Cemetery Depot is currently a general maintenance and storage yard ancillary to the Kent and Sussex Cemetery. It comprises areas of hard standing (providing for parking and storage), scrub and under used and disused buildings. It is owned and operated by Tunbridge Wells Council.



(courtesy of GoogleEarth)

2.1.2 The depot site is accessed directly off Benhall Mill Road and a secondary access exists from the cemetery. The associated cemetery is located to the immediate south and west. The direct access is essential to continued operations.

2.1.3 The depot site extends to the east beyond the red line/application site identified on the site location plan. This largely unused extent of the eastern part of the site is to be the subject of a separate planning application, to be submitted in the near future.

2.1.4 The depot site is screened from the road by a mixed stone and brick wall that runs the full length of the north boundary and fronts Benhall Mill Road.

### 2.2 Application Site

2.2.1 As discussed, the application site consists of the western portion of the wider depot. This maintains the direct access to the cemetery.



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SITE LOCATION PLAN

(extract from site location plan)

2.2.2 The site comprises of several depot buildings and informal parking areas allowing for up to 4no. staff vehicles and space for ad hoc van parking.

2.2.3 The below images provide views of the application site and from within the site.



(view of access from Benhall Mill Road)



(internal view facing east)



(view of stone and brick wall fronting Benhall Mill Road)



(internal view facing south)

## **2.3 Site Surroundings**

- 2.3.1 The application site is situated within the setting of the wider Kent and Sussex Cemetery, which encloses the site to the south and west. This consists of extensive cemetery and crematorium grounds and gardens. A Grade II Listed cemetery chapel sits within the middle of the grounds, with path and road connections leading around the cemetery. The crematorium runs along the north west to south west of the grounds, and consists of memorial gardens and a crematorium building.
- 2.3.2 Otherwise the surrounding area is predominantly residential in nature. Land to the east and on the opposite (north) side of Benhall Mill Road is residential. Further to the west the residential density increases towards Tunbridge Wells town.
- 2.3.3 The site is in a highly sustainable location, with bus stops adjacent, on Benhall Mill Road, and a wide range of facilities and services within walking distance.
- 2.3.4 To the west is the A2070 and parcels of residential development whilst to the north is woodland.

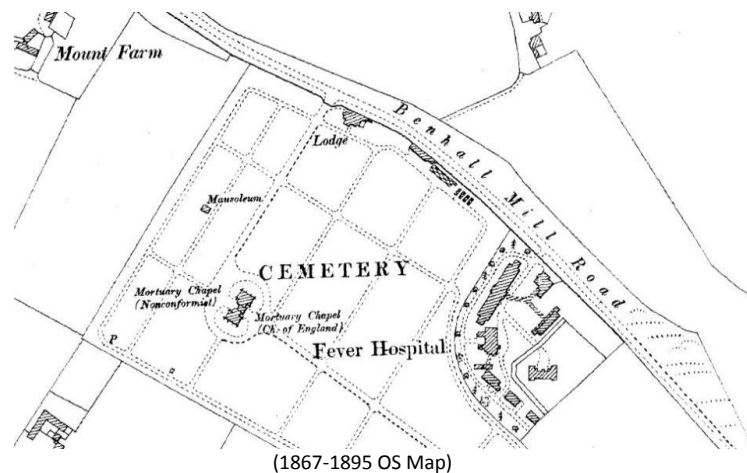
### 3. SITE HISTORY

#### 3.1 Planning History

- 3.1.1 There is no recent planning history of note for the depot or cemetery.
- 3.1.2 On the opposite (north) side of Benhall Mill Road is a new residential development comprising circa 49no. dwellings. This site falls under the jurisdiction of Wealden District Council and was considered under reference WD/2015/2675/MAJ. It was approved and has since been implemented, with construction ongoing at the time of writing.

#### 3.2 General History

- 3.2.1 Historic maps dating from 1867 indicate that the application site has been part of the cemetery grounds since at least that time. The image below shows the site to sit within the layout of burial plots.



- 3.2.2 Over time the site was excluded from the plot layout and became a works area ancillary to the cemetery. Several structures have come and

gone during the intervening period but the wall to the front (north) of the site has remained.

- 3.2.3 A more detailed heritage appraisal is provided in the Heritage Statement that accompanies the planning application.

## **4. THE PROPOSED DEVELOPMENT**

### **4.1 Introduction**

4.1.1 The planning application is accompanied by a Design & Access Statement produced by the architect. This should be read for a detailed description of the proposed development. Provided here are the headline elements of the proposals.

4.1.2 Tunbridge Wells Borough Council seek planning permission for the demolition of existing buildings on site and the erection of a new single storey depot building.

4.1.3 The scale and nature of use of the site is to remain on a par with existing. Operations will be restricted to those in association with the cemetery/crematorium and will be used by Tunbridge Wells Council only.

### **4.2 Access**

4.2.1 The existing point of access into the site off Benhall Mill Road will be retained, as will the access directly into the cemetery grounds. These will be shared vehicular and pedestrian accesses.

4.2.2 The new building will consist of several vehicle accesses leading to equipment and vehicles storage areas. A single pedestrian access is proposed.

### **4.3 Layout**

4.3.1 Existing buildings across the site will be demolished under the proposals. The new site layout has been designed to make most efficient use of the plot, allowing for provision of all required areas for depot functionality.

4.3.2 The new building will be positioned at the south end of the site to make most effective use of the rest of the site for storage and parking.

4.3.3 Internally the building layout has been designed to combine all staff and operation rooms in the east wing with the warehouse/storage areas together in the south wing.

