

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents - the deposited documents, views and representations received as referred to in the reports and included in the development proposal dossier for each case and also as might be additionally indicated.

Item D1

Retrospective – Widening of access road and addition of footpath, Meadows School, Southborough TW/06/3473

A report by Head of Planning Applications Group to Planning Applications Committee on 16 January 2007.

Application by Kent County Council Adult Services for – Retrospective – widening of access road and addition of footpath at Meadows School, London Road, Tunbridge Wells.

Recommendation: Planning permission be refused.

Local Member(s): Mr R. Bullock

Classification: Unrestricted

Site

1. The access road is sited on land adjacent to London Road, Southborough leading to the Meadow School and the new Sunrise children's respite centre. The site is situated in the Southborough Conservation Area and adjoins the Metropolitan Green Belt and a Special Landscape Area, it is also part of an important landscape approach into Southborough. The south-east edge of the development lies within the Southborough Common and an Area of Important Open Space. A site location plan is attached.

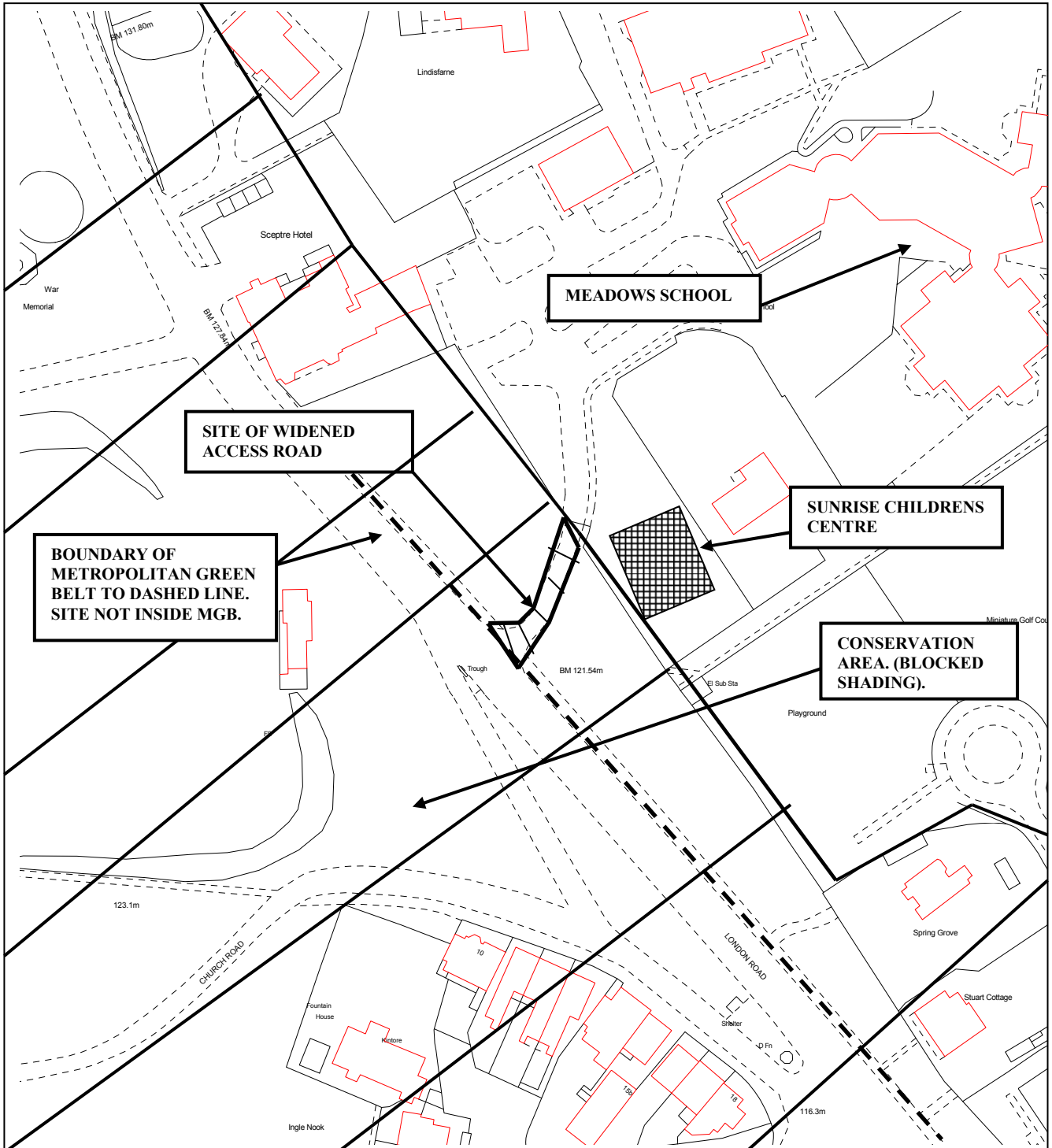
Entrance of access road from London Road - Southborough



