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Planning Statement

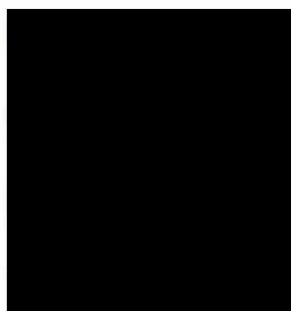
77-79 Calverley Road, Tunbridge Wells, TN1 2UY

CLIENT: ROBIN READ (THE COUNTER)

November 2023
JB/JJH/32238



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1 INTRODUCTION

1.1 OVERVIEW

1.1.1 The following Planning Statement has been prepared on behalf of Robin Read in support of an application for full planning permission with listed building consent for proposed alterations to 77-79 Calverley Road, Tunbridge Wells, TN21 2UY.

1.1.2 The full description of the development for planning permission and listed building consent is as follows:

“Proposed internal and external alterations to existing building to include new kitchen extraction equipment and extraction point”.

1.1.3 This Planning Statement provides a detailed overview of the application site, its context and the relevant planning history, and the development proposal. It identifies all applicable development plans and relevant planning policies as well as the NPPF and other relevant guidance. It sets out the planning considerations which are regarded as material to the determination of the application.

1.1.4 The report concludes that the proposal is appropriate in planning and heritage terms and accordingly requests that planning permission be granted.

1.2 STRUCTURE

1.2.1 The structure of the Statement is as follows:

Section 2 of this Statement sets out the context of the site, the immediate surroundings and the relevant planning history;

Section 3 has regard to the development proposed;

Section 4 reviews the planning policy context by which the planning application will be considered, including having regard to the advice contained in the National Planning Policy Framework (NPPF) and the formal policies of the development plan;

Section 5 considers the ‘principle’ of the development and any other relevant planning considerations; and

Section 6 draws conclusions to justify why it is considered that the development is acceptable.

1.3 SUPPORTING DOCUMENTATION

- 1.3.1 This Planning Statement forms part of a suite of documents and plans that support the planning application, and it is designed to be read in conjunction with the documents and plans listed below.

DOCUMENT TITLE
APPLICATION FORM, NOTICES AND CERTIFICATES
SITE LOCATION PLAN DHA/32243/01
EXISTING SITE LAYOUT PLAN DHA/32243/02
EXISTING FLOOR PLANS DHA/32243/03
EXISTING ELEVATIONS DHA/ 32243/04
PROPOSED SITE LAYOUT PLAN DHA/ 32243/05
PROPOSED FLOOR PLANS DHA/ 32243/06
PROPOSED ELEVATIONS DHA/ 32243/07
ILLUSTRATIVE PROPOSED SECTION DHA/32243/08
SYSTEMAIR MUB/T 062 560D4 FAN SPECIFICATION SHEET

TABLE 1.1: LIST OF SUPPORTING DOCUMENTATION AND PLANS

2 SITE AND SURROUNDINGS

2.1 SITE DESCRIPTION

- 2.1.1 This statement relates to 77-79 Calverley Road, Tunbridge Wells, a combination of two buildings along Calverley Road which are both currently in commercial use.

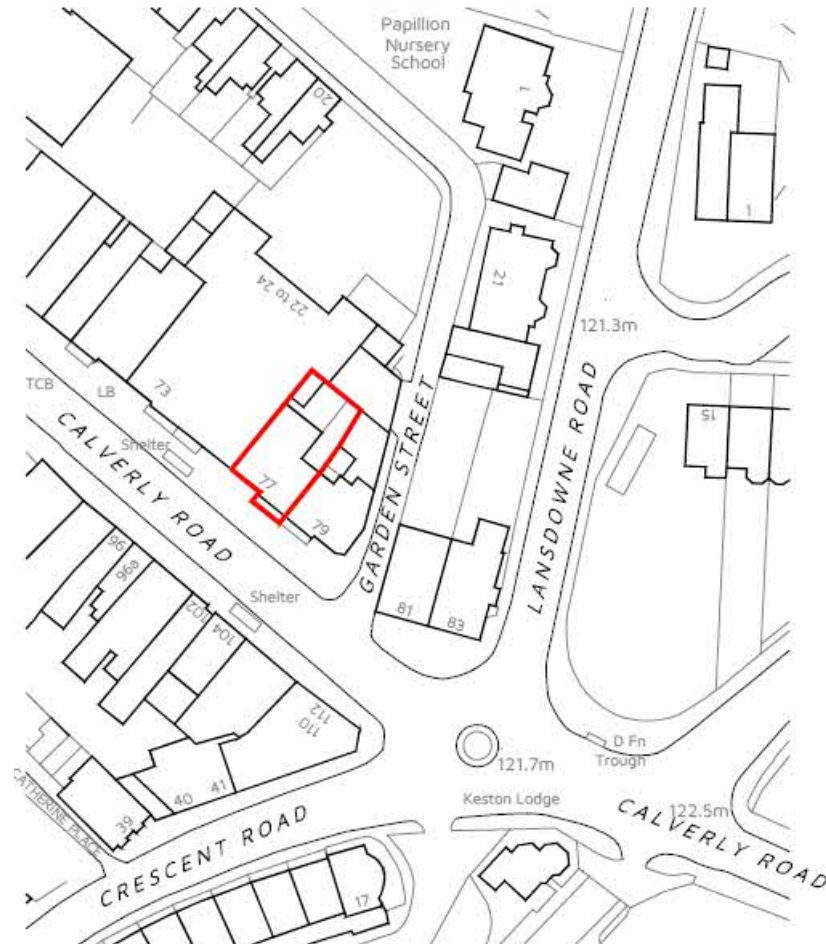


FIGURE 2.1: SITE LOCATION PLAN

- 2.1.2 The site accommodates the basement, ground, first and second floors of 77 Calverley Road and the basement of 79 Calverley Road.



FIGURE 2.2: STREET VIEW OF SITE LOOKING NORTH FROM CALVERLEY ROAD

- 2.1.3 As shown in Figure 2.1 above, the application site is located on the north side of the central area of Calverley Road, a thoroughfare running east west within the centre of Tunbridge Wells. The road is characterised by numerous restaurants, bars and shops.

2.2 STATUTORY DESIGNATIONS

- 2.2.1 The site comprises part of statutory listed building: 63- 79, Calverley Road. The building is Grade II listed under Listing Entry 1223583. An extract of the listing is detailed below:

CALVERLEY ROAD 1. 1746 (North East Side) 6. 7. 72 No 57 No 59 6. 7. 72 No 61 - Nos 63 to 79 (odd) TQ 5839 NE 6/77 II GV 2. These buildings were originally detached blocks of 2 or more houses of different sizes but with similar facades, but these have all been joined to each other by modern buildings. Circa 1835. Decimus Burton architect. 3 storeys and basement with area (though in some cases, where the houses have been converted into shops, the basement can no longer be seen from the street). Built in Tunbridge Wells stone. Parapet with pediment above the 2 centre windows of the block. Eaves cornice and cornice above 1st floor. Stringcourse above ground floor. Most of the glazing bars are missing. No 57 has 4 windows and a modern shop front with no basement. Nos 61 and 65 have 4 windows and No 63 has an extension of 1 window to the east. Nos 65, 67, 69 and 71 have 8 windows and 1 blocked window space in the centre. The outer houses of these (Nos 65 and 71) each have an extension of lower elevation (2 storeys and 1 window each) on the outer side. Nos 67 and 69 have modern shop fronts and no basement. Nos 73 and 75 have 4 windows and No 73 has an extension of 2 storeys and 1 window on the north west, a modern shop front

and no basement. Nos 77 and 79 have 4 windows. Nos 57 to 79 (odd) form a group.

- 2.2.2 The site is situated within the urban confines of Tunbridge Wells and the Tunbridge Wells Conservation Area. The site is also within the Economic Development Area, Key Employment Area and Central Parking Zone (both for commercial and residential), and Primary Shopping Area.
- 2.2.3 The site falls within Flood Zone 1 which means that it is at low risk of flooding from nearby rivers.

2.3 PLANNING HISTORY

- 2.3.1 A review of TWBC's public access system has revealed a number of planning applications of relevance to both 77 and 79 Calverley Road which date back to the establishment of modern town planning in 1947.