### **4.4 Design and Scale**

4.4.1 The scale of the building has been carefully designed to be in keeping with the surrounding context. The overall mass of the building is reduced by incorporating a pitched roof on both the warehouse and staff area.

4.4.2 The warehouse has an asymmetrically pitched roof allowing the eaves level to the rear to be lower than the front. This enables the scale of the building to be more sensitive and have less of an impact on the cemetery.





4.4.3 The materials schedule comprises a limited palette with muted colours that will blend the building into its setting. Materials will include:

- Vertical and horizontal black timber cladding
- Stone cladding
- Stone wall
- Metal seam roof or similar
- Metal roller shutter warehouse doors
- Timber pedestrian door

4.4.4 The gross footprint proposed is 226m<sup>2</sup>.



#### 4.5 Parking

4.5.1 The site currently has no marked parking bays. Parking occurs on an informal basis with sufficient space for approximately 4no. cars and 1 or 2no. vans, depending on size.

4.5.2 The proposed development is designed to provide a similar scale of parking but in dedicated, marked bays. 4no. car parking bays (including 1no. disabled bay) will be provided at the north end of the site whilst 1no. long wheel base vehicle space will be provided.

#### 4.6 Sustainability and Energy Efficiency

4.6.1 The potential for photovoltaic panels is to be explored. This would provide a source of on-site electricity production. Otherwise the aspiration is for a building with high energy and water efficiency that results in a neutral carbon impact.

4.6.2 It is noted that the Council have recently adopted guidance on Electric Vehicular (EV) Charging Points. The proposal will comprise 1no. external EV point adjacent to the proposed parking bays and 3no. internal charging points, within the storage/warehouse for depot vehicles.

4.6.3 Covered, secure cycle storage for staff will be provided within the building to encourage forms of transport other than the car.

4.6.4 Low flush and flow utilities will be incorporated into the new building where possible. Rainwater harvesting is to be explored.

4.6.7 The proposed drainage strategy will be SUDS compliant.

#### **4.7 Drainage**

4.7.1 This application is accompanied by a Drainage Strategy Report dated 22 December 2020 and a Drainage Layout plan 20012 D-0001 P3. The report confirms that the site is located in Flood Zone 1 and advises of proposed foul and surface water management.

4.7.2 Foul water will be collected in a washdown area and discharged to a new connection to the Southern Water foul sewer located in the adjacent highway.

4.7.3 Meanwhile, surface water will be disposed of to the public surface water sewer, also located within the adjacent highway. Surface water from the roof will be collected via downpipes and transferred via new surface water drainage to the front of the site. Drainage from the car park and other areas of hardstanding will similarly be collected by Linear drainage channels and transferred via gravity to the front of the site where a surface water manhole is located. It is anticipated that the surface water connection at the entrance to the site will be used for the proposed surface water drainage system.

4.7.4 The surface water system has been designed for all storms up to and including the 1 in 100-year storm event, with an allowance for climate

change, so that the risk of flooding from this source will be low. Attenuation is included in the form of an offline cellular storage tank.

#### **4.8 External Lighting**

4.8.1 External lighting will be minimal given the relatively low scale operation of the site during dark hours.

4.8.2 External Illumination levels detailed below as specified in BS EN 12464-2 2007:

Car Park - 10 Lux.

4.8.3 Light fittings will be LED and have IP rating appropriate to the area they are mounted as denoted on lighting schedule. All external lighting will be controlled by timeclock and externally mounted PIR photocell.

#### **4.9 Community Infrastructure Levy**

4.9.1 It is understood that the Council do not have an adopted CIL and thus will not be applying CIL to development at this time.

## 5. PLANNING POLICY

5.0.1 S.38(6) of the Planning and Compulsory Purchase Act 2004 sets out that decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

5.0.2 The current Development Plan for Tunbridge Wells consists of the Tunbridge Wells Borough Local Plan 2006 (saved policies 2009), the Tunbridge Wells Borough Core Strategy 2010 and the Site Allocations Local Plan 2016.

5.0.3 The development plan is supported by Supplementary Planning Documents. The following SPD's have been considered during the development of the proposals:

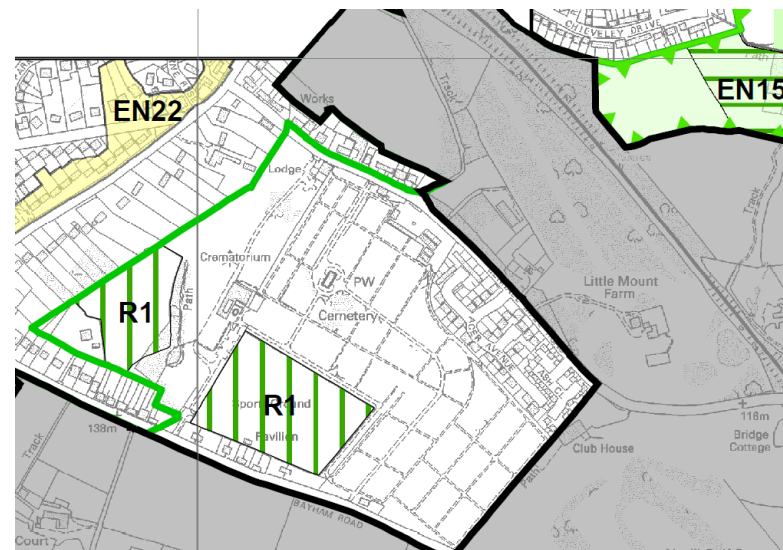
- Kent Design Guide
- Local Heritage Assets
- Noise and Vibration
- Renewable Energy
- Landscape Character Assessment

5.0.4 National policy in the form of the National Planning Policy Framework 2019 (NPPF) is a material consideration in the determination of planning applications.

