

## REPORT SUMMARY

<b>REFERENCE NO -</b> 19/02964/FULL			
<b>APPLICATION PROPOSAL</b> Change of use from Class A1 (Retail) to allow a range of use falling within Use Classes: A1, A2, B1a, D1 and/or D2			
<b>ADDRESS</b> 4 Sussex Mews Royal Tunbridge Wells Kent TN2 5QJ			
<b>RECOMMENDATION</b> to GRANT planning permission subject to conditions (please refer to section 11.0 of the report for full recommendation).			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>- The proposal would be located within the Limits to Built Development.</li> <li>- The change to a mixed use (A1, A2, B1a, D1 and D2) would not have a detrimental impact on the vitality and viability of this part of the town centre.</li> <li>- There would be no harm to the Conservation Area.</li> <li>- The proposal would not harm the Residential Amenity of neighbouring properties.</li> </ul>			
<b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b> The following are considered to be material to the application: <b>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A</b> <b>Net increase in numbers of jobs: No net increase</b> <b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: None as no increase in jobs</b> The following are not considered to be material to the application: <b>Estimated annual council tax benefit for Borough: N/A</b> <b>Estimated annual council tax benefit total: N/A</b> <b>Annual New Homes Bonus (for first 4 years): N/A</b> <b>Estimated annual business rates benefits for Borough:</b> The change of use is considered not to be a large development and according to the guidance these figures are therefore not required			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Tunbridge Wells Borough Council are the Free Holders of 4 Sussex Mews			
<b>WARD</b> Pantiles & St Marks	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Lower Pantiles LLP <b>AGENT</b> Mrs Louise Caney	
<b>DECISION DUE DATE</b> 20/12/19	<b>PUBLICITY EXPIRY DATE</b> 29/11/19	<b>OFFICER SITE VISIT DATE</b> 07/11/19	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>97/01086/FUL</b>	Change of use to health studio	Approved	22/08/97
<b>84/00341/LBC</b>	Listed Building Consent - Demolition and reconstruction	Approved	07/11/84
<b>84/00340/FUL</b>	Reconstruction as craft studio/workshops	Approved	07/11/84

	with toilets		
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## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application relates to a site located to the southeast of The Pantiles and forms part of a square that has pedestrian links to The Pantiles by Coach and Horse Passage and also to Nevill Street/Frant Road and Linden Park.
- 1.02 This property is a two-storey unit located centrally within a group of units to the south of the square that include retail/commercial uses. This property was previously in use as a bridal boutique but is currently vacant.
- 1.03 To the west is the Sussex Arms Public House and to the north are larger scale buildings (Frant, Dowding and Eridge Houses) that contain office/commercial uses. To the east and rear of this property is 2a Frant Road, which is currently in office use.
- 1.04 The property itself comprises a reception area and rear kitchen and toilet facilities on the ground floor and open plan accommodation on the first floor.

### 2.0 PROPOSAL

- 2.01 The application is seeking planning permission for the change of use of the unit from a class A1 (retail) use to a range of uses falling within:

A1 (retail)  
A2 (financial and professional services)  
B1a (office)  
D1 (non- residential institutions)  
D2 (leisure)

- 2.02 The aim is to provide flexibility in the type of use that could occupy this unit and secure the re-use of the premises as soon as possible and bring the building back into a viable use.
- 2.04 It has been proposed that opening hours would be 7am – 7pm Monday to Saturday and 9.30am - 4pm on Sundays and Bank holidays.
- 2.05 The proposal does not include any physical changes to the building to facilitate the proposed uses.

### 3.0 SUMMARY INFORMATION

	Existing	Proposed
Land uses	A1 (retail)	A1, A2, B1a, D1 and/or D2
Floor Area	67m2	67m2

### 4.0 PLANNING CONSTRAINTS

Inside Limits to Built Development (LBD)

Tunbridge Wells Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

Area Of Special Advert Control

Local Plan 2006 Tunbridge Wells Central Parking Zone (commercial) - TP7

Tunbridge Wells Asset Register Land Registry Data - TWBC Ownership

## **5.0 POLICY AND OTHER CONSIDERATIONS**

### **The National Planning Policy Framework (NPPF)**

### **National Planning Practice Guidance (NPPG)**

#### **Tunbridge Wells Core Strategy 2010:**

Core Policy 4 - Environment

Core Policy 5 – Sustainable design and construction

Core Policy 9 – Development I Royal Tunbridge Wells

#### **Tunbridge Wells Borough Local Plan 2006:**

Policy EN1 – General development criteria

Policy ED2 – Small-scale Business Use (Class B1) within the Limits to Built Development

Policy TP7 – Tunbridge Wells Central Access Zone (Commercial)

#### **Tunbridge Wells Borough Council Supplementary:**

Tunbridge Wells and Rusthall Conservation Area Appraisal 2000

## **6.0 LOCAL REPRESENTATIONS**

6.01 Site notices were displayed on the 7 November 2019 at two locations around the application site. In addition an advert was placed in a local newspaper on 8 November 2019.

6.02 No representations have been received in response to these notifications.

## **7.0 CONSULTATIONS**

### **7.01 Conservation Officer (04/11/19)**

Of the view that specialist advice from the Built Heritage Team is not, in this case, necessary for the determination of this application.

### **7.02 Environmental Protection (11/11/19)**

Have reviewed the application and have no adverse comment to make.

