

MILLIKEN & COMPANY
CHARTERED SURVEYORS AND TOWN PLANNERS

SHEPHERD NEAME LTD

**LAND ADJACENT TO THE RED LION PH, LOWER GREEN ROAD,
RUSTHALL, TUNBRIDGE WELLS, KENT TN4 8TW**

**ERECTION OF 3 TERRACED HOUSES; NEW VEHICULAR ACCESS;
PEDESTRIAN ACCESS; CAR PARKING; BIN STORE; HARD AND SOFT
LANDSCAPING; AND ASSOCIATED WORKS**

SUPPORTING PLANNING STATEMENT

DATE: NOVEMBER, 2018

REF: SM/1

1. INTRODUCTION

1. We are instructed by Shepherd Neame Ltd to submit a full planning application for the erection of a small terrace of Victorian style brick-built cottages with slate roofs (3 x 3 bedrooms) on surplus land to the side and rear of the Red Lion PH, Rusthall (2,355 sq m). The proposals would involve a new vehicular access, with waiting space, from Lower Green Road and replacement pedestrian access with steps leading up from the main road to a new communal garden area and car parking to the front of the proposed houses (south). Provision is made for 8 car parking spaces and the turning of vehicles, including delivery lorries and vans.

2. A key consideration in the proposal's design has been the juxtaposition of the new housing with the Red Lion PH, coach house and existing beer garden area (to rear of coach house). In this regard, the proposals have been sited and designed to minimise any potential impact from noise emanating from inside the public house; small car park; or beer garden behind the coach. Further, the proposals have been sited and designed to minimise their impact on the setting of the Red Lion PH (Grade 2 listed) or the row of Victorian cottages, opposite the site on the south side of Lower Green Road (Nos. 55 – 63 Lower Green Road) (Grade 2 listed).

3. We can confirm that the planning application proposals were the subject of a pre-application site visit with TWBC Planning and Conservation Officers in mid 2017, which included a pre-application letter of advice dated 28th September, 2017. A second pre-application meeting was held with TWBC Planning and Conservation Officers in early 2018, with a follow up pre-application letter of advice dated 28th February, 2018. A parallel pre-application submission was made by RGP Highway Consultants to KCC Highways in late 2017, with a resulting pre-application letter of advice dated 20th December, 2017. A meeting has also taken place between Shepherd Neame Ltd and Rusthall Parish Council on the 26th March, 2018 to discuss the development proposals. The Red Lion PH has recently been let to new tenants on a 15 year lease within the Landlord & Tenant Act, 1954 (which confirms that the lessee has rights of renewal), free of tie on wet products, as a pub serving the local community which should improve its commercial viability.

4. The preparation of the planning application proposals has involved the following team of consultants:

- Milliken & Company – Planning Statement;
- CDP Architects – Site layout plans and elevations;
- ANS – Topographical Survey;
- RGP – Highway Consultants / The Safety Forum;
- Hann Tucker – Noise consultants;
- Heritage Collective – Heritage Assessment;
- Ecology Solutions Ltd – Habitat 1 & 2 Ecological Assessment;
- Cantia Arboricultural Services – Tree Report

2. SITE AND SURROUNDING AREA

5. The existing site area is 2,355 sq m. The proposed development area for housing is 1,300 sq m. The area to be retained for Public House use would be 1,055 sq m (Class A4 Drinking Establishment). The site is located within the built-up area of Rusthall, Tunbridge Wells at the junction of Lower Green Road and Ashley Gardens. Rusthall is an important, vibrant local community in its own right which covers a wide area (including Toad Rock, Deny Bottom) with a good range of shops, cafes, pubs and services located approximately 1 km from the site along Rusthall High Street. Lower Green Road once formed an important local route in which the Public House benefited from large amounts of passing trade – hence its previous use as a hotel. Lower Green Road is now no more than a local distributor road connecting Rusthall with Speldhurst Village to the north-west. The small nucleus of Victorian cottage buildings located within the vicinity of the Red Lion PH is set against the background of a large housing estate to the west of the site constructed in circa 1960's / 1970's.