5.0.5 Relevant policies and guidance from the Development Plan as well as national documents (material considerations) have been cited below, and these have in turn informed the proposal hereby considered.

### 5.1 Tunbridge Wells Borough Council Local Plan to 2030: Policies

5.1.1 The Tunbridge Wells Local Plan Proposals map shows the site to be located outside the Limits to Built Development. The site is not within any other designated areas.



(extract from Proposals Map)

#### 5.1.2 Policy LBD1

*Outside the Limits to Built Development, as defined on the Proposals Map, development will only be permitted where it would be in accordance with all relevant policies contained in this Local Plan and the Kent Structure Plan 1996 and the Kent & Medway Structure Plan 2006 rural settlement and countryside policies.*

#### 5.1.3 Policy EN1

*All proposals for development within the Plan area will be required to satisfy all of the following criteria:*

*1 The nature and intensity of the proposed use would be compatible with neighbouring uses and would not cause significant harm to the amenities or character of the area in terms of noise, vibration, smell, safety or health impacts, or excessive traffic generation;*

2 The proposal would not cause significant harm to the residential amenities of adjoining occupiers, and would provide adequate residential amenities for future occupiers of the development, when assessed in terms of daylight, sunlight and privacy;

3 The design of the proposal, encompassing scale, layout and orientation of buildings, site coverage by buildings, external appearance, roofscape, materials and landscaping, would respect the context of the site and take account of the efficient use of energy;

4 The proposal would not result in the loss of significant buildings, related spaces, trees, shrubs, hedges, or other features important to the character of the built up area or landscape;

5 There would be no significant adverse effect on any features of nature conservation importance which could not be prevented by conditions or agreements;

6 The design, layout and landscaping of all development should take account of the security of people and property and incorporate measures to reduce or eliminate crime; and

7 The design of public spaces and pedestrian routes to all new development proposals should provide safe and easy access for people with disabilities and people with particular access requirements.

#### 5.1.4 **Policy EN25**

*Outside of the Limits to Built Development, as defined on the Proposals Map, all proposals for development will be required to satisfy all of the following criteria:*

1 The proposal would have a minimal impact on the landscape character of the locality;

2 The development proposal would have no detrimental impact on the landscape setting of settlements;

3 The development proposal would not result in unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance;

4 Where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the

required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be well screened by existing vegetation; and

5 Where an extension or alteration to an existing building is proposed, it would respect local building styles and materials, have no significant adverse impact on the form, appearance or setting of the building, and would respect the architectural and historic integrity of any adjoining building or group of buildings of which it forms part.

#### 5.1.5 **Policy TP4**

*Proposals will be permitted provided all of the following criteria are satisfied:*

1 The road hierarchy and the function of routes (as set out in Appendix 6) have adequate capacity to cater for the traffic which will be generated by the development, taking into account the use of, and provision for, alternative modes to the private car;

2 A safely located access with adequate visibility exists or could be created;

3 Within the Limits to Built Development, as defined on the Proposals Map, an additional access or the intensification of use of an existing access directly onto a Primary or District distributor, would not significantly worsen traffic conditions in terms of delay or the risk of accidents;

4 Outside the Limits to Built Development, as defined on the Proposals Map, the development would not involve the provision of an additional access or the intensification of use of an existing access directly onto a Primary or Secondary route; and

5. The traffic generated by the proposal does not compromise the safe and free flow of traffic or the safe use of the road by others. Where a proposal necessitates highway improvements, the developer will be required to meet the cost of the improvements where these are fairly and reasonably related to the development.

### 5.1.6 Policy TP5

Vehicle parking in connection with development proposals other than those covered by POLICIES TP6, TP7 and TP8 **will be restricted to the maximum necessary** having regard to local highway conditions. Kent County Council's Vehicle Parking Standards, adopted by the Council, will be applied to such development proposals.

### 5.1.7 Policy TP9

Within the Plan area, **the cycle parking standards for non-residential development set out in the latest Kent County Council's Cycling Strategy for Kent will be applied.** Cycle parking will be required to serve new-build residential development without private curtilage at a standard of one space per dwelling unit.

## 5.2 Tunbridge Wells Borough Council Core Strategy (2010)

### 5.2.1 Core Policy 1 – Delivery of Development

In pursuit of the Spatial Strategy set out in Box 3 (Chapter 4) and to ensure that development is delivered in a managed way, the Borough Council will allocate sufficient sites in the Allocations DPD and Town Centres Area Action Plan DPD to meet the Borough's known development needs as set out in Core Policies 6-14.

1. Priority will be given to the allocation and release of previously developed land within the LBD of settlements. Selected greenfield sites within and/or adjacent to the LBD of settlements in the main urban area and small rural towns will also be allocated and released as appropriate to maintain a sufficient phased supply of deliverable and developable land. Sites adjacent to or outside the LBD of villages will not generally be allocated or released.

2. Exceptionally, allocations may be made or sites be released in locations other than as specified in Core Policy 1(1) above where an identified need for any of the following types of uses cannot be met on such sites:

- affordable housing (for local needs only) at the villages where the need cannot be met on a site within the LBD in accordance with Core Policy 6: Housing Provision
- employment uses in the rural areas in accordance with Core Policy 14: Development in the Villages and Rural Areas
- recreational uses in accordance with Core Policy 8: Retail, Leisure and Community Facilities Provision

3. The Allocations DPD and Town Centres Area Action Plan DPD will establish broad phasing arrangements for the release of allocated sites. Progress on implementation will be monitored through the Annual Monitoring Report and, if necessary, action may be taken to manage the delivery of housing sites in accordance with the principles set out in PPS3, particularly paragraphs 62-67.

Development Contributions

4. Developments on all allocated and unallocated sites will be required either to provide, or to contribute towards the provision of, the services, facilities and infrastructure for which they create a need.

### 5.2.2 Core Policy 4 – Environment

The Borough's built and natural environments are rich in heritage assets, landscape value and biodiversity, which combine to create a unique and distinctive local character much prized by residents and visitors alike. **This locally distinctive sense of place and character will be conserved and enhanced** as follows:

1. The Borough's urban and rural landscapes, including the designated High Weald Area of Outstanding Natural Beauty, will be conserved and enhanced
2. The Borough Landscape Character Area Assessment 2002 will be utilised to manage, conserve and enhance the landscape as a whole
3. A hierarchical approach to nature conservation and the protection of biodiversity and geodiversity will be applied across the sites and habitats

*of national, regional and local importance within the Borough. The objective will be to avoid net loss of biodiversity and geodiversity across the Borough as a whole*

*4. Opportunities and locations for biodiversity enhancements will be identified and pursued by the creation, protection, enhancement, extension and management of green corridors and through the development of green infrastructure networks in urban and rural areas to improve connectivity between habitats*

*5. The Borough's heritage assets, including Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, archaeological sites and Historic Parks and Gardens will be conserved and enhanced and special regard will be had to their settings*

*6. The positive management of heritage assets through partnership approaches and measures will be encouraged, including by the use of Conservation Area Management Plans*

#### 5.2.3 **Core Policy 5 – Sustainable Design and Construction**

*The Borough Council will apply and encourage sustainable design and construction principles and best practice in order to combat avoidable causes of climate change and adapt to and/or mitigate already-unavoidable impacts of climate change, while also recognising the aim of Core Policy 4: Environment to conserve and enhance the unique urban and rural heritage characteristics of the Borough. All new developments will be expected to:*

- 1. Make efficient use of water resources and protect water quality*
- 2. Be located in accordance with the PPS25 sequential test, generally outside of the Borough's high risk flood zones; produce no negative effects on existing flood patterns; and, where necessary, apply mitigation and adaptation measures to reduce potential flood risk*
- 3. Have regard to, and implement, South East Plan renewable energy and energy efficiency targets, as well as wider carbon reduction targets*
- 4. Manage, and seek to reduce, air, light, soil and noise pollution levels*
- 5. Be designed to minimise waste creation and disposal throughout the lifetime of the development*

*Developments will also be of high-quality design, which will:*

- 6. Create safe, accessible, legible and adaptable environments*
- 7. Conserve and enhance the public realm*

#### 5.2.4 **Core Policy 8 - Retail, Leisure and Community Facilities Provision**

*New retail and leisure provision should be provided within the Borough in accordance with the following approach:*

*Retail*

- 1. New retail, leisure and other town centre uses will be directed to the defined centres in the Borough, as set out in Table 10: Definition of Retail Centres, and as illustrated on the Key Diagram*
- 2. Appropriate proposals for new retail development will deliver in the order of 26,500sqm net of comparison floorspace across the Borough to 2017 identified by the Tunbridge Wells Borough Retail Study 2006, unless a different need is identified through a future Retail Study. Development will be directed to the defined town and district centres, where it would contribute to their vitality and viability in line with the tests set out in Planning Policy Statement 4 (PPS4)*
- 3. Proposals for main town centre uses (as defined in PPS4) on sites not within the defined centres will not be permitted unless it has been demonstrated that (a) there are no sequentially preferable sites and (b) there are no adverse impacts on the defined centres Leisure and Community Facilities*
- 5. A range of formal and informal open space, recreational and cultural facilities will be provided and maintained*
- 6. **The capacity, quality and accessibility of open space, recreational, cultural and community facilities will be maintained and, where necessary, improved** and all new development that generates an additional need for such facilities will provide for an adequate amount in easily accessible locations*
- 7. The links, including Public Rights of Way and cycle links, between existing and proposed areas of open space, recreational, cultural and community facilities and the communities they serve will be improved,*

where possible, as part of a multi-functional Green Infrastructure Network

8. The loss of community facilities will be resisted as far as practicable and, where there is a demonstrable continuing need, **the provision of additional facilities will be supported where they are deficient**, particularly where this will provide a range of facilities on a single site or provide facilities that may be used for a variety of purposes

## 5.2.5 Core Policy 14 – Development in the Villages and Rural Areas

*Development in the Villages and Rural Areas:*

1. Approximately 360 net additional dwellings will be delivered in the villages and rural areas on sites to be allocated and released in accordance with Core Policy 1: Delivery of Development

2. New development will generally be restricted to sites within the Limits to Built Development (LBD) of the villages in accordance with Core Policy 1: Delivery of Development. Development will be appropriate to the scale and character of the settlement. Sites capable of accommodating 10 or more dwellings will be required to provide affordable housing in accordance with Core Policy 6 (4) and (5)

3. Outside the LBD of the villages, affordable housing to meet an identified local need in perpetuity may be allowed in accordance with Core Policy 1(2)

4. Village centres will be enhanced to provide a focus for communities. The loss of local services will be resisted and the development of facilities, including community facilities, to meet local needs will be encouraged. The rural economy will be strengthened and its long-term sustainability safeguarded by providing opportunities for commercial activities that utilise rural buildings and resources appropriately, including rural buildings that are no longer required or suitable for agricultural use. Employment uses related to the land will be encouraged, including appropriate forms of tourism, agriculture, forestry and equestrian activity

5. Designated buildings and areas of historic or environmental importance will be conserved and enhanced to ensure the special character of the villages is maintained

6. The countryside will be protected for its own sake and a policy of restraint will operate in order to maintain the landscape character and quality of the countryside

7. The interrelationship between the natural and built features of the landscape will be preserved, enhanced and, where necessary, restored, this being the principal determinant of the character of the rural areas. Development will maintain the local distinctiveness of particular localities

8. Non-motorised modes of transport between the rural settlements and within the rural areas will be encouraged by ensuring that the existing network of public footpaths and bridleways are protected, maintained and improved. Opportunities for new green routeways within, and between, settlements, and between settlements and areas of recreation, will be identified and planned for to encourage non-motorised modes of transport and to enhance biodiversity

## 5.3 Site Allocations Local Plan 2016

### 5.3.1 Policy AL/STR 1 - Limits to Built Development

*The extent of the Limits to Built Development is defined on the saved Local Plan Proposals Map for the villages and defined spatially on the individual settlement Proposals Maps accompanying this Site Allocations Local Plan in relation to Royal Tunbridge Wells and Southborough, Paddock Wood, Cranbrook and Hawkhurst.*

*The saved policies of the Local Plan will continue to be relevant in considering details of the appropriate uses inside, and outside of, these defined areas until such time as they are updated and superseded by the Core Strategy Review (Local Plan).*

## 5.4 National Planning Policy Framework

5.4.1 The NPPF requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. **Paragraph 2** advises that the NPPF is a material consideration in planning decisions.

5.4.2 Section 2 considers the meaning and role of sustainable development and how planning can help to achieve it. **Paragraph 7** outlines that the objective of sustainable development can be summarised as “meeting the needs of the present without compromising the ability of future generations to meet their own needs”.

5.4.3 **Paragraph 8** advises that achieving sustainable development means that the planning system has three, interdependent overarching objectives:

- *an economic objective*
- **a social objective** - *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- *an environmental objective*

5.4.4 **Paragraphs 10** outlines the presumption in favour of sustainable development and **Paragraph 11** confirms that this presumption in favour should be applied as follows:

For **decision-taking** this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*

d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:*

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or*
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

5.4.5 **Paragraph 38** provides guidance in relation to ‘decision-making’ and outlines that local planning authorities should approach decisions on proposed development in a positive and creative way and should also look to work pro-actively with applicants and seek to approve applications for sustainable development where possible.

5.4.6 **Paragraph 84** of the NPPF notes that there are requirements for community facilities outside of built development confines.

**Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.**

5.4.7 **Paragraph 117** targets the effective use of land in responding to the demand for particular uses:



*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.*

5.4.8 **Paragraph 118** states:

*Planning policies and decisions should:*

*a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*

*b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*

*c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*

**d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and**

*e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.*

5.4.9 **Paragraph 122** outlines that decisions should support development that makes efficient use of land.

5.4.10 **Paragraphs 123** outlines that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

5.4.11 **Paragraph 170** advises that planning decisions should contribute to and enhance the natural and local environment.

5.4.12 **Paragraph 175** requires consideration to be given to ensuring that there is no significant harm to biodiversity arising resulting from a development and if such harm cannot be adequately mitigated then planning permission should be refused.

5.4.13 **Paragraph 180** requires decision to ensure development is appropriate for its location taking account of impact on health, living conditions and the natural environment including mitigation of noise, and the impacts of light pollution.

5.1.14 **Paragraph 189** advises that in determining applications, Local Planning Authorities should require an applicant to describe the significance of any Heritage Asset affected by development proposals, including any contribution made by their setting. The level of detail should be proportionate to the Assets' importance and no more than is sufficient to understand the potential impacts of the proposals on their significance.

## **6. PLANNING MERITS**

### **6.1 Principle of Development**

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise or where the Development Plan is out of date.
- 6.1.2 The proposed development involves the demolition of existing, non-Listed buildings outside of any Conservation Area, and the erection of a new depot building on a consolidated site and consolidated footprint.
- 6.1.3 The new depot building and associated grounds is an essential element of Tunbridge Wells Borough Council's updating of current facilities and will better serve the associated cemetery and crematorium grounds and operations.
- 6.1.4 The disposal of adjacent, unused depot land will be detailed further in a planning application to be submitted soon. This is a result of the Council's review of property assets and will not diminish the ability of the site to provide the necessary services. To the contrary, the modern facilities will enhance the services provided.
- 6.1.5 Policy LBD1 of the Local Plan and Policy AL/STR 1 of the Site Allocations Local Plan consider the location of development, and note that development outside of the Limits to Built Development will only be permitted where it complies with other policies. It refers to the Kent Structure Plan 1996 and the Kent & Medway Structure Plan 2006 but it is noted that these are no longer relevant documents and so are not considered here.
- 6.1.6 It is central to the consideration of principle of development in this case that the application site is host to an existing depot operation and buildings. It is a brownfield site with a mix of under-utilised and un-used buildings that are not fully fit for purpose. As such the proposals do not introduce a new use to this 'countryside' location but instead improve

on one and whilst a new building will be created, the overall massing of built form on the site will reduce under the proposals.