## **8.0 APPLICANT'S SUPPORTING COMMENTS**

8.01 The submitted Planning Statement (incorporating Design, Access & Heritage Considerations) concludes:

- *This application provides the applicants with an opportunity to widen the market for the future re-use of Unit 4 and will allow better flexibility to the use of the*

*building. It is hoped that this application will avoid the premises from being vacant for too long between tenants. The use of the premises within planning Use Classes D1, D2, B1, A1 and/or A2 will complement existing surrounding uses and help support the wider regeneration of this part of the Pantiles.*

- *The consolidation of employment generating uses and activities in this central location will introduce further employees/clients to the area and increase day-time trade into this part of the Pantiles. In turn, this will contribute towards the growth created from other nearby businesses that have established in recent years, in accordance with the provisions of the NPPF that sets up a presumption in favour of economic development and sustainable forms of growth. The site occupies a most sustainable location with direct and easy access on foot to the British Rail mainline station and nearby bus stops on London Road.*
- The proposals require no internal or external alterations to Unit 4. The proposed hours of opening are considered compatible and reasonable in relation with a town centre location and its immediate environs.
- *The flexible re-use of Unit 4 Sussex Mews for a range of uses including retail, business, health, leisure, office and educational uses will add to and complement existing and planned uses for the Lower Pantiles and will inject further vitality and interest into this 'back-of-house' area. Furthermore, the economic, environmental and social benefits of the scheme weigh in favour of the proposals such that they comply with the provisions of the NPPF, promoting economic development and the Council's policies and adopted Core Strategy aimed at maintaining the character and historic qualities of The Pantiles.*

## **9.0 BACKGROUND PAPERS AND PLANS**

Application Form

Planning Statement (incorporating Design, Access & Heritage Considerations) dated October 2019

56928 PL 101 A      Site Location Plan

56928 PL 102 A      Site Block Plan

56928 PL 103 A      Ground Floor Plan as Existing and Proposed

56928 PL 104 A      First Floor Plan as Existing and Proposed

## **10.0 APPRAISAL**

### **Principle of Development**

- 10.1 Whilst the premises are not located within a Primary Shopping Area, it is in close proximity to The Pantiles, which is designated as a Primary Shopping Area, and this area currently contains a number of existing retail and commercial premises.
- 10.2 The proposal would not result in the loss of this commercial unit and would offer a mixed/flexible use, which are considered to have the potential to make a significant positive contribution to the viability and vitality of the locality and the Primary Shopping Area. The proposed uses (A1, A2, B1a, D1 and D2) are all uses that are found in this area and could be considered compatible with the existing uses and character of this area. It also noted that a similar proposal for flexible uses have been permitted at Royal Victoria House 51 - 55 The Pantiles and, as identified in the supporting statement, as part of the redevelopment of Union House and the Auction House.

- 10.3 It is considered that a flexible use of this property could be acceptable in principle and would increase the likelihood of securing an occupier. This is in accordance with the guidance contained in the NPPF.

**Impact on Visual Amenity and Conservation Area**

- 10.4 There are no changes proposed to the building itself, either internally or externally, and therefore it is not considered that this proposal would have an impact on the visual amenities of the area or the character or appearance of this part of the Conservation Area.

**Impact on Residential Amenity**

- 10.4 In terms of the proposed uses, this is an existing A1 (retail) unit and its continuation for this use would be compatible with the area. Similarly, A2 (financial and professional services) and B1a (office) uses are uses that are considered to be compatible with residential areas and would not cause significant disturbance.
- 10.5 Class D1 (non-residential institutions) and class D2 (leisure) cover a wider range of uses that could have a significant impact on the surrounding area. However, due to the small scale of this property it has been suggested in the Planning Statement that the premises would be limited to health centre, clinic, alternative therapy centre, education and/or training facilities falling within class D1 and gym/recreation/leisure related activities and classes falling within class D2. It is also intended that opening hours would be limited to 7am – 7pm Monday to Saturday and 9.30am - 4pm on Sundays and Bank holidays.
- 10.5 The closest residential properties to this property are at The Sussex Arms Public House and 2 Frant Road and the immediately surrounding properties are commercial in nature. It is acknowledged that this property is within an area where there are a number of premises within The Pantiles, including the Sussex Arms Public House, which are open later hours and are not restricted by planning conditions and would be considered as high noise generators. Therefore, taking into account the position of this property it is not considered that the level of noise or disturbance from the proposed uses would significantly harm residential amenities even without a planning restriction on the times of operation.

**Highways and Parking**

- 10.08 This site does not have the benefit of parking but this is no different to the existing situation for the existing use. The building is located within the town centre where there are a number of public car parks and the site is considered to be in a sustainable location with good links to public transport, with numerous bus services and the train station within walking distance. In this case, it is not considered that the absence of car parking would justify refusal of this application.

**Summary**

- 10.09 The proposed change of use is considered to comply with relevant policies and there are no material considerations that would warrant a departure from these policies. The proposal is therefore considered acceptable.

**11.0 RECOMMENDATION – GRANT** Subject to the following conditions

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory

Purchase Act 2004

- (2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

56928 PL 101 A	Site Location Plan
56928 PL 102 A	Site Block Plan
56928 PL 103 A	Ground Floor Plan as Existing and Proposed
56928 PL 104 A	First Floor Plan as Existing and Proposed

Reason: To clarify which plans have been approved.

Case Officer: Kirsty Minney

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.