6. The Red Lion PH is a Grade 2 listed building (List entry Number: No. 1084448) which was listed on the 7th June, 1974. The details state that:

'Lower Green Road 1. 1746 (East Side) The Red Lion PH. 2. Early C19. 2 to 3 storeys. The ground floor is of Tunbridge Wells stone and some brick. The upper floors are tile hung. Tiled roof. 1-3 light casement on the right hand side of the 1st floor, 2 sashes on the left hand side and casements on the ground floor. Door case with wooden hood on brackets. The left hand side has 4 sashes and an outside chimney stack.'

7. As described above, the Red Lion PH is a prominent part 2 / part 3 storey building which abuts the back of the pavement line along Lower Green Road. The main entrance into Red Lion PH is from the building's main return frontage from the small macadam car park area (circa 8 spaces). Importantly, the Red Lion PH is set into the site to the rear at a level of about 5 to 7 meters in which views of the building from this location facing south-westwards are significantly diminished. The main windows to the Red Lion PH bar area face into the car park area and Lower Green Road. There have no complaints from local residents as to noise and disturbance issues.

8. At right angles to the return frontage of the Red Lion PH is an attractive 2 storey, brick built 2 coach house with slate roof, which is currently used for storage purposes by the new lessees. The building forms part of the historic setting of the Red Lion PH in which it not specifically referred to on the listed building extract, but is technically listed on the basis that it falls within the curtilage of a listed building.

9. In terms of outdoor space, there is now a fence between the land to be retained as part of the ongoing operation of the Red Lion PH and the proposed planning application site. The Red Lion PH land now comprises a small elevated garden immediately to the rear of the public house with access through to the beer garden area behind the coach house. There is also a small covered terrace area running along the length of the pub's western front elevation with the car park area. In the past, the demise of the Red Lion PH also included the overgrown pub garden area fronting Lower Green Road (above the rock embankment) and a rear beer garden – which was generally underused due to the distance from the main bar area.

10. Running along the site's Lower Green Road frontage is a 2 meter stone wall with pedestrian gateway. Behind the wall is a narrow 2 metre strip of land which contains a number of dilapidated outbuildings and has become overgrown. This is bounded by the exposed rock outcrop with the roots and stumps of trees still visible along the ridgeline (circa height of 4 metres). There are existing dilapidated steps leading up to the upper part of the site from this area.

11. Running along the site's northern boundary with No.86 Lower Green Road (front garden) are trees and shrubs and a low fence. The boundary of the site with rear garden of No.86 comprises a 2 meter close boarded fence (NB: The boundary line is to be adjusted in Shepherd Neames' favour so as to regularise the landownership position). There is also close boarded fencing along the rest of the site's northern boundary with No.90 and along the site's south eastern boundary with No.37 Shirley Gardens (which backs onto Lower Green Road).

12. As previously stated, the Red Lion PH is located very much at the apex of Lower Green Road and Ashley Gardens which adds to its prominence as part of the street screen. The open land to the south east of the Public House is at a higher level to the

row of cottages opposite the site (Nos.55 – 63 Lower Green Road). These cottages are also Grade 2 listed (List entry Number: 1338836). The listing extract states that:

‘Lower Green Road 1. 1746 (West Side) No 55 to 63 (odd). An early C19 terrace. 2 storeys. The ground floor is of red brick with some grey headers, the 1st floor is tile-hung. Tiled roof with 3 brick chimney stacks. 7 casement windows in all. Simple batten doors in moulded architraves. Nos 55 to 63 (odd) form a group.’

13. In summary, it can be seen that the site is located within the built up area surrounded by existing housing of which the closest housing to the site was built at roughly the same time as the Red Lion PH (both of which are Grade 2 listed). The Red Lion PH is to be retained on site and occupies the lower part of the site – with the main windows from the bar area facing towards Lower Green Road and the small car park area. A small beer garden is to be retained and improved behind the coach house building.