- 6.1.7 The existing nature and scope of operations will be maintained under the proposals, and will not be expanded to other operators. As such it is submitted that the scale of use of the site will remain on a similar level to existing and thus will have negligible impact on the site itself and the surrounding area.
- 6.1.8 The Core Strategy supports improvements to "The capacity, quality and accessibility of ... community facilities" in Core Policy 8. The proposed development delivers significant improvements to the usability of the facilities and in turn the efficiency of operations.
- 6.1.9 The NPPF acknowledges that "sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements" and states that the "use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist". This is one such opportunity.
- 6.1.10 Paragraphs 117 and 118 also support the effective use of land to deliver identified needs and the development of under-utilised land and buildings, which this scheme involves.
- 6.1.11 The NPPF also supports sustainable development. It is considered that the scheme proposed responds positively to the 'three dimensions' of sustainable development outlined in Paragraph 8 of the NPPF. Those are economic, social and environmental objectives.
- ### **Economic Role**
- 6.1.12 The proposed development follows a review of this Council asset and the effective use of land. Its redevelopment will ensure a more cost-effective operation and management that will ultimately benefit the Council and the community.

6.1.13 The proposed development will require the provision of construction related services including building firms and surveyors. This will provide a significant, albeit short-term, employment and economic boost. Local businesses will have the opportunity to be involved in this process.

### **Social Role**

6.1.14 The new development will enhance an existing piece of community infrastructure. The associated cemetery and crematorium is a valued local and regional asset that requires daily maintenance and upkeep. The new depot will deliver this via the new purpose-built facilities.

6.1.15 The sub-division of the wider depot plot, with a more focused depot operation on the western extent only, will facilitate the forthcoming planning application for residential use on the larger eastern portion of land. The residential development, if approved, will make a valued contribution to the Borough's housing need. This responds to the support in national policy for a significant boost to the supply of housing, and the delivery of a wide choice of high quality homes. It is submitted that this benefit carries notable weight.

### **Environmental Role**

6.1.16 The environmental aspects of the proposals are considered in detail later in this section. For completeness of this section however, the environmental benefits are summarised here.

6.1.17 The site is noted as being of negligible ecological importance due to its current state and use. The redevelopment of the site provides an opportunity to improve the ecological/habitat value and a biodiversity enhancement strategy has been produced that could deliver a net biodiversity gain.

6.1.18 Whilst the proposals would introduce new built form to the site and area, it is noted that the existing buildings already set a visual precedent and relationship to the surrounding area that could be enhanced upon. The removal of the existing poor quality buildings and introduction of a

new high quality building will serve as a benefit to the site and wider context.

6.1.19 At present there is little in the way of natural vegetation. New planting and landscaping will be introduced under the proposals, with the resulting visual enhancement benefitting the character and appearance of the area. This enhancement would not occur under the status quo.

6.1.20 The site is located in Flood Zone 1; those areas least at risk of flooding. Nonetheless, the proposed drainage strategy looks to improve upon the current surface water drainage approach.

6.1.21 As outlined above, Electric Vehicular Charging Points could be provided on site. This supports the move to a more environmentally conscious national infrastructure in new development.

6.1.22 The site is considered to be in a sustainable location despite its position beyond the Limits to Built Development. It is within walking distance of much of Tunbridge Wells and has bus stops adjacent. The Transport Statement accompanying the application comments thus;

*The site is in a sustainable location with pedestrian access linking to the available footways in the area, bus stops located within a short walk providing access to a number of services and pedestrian infrastructure available towards Tunbridge Wells town and railway station.*

6.1.23 The existing use of the site and scale of buildings in situ are considered to be a material consideration in the determination of this application. It is submitted that the principle of the proposed development is supported by local and national planning policy. It will result in an enhancement to the existing services and facilities on site and should be considered acceptable in planning terms.

## **6.2 Design, Character and Appearance**

6.2.1 Policies EN1 and EN25 of the Local Plan relate to the principles of design and require that new development is, amongst other things, compatible

with and does not cause significant harm to neighbouring uses, and respects the context of the site and area.

- 6.2.2 The building proposed would be single storey in form, which would be in keeping with the existing buildings on site and thereby maintain its relatively low visual-profile in the immediate area. This will be complemented by the retention of the stone and brick wall along the frontage (north) boundary of the site, which is effective in screening much of it from the public realm, especially at pedestrian and car level.
- 6.2.3 The design of the building, including elevational elements, relays its functional nature and necessarily prioritises its use over appearance. However, aesthetics is carefully considered, and the form and materials of the proposed building provide interest and are of a high quality.
- 6.2.4 The character of the building is considered appropriate to its setting, with the dark colour palette and low form bedding the building into the wider cemetery site.
- 6.2.5 The siting of the building, set back from the road and public realm and away from neighbouring residential properties, will further bed the building into the site behind the existing wall and reduce any visual impact. Overall it is submitted that the new development (including demolition) will reduce the extent and visibility of buildings here.
- 6.2.6 Given the above it is considered that the proposed development would comply with the relevant design principles as required by Policy DBE3 and would be wholly appropriate within the context of the existing K&C Hospital site.

### **6.3 Neighbour Amenity**

- 6.3.1 Local and national policy requires that new development should protect the privacy and amenity of neighbouring buildings and future occupiers. Policy EN1 states that the “nature and intensity of the proposed use” should be compatible with neighbouring uses and avoid harm from

“noise, vibration, smell, safety or health impacts, or excessive traffic generation”. Policy EN1 also raises the potential for harm to neighbour amenity in terms of daylight, sunlight and privacy.