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Site Location Plan

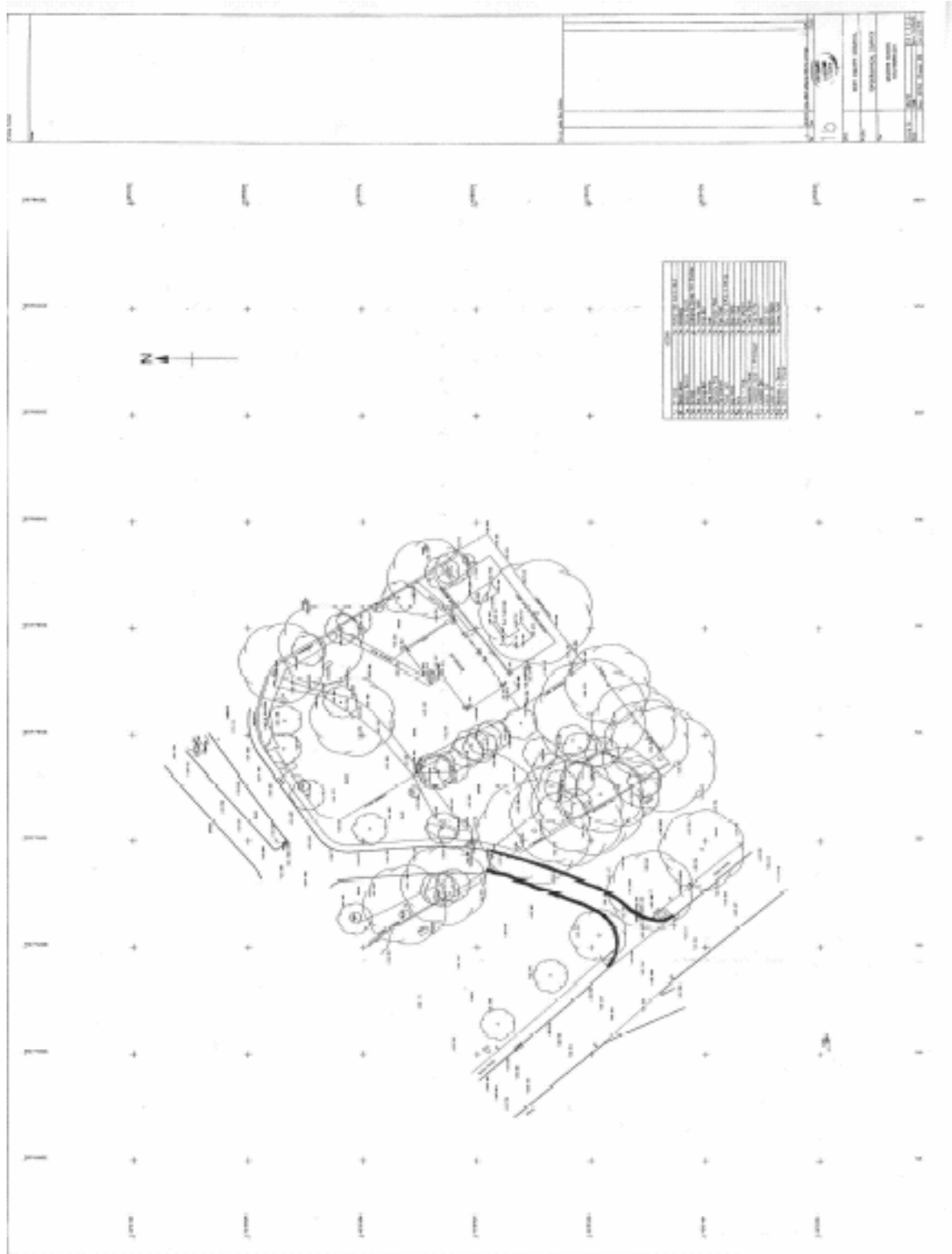


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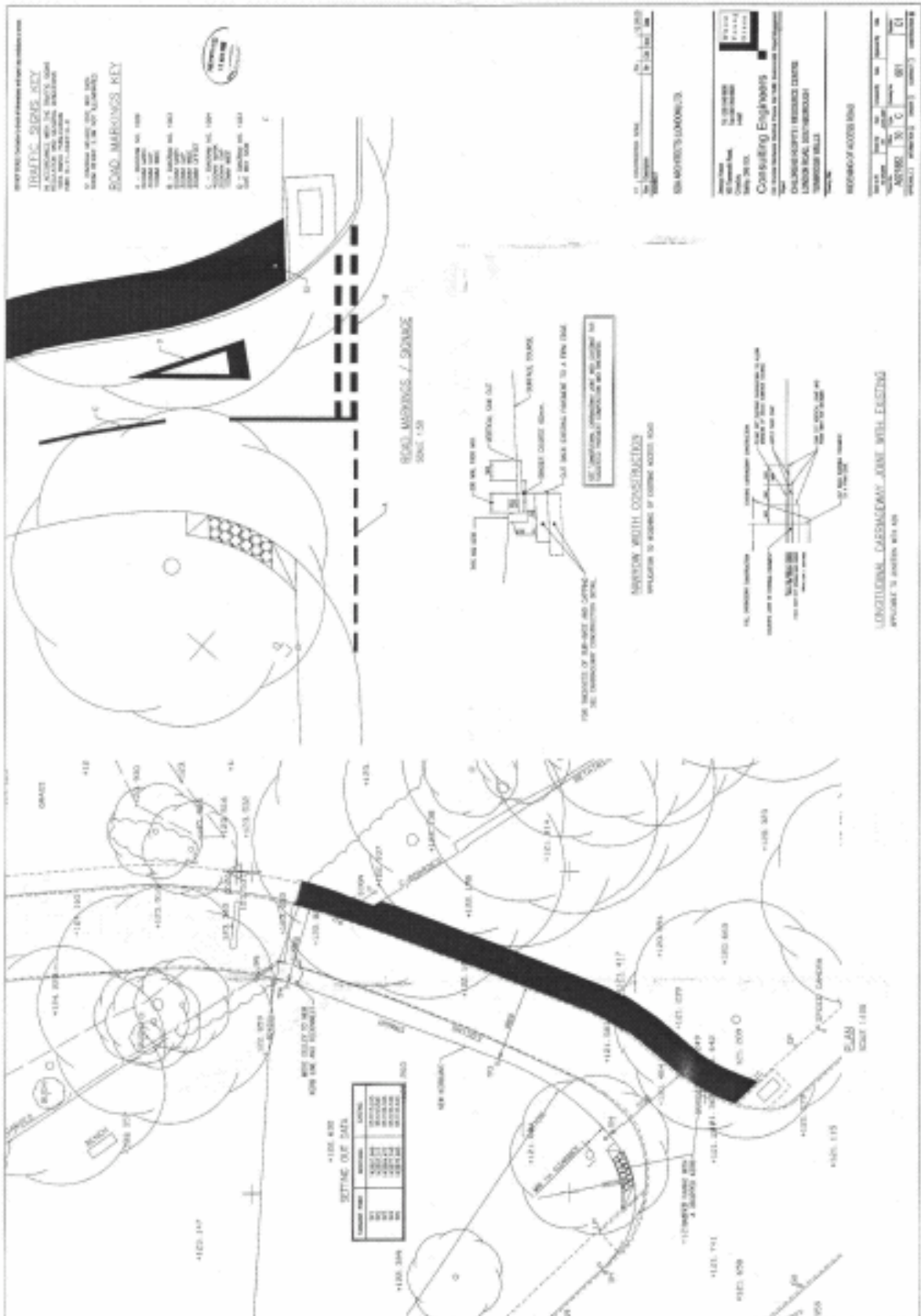
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Site layout prior to development

Retrospective - Widening of access road and addition of footpath, Meadows School, Southborough TW/06/3473



Site layout post development

Retrospective – Widening of access road and addition of footpath, Meadows School, Southborough TW/06/3473

Background and Proposal

2. In March 2005 under reference TW/05/35 the Sunrise Children's Centre was permitted on this site. The existing access road services both the Sunrise Children's Centre and the Meadows School. As a consequence of the increased use of the access road from London Road the decision was taken to widen it and add a pedestrian footpath. There followed a mis-communication within the project team, which meant that it was not included in the original application, which has resulted in this retrospective application. The project team did however communicate all designs and drawings to both Southborough Town Council and Kent Highway Services who gave their necessary approvals.

Planning Policy

3. The Development Plan Policies summarised below are relevant to consideration of the application:

(i) Kent & Medway Structure Plan: 2006

Policy SP1 Conserving and enhancing Kent's environment and ensuring a sustainable pattern of development. Encouraging high quality development and innovative design that reflects Kent's identity and local distinctiveness and promoting healthy, safe and secure living and working environments

Policy QL1 Development should be well designed and respect its setting. Development that would be detrimental to the amenity of settlements will not be permitted

Policy QL6 Development within conservation areas should preserve or enhance their character or appearance. Development, which would harm the character or appearance of a conservation area, will not be permitted.