3. DEVELOPMENT PROPOSALS

14. Post several discussions with TWBC Planning and Conservation Officers, it was agreed that a small terrace of 3 Victorian 'style', 2 storey cottages (3 bed) would represent the best design solution for the site, mirroring to a large extent the Victorian cottages built at the same time as the Red Lion PH along the south side of Lower Green Road and other Victorian cottage buildings located at the heart of this former hamlet a short distance from Rusthall Village. As such, the development of the site represents a small infill development as may have come forward at the time of the hamlet's evolution in the nineteenth century.

15. The terrace of 3 Victoria style cottages have been sited so as to minimise their impact on the setting of the Red Lion PH and Lower Green Road cottages whilst recognising that the proposed terrace would contribute to the character and appearance of the prevailing townscape pattern. The proposed terrace would be set back from the back pavement line of Lower Green Road by 32 meters (mirroring the same set back as houses that back onto Lower Green Road) but has been designed to directly front onto the main road frontage. The footprint of the proposed terrace is 695 meters GEA (which constitutes circa XXX% site cover) in which the GIA for Units 1 to 3 is 99 sq m; 98 sq m and 106 sq m respectively. The terrace would have a ground to eaves height of 4.9m; 4.75m; and 4.6m respectively and a ground to ridge height of 8.4m; 8.25m; and 8.1m respectively, plus chimney stacks. On the basis that the proposed terrace would be 3.5m to 4.5m above the height of Lower Green Road (rock embankment), it would not be visible in the street scene from passing cars or pedestrians.

16. The siting of the proposed terrace means that there would be significant separation between habitable room windows (ground and first floor) facing Lower Green Road and the habitable room windows of properties opposite the site at a much lower level (Nos 55 - 63 Lower Green Road). In terms of those properties to the rear of the proposed terrace (Nos 55 - 63 Lower Green Road), it is evident that none of the rear facing windows would face directly towards one another (given that the proposed terrace would be at right angles to these existing properties), in which there would be circa 25 meters separation between Unit 1 first floor windows and the rear of No.86

Lower Green Road at a 45 degree angle. Scope exists to create a new fence line between Units 1 and 2 (part) and No.86 Lower Green Road to prevent overlooking of the existing and proposed rear garden area – say close boarded fencing with trellis work above.

17. A key component of the development proposals will be the new vehicular access from Lower Green Road at a gradient of 1 in 10, including a widened section to allow vehicles to wait pending passing of exiting vehicle and the requisite visibility splays (pedestrian and vehicular). Careful attention to detail will be paid to the access road's design in terms of hard and soft surface finishes (retaining walls; road surface etc) to ensure that it represents a very attractive feature of the housing scheme whilst meeting all relevant development control and design standards. Importantly, the existing stone wall will need to be dismantled and rebuilt along the site's Lower Green Road frontage to enable the necessary right turn visibility splay to be provided (*Check – we need a scale drawings for these works*). Within the remaining strip of land fronting Lower Green Road (behind the reconstructed stone wall) will be a new bin store serving all 3 houses – with access from both within the site (via stone steps to be restored) and from Lower Green Road (via existing gateway to be restored) . The existing pedestrian access from Lower Green Road and stone steps leading up into the site will be repaired and restored to become an attractive design feature of the scheme proposals.

18. Space exists to provide a parking area for up to 8 cars, including 2 spaces along side of Unit 1 under an attractive canopy. This area also provides sufficient space for the turning of vehicles, including delivery lorries which can back up into the reversing space along side Unit 3 and exit the site in forward gear. Once again, special attention will be paid to the surface treatment of the car park area (compressed bonded gravel) to ensure that it represents an attractive design feature. A key feature of the development proposals will be the provision of a lovely communal garden at the front of the site which will be planted out with small native trees and shrubs so as to create a soft green space for informal recreational use by new residents, whilst also providing additional screening along the site's road frontage (stone embankment).

19. The proposals will necessitate new improved fencing along the site's northern and eastern boundaries. In terms of the existing beer garden area to the rear of the coach house (to be retained) it is proposed that existing planting along the boundary with No.86 front garden area will be strengthened and new acoustic fencing provided if necessary. Further, a new 2 meter acoustic fence is proposed between the beer garden and Unit 1 rear garden area. A new picket fence with arboretum above (creating a soft feature) is proposed along the boundary between the Red Lion PH (tenant's garden) and the proposed development (front car parking / communal gardens) running between the coach house and the public house.

4. PLANNING POLICY CONTEXT

20. The prevailing planning policy context to the site is set out in detail in the attached Planning Policy Statement. Importantly, the development proposals fall within the curtilage of a Class A4 - Drinking Establishment which constitutes 'Previously Developed Land' within the built-up area of Tunbridge Wells.

21. Furthermore, it is evident from the prevailing policy context (comprising the Adopted Tunbridge Wells Borough Local Plan, March 2006 (Saved Policies) and the Adopted Core Strategy, June 2010) that relevant policies relating to housing land supply are technically 'out-of-date' on the grounds that TWBC only has 2.46 Years Housing Land Supply (NPPF Para 11 d) (TWBC Five Year Housing Land Supply and Housing Trajectory, February 2017 – Para 10). For this reason, the 'tilted balance' is relevant in this case in which there exists a presumption in favour granting planning permission for sustainable housing development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF, July 2018 taken as a whole; namely; the provision of housing on the site represents a significant material benefit of the development proposals.

22. In terms of the development proposals impact on the setting of a listed Public House and a listed row of cottages opposite the site, it is evident that where this has been assessed to result in 'less than substantial harm to the significance of a designated heritage asset' this can be outweighed by the public benefit of the development proposals – which, in this case, relates to the provision of new housing on the site to help meet TWBC's shortfall in housing land supply. .

23. In terms of other relevant local plan policy criteria, it is evident from the submitted full application plans and drawings and the supporting planning application documents that the development proposals would not give rise to any adverse development control or design issues relating to loss of privacy; overlooking; scale / height / massing; and noise. The proposals have been designed to conform with the character and appearance of the local area.

24. In terms of the proposed access arrangements into the site from Lower Green Road, it is evident that NPPF Para 109 states that *'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

25. In summary, it is evident that the development proposals are acceptable in terms of the prevailing planning policy context, in which a shortfall in housing land supply would override the 'less than substantial impact to the significance of a designated heritage asset..

5. MAIN PLANNING CONSIDERATIONS

26. The main planning considerations in this case can be summarised as follows:

1. The extent to which the development proposals will cause harm to the setting of the Red Lion PH and other listed buildings within close proximity to the site;
2. The extent to which the development proposals would have a negative impact on the commercial viability of the Red Lion PH;
3. The extent to which the development proposals would be unacceptable in terms of relevant highway considerations;
4. Whether there are any public benefits arising from the development proposals that would outweigh any heritage impact or other harm

(i) Whether the development proposals will cause harm to the setting of the Red Lion PH and other listed buildings within close proximity to the site

27. In accordance with advice provided by the Heritage Collective in relation to this matter, it is evident that the Red Lion PH is an attractive 2 and 3 storey building and coach house which was constructed in the early C19th as a former hotel serving the wider travelling public on a principal route into Tunbridge Wells. It is understood that Nos. 55-63 Lower Green Road were also constructed around this period (possibly serving as staff cottages to the hotel) along with Home Farm. Together these buildings formed a small hamlet surrounded by open countryside.

28. It is evident that the Red Lion PH is set into a rock embankment forming the course of Lower Green Road (probably widened in early C19th) in which the Public House and Coach House are about 3 to 4 meters below the surface level of the undeveloped part of the site located to the east. As a consequence of the rock embankment and change of levels, this large plot has remained undeveloped whilst all around the site there has been new housing development constructed in the C20th.

The site has become subsumed by the village of Rusthall which in turn has become subsumed by Tunbridge Wells built up area.

29. It is evident that Lower Green Hamlet once sat in open countryside, in which the open land forming the Red Lion PH plot formed part of a rural green backdrop along the north side of Lower Green Road. In this regard, it is evident the 'garden area' to the Red Lion PH was never laid out as a formal garden or as important green space within the hamlet (as existed in part at the road junction opposite the Red Lion PH).

30. In accordance with the Heritage Collective's assessment work, it is evident that the development proposals would be built on the least sensitive part of the 'garden area' to the rear of the site which shares a stronger relationship with the more recent housing development constructed on its borders (previously forming open countryside). In so doing, views of the Red Lion PH from Lower Green Road would be still seen against the backdrop of green space to be retained as communal gardens along the front part of the site (embankment) fronting Lower Green Road. In contrast to the current position, scope exists to significantly enhance this existing green space by new planting (trees and shrubs) to the benefit of the street scene. Combined with improvement works to the boundary wall; new vehicular access provisions (including new planting along retaining walls); and improvement works to the existing pedestrian access and steps, it is evident that a very attractive street frontage can be created.

31. In protecting the existing green space to the side of the Public House, the street scene views between the Public House and the cottages on the south side of Lower Green Road would also be protected (both directions), in which the proposed communal gardens and planting would also serve to protect outward facing views between the Lower Green Road cottages and the new housing development. In fact, it is evident the development proposals would not be visible within the street scene when viewed from the Lower Green Road frontage at pavement and road level (for passing cars and pedestrians). Further, the siting of the development proposals means that the visual relationship between the Red Lion PH and the coach house (when viewed from the west) would be retained.

32. Post submission of the Heritage Collective's Assessment Report to TWBC and receipt of Pre-Application advice dated 28th February, 2018 it is evident that Planning and Conservation Officers have accepted that *'the area of land in which it is now proposed to locate the new houses has a minor role in the significance of the pub, and very little role in the significance of the listed terrace or Home Farm'*. The Pre-Application advice continues that Heritage Collective's assessment *'sets out the reasons (section 4.2) why such a proposed development could be considered to result in less than substantial harm, and again in principle the Conservation Officer agrees with these, subject to the details of the application which could be considered mitigation of the visual harm'*.

33. In summary, it is evident that it is both the view of the Heritage Collection and TWBC Planning and Conservation Officers that the development proposals would result in *'less than substantial harm'* (NPPF 196) to the significance of the Red Lion PH, in which the actual harm would be at the lower end of this spectrum. As such, it is important to consider whether this 'harm' by the public benefit of providing new housing on the site (See below).

(ii) The extent to which the development proposals would result in a negative impact on the commercial viability of the Red Lion PH

34. In accordance with Shepherd Neame's statement on this matter, the Red Lion PH, as with many pubs across the country, has previously struggled to attract local custom, with a decline in wet trade sales (due to competition from the supermarkets; the smoking ban; and decline in alcoholic drink consumption) and increased competition in the pub food market. Rather than dispose of the Public House, Shepherd Neame has recently let it on a long lease to new tenants, thereby providing the new landlords with increased security of tenure and enabling them to invest more money on improvement works. Further, the pub is now free of tie enabling the tenants to increase the amount of money they earn.

35. In terms of the future, the beer garden area to the rear of the coach house will continue to function as the pub's main beer garden area for drinks and food along with the attractive terrace area abutting the car park. It is proposed to erect an acoustic

fence between the coach house beer garden area and the rear garden of Unit 1 and if necessary, provide new fencing between the beer garden area and the front garden of No.86 Lower Green Road. The small garden area immediately to rear of the pub's backdoor at first floor level will remain in tenant use only.