REFERENCE	ADDRESS	DESCRIPTON	DECISION
89/00018/CEU	77 Calverley Road Tunbridge Wells Kent TN1 2UY	Established use certificate - offices of stone and marb masons and display of monuments	Refused 27/02/1989

REFERENCE	ADDRESS	DESCRIPTON	DECISION
02/00260/ADV	79 Calverley Road Tunbridge Wells Kent TN1 2UY	Advertisement - Projecting sign with external trough lights and fascia sign.	Approved 13/05/2002
02/00278/FUL	79 Calverley Road Tunbridge Wells Kent TN1 2UY	Installation of air conditioning.	Approved 13/05/2002
04/01326/FUL	79 Calverley Road Tunbridge Wells Kent TN1 2UY	New shop front	Withdrawn 22/10/2004
05/03000/FUL	79 Calverley Road Tunbridge Wells Kent TN1 2UY	Change of Use from A1 to B1	Withdrawn 06/01/2006
21/00170/FULL	79 Calverley Road Tunbridge Wells Kent TN1 2UY	Change of use of the building from storage to a retail showroom, with ancillary office and store. Replacement of the existing roofs with new roofs, erection of garden wall ar the installation of a new shopfront	Approved 26/03/2021

2.3.2 In addition, a number of listed building consents have also been approved at 79 Calverley Road, as listed below.

REFERENCE	DESCRIPTON	DECISION
MO/2020/2289	Repairs and restoration works to roof areas and associated masonry including handmade clay tiles to sloping surface: natural slating to slated surfaces, chimney repairs, recovering of concealed flat roofs lead detailing, rainwater goods refurbishment, stone and masonry repairs (application for Listed Building Consent).	Approved 02/03/2021
MO/2021/0440	Removal and rebuilding of a septic garden wall.	Approved 15/06/2021
MO/2018/0658	Erect all-weather multi use games area, 80 x 40 metres, with 1.2 metre high boundary fence. (Application for Listed Building Consent).	Approved 11/05/2018

3 PROPOSED DEVELOPMENT

3.1 BACKGROUND

- 3.1.1 The applicant, a successful chef, conducted a pop-up residency of 'The Counter' at Daily Bread, Rusthall, Tunbridge Wells from October to December 2022. The Counter is based upon fine dining and offers guests a set tasting menu. The produce used is sourced locally, with the applicant looking to add 14 sqm of raised beds to the garden for growing the restaurants own produce.
- 3.1.2 On the back of the popular pop-up residency, the applicant is looking to secure a permanent location for 'The Counter'. With only 24 seats available, the restaurant will offer the chance for an intimate and unique dining experience within Tunbridge Wells, and has the promise of being a venue which the town can be proud of.
- 3.1.3 Calverley Road is largely characterised by eateries and drinking establishments, where it is considered that the proposal will be consistent within the area.
- 3.1.4 The application building is currently in Class E use, therefore there is no requirement for a change of use application. That said, given the site's designation as a listed building, Listed Building Consent for the proposals is necessary.

3.2 DEVELOPMENT PROPOSAL

- 3.2.1 To enable the site to be used for the purposes of a restaurant, it will be necessary to introduce a duct fan to the rear of the northern elevation. The location of the proposed extraction fan is shown in Figures 3.1 below.