- 6.3.2 In this case the proposed building will be well contained within the depot compound, which as noted, is largely screened from the public realm by the extensive stone and brick wall along the front of the site.
- 6.3.3 The nearest residential property is known as The Lodge, located to the west of the site. Otherwise there are no residential neighbours to the east or south and properties to the north are separated from the application site by Benhall Mill Road and separation distances of in excess of circa 60m.
- 6.3.4 The lodge is separated from the application site by mature planting and trees of varying heights (between 4m-10m). Much of this is in the control of the Council and will be retained as part of the proposals.
- 6.3.5 Furthermore, it must be noted that the proposed nature and scale of operations at the site will be as existing. As such there will be no appreciable difference in noise, vibration, smell or traffic generation resulting from the proposals, with the exception of the period of demolition and construction.
- 6.3.6 The proposals comprise only low-level lighting, to facilitate operation around the parking and external storage areas during later hours in winter. This approach will contain lighting within the site and avoid general light pollution to neighbours, as well as night skies.
- 6.3.7 In light of the above, it is submitted that the proposals will comply with relevant policy relating to neighbour amenity.

### **6.4 Highways**

- 6.4.1 The planning application is accompanied by a Transport Statement reference 66201717-MLM-ZZ-XX-RP-TP-0001. This considers the existing traffic and parking conditions, includes a multimodal accessibility audit

of the existing site and draws conclusions on estimated vehicle trip generation resulting from the proposed development.

- 6.4.2 Policy TP4 requires that all new development can be accessed safely and does not harm highway safety in the area generally; “traffic generated by the proposal does not compromise the safe and free flow of traffic or the safe use of the road”. In terms of the volume of trip generation relative to the local network capacity the Transport Statement notes;

*The number of vehicles associated with the proposed development are anticipated to be similar to the existing situation and so there is not considered to be an impact on the local highway network.*

- 6.4.3 The TS also states on means of access, confirming that generally the site will be accessible in a safe manner. Importantly the volume of use of the site and thus use of the access, will be as now. The TS comments;

*Servicing and delivery vehicles are able to access the site from Benham Mill Road and turn within the site to exit in forward gear. Larger infrequent vehicles will need to reverse into the site for deliveries of oil and soil.*

- 6.4.4 Policy TP5 of the Local Plan restricts parking in new development to the maximum required by Kent Vehicle Parking Standards. On this the TS concludes as below;

*A total of 4 No. car parking spaces are proposed and a minimum of one cycle parking space is provided which is in accordance with Kent’s parking standards for non-residential development.*

- 6.4.5 Policy TP9 requires new development to achieve cycle parking standards for non-residential development set out in the latest Kent County Council’s Cycling Strategy for Kent. Sufficient space is provided within the proposed building and surrounding spaces to provide secure, covered cycle parking to meet/exceed the standards required.

- 6.4.6 In conclusion, it is considered that the traffic and parking implications of the development would not conflict with local or national policy, as concluded in the TS;

*The above assessment has demonstrated that there is no reason for highway and transportation objections to the proposal.*

## **6.5 Heritage**

- 6.5.1 As has been outlined earlier in the Statement, the site and surrounding area have a varied history but the cemetery and its grounds are known to comprise some elements of local heritage interest. To this end a Heritage Statement dated 16 December 2020 has been produced on behalf of Tunbridge Wells Borough Council by Alan Legg BA, Dip. Arch, Dip. TP, MRTPI, IHBC.

- 6.5.2 This considers the significance of structures/buildings on the application site and the surrounding area, the potential impact of the proposals upon them and whether mitigation is necessary.

- 6.5.3 The Statement concludes thus;

*For the reasons set out in this heritage statement the proposed developments at the depot on Benhall Mill Road are both totally compatible with the preservation of heritage assets including the listed building and the associated non-designated heritage assets.*

*The effect of the proposals on the significance of the assets is varied, however overall it is considered that they will not cause harm to the significance of the various heritage assets. Indeed, it is considered that the proposals would positively contribute to the character, appearance and setting of the non- designated heritage assets.*

- 6.5.4 On the basis of the above, it is submitted that the proposals do not conflict with those local and national (NPPF) policies that seek to apply appropriate, measured protection to heritage assets. Thus there is

considered to be no reasons for refusal of the application on heritage grounds.

## 6.6 Biodiversity

- 6.6.1 The site is predominantly laid to hardstanding, although there are areas of vegetation and vacant buildings that could lend themselves to biodiversity opportunity. To this end an Ecological Impact Assessment (reference P2928.5.0) has been produced and accompanies the planning application. This concludes thus;

*The Benhall Mill Road site is of negligible importance as it is dominated by buildings, hard standing and bare ground. Three buildings are present within the site which will be demolished for the site to be re-developed. One of the buildings supports an occasionally used day roost. For compliance, this building will be dismantled under a method statement licensed by Natural England.*

*There is also the opportunity to enhance the development for local wildlife in the long-term by preparing and implementing a Biodiversity Enhancement Scheme.*

- 6.6.2 Core Policy 4 of the Core Strategy seeks protection of the natural environment, with the aim of avoiding net loss of biodiversity and geodiversity. Paragraph 175 of the NPPF advises that new development should contribute to and enhance the natural and local environment.
- 6.6.3 Paragraph 175 requires that new development results in no significant harm to biodiversity or that mitigation be devised to prevent such harm arising.
- 6.6.4 In response to the requirement for biodiversity enhancement, a Biodiversity Enhancement Scheme (BES) (reference P2928.6.0), has been produced alongside the EIA, and this has been submitted with the application. The provision of planted beds, hedgehog houses, sparrow

and bat boxes and insect hives would enhance upon the low biodiversity values currently on site.

## 6.7 Arboriculture

- 6.7.1 Several trees existing on site, predominantly located along the south and west boundaries. To pay due regard to the arboricultural value of the site, a Tree Survey dated 2 November 2020 has been carried out. The survey and associated Tree Constraints Plan have in turn informed an Arboricultural Impact Assessment (reference Arbtech AIA 01), an Arboricultural Method Statement (dated 2 November 2020), and Tree Protection Plan (reference Arbtech TPP 01).

