

REPORT SUMMARY

REFERENCE NO - 20/03410/FULL			
APPLICATION PROPOSAL Change of use from existing uses comprising B1 (business), A2 (financial and professional services) and D1 (education), to Flexible Class E (commercial, business and service) and/or F1(a) (education).			
ADDRESS The Corn Exchange The Pantiles Royal Tunbridge Wells Kent			
RECOMMENDATION to GRANT planning permission subject to conditions (please refer to section 11.0 of the report for full recommendation).			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> - The proposal would be located within the Limits to Built Development and within a Primary Shopping Area - The change to D1 would not have a detrimental impact on the vitality and viability of this part of the town centre. - There would be no significant harm to the Conservation Area or Listed Building - The proposal would not harm the Residential Amenity of occupiers of neighbouring properties 			
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL <p>The following are considered to be material to the application:</p> <p>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A</p> <p>Net increase in numbers of jobs: None, no. of jobs remains at 100</p> <p>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: None</p> <p>The following are not considered to be material to the application:</p> <p>Estimated annual council tax benefit for Borough: N/A</p> <p>Estimated annual council tax benefit total: N/A</p> <p>Estimated annual business rates benefits for Borough: N/A</p>			
REASON FOR REFERRAL TO COMMITTEE Tunbridge Wells Borough Council are the Free Holders of the Corn Exchange.			
WARD Pantiles & St Marks	PARISH/TOWN COUNCIL N/A	APPLICANT Lower Pantiles LLP AGENT Mrs Louise Caney	
DECISION DUE DATE 10/02/21	PUBLICITY EXPIRY DATE 22/01/21	OFFICER SITE VISIT DATE 22/12/20	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
19/02252/FULL	Change of Use of units 5-9 and 14-15 from B1a (Office) to D1 (Adult Education) [no physical alterations proposed] for a temporary period of 3 years	Permitted	10/10/19
19/01714/FULL	Change of Use from Class B1(a) (Office) to Class	Permitted	12/09/19

	D1 (Non residential institution) as a clinic specialising in minor cosmetic procedures, theatre and consulting rooms and offices arranged over first and second floors and linked to adjacent existing D1 use in Market House via interconnecting doors at first and second floors. Installation of condensing and air handling plant.		
17/02097/FULL	Change of use of ground floor from retail, entertainment, drinking establishment, leisure and food and drink uses to a business centre comprising open plan offices falling within Use Classes B1 (Business) and A2 (Financial and Professional Services) and continued lawful use of part of the basement, together with ancillary minor operational works to facilitate the new use(s)	Permitted	22/08/17
17/02098/LBC	Listed Building Consent - minor operational works to facilitate proposed new use(s) under reference 17/02097/FULL	Permitted	22/08/17
17/03411/LBC	Listed Building Consent - Temporary change of use of the ground floor of the Former Day at the Wells Building for a period of 6 years from cinema use (Class D2) to use as a sales centre (Class A2), including the creation of an internal show apartment, office accommodation, toilets and kitchen area, requiring the formation of a new internal door and other ancillary internal amendments	Permitted	14/12/17
17/03413/FULL	Temporary change of use of the ground floor of the Former Day at the Wells Building for a period of 6 years from cinema use (Class D2) to use as a sales centre (Class A2) and associated internal changes	Permitted	14/12/17
84/00342/FUL	Shops, offices, restaurant, heritage museum, health club, auction hall, parking	Permitted	18/01/85
84/00343/LBC	Listed Building Consent - Part demolition	Permitted	18/01/85

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This site forms part of the 'Lower Walks' area of The Pantiles and is within the Corn Exchange situated to the south-east of The Pantiles Lower Walk.
- 1.02 The Corn Exchange comprises a central hall with retail units around the perimeter which frame the central space. The building is Grade II listed but was the subject of significant internal alteration/rebuilding when developed for the most recent uses under the 1984 permissions.
- 1.03 The application relates to the ground and part basement floor.

2.0 PROPOSAL

- 2.01 The proposal is for the change of use of the ground and part basement floors from use classes B1 (business), A2 (financial and professional services) and D1

(Education,) to a flexible use including Class E (commercial, business and service) and Class F1 (a) (education).

- 2.02 The Corn Exchange building includes a total of 17 units within the red line area. The applicants have achieved the successful letting of several units including: unit 1 (tourist office), units 5-9, 14 & 15 (KCC) and units 12 & 13 (offices), however the galleria space and the remainder of other units (2-4, 16-17 & 18-19) are currently unlet. In order to offer more flexibility to future lettings the applicants consider it prudent to expand the current scope of the use to incorporate Class E and F1a uses.

3.0 SUMMARY INFORMATION

- 3.01 Proposed new floor space use for class E and F1a is 913m²

4.0 PLANNING CONSTRAINTS

- Potential Archaeological Importance Potential Archaeological Importance - Various Sites
- Conservation Area Tunbridge Wells Conservation Area (*-statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Inside Limits to Built Development (LBD)
- Listed Building Grade: II (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)(relates to Corn Exchange House including no. 49)
- Local Plan 2006 Character Frontage + 5M Buffer
- Local Plan 2006 Tunbridge Wells Central Parking Zone (commercial) - TP7
- Site Allocations 2016 Primary Shopping Area

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) (2019)
National Planning Practice Guidance (NPPG)

Development Plan:

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 CR3 – Location of proposals for small scale D1 uses within defined Primary Shopping Areas

Policy CR5 – Royal Tunbridge Wells Primary Shopping Area

Policy TP7 – Tunbridge Wells Central Access Zone (Commercial)

Tunbridge Wells Borough Council Supplementary Planning

Documents/Guidance:

Town Centre Office Market Review 2018

Draft Local Plan/Emerging policies:

ED1 – The Kay Employment Areas

ED2 – Retention of existing employment sites and buildings

ED9 – Defined Town and Rural Service Centres

ED10 – Sequential Test and Local Impact Test

ED11 – Primary Shopping Areas and Retail Frontages

6.0 LOCAL REPRESENTATIONS

- 6.01 Site notices were displayed on the 22 December 2020 at four locations around the application site. In addition an advert was placed in a local newspaper on the same date.

7.0 CONSULTATIONS

- 7.01 N/A

8.0 APPLICANT'S SUPPORTING COMMENTS

- 8.01 The introduction of additional complementary uses alongside the permitted business and education uses of the building will offer wider support and increase the chances of the building being occupied and successful in the future, in turn supporting the wider regeneration proposals being implemented by the Lower Pantiles LLP. The proposed multiple uses within Class E and F1 (a) represent an opportunity to encourage more business interest to the pantiles and a broader range of potential tenants for our clients.
- 8.02 The consolidation of these activities in this central location will introduce further employees/clients/visitors to the area and daytime trade into the Pantiles, which will build upon the early stimulus to growth created by other nearby businesses that have established in recent years. This is firmly in accordance with the provisions of the Government's recently published National Planning Policy Framework that sets up a presumption in favour of economic development and sustainable forms of growth.

9.0 BACKGROUND PAPERS AND PLANS

Application form
Site location plan
Site block plan
Plans as existing and proposed
Planning statement inc. heritage statement

10.0 APPRAISAL

Principle of Development

- 10.01 In September 2020 the Use Class Order was amended so class E more broadly covered used previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and indoor sport from D2(e). Use Class F1(a) comes from the revoked class D1 non-residential institutions.
- 10.02 The premises are located within a character frontage and also within a Primary Shopping Area. Local Plan Policy CR3 supports proposals for a number of different commercial uses within the Primary Shopping Areas provided that the proposals would not have a detrimental impact on the viability and vitality of the area and would not prejudice the development of sites allocated in the Local Plan. This policