



# ROYAL TUNBRIDGE WELLS TOWN FORUM

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Thursday 22 September 2016

**Attended:** Sally Balcon, David Barnett, Adrian Berendt, Lorna Blackmore, Mark Booker, Beverley Brown, Cllr Peter Bulman, David Bushell, Cllr Mrs Barbara Cobbold, Deborah Cooper (sub), John Cunningham, Andy England, Jane Fenwick, Alex Green, Tim Harper, Dorothea Holman, Michael Holman, Sue Kaner, Linda Lewis, Cllr Peter Lidstone, Brian Lippard, Helen Mitcham, Chris Morris, Altan Omer, Nick Pope, Cllr Catherine Rankin, Cllr James Scholes, Cllr Don Sloan, Alastair Tod (Chairman), Mary Wardrop, Denise Watts, Philip Whitbourn (sub) and Pat Wilson

**TWBC officers present:** Stephen Baughen (Development Manager), Jane Clarke (Head of Policy and Governance) and Mike McGeary (Democratic Services Officer)

**Also present:** Pedro and Mavis Marrero, Cllr Alan McDermott (Deputy Leader and Portfolio-holder for Planning and Transportation), Cllr David Jukes (Leader of the Council), Cllr Jane March (Portfolio-holder for Tourism, Leisure and Economic Development), David Rose and David Scott

### 1. APOLOGIES FOR ABSENCE

Apologies for absence were reported from: Caroline Auckland, Cllr Ronen Basu, Stephen Bowser, Cllr Ben Chapelard, Michael Doyle, Kyrios Kyriacou, Katharina Mahler-Bech, Cllr Tracy Moore, Charles Pope, Tim Tempest, David Wakefield, Cllr Lynne Weatherly and Cllr Chris Woodward

### 2. MEMBERSHIP CHANGES

Mike McGeary reported that the Town Forum's Management Committee had approved an application for membership which had been submitted by Tunbridge Wells Together (the business-led town centre management organisation), adding that its representative would be the Town Centre Manager, Rachel Jenman.

### 3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman, Alastair Tod, made the following announcements:

**(a) Chairmanship of the Culture Working Group** – Mr Tod advised that the Management Committee had confirmed Linda Lewis's appointment as Chairman of the Culture Working Group.

**(b) Town Forum's Constitution** – Mr Tod also advised that the Management Committee would be proposing a number of amendments to the Town Forum's Constitution at the AGM in November. He added that a 'tracked changes' version of the document – highlighting where changes were being proposed – would be circulated in advance of the AGM. He advised that the amendments were being proposed to bring the document in line with the actual practices of the Forum.

**(c) Promotion of the Town Forum** – Mr Tod said that the Town Forum now had both a Facebook and a Twitter presence. He added that details of how to access these would be circulated to members shortly.

#### **4. MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting dated 21 July 2016 were submitted for approval.

**RESOLVED** – That the minutes of the meeting held on 21 July 2016 be approved.

#### **5. ACTIONS FROM THE PREVIOUS MEETING**

##### **5 TWBC's Overview and Scrutiny Committee**

Mr McGeary advised that the Town Forum's request to the Council's Overview and Scrutiny Committee to consider adding "a study of the importance of taking a co-ordinated approach in project planning, such as has been illustrated in the next phase of the public realm scheme" had been considered by the Committee at its 15 August meeting. (The 'co-ordinated' approach is reference to the need to take a wider look at the implications of such projects in terms of highways, traffic flow etc.)

Mr McGeary said that the topic had been added to the Committee's work programme, alongside other, shortlisted, items which had been presented.

#### **6. UPDATE REPORT FROM THE LEADER OF THE COUNCIL**

Cllr David Jukes, Leader of Tunbridge Wells Borough Council, provided the following update on issues of general interest:

**(a) Proposals for a new theatre, offices and car park** – Cllr Jukes advised that the investigative work undertaken had shown that there were significant technical difficulties – relating to the topography of the site – in achieving the required scale of the proposed car park under Calverley Grounds. As a result, he said, the architects had been asked to look at alternative solutions that also addressed the access and egress aspects.

Cllr Jukes added that discussions were also continuing with various theatre operators, all of whom to date had said that (i) a 1200-seat theatre was an ideal size and (ii) they would be interested in managing a new theatre on this site, for a 10-year period and on a reducing subsidy basis.

Cllr Jukes said that the withdrawal of prospective tenants for sharing the new office building had meant that the project could develop at a pace which better-suited the Council. He added that there was already a good level of interest being shown in the new office space that would become available, even before formal marketing took place.

Finally, Cllr Jukes said that: (i) modifications to the overall scheme would result in some savings over the original estimated cost; and (ii) meetings were scheduled to take place with all key stakeholder groups later in the year, to discuss the details and invite feedback.

Jane Fenwick asked if it were possible for further details to be given on what the alternative car parking provision might look like. Cllr Jukes said that the likelihood was that this would be limited just to underneath the new offices, with access and egress via Mount Pleasant Avenue. He added that: (i) this would therefore remove

any impact on Grove Hill Road and Grove Hill House in particular; and (ii) there would be replanting of trees to replace those lost as a result of the change in design.

- (b) Fiveways** – Cllr Jukes reiterated his concerns which had existed from the start of this scheme over certain elements of the standard of work. He added that remedial work should have started by this point but this had been delayed because of emergency work carried out to the gas supply network. Because of concerns about the impact of the emergency work on the remedial programme, Cllr Jukes said that Gary Stevenson, TWBC's Head of Environment and Street Scene, had negotiated for the 'remedial contractor' to make good the gas repair reinstatement and to back-charge the gas company.

Cllr Jukes also advised that repair work to the Millennium Clock was in progress.

Brian Lippard asked if it were possible for a press release to be issued, stressing that the cost of the remedial work was being met by KCC and not the Borough Council, in order to clarify any misunderstanding that might still exist. Cllr Jukes advised that the recent article in the Times of Tunbridge Wells had set out the facts clearly but added that he would be happy to discuss the details direct with any of those who had written letters of opposition to the press.

- (c) Cultural and Learning Hub** – Cllr Jukes advised that architects had now been appointed to begin design work on this scheme, in preparation for the Heritage Lottery Fund stage 2 submission next summer.

- (d) St John's Road** – Cllr Jukes said that this Council-managed scheme had now been completed on time and within budget, resulting in a mix of retail units and apartments for rent, together with a properly-surfaced and marked out car park. He said that the standard of the units was of particular note.

Pat Wilson asked for details of the occupational terms of the retail and residential units. Cllr Jukes confirmed that all of the units were for letting, thereby ensuring continuing revenue income for the Council.

- (e) Cinema site** – Cllr Jukes reported that the Council was working closely with the new owners of this site and was looking forward to learning more at the next stakeholder sessions, planned in early October.

At the Chairman's invitation, a number of other topics were raised with the Leader of the Council:

(i) Andy England felt it was important to ensure the exterior of the Town Hall building did not suffer from deterioration, either with its current use or after the new offices had been built. He suggested that some form of after-dark lighting of its public facades would greatly enhance its appearance and assist with civic pride. Cllr Jukes agreed with the suggestion. He also said that he was keen on seeing the union flag flying on more occasions, to boost the sense of civic pride.

Cllr Jukes extended the scope of the point by saying that, as part of the Cultural and Learning Hub, he wanted to see the impressive low-relief sculpture above the entrance to the Library and Museum fully restored.

(ii) Michael Holman advised that the water feature which Berkeley Homes had agreed to incorporate into the (former) hospital site development on Mount Ephraim was almost complete, with the top and the bottom sections in place. He asked whether it would be possible to hold a celebratory event, formally to

welcome completion of the feature. Cllr Jukes said that he was aware of the formal switching on of the feature the following week and undertook to advise Mr Holman on further news.

Cllr Scholes supported the proposal to publicise the opening of the water feature, Mr Holman adding that this could be welcome news from which the whole town might benefit.

(iii) Philip Whitbourn referred to the article in the most recent Local magazine, specifically the timing of the public consultation on a masterplan for the civic complex and whether this related to the existing Town Hall site. Cllr Jukes clarified that the masterplan process related to the existing Town Hall site, adding that the public consultation would begin in November. Cllr Jukes invited Dr Whitbourn to make an appointment to view the documents in his office, where he could explain in more detail.