- 6.7.2 The Tree Survey identifies numerous trees of various quality. It is noted that the majority of trees are of medium to low quality; 2no. B1 grade, 1no. B2 grade (moderate quality) and the remainder of C or U grade (low quality or should not be retained for any longer than 10 years). As such it is submitted that there are no trees of particular merit or importance to the site, the loss of which could not be mitigated.

- 6.7.3 Nonetheless, given the screening benefit of the trees, the proposals have been conceived with a view to maintaining good quality tree coverage. To this end, the AIA has duly considered the potential impact of the development with an appreciation of tree canopies, root areas and potential areas of incursion/new structures. Where there is a potential conflict the design/layout has been revisited or “Foundations are to be designed to an engineering specification in conjunction with arboricultural advice and site investigations”.

- 6.7.4 The development is to be accompanied by the AMS and TPP produced. The AMS summarises as follows:

*It is the conclusion of this report that the overall quality and longevity of the amenity contribution provided for by the trees and groups of trees within and adjacent to the site will not be adversely affected as a result of the local planning authority consenting to the proposed development.*

*It is considered that any issues raised in this report, or beyond the scope of it can be dealt with by planning conditions.*

- 6.7.5 Tree protection in the form of appropriate fencing and the use of existing hardstanding (in lieu of new groundworks), will ensure that root areas are not impacted. The TPP states that “The existing hard surface will be retained to act as ground protection within the RPAs of retained trees G11 & T12 for the duration of the development. If removed this will be done under direct arboricultural supervision and replaced with temporary ground boarding”.
- 6.7.6 The protection to existing trees, and introduction of new planting and trees under the proposals, will protect and enhance current coverage, responding positively to Local Plan policies EN1 and EN25 and Core Policy 4.

## **6.8 Flood Risk and Drainage**

- 6.8.1 The site is located within Flood Zone 1, where the risk from flooding is lowest (having a less than 1 in 1,000 annual probability of river or sea flooding). Furthermore, the use proposed is identified as ‘less vulnerable’, which is considered appropriate in Zone 1 under Planning Practice Guidance and as directed by the NPPF.
- 6.8.2 As such the sequential and exception tests are not required and the location of development is deemed to be acceptable.
- 6.8.3 In terms of drainage, it is submitted that the proposals will result in a similar amount of impermeable surfaces as existing and thus not notably increase surface water runoff. Notwithstanding this, the proposed surface water system on site is designed to meet flows as required by KCC drainage guidance; 2l/s. Furthermore, the proposed drainage strategy includes SuDS systems, in response to local and national planning policy. The Drainage Strategy accompanying the planning application concludes thus;

*The drainage strategy discussed above and the surface water calculations we have undertaken demonstrate that the proposed drainage systems will meet the requirements of national planning guidance with regards to surface water drainage systems, and we have shown the following:*

- *The site has no history of flooding*
- *SUDS systems are a requirement for new drainage systems and included in the design.*
- *The designs are in accordance with the Local Planning Authority and County Council Drainage Authority requirements.*

## **6.9 Ground Conditions**

- 6.9.1 The planning application is accompanied by a Phase II Generic Risk Assessment (GRA) reference 1046240. This considers ground conditions and potential contamination to highlight potential risks to future development. The assessment covers the wider depot site including land beyond the application site to the east. The land the subject of this application is referenced as ‘Zone A’ and the report concludes that the risk to future users is “low due to limited exposure pathways...”.
- 6.9.2 It was acknowledged that the risk to “construction workers” and “off-site receptors are high due to the contamination found across the site”. However, it was also emphasised that risk to construction workers and off-site receptors could be ameliorated by good site practices. Similarly, it concludes that “The risk to controlled waters is considered low as the identified contamination has low aqueous mobility”.
- 6.9.3 As such it is submitted that the proposed development does not conflict with environmental local or national policies in terms of ground contamination and risk to future users’ health and wellbeing.

## **6.10 Other Matters**

- 6.10.1 It is anticipated that detail relating to landscaping (both hard and soft) and planting schedules, energy efficiency, lighting, demolition methodology and archaeology will be handled by way of condition on any forthcoming planning permission.



## **7. SUMMARY AND CONCLUSIONS**

- 7.1 The planning application seeks Full Planning for the demolition of existing buildings and the erection of a single-storey depot building. The resulting scheme will improve upon current facilities, remove redundant and under-used buildings that are no longer fit for purpose and benefit this community asset. It will also allow for a more effective use of this brownfield site, including the potential for residential development. This is supported as a matter of principle by policies in the TWBC Development Plan and national policy.
- 7.2 The design and scale of the building would be in keeping with the character of cemetery site generally, albeit the appearance will introduce a more modern aesthetic.
- 7.3 The development would not have any unacceptable impact upon the character and appearance of the surrounding area as a result of its size, siting and design and in addition would be largely screened by existing built form (to the north) and mature vegetation coverage (to the south).
- 7.4 The building can be accommodated without any harm to neighbouring residential amenity as a result of its siting and degree of separation from nearby residential properties. The scale and nature of use of the site will be as existing, meaning that the development will result in a similar or reduced level of noise, vibration, smell and traffic generation as currently.
- 7.5 The development will not result in any notable increase in staff or visitors on site on a typical day. There would therefore not be a requirement for increased parking provision and the impact upon highway safety and the free flow of traffic on the local network will be acceptable.
- 7.6 In conclusion, it has been demonstrated that the proposed development would comply with local and national planning policy and it is therefore respectfully requested that planning permission be granted.