



19 September 2022

**Former ABC Cinema site, Planning Application Ref. No: 22/02304/FULL |**  
Received: Mon 01 Aug 2022 | Validated: Tue 16 Aug 2022 |

The Strategic Planning Working Group of the Town Forum registers an Objection to this application and recommends that the Council recognise the grounds for the objection and opt for a rejection. The grounds for the objection follow:

### **1. POLICY.**

The proposed project does not align with NPPF regarding ensuring the vitality of town centres. Nor does the application follow the uses which have been identified in the draft Local Plan. Furthermore an approval of this proposal would remove an essential site from consideration in the currently progressing work of the Council in developing a vital Town Centre Area Plan.

Section 7 of the NPPF deals specifically with 'Ensuring the vitality of town centres'. The current allocation of Mixed-Use and Residential to the application site aligns with advice in that Section. Whilst the applicant makes every effort to suggest that the population of this proposed building would be sprightly as well as culturally and socially active within the town centre, it should be clear enough that their need for and dependence on in situ support facilities defines this group as less vital and active than the Mixed-Use and C3 residential population foreseen in the draft local plan. Accordingly, and at a time when the restoration of town centre vitality is an open concern, there is no justification for the applicant's proposed change to C2.

It should be noted that during the recent Local Plan Public Examination, the Inspector concluded that this was a key site where a high quality design was desired and a list of desired and acceptable uses should be defined. The Inspector felt that there was a danger that the Plan might be informed by an application that had not even been formally made at the time of the Examination and that there should perhaps be a step back on such a key site. In the allocation, TWBC should state the uses that they wanted to see in that location, including if desired such uses as a cinema.

The Town Centre plan remains incomplete in the Draft Local Plan. In response to this and to the very apparent effects of the pandemic and online shopping on retail use in the Upper Town, the Council has formed a working group to consider the Town Centre Area Plan. Its remit is to find and evaluate measures for revitalising the Town Centre.

The former cinema site is an essential element within the area and must remain available for Mixed Uses and C3 residential.

## **2. NEED.**

The draft Local Plan paragraph 6.359 foresees a need within the borough for an additional 267 extra-care units in the period to 2038. The application proposes 166 such units which amounts to 66% of the stated need. Moreover, already approved or submitted projects in the borough will meet the specified need. Thus, the proposed application for 166 units represents an oversupply and therefore brings with it no justification of need and the proposed change from Mixed-Use with C3 Residential to C2 Residential.

## **3. INACCURACIES AND AMBIGUITIES IN THE SUBMITTED AND VALIDATED DOCUMENTS.**

Some validated documents fail to allow the public an understanding of key aspects of the proposed project by using unsuitable materials and obscure content.

### i) unsuitable section drawings

The sectional elevation in Sections Sheets 1 – 3 are not intelligible in giving an understanding of the relationship of the proposed project to its neighbours with particular regard to a necessary understanding of relative heights. In some cases, these drawings properly include the adjacent and neighbouring buildings but there is an absence of a proper differentiation of the lines and this lack of differentiation in the line weights makes an understanding of comparable height impossible. In other cases, important surrounds are excluded. The very purpose of these drawings is to provide an understanding of the physical relationship of the proposals with their existing surrounds, including their comparable height. Because questions about a suitable height and scale for the proposals have formed so much of the public debate around this application, these deficits in the drawn materials are damaging to the process itself.

Reference should be made to Section 1-1 , which does not show the neighbouring buildings on the opposite side of Church Road and thereby the relationship with the Trinity group of buildings is missing. Section 2-2 does not show the relationship to the 'cote restaurant' row, nor to the corner element of the Town Hall , nor to the chimneys and ridge lines of the Lloyds Bank. None of the sections or sectional elevations show the height relationship of the proposals to the line of buildings to the south of the application site which make up the present street elevation to Mount Pleasant. None of the drawings show the two most telling sections of all, namely the one which should have been taken diagonally from the tall element of the Town Hall across to the application site with the Trinity group as the background sectional elevation and the other, on the same section but in the opposite direction, showing the Town Hall, the Lloyds building and the proposals. These two sections are so important in the representation of the application that they should have been produced and added. The CGI drawings do not suit these needs because they are only selective impressions.