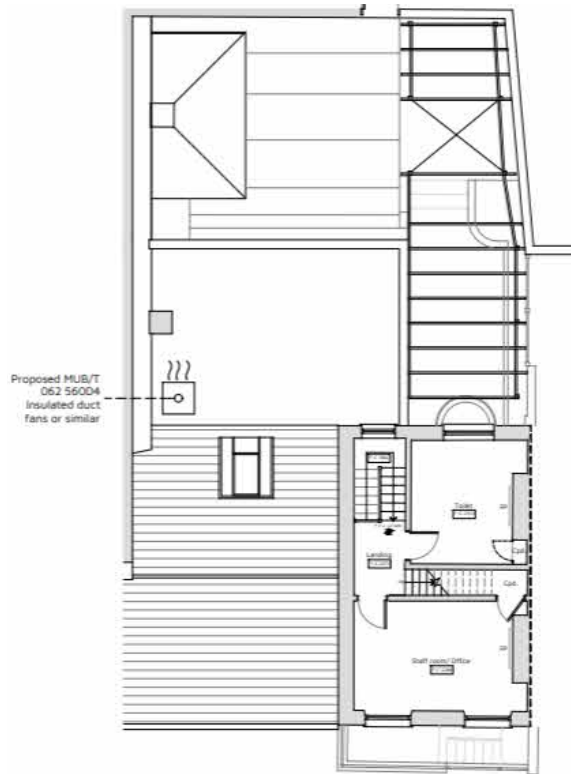


FIGURE 3.1: PROPOSED FIRST FLOOR PLAN

3.2.2 The fan will be situated on a flat area of roof top adjacent to the pitched roof which fronts Calverley Road.



FIGURE 3.2: SECTION OF ROOF WHERE FAN WILL BE LOCATED

- 3.2.3 Full detail of the proposed fan can be found in the specification sheet which accompanies the application.
- 3.2.4 Additionally, the proposal includes the installation of a kitchen extraction canopy on the ground floor of 77 Calverley Road. The extraction canopy will be connected to the fan which will be positioned on the roof directly above.
- 3.2.5 All cooking equipment on the premises will ultimately be electric, with only the hot water and heating utilising gas.

4 PLANNING POLICY FRAMEWORK

4.1 OVERVIEW

- 4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70 of the Town and Country Planning Act 1990 requires planning applications to be determined in accordance with the statutory development plan unless material considerations indicate otherwise.
- 4.1.2 This section sets out the relevant policies of the statutory development plan and refers to any other material considerations that should be taken into account in determining this application.
- 4.1.3 In this case, the following documents are relevant to the application:
- Local Plan Saved Policies (2006);
 - Core Strategy (2010);
 - Site Allocations Local Plan (2016); and
 - The National Planning Policy Framework.
- 4.1.4 The Tunbridge Wells Borough Council Local Plan Review is currently undergoing independent examination, which, given its status, will be afforded limited weight and consideration.

4.2 ADOPTED DEVELOPMENT PLAN

Tunbridge Wells Borough Local Plan (2006)

- 4.2.1 **Policy EN1** states that 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. 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

6. 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.

4.2.2 **Policy EN5** states that proposals for development within, or affecting the character of, a conservation area will only be permitted if all of the following criteria are satisfied:

(1) The proposal would preserve or enhance the buildings, related spaces, vegetation and activities which combine to form the character and appearance of the area;

(2) The siting of development would be similar to adjoining building frontage lines where this is important to the character of the conservation area;

(3) The layout and arrangement of the building(s) would follow the pattern of existing development and spacing of adjoining plot widths where this is important to the character of the conservation area;

(4) The scale, massing, roofscape, use of materials, detailing, boundary treatment and landscaping would preserve or enhance the character of that part of the conservation area in which the proposal would be situated;

(5) The use, or intensity of use, would be in sympathy with the character and appearance of that part of the conservation area in which the proposal would be situated;

(6) The proposal would not result in the loss of trees, shrubs, hedges or other features important to the character of that part of the conservation area in which the proposal would be situated; and

(7) In meeting the car parking and access requirements, the character and amenity of the area would not be adversely affected.

Tunbridge Wells Core Strategy (2010)

4.2.3 The following core strategy policies are considered relevant to the proposals:

Core Policy 5: Sustainable Design and Construction

Core Policy 9: Development in Royal Tunbridge Wells

Tunbridge Wells Site Allocations Plan (2016)

4.2.4 **Core Policy AL/STR 1: Limits to Built Development:** the extent of Limits to Built Development ('LBD') is defined spatially on the individual settlement Proposals Map accompanying this Site Allocations Local Plan in relation to Royal Tunbridge Wells and Southborough, Paddock Wood, Cranbrook and Hawkhurst.

4.3 MATERIAL CONSIDERATIONS

National Planning Policy Framework (2023)

4.3.1 The National Planning Policy Framework ('NPPF') sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced and guides decision making on key planning issues. The Framework was revised most recently in September 2023.

4.3.2 The NPPF states that "*plans and decisions should apply a presumption in favour of sustainable development*" whereby development proposals that accord with an up-to-date development plan should be approved without delay. It notes that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- (i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 4.3.3 The policies referred to in paragraph (i) are those in the NPPF that relate to, but are not limited to, Conservation Areas and heritage assets.
- 4.3.4 With regards to heritage assets, **paragraph 195** states that in determining applications, local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.
- 4.3.5 In determining applications, **Paragraph 197** states that local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.3.6 **Paragraph 199** further states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 4.3.7 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of Grade II listed buildings should be exceptional.
- 4.3.8 **Paragraph 206** states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 4.3.9 **Paragraph 207** outlines that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance.

[Tunbridge Wells Emerging Local Plan](#)

- 4.3.10 The new Tunbridge Wells Local Plan covers the period up to 2038 and will supersede the current adopted policies.

- 4.3.11 The Submission Local Plan was consulted on for ten weeks to 4 June 2021 (Regulation 19) and was submitted to the Secretary of State in October 2021. The plan is proceeding through Examination and the Council hopes to adopt the Local Plan in 2024.

5 PLANNING ASSESSMENT

5.1 INTRODUCTION

5.1.1 In determining whether the proposal accords with the development plan, the following key issues are considered:

Principle of Development

Residential Amenity

Heritage

5.2 PRINCIPLE OF DEVELOPMENT

5.2.1 The site lies within the Limits of Built Development and Primary Shopping Area of Tunbridge Wells, where there is a mixture of commercial properties, including retail, restaurants, cafés etc with some residential dwellings on the upper floors.

5.2.2 The site is already in Class E use and so the use of the premises as a restaurant does not require planning permission.

5.2.3 This application relates solely to the installation of kitchen extraction equipment. There are no policies preventing the installation of such equipment, subject to amenity and conservation considerations.

5.3 RESIDENTIAL AMENITY

5.3.1 A new extraction fan is to be installed to support the proposed use and be positioned on the flat roof of 77 Calverley Road. Considering the position and scale of this external extract system, the proposals would not be harmful to the character or appearance of the building or the wider area.

5.3.2 There are no residential properties immediately adjoining the application site, however, residential properties along garden Street are in proximity to the rear of the site. Nonetheless, given the site's town centre location, there are other operators (restaurants, takeaways and bars) within the vicinity which open until 10/11pm. As such, the general use of the external extraction fan is unlikely to cause an unacceptable impact on the amenity of the nearest residential properties.

5.3.3 In addition, the fan will be flexibly connected to the kitchen canopy extraction point, which will limit potential secondary noise issues from vibration.

5.4 HERITAGE

- 5.4.1 Policy EN1 of the TWBLP requires proposals to 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.
- 5.4.2 The proposed internal change of installing the extraction canopy is not considered to have any impact on the special interest of the listed building, as the alteration is located in a modern part of the listed building. This part of the building has accommodated a number of commercial operators during its lifetime, where a minor connection and ducting from kitchen canopy to the external fan will have minimal impact on the fabric of the listed building.
- 5.4.3 Externally, the proposed fan has been sensitively located on the flat roofed area of no.77 Calverley Road. As such, no view of the fan will be possible from Calverley Road, and only very limited views will be available from Garden Street when looking south and west. Additionally, the roof area of the site already has a utilitarian and functional appearance, where the proposed fan will not look alien. Significantly, the fan isn't a permanent fixture, meaning it can be removed and the roof of 77 Calverley Road restored to its current state, if need be.
- 5.4.4 The area of the building which will host the fan does not contribute towards the building's significance. Accordingly, the location of the proposed fan in this location is not harmful in heritage terms.

6 SUMMARY AND CONCLUSION

6.1.1 This Planning Statement has been prepared on behalf of Robin Read (The Counter), in support of an application for full planning permission and listed building consent for proposed alterations to 77- 79 Calverley Road, Tunbridge Wells.

6.1.2 The full description of the development for planning permission and listed building is as follows:

“Proposed internal and external alterations to existing building to include new kitchen extraction equipment and extraction point”.

6.1.3 This Planning Statement for planning permission and Listed Building Consent has demonstrated that the kitchen extraction canopy and associated external fan are minimal alterations and well-designed and proportionate to the heritage asset.

6.1.4 It is therefore hoped that Tunbridge Wells Borough Council is able to support the application and we look forward to receiving a timely decision.