In conclusion, the Chairman thanked the Leader of the Council for his helpful update and for answering so many detailed questions on the topics.

There were no specific actions points arising from this report.

## **7. PAVEMENTS – ENCROACHMENT, CLUTTER AND ENFORCEMENT IN THE TOWN CENTRE**

Stephen Baughen, TWBC's Development Manager, had been invited to advise Town Forum members on the Borough Council's role and duties in respect of alleged encroachment onto the public highway/pavement by traders in the town centre.

Mr Baughen began by pointing out that KCC also had a role to play, as the local highway authority, in issuing licences for the placing of 'A-boards' and 'tables and chairs' licences. He then described the policy followed by TWBC Planning Services, first of all for the area considered to be the curtilage of premises, then outside that area.

Mr Baughen advised that the placing of tables, chairs and other items within the curtilage of business premises e.g. cafes and restaurants – where the use of such items were ancillary to the main activity of the building – did not normally require planning permission.

If the placing of tables and chairs took place beyond the curtilage of the building, Mr Baughen advised that planning permission was normally required, as it represented a 'change of use' of the land. He added that a number of factors were then taken into account in arriving at a decision as to whether planning consent could be granted.

Mr Baughen also explained what the Planning Services' role was in respect of enforcement, where issues of possible encroachment had been drawn to their attention. Under these circumstances, he advised, a site visit would be undertaken and a number of factors taken into account, such as the width of the pavement, the pedestrian flow, whether it was in a conservation area or in front of a listed building.

Mr Baughen said that experience had shown that, where use of the pavement beyond the curtilage of a business was considered to be unacceptable, informal action – through persuasion or the threat of enforcement notices – was the most effective course to follow. He added that formal enforcement notice action was a further option, although this was often a lengthy process, because of the possibility of an appeal being lodged.

Mr Baughen provided the background to two key 'outside seating' situations in the town centre, where detailed discussion with either the individual business (Pizza Express in the High Street) or collectively with the traders (the Pantiles Traders' Association) had led to a satisfactory outcome. In the first example, he advised that this had required a formal planning application process to be followed. He also provided an update on the situation with the CAU restaurant in Mount Pleasant Road, where a planning application to limit their outdoor seating to 2.5m from the building was due to be considered by the Planning Committee the following week.

The Chairman then opened up the issue for debate.

- Brian Lippard raised the issue of the agreement with the Pantiles traders, specifically during a 'non-festival' period and whether tables and chairs were allowed on the covered colonnade section. Mr Baughen advised that if the tables and chairs were within land that was considered to be the curtilage of the premises, then this would be considered ancillary to the business and no planning application would be required.

Mark Booker acknowledged the logic of the response given but queried whether it was acceptable for the public right of way which existed through the colonnaded section of the Pantiles to be blocked in this way.

Tim Harper felt that the role of the Borough Council in encouraging the Pantiles traders to develop a solution was to be commended. He considered the outcome to have been very successful.

- Andy England asked if it would be feasible for the Borough Council to be in control of issuing permits for tables and chairs, adding that he felt that this was an issue which would police itself. He also suggested that aluminium public wcs, as in use in Worcester, be introduced in Tunbridge Wells.

On the first issue, Mr Baughen said that, currently, only KCC could issue permits for 'tables and chairs' licences. He added that, if the situation required planning consent, it was more effective to have a standard approach in place, as was currently the practice, and that, if permission were formally given, that in itself produced effective self-regulation. On the issue of aluminium wcs, Mr Baughen said that this would be a matter for the Head of Environment and Street Scene to consider initially, in consultation with councillors.

- Denise Watts said that the Over Fifties Forum had recently invited its members to say what aspects of the town centre caused them the most irritation. The answer, she said, was the proliferation of obstacles on the pavements, especially 'A-boards'. She said that many elderly people were feeling increasingly unsafe with the street scene, adding that when the issue of 'A-boards' was taken up with KCC, there was an unhelpful response given.

Mr Baughen accepted the point. He advised that, while national guidance said that the presence of 'A-boards' delivered benefits to businesses, it was important to strike the right balance. He added that his service liaised closely with KCC and he undertook to discuss these concerns with them, to see if the county could look again at the worst areas, where 'A-boards' were considered to be causing a particular problem.

- John Cunningham said that he was satisfied with the regulations as they were applied and he welcomed the 'café culture' that now existed. His greatest

concern, he added, was the policing of encroachment onto pavements. He felt that the Borough Council should be more proactive in having staff regularly walking through the town centre and identifying where problems existed and having authority delegated by KCC to take immediate action.

Mr Baughen acknowledged the point. He added that, although the Borough Council did not have sufficient staff resources to undertake such a role on a frequent basis, he would see if the compliance officers within the Planning Service could undertake some routine inspections on an occasional basis. He added that, if specific concerns were drawn to the attention of the Borough Council, they would always be investigated and the premises owners contacted.

- Dorothea Holman asked if it were feasible to publicly display at the specific site the terms under which tables and chairs and 'A-boards' had been authorised, so that the public could quickly determine if the items were being set out in compliance with the licence. Mr Baughen undertook to discuss this suggestion with the compliance officers.

Mr Baughen was thanked for his helpful and informative presentation and for responding to the many points raised. There were no specific action points arising from this item.

## **8. TUNBRIDGE WELLS RAILWAY STATION – LOSS OF MURALS**

Michael Holman reported on the loss of the murals – painted by Brian Barnes – at Tunbridge Wells railway station. He advised that he had written to Southeastern, seeking to learn what had happened to the murals and had also spoken to their customer relations officers. He said that the railway company had advised that the bars which had been holding the murals up were in need of replacement and, during the course of that work, the murals had been damaged beyond repair.

Mr Holman reminded the meeting of the significance of the murals, which announced to visitors that Tunbridge Wells had a long and rich spa town heritage. He sought the Town Forum's support to write formally to Southeastern (London and South Eastern Railway Limited) to: (i) register the Forum's deep concern at the loss of the murals; and (ii) support efforts made by 'Refresh Tunbridge Wells' to work closely with Southeastern to agree how these murals can be replaced with art work having the same impact; he suggested that mosaics might be a suitable format.

Stephen Baughen provided an update on the formal 'development management' position regarding the murals. He advised that the railway company would not have been required to submit any form of planning or listed building consent application for the initial work. He added that he would consider the issue further but it was very unlikely that similar consent would need to be sought for any replacement art work.

**RESOLVED** – That the Town Forum fully supports 'Refresh Tunbridge Wells' in its proposed response to (i) register the Forum's deep concern over the loss of the murals and (ii) its suggested way forward in working with the railway company to replace these with art work of a similar impact.

## **9. CAR PARKING – TWBC'S REVIEW OF CHARGES**

Adrian Berendt reported on TWBC's intention to carry out formal public consultation on its car park charges. He summarised the main elements of the proposal and invited Town Forum members to comment, either individually to the Borough Council or through the Transport Strategy Working Group by e-mailing him. Mr Berendt added

that, ahead of the start of the formal consultation process, he had been pleased to note that the Borough Council had listened – and responded positively – to the issues raised by the Working Group.

Pat Wilson commended Mr Berendt's summary report. He drew attention to a separate proposal which the Borough Council was considering, namely to reduce the amount of free on-street parking. He described this parking as an asset, the loss of which would be harmful to the town and its residents and visitors.

Councillor Bulman said that he had welcomed the much-improved second report which had been submitted to the Planning and Transportation Cabinet Advisory Board, which provided the necessary evidence to support the proposals. However, he also said that he was left with some reservations, based upon what he felt was some misleading evidence and, more significantly, the plan to increase residents' parking permits from £60 per annum to £80. As a result, Councillor Bulman said that he was unable to support the overall proposals, unless some amelioration was offered to those most adversely affected.

Councillor Lidstone said that, while the proposals had some progressive elements, his main concern was also the increased cost of residents' parking permits.

Andy England said that he was in favour of the introduction of parking meters in the town centre, although this did not form part of TWBC's proposals.

The Chairman said that the Borough Council was under a legal duty to use income generated from on-street charges/enforcement on transport-related activity, whereas off-street receipts could be used to support general Council expenditure. Councillor Scholes said that the vast majority of all income was invested in operating and maintaining the Borough Council's car parks.