Policy QL11 Protection and enhancement of existing community services.

(ii) Tunbridge Wells Borough Local Plan Adopted 1996

Policy EN1 The nature and intensity of the proposed use would be compatible with neighbouring uses and would not cause significant harm to the character or amenities of the area. There would be no significant adverse impact on highway safety.

Policy EN5 The proposal would preserve or enhance the buildings, the scale, massing, use of materials, detailing, boundary treatment, and landscaping would preserve or enhance the character of that part of the conservation area, it would not result in the loss of trees, shrubs, hedges that are important to the character and appearance.

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Policy EN20 Proposals affecting the important landscape approaches to Southborough will only be permitted where no significant harm would be caused to the appearance and character of the approaches and the development would not materially detract from the contribution which that approach makes to the locality.

Policy EN21 Proposals for development which affect the character or appearance of an Arcadian area will only be permitted if landscaping dominates within the site and access widths are narrow.

(iii) Tunbridge Wells Borough Local Plan Review Second Deposit 2002

Policies EN1, EN5, EN22 and EN23 reflect the adopted policies of the Tunbridge Wells Borough Local Plan as stated above.

Consultations

4. **Tunbridge Wells Borough Council** – Raises objections on the grounds that the widened access road and footpath, by reason of its size, alignment and materials is harmful to the character and appearance of the conservation area and the street scene, which is an important landscape approach to Southborough and an Area of Important Open Space.

Southborough Town Council – Southborough Town Council state that they are unable to comment as its interest is prejudicial.

Divisional Transport Manager – Raises no objection to the proposal.

Area Public Rights of Way Officer – Raises no objection to the proposal.

Natural England – Raises no objection to the proposal.

Conservation Officer – Raises no objection but suggests that new trees are planted around three metres in from the pavement.

Jacobs Landscaping - Raises no objections but suggests an Arborist examines the trees closest to the construction areas to assess whether any damage has occurred as a result of the development or whether the trees have degenerated through natural ageing process.

Local Members

5. The local County Member Mr R. Bullock was notified on 21 November 2006 and has responded that he is disappointed that it took the Southborough Society to raise this as an omission from the original application. He recognises that the access may have needed to be widened but there should have been full consultation a long time ago.

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There are precedents where this type of unauthorised construction activity has been refused retrospectively.

Publicity

6. The application was advertised in the Tunbridge Wells Extra, the posting of a site notice and the individual notification of twenty-five neighbouring residential properties.

Representations

7. One letter of representation has been received from a local resident. The main points included the following:
 - The visual appearance of the access road on the Common.
 - The issue of getting people in vehicles and on foot to the school and respite centre and whether the scale of the development is necessary to service this demand.
 - The retrospective application submitted does not contain any vehicle or pedestrian figures that provide evidence of the need for the widening of the access road.
 - No concern over existing access until the Respite Centre was built – knee jerk reaction designed to retrospectively satisfy the access problems caused by construction traffic.
 - The removal of visual clutter from the green common sward (Give Way sign).
 - There only needs to be room for two cars to pass side by side.

Discussion

8. The main issues arise as a result of the sites location within the Southborough Conservation Area and as part of an important landscape approach, the proposal must be considered against the relevant Development Plan Policies outlined in paragraph 3 above. These policies, as well as presuming against inappropriate development within a Conservation Area require development to preserve and enhance the Conservation Area affording long-term protection to the landscape over other considerations. Authorisation was obtained by the applicant for works to be carried out on land owned by Southborough Town Council, owners of the land the access road is built on and the stretch of Common Land used.

Impact on the Southborough Conservation Area

9. The whole of the development site is within the Southborough Conservation Area and in the context of the relevant Development Plan Policies that apply, the development can be considered inappropriate. As shown by the photograph on page D1.1 the new access road does not look overly large in scale, however, it is important to assess the impact of the development on the street scene with the situation prior to the development. The widening of the access road is minimal ranging from 1m at the narrowest point to 1.5m at the junction with London Road and was only widened along the north-western edge. However, it is when coupled with the newly created pedestrian footpath that the full affect on the Conservation Area is realised. It is also this section of the development that is part of the Southborough Common. The new pedestrian footpath ranges in width from 2m at the junction with London Road to around 1.5m at the entrance to the Sunrise Centre. The overall width at the entrance to the access road

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from London Road has increased by 3m from 7.5m to 10.5m. The increase in width of the access road is at its maximum at the slight curve in the road shortly after leaving London Road where the overall increase has been 3.4m. It is unfortunate that the sections of the road that have been widened the most have been at the point that is most visible to the wider community having the greatest impact on the Conservation Area.