37. In terms of the development proposals impacting upon the Public House's ability to play live / recorded music, the pub is located within a quiet residential neighbourhood where there are already restrictions in terms of noise levels due to housing being directly opposite the main bar area (with windows fronting the street) – a distance of about 6 meters. Against this background and in light of the fact that none of the main bar windows will face towards the proposed residential development, the development proposals should not in any respect curtail the activities of the pub beyond that which currently exists.

38. In accordance with the noise assessment work carried out by Hann Tucker Noise Consultants, it is evident that both external and internal noise levels for the development proposals (with both pub windows and new house windows open), will not exceed the noise thresholds set by British Standards (day time) (07:00 – 23:00) in which no playing of live music is allowed beyond 23:00hrs (Premises Licence – 06/00494/LAPRE/2270). Further, the continued use of the existing beer garden area to the rear of the coach house will not exceed external or internal noise levels for the development proposals with windows open, in which noise levels can further mitigated by the provision of acoustic fencing. The same applies to No.86 Lower Green Road.

39. With regard to existing plant located on the rear side of the Public House, the Hann Tucker report recommends that the cellar condenser should be contained within an acoustic enclosure and the kitchen extract fan should be fitted with an attenuator.

40. In accordance with the NPPF Para 180 Agent of Change principle, the development proposals will be designed in any event to reduce noise emanating from the local area, which could in this case include double glazing and mechanical ventilation if so required.

41. In summary, it is evident that Shepherd Neame has sought to retain the Red Lion PH as an ongoing viable concern in which the past loss of the rear beer garden area has not affected the continued operation of the Public House – the existing beer garden area to the rear of the coach house and the terrace area being more than adequate to meet the pub’s requirements for outdoor space during the summer months. Further, the development proposals would be located some distance away from the main bar windows in which the playing of live music would not be restricted beyond that which currently exists due to the close proximity of housing on the opposite side of Lower Green Road. Mitigation measures are to be put in place to screen out noise from plant on the rear side of the pub. Similar, the development proposals would be fitted with double glazing and mechanical ventilation if required to screen out latent noise emanating from the local area.

(iii) The extent to which the development proposals would be unacceptable in terms of relevant highway considerations

42. There has been an extensive dialogue between RGP Highway Consultants and KCC Highways with respect to the proposed means of access into the site. Following a request for Pre-Application advice dated the 13th November, 2017, KCC Highways issued a Pre-Application letter of advice dated the 20th December, 2018. In response to this letter, RGP submitted further comments to KCC Highways dated 14th June, 2018. In response to KCC Highways email dated 20th July, 2018, RPG submitted further comments to KCC Highways dated 6th August, 2018.

43. In summary, it is evident from the travel survey data produced by RGP that traffic levels on Lower Green Road are ‘very light’ with 2 to 3 traffic movements per minute in each direction at peak AM and PM periods. This is because Lower Green Road becomes a rural lane at this point (north bound). Against this background, RGP traffic survey work has recorded traffic speeds of 19.1mph eastbound and 24.6mph westbound either side of the proposed access point resulting in a need for an ‘x’ dimension of 2.4 meters and a ‘y’ dimension of 26.7 meters (right turn) and 28.3 meters (left turn) based on the near side vehicle track (as per Manual for Streets 2 advice). Even if measured to the nearside kerb line, it would be possible to achieve a 22 meter ‘y’ distance which is still in excess of the 21 meters needed for a 19.1mph

traffic speed. In response to KCC Highway concerns about taking measurements on a curve in the road (in which RGP measurements are in accordance with the requirements of DMRB TA 22/81), RGP has calculated that the travelling speed of a car at the end of the right turn visibility splay would be 20.56mph which would require a wet weather 'y' distance of 21.9 meters – which is still less than the proposed 'y' distance of 26.7 meters. On this basis, RGP has confirmed that the proposed visibility splays meet relevant technical standards. Further, that the proposed right turn visibility splay meets relevant technical standards in terms of cyclist in which RGP confirm that a cyclist would need to be travelling more than 18mph around the bend heading uphill not to be visible to a motorist waiting to exit the proposed access.