### ii.) incorrect figures in the Heritage Report.

For the period August 16th – September 12th the Heritage Report has not been understandable because many, but not all, of the figures used to illustrate the written report had been inexplicably reversed or mirrored or both, making the associated report generally inaccessible and unreliable. These errors were corrected by September 13th. Time for consultation should therefore be extended for the duration of this error since validation by the Planning Department on 16th August appears to have been invalid.

Furthermore the website should make a clear notification of the error and the adjusted timing for the delivery of objections.

#### **4. PROPOSED USE ON THIS SITE.**

This site is not suitable for age-restricted residential use C2

C2 Use Class relates to the provision of residential accommodation and care to people in need of care. The application proposes a shift from Mixed-Use and C3 residential. So, being aware of the proposed category of resident, it is proper to consider the appropriateness of the site itself to that category. In this matter there are characteristics which do not suit a C2 residential user group.

The site sits at the summit of Mount Pleasant where the public realm levels off to form a kind of plateau on which most of the centre of the upper town sits. Calverley Grounds, at the foot of Mount Pleasant, are the nearest open space with amenities to the application site. The railway station is adjacent. Whilst the applicant has emphasised the likely sprightly physical condition of future residents, it should be noted that the necessary descent to or climb from the station and the park involves a long walk on an incline which is steep at 1:12. It would be difficult to find a more onerous climb in the town centre. Whilst very obviously this existing road does not fall within the scope of the Building Regulations, it is useful to refer to Part M of the Building Regulations. Therein are set out notes and design considerations which show that a ramp inclined at the pitch of Mount Pleasant would be unusable, unsafe or very uncomfortable for a large section of the elderly public. So why propose putting those most likely to have real difficulty in this location?

The adjoining site to the west of the application site on Church Road houses a nightclub/late night bar, the Pitcher and Piano. Reference to the plans shows that its party terrace could not be closer. All that should be understood about noise at closing time and the noise emanating from an external party terrace during late hours has not been taken into account in the selecting of this site by the applicant. The application refers to measures to mitigate this noise. However, it needs to be considered that the user group tends to sleep lightly and that the mitigation measures will only have effect if the resident refrains from opening the windows to the apartment.

Related to the above, for those apartments which front Mount Pleasant and Church Road, there will be the normal increase in traffic noise associated with a junction where the braking and starting of cars, heavy vehicles and buses occurs. The application refers to this problem as solved. However, it should be noted that the reported noise mitigation measures are stated with some caution and that effectiveness will rely on residents being content to keep their windows closed.

## **5. COURTYARD AMENITY SPACE.**

There is an unresolved conflict of expectation and function in the proposed courtyard which makes it an unworkable external space.

The courtyard is to serve as amenity space for the resident population. Whilst some residents will be autonomous, others may need to be regularly kept secure from roaming or might not be robust enough to mix with the public. Yet the courtyard cannot be closed to the public because a right of way has been positioned to run through it. In addition to a public right of access, events and engagement with the outside public are planned for this courtyard space and some of the internal spaces which front onto it. However, many of the elderly residents whose accommodation encloses this space, both at courtyard level and higher, will be seeking peace and quiet in order to rest or sleep. These conflicts cannot be resolved within the proposed arrangement.

## **6. RETAIL UNITS ON MOUNT PLEASANT.**

The arrangement and height of the shops is sub-standard.

New shops facing onto Mount Pleasant need to offer an attractive and generous prospect to tenants and customers. The commonly held opinion amongst retailers, agents and architects is that a clear height between finished floor and underside of ceiling in new projects needs to be a minimum of 4m. The reason for this is that the internal space with its décor, lighting and goods must be able to project itself clearly and generously to the outside and to passers-by. It must be able to compete for and draw attention and a lot of this is to do with how much one can see. The west side of Mount Pleasant needs exactly this because it hasn't generally attracted good retail tenants since the closure of the cinema. The applicant reports the clear heights of the 9 units as they rise up Mount Pleasant. Two exceed the minimum standard at 4.742m and 4.244m. The other 7 are sub-standard at 3.739m, 3.295m, 2.994m, 2.550m, 2.700m with 3.100m, and 2.850m. The latter group are not adequate for successful letting or retail performance. The observer need only look at the CGI representations to recognise this immediately. The limited clear height in the shops is due to the chosen position of the closely set back and larger built form of the residential element. Higher shops would interfere with its outlook and terrace access. This matter is covered further below under architecture and urban form.