10. Whilst considering the application against the relevant Development Plan Policies it is evident in my view that the development is contrary to Structure Plan Policy QL6 and TWBC Local Plan Policy EN5 as it neither preserves nor enhances the character or appearance of the Conservation Area. There appears to have been little consideration during the design process into the choice of materials used, the scale, or landscaping that would help to preserve or enhance the Conservation Area as stated by TWBC Local Plan Policy EN5, all of which are indicative of a retrospective development that has not benefited from a full consultation process. The development is also contrary to Structure Plan Policies SP1 and QL1 failing to achieve a high quality of design that sensitively respects its setting.

Impact on the Important Landscape Approach to Southborough

11. TWBC Local Plan Policy EN20 aims to protect important landscape approaches and does not permit development, which would materially detract from the contribution that the approach makes to the locality. A key feature of the pedestrian footpaths in Southborough is that they are constructed using traditional brick paving to maintain the high quality of character and appearance of the locality. If Members are minded to permit the application, I would consider it necessary for the black asphalt pedestrian path to the Sunrise Centre, that is in stark contrast to the surrounding area, be replaced with traditional brick paving that is used on Southborough' existing footpaths in order to minimise the obtrusive nature of the development. This is also especially relevant, as the pathway section of the development forms part of the Southborough Common.
12. TWBC have raised objections to the development on the grounds of the width of the access road and that it is out of keeping with other access roads leading off London Road. I am of the opinion that the new road is visibly larger than it was prior to widening. However, I consider it difficult to compare it to the cases of other access roads further to the south, as these tend to be for use by one or two residential properties. Whereas this development services the needs of the Meadows School and the new Sunrise Centre for which use is at much a higher level.
13. Prior to the widening of the access road, there was no pedestrian footpath and there was not sufficient space for vehicles to pass side by side without driving on the grass verge and Southborough Common Land. I consider that there is some strong justification for widening of the access road, as continued damage to Southborough Common is not acceptable, coupled with the fact that there was no permanent pedestrian footpath leading from London Road. Objections received stated that there is no justifiable need for a footpath to the Sunrise Centre on grounds of necessity and detriment to the landscape, I do not share these views. There is already a pedestrian footpath along the length of London Road and prior to this development it ceased at the bottom of the access road resulting in pedestrians and wheelchair users having to be pushed along a narrow access road sharing it at busy times with two way traffic.
14. I do not consider the principle of a pedestrian footpath adjoining the access road as being in conflict with Development Plan Policy; however, I do consider the current

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pedestrian footpath to be contrary to Development Plan Policy on account of the materials used and its inconsistent width. The construction of the widened access road has resulted in uneven verges and any level imbalance between the kerb and grassed areas should be infilled with topsoil and re-seeded to reproduce the same gradients that were evident prior to the development. On balance, I therefore consider that there is a justifiable requirement for an improved access road but I do not consider the development in its current form is acceptable.

Conclusion

15. In conclusion, I consider that there is justifiable need for an improved access road and pedestrian footpath but the current development is not acceptable and is in contravention of Structure Plan Policies SP1, QL1, QL6 and Policies EN1, EN5, EN20 and EN21 of the adopted Tunbridge Wells Borough Local Plan 1996. I am of the opinion that the development significantly detracts from the character and appearance of the locality and that the materials used do not enhance or preserve the Southborough Conservation Area. The actual widening of the access road is not considered excessive and out of character with the Conservation Area and street scene but the addition of the pedestrian footpath in its current form is deemed to be detrimental. The pedestrian footpath on the rest of the site measures around 1.2m whereas in parts along the new access road it measures up to 2m, a width of around 1.2-1.5m would be considered more acceptable as would the visual appearance if traditional brick paving was used in place of black asphalt.

Recommendation

I RECOMMEND that PLANNING PERMISSION BE REFUSED ON THE FOLLOWING GROUNDS

- i. The development is contrary to Structure Plan Policies SP1, QL1 and QL6 and Tunbridge Wells Borough Local Plan Policies EN1, EN5, EN20 and EN21 given the scale, materials used and poor landscaping of the development and the effect that it has upon the Southborough Conservation Area and the Important Landscape Approach to Southborough.
- ii. Due to the retrospective nature of the application the applicant be advised to take urgent steps to regularise the breach of planning control and that the matter be referred to the Council's Regulation Committee.

Case officer – Adam Tomaszewski	01622 696923
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Background documents - See section heading
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