44. RGP Pre-Application submissions and subsequent email exchanges confirm that the proposed new access has been designed in accordance with Kent Design Standards, 2006 for a 'shared private drive' for between 2 and 5 houses. Following KCC Highway concerns, the width of the access has been increased from 3.0 meters to 4.1 meters to allow cars to pass. The proposed gradient of 1 in 10 also meets standards for the site entrance area. Further, the layout would allow for a fire tender to turn on site and exit in forward gear.

45. With respect to the above, it is evident that the development proposals would not give rise to an unacceptable impact on highway safety, in which the residual cumulative impacts on the road network would not be 'severe' (NPPF Para 109). Importantly, an independent Road Safety Audit carried out by 'The Safety Forum' has confirmed that no safety issues were observed during a Stage 1 Road Safety Audit of the access proposals (carried out on the 12th and 13th March 2018).

(iv) The extent to which the development proposals would be unacceptable with respect to other development control and design considerations

46. Following Pre-Application discussions with TWBC Planning and Conservation Officers, a terrace of 3 domestic-scale, Victorian style cottages with pitched roofs is considered to represent the optimum design solution for the site, mirroring the Victorian cottages opposite the site on the south side of Lower Green Road.

47. The terrace has been sited to appear unobtrusive in terms of the setting of the Public House whilst also creating sufficient separation between the proposed houses and the Public House in terms of the pub's activities. Particular care has been taken to ensure that the habitable room windows of Unit 1 do not overlook the habitable room windows / backdoor of No.86 Lower Green Road at ground and first floors (in which it can be seen that No.86 falls outside the 45 degree splay from Unit 1 first floor gable end window). Units 2 and 3 do not give rise to any privacy issues in terms of overlooking. Further, there would be no overlooking / loss of privacy issues between the Public House rear windows (set into the rock embankment) and the front facing habitable room windows of the proposed development. Further, there would no overlooking / loss of privacy issues between the front facing windows of Nos. 55-63 Lower Green Road and the front facing windows of the proposed development.

48. In accordance with arboricultural advice received in connection with the site, poor quality Sycamore trees located on the site's eastern bound are to be removed – which in turn will provide more light to houses to the east. The large mature Sycamore Tree and Red Oak located between the existing beer garden area to the rear of the coach house and Unit 1 are to be retained with measures put in place for their protection (canopy and RPZ). Part and parcel of the scheme proposals will be a comprehensive planting scheme comprising native tree species; specimen trees and shrubbery.

49. In summary, a well designed, high quality, attractive housing scheme can be developed for the site which contributes to the local townscape character of Lower Green Road.

(v) Whether there are any public benefits arising from the development proposals that would outweigh any heritage impact or other harm

50. The key public benefit of the development proposals is the provision of 3 x 3 bedroom family size houses located within the built up area in a sustainable location on previously developed land.

51. Importantly, significant material weight must be applied to this public benefit on the grounds that TWBC is failing by a significant margin to meet its 5 Year Housing

Land Supply (YHLS) requirements, in which the Council's latest 'Five Year Housing Land Supply and Housing Trajectory 2017 (1st April, 2017 to 31st March, 2022), dated February 2017 confirms that there is only 2.46 years supply when applying a 20% buffer (which is in accordance with the new NPPF for under performing Local Authorities in terms of housing land supply over a previous 3 year period) (NPPF Para 73).

52. As such, the shortfall in housing land supply means TWBC housing policies are out of date in which a 'presumption in favour of sustainable development' currently prevails within the Borough. In applying the 'tilted balance' the material weight to be applied to the provision of new housing on the site would outweigh the 'less than substantial harm' to the setting of the Red Lion PH (which would be 'minor'); any KCC Highway concerns in terms of the proposed access arrangements with respect to highway safety which, it can be seen, meets relevant technical standards set out in Manual for Streets and the Kent Design Guide 2006; and any concerns regarding the Public House's future commercial viability (due to a reduced beer garden area and the ability to play live music within a residential area).

(vi) Whether the grant of planning permission would be in accordance with the development plan and if not whether there are material reasons to indicate otherwise

53. It is evident that the planning application site constitutes a small infill plot; within the built up area; surrounded by housing; on surplus land within the curtilage of a Public House which constitutes previously developed land. Further, that the proposed development would reflect the character and appearance of the Red Lion PH and existing Victorian cottages built in the immediate vicinity of the site and would not detract from the setting of these listed buildings – the new housing would not be visible within the street scene in which the existing garden area adjacent to the Public House would be protected as a communal green space with additional trees and shrubs.

54. Against this background, TWBC is failing to meet its 5 YHLS requirements in which a presumption in favour of sustainable housing development currently exists

within the Borough. The public benefit of providing new housing carries important material weight ('tilted balance') when considering whether there are any adverse impacts arising from the development proposals which would rule against it being permitted.

55. The absence of a 5 YHLS means that TWBC's housing policies are 'out of date' in the context of the NPPF, in which other policies relevant to the development proposals determination need to be considered in the balance to see whether they would rule against planning permission being granted. The site is not subject to any national or local designations in terms of relevant landscape and ecological designations.

56. In terms of the saved policies of the Adopted Tunbridge Wells Local Plan, March 2006, it is evident that the development proposals are in conformity with Policy H5: Making the Best Use of Land and Buildings within Limits to Built Development (Part 3) which refers to support for (i) infilling and (ii) the redevelopment of existing development sites. In terms of Policy EN1: Environment, it is evident that the proposals would not cause significant harm to the amenities or the character of the area in terms matters such as noise and excessive traffic generation; the proposals would not harm the residential amenities of adjoining occupiers; the proposals would respect the context of the site in terms of site coverage, external appearance, roof scape, materials, landscaping and energy efficiency; the proposals would not result in the loss of features important to the character of the built up area; there would be no adverse impact on nature conservation; people's security would be taken into account; and the proposals would meet access for people with disabilities.

57: Policy TP4 relates to Transport. In this regard, it is evident that Lower Green Road is lightly trafficked in which there is adequate highway capacity to accommodate the traffic generation of 3 new dwellings; the proposed visibility splays meet highway standards; and as such would not result in an increased risk of accidents. These are matters which have been fully discussed with KCC Highways as part of the Pre-Application process.

58. With respect to the Adopted Tunbridge Wells Core Strategy, June 2010, it is evident that the development proposals are in accordance with Policy SD2: Sustainable Development which supports the maximum use of Previously Developed Land; Core Policy 1: Delivery of Development which states that priority will be given to the allocation and release of Previously Development Land; Core Policy 4: Environment which supports the protection of the Borough's locally distinctive sense of place and character, including the protection of listed buildings settings; and Core Policy 9: Development in Royal Tunbridge Wells which states that new development must conserve and enhance the heritage assets of the town.

59. In summary, is evident that the development proposals are in accordance with National and Local Plan policy in which there are no adverse impacts which would outweigh the significant public benefit of providing new housing on the site.

6. CONCLUSIONS

60. In conclusion, it is can seen that the material weight under the 'tilted balance' to be applied to the public benefit of providing new housing on the application site outweighs the minor impact the development proposals would have on the setting of the Red Lion PH (Grade 2 listed) / Nos. 55-63 Lower Green Road (Grade 2 listed); the loss of beer garden land in terms of the ongoing viability of the Public House; and other matters relating to noise and highway safety. In the absence, therefore, of any adverse impacts mitigating against the development proposals being allowed, there is a strong case for granting planning permission in this instance.

SM/1 14.11.18