The shop units are set back from the established building line and are somehow built into the slope to allow access to one pair which forms a necessary but unfortunate set back area which the architect has proposed to occupy with planting – an odd choice in front of shop windows and one which depends on constant upkeep.

## **7. URBAN DESIGN AND ARCHITECTURE.**

The urban form and architecture of the proposals do not enhance the established Conservation Area, nor do they respect the group of closely adjacent listed buildings or the established urban pattern.

The applicant has put forward an arrangement of built form which steps forward as close as the rail tunnel allows to the building line of Mount Pleasant. This does not respect the established urban pattern. The established building line in the rest of the run of Mount Pleasant is characterised by single storey or modest two storey buildings all the way to and including the station. The designers of Mount Pleasant House understood this too in placing their building in a retiring position behind lower buildings to the street. And the ABC cinema designers understood it, placing their mass in a similar position. Over the last 20 years proposals to develop the application site have all sought to bring the mass of the proposals forward and each time have been met with a consistent outcry about the overbearing effect of it all.

The Royal Tunbridge Wells and Southborough Conservation Area Appraisal ( para 9.7.1 ) refers, in relation to the Town Centre, to 'The consistent characteristic of the town centre ( being ) its network of streets, which are defined in most cases by continuous development frontages without particularly strong focal points to draw the eye from the general street scene. Notable groups such as the Opera House, Great Hall or Town Hall complex are the exception rather than the rule, and it is important that new additions or alterations to the street scene retain reserve and do not try to compete unnecessarily with their surroundings.' Whereas the current proposal works against this characteristic in crowding forward as a very tall form compared with its built surrounds. Furthermore, the same Appraisal, taking the part of the town where the application site lies, notes that the area around the junction is characterised by wide streets with development largely stepping back from the pavement frontage.

The proposal becomes a part of an existing group which is made up of listed buildings and steps forward as a large mass which is higher than the Town Hall corner and the Lloyds building. Referring again to the Conservation Area Appraisal, the 'section of Mount Pleasant from Five-Ways down to the junction with Church Road is in many ways the 'centre of gravity' of the town centre. Its civic function is of self-evident importance, and it links the main shopping centre to the lower town centre.' It should not be overshadowed by a looming housing development to its south-west.

In all of the above it is clear that the arrangement and dominance of the forms is at odds with what has been established as the notable characteristics of the Conservation Area and this part of the town.

In terms of the architectural content and expression the proposals are poor in a number of aspects.

A nod to the former cinema's single storey art deco entrance has become a shout for attention and has transformed into a soaring corner treatment reminiscent of the demonstrative blind corners of department stores. The windows are often shadowed by projecting balconies which will reduce their important function of bringing natural light into the dwellings. This is particularly inappropriate for the user group who need much more light than younger people as well as a generous outlook. The right approach should have been facades with larger window openings and using shading devices to mitigate where

needed against solar gain. Thereby the applicant's reasoning that openings must be modest to avoid solar gain is incorrect. The architectural character could have been generous but is instead rather mean. These characteristics, brought together in a building mass which is out of scale with its surrounds are unacceptable.

## **8. TRANSPORT AND ACCESS**

The proposed 'drop off' presents road traffic hazards.

The proposal includes a vehicle drop-off facility to the northeast corner of the site outside the residential lobby area on Church Road. This drop off area will be operated for the residents as an alternative to providing sufficient onsite parking. It will be accessible by cars, taxis, minibuses, and ambulances. Vehicles will enter and leave the drop-off facility within the site boundary. There are regularly road traffic accidents at this road junction. The introduction of a busy drop-off with a wide range of vehicles trying to gain access to a small space so close to the traffic light junction will significantly increase the risk of further accidents. Neither the developers nor KCC seem to have undertaken the junction capacity modelling fully to reflect this risk. In addition, the introduction of a 'drop-off' will make it more dangerous for pedestrians, including the disabled, to access Church Road.

## **CONCLUSIONS**

### **Former ABC Cinema site, Planning Application Ref. No: 22/02304/FULL**

For the substantive reasons related to design and use adduced above, the Town Forum Strategic Planning Working Group objects to this application.

In addition, we have serious misgivings about the failure of this proposal to provide a single benefit to the wider community in the town. A C2 project would escape the obligation to contribute towards desperately needed affordable housing and the viability report proposes that other social benefits to the town in the form of section 106 contributions would not be made.

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