Jane Fenwick said that Town Forum members would be notified as soon as the Borough Council began its formal public consultation process. Adrian Berendt, in reiterating his call for views to be expressed, recommended that Town Forum members read the report on the proposals which had been approved by the Cabinet on 22 September as the basis of the public consultation.

There were no other action points arising from this report.

## **10. CULTURAL AND LEARNING HUB**

Linda Lewis advised that her Culture Working Group members felt there would be significant advantages to be had from the early engagement of Town Forum and other key stakeholders in the development of the Cultural and Learning Hub, a factor which would also benefit the wider community. She presented her paper which had been circulated with the agenda, setting out what the Working Group felt were the most important components of the Hub and the reasons why.

Dr Philip Whitbourn was invited to summarise his accompanying paper, which provided both an historical and architectural perspective and further justification for the elements felt vital for incorporating into the Hub building.

Dr Whitbourn said that he was supportive of the Hub proposal and the joining of the two listed buildings to form a single complex. He felt that this would provide much-improved facilities and a strong focus for the community and cultural life of the town and act as a major contribution to the promotion of the area as a serious tourist destination.

Mark Booker complimented Mrs Lewis and her Working Group for the clear and concise report circulated. He asked whether it might be appropriate to ask the Town Forum to endorse the paper, as a statement of the Forum's position on the Hub.

Pat Wilson supported this suggestion but was concerned about the Gateway element, which Dr Whitbourn felt should have no place in the Hub and instead be relocated into the Council offices.

Cllr Scholes said that he had originally proposed locating Gateway services within the Hub, in order to save the operational costs of a separate facility. He added that he also saw some operational benefits in terms of attracting visitors to the cultural centre.

Dorothea Holman accepted that argument but said that she felt that there would be a different skill set required of Hub staff from the demands that Gateway officers faced.

Dr Whitbourn acknowledged the point raised by Cllr Scholes. He said that there was wide support for the Hub scheme and he was keen that there should be a strong business case for it. In view of what had been discussed, he suggested some form of caveat be agreed at this juncture, to the effect that the Town Forum would prefer the Gateway functions to be provided from the Town Hall but that, if this affected the viability of the Hub scheme, then the Forum might wish to review its position, based upon further details.

Alex Green said that the inclusion of Gateway services might be a condition of some element of the external funding for the scheme, adding that this needed to be checked.

Mrs Lewis thanked all of the contributors. She added that she had been aware that, at a slightly earlier stage, a proposal had been considered by the Borough Council of a trust being set up to operate the Hub, after an initial start-up period. She wondered what impact this would have on the future of Gateway services being based in the Hub.

The answer to that particular point was not known but Dr Whitbourn said that this illustrated the need for further information, at an early stage. Dr Holman added that this also brought into focus the importance of the Friends of the Museum, Library and Art Gallery in discussions over the future operation of the Hub.

**RESOLVED** – That, subject to clarification of the significance of the Gateway element and its effect on the viability of the scheme, the Culture Group's formal response be endorsed.

## 11. WORKING GROUPS

Update reports were made from the working groups as follows:

**Tourism and Leisure** – Alastair Tod advised that the Working Group was making progress on the production of some heritage trails, with accompanying guidance leaflets, which would be linked to specific building plaques. He added that a proposal on this initiative would be submitted to the Borough Council in due course.

**Transport Strategy** – Jane Fenwick drew attention to her Working Group's update report, which had been circulated with the agenda.

Mrs Fenwick drew attention to the proposal for a **20mph zone** in the St John's area, the scheme being funded by Cllr Oakford through his KCC grant. She advised that this proposal was currently being consulted upon and she urged members to respond.

Sally Balcon asked how this would be enforced. Adrian Berendt said that there was a strong expectation that self-compliance would take place, adding that speed cushions would be placed along Newlands Road, which was where the worst examples of speeding took place.

Cllr Rankin said that she was very impressed with this proposal, adding that the strong will of the local community would be an important force in support of the scheme's self-enforcement.

Brian Lippard asked if the emergency services had been consulted for their views on this scheme. Mr Berendt advised that this would have been an automatic part of Kent Highways' consultation process.

Cllr Lidstone said that the 20mph zone was a progressive scheme, which he fully supported. He added that it was also significant in efforts to reduce congestion along the St John's Road, which was welcome.

Mark Booker hoped that the scheme would be successful and maybe extended to other parts of the town in due course. On that specific point, Cllr Scholes said that the implementation of 20mph zones was very expensive, so he did not expect a rapid expansion of the number. In support of that view, Mr Berendt advised that the estimated cost of the St John's scheme was approximately £40k.

Alastair Tod felt that the large scale of the scheme was particularly impressive.

On other matters within the remit of the Working Group, Lorna Blackmore added that a survey of **hackney carriage use** was also currently taking place.

**Planning and Development Strategy** – Mark Booker, Chairman of this Working Group, reported on a number of key planning-related topics, details of which were circulated in his update report. He drew attention to the following parts of his report:

(i) **Landscape character area assessments** – Mr Booker said that TWBC was inviting residents to submit their photos of 'cherished' local landscapes, which would feed into the preparation of the evidence base for the new Local Plan, specifically a revision of the Landscape Character Area Assessments.

(ii) **Site Allocations Development Plan Document** – Mr Booker said that, having had its Site Allocations DPD approved by the Planning Inspector, the Borough Council had now received notification of an application for a judicial review made by a developer whose site had not been included in the document. Mr Booker added that he had learnt that the approved DPD would remain in force until the courts had decided whether the judicial review was valid. He added that the worst-case scenario which the Council faced was having to re-write some elements of the document, which might also have an impact on the current review of the Local Plan.

(iii) **'Call for sites' response** – Mr Booker said that, following the discussion at the previous meeting of the Town Forum, the draft response to TWBC's 'call for sites' consultation process had been strengthened and formally submitted. He reported that the Borough Council was now looking at the option of encouraging land owners of small (i.e. no more than 0.5 of an acre) to come forward with planning applications for development, adding that a comprehensive list of all sites would be available on the website in due course.

Mr Booker also advised that the Borough Council was still awaiting a response to its bid for funding to assist with examining the case for the establishment of a garden village. Linked with that, he said that a press release had been issued by the Town

Forum, calling for a moratorium on development beyond the Site Allocation numbers while TWBC examines whether a garden village can be developed outside the Green Belt and AONB.

**Water in the Wells Working Group** – Michael Holman, Chairman of this Working Group, provided a verbal update report. He advised that Altan Omer, a member of the Group, had visited both Knight's Wood and Royal Wells Park, to view progress on the two water features.

Mr Holman said that the Group also welcomed (i) progress with the heritage trail in Grosvenor and Hilbert Park and (ii) the reference to water features within Dr Whitbourn's report on the Cultural and Learning Hub. He added that Water in the Wells would also be discussing the issue of water features with the new owners of the cinema site – Altitude – when their next public exhibition took place early the following month.

**Finance and Other Issues** – There were no specific issues to report on.

**Culture** – Linda Lewis, Chairman of this Working Group, advised that discussions had been held with John-Jackson Almond, the new Director of the Assembly Hall Theatre, to which members of the Tourism and Leisure Working Group had also been invited. She said that the focus of the meeting had been on Mr Almond's vision and aims for the Assembly Hall Theatre and its replacement.

**RESOLVED** – That the progress reports be accepted.

## 12. ANY OTHER BUSINESS

- (a) **Calverley Grounds – play area** – Nick Pope reported that the organisers of the proposed play area had now reached 25% of their funding target, with a number of other fund-raising events scheduled. He added that the scheme benefitted from having a leading designer and a 'top recognition piece' as key components.
- (b) **Friends of the Commons** – Sally Balcon advised that the Friends group was closely monitoring the situation of having a rough sleeper living on the Tunbridge Wells and Rusthall Commons.
- (c) **Tunbridge Wells circular walk booklet** – Cllr Rankin advised that there was a need to update the details of the Tunbridge Wells circular walk and she invited interested ramblers and others to come forward with information on where changes had occurred. She added that consideration was being given to re-publishing it as an on-line version, which was felt to be of greater use.

## 13. DATE OF NEXT MEETING

**Wednesday** 23 November 2016 at 6.30pm (AGM, followed by 'ordinary' meeting)

The meeting concluded at 8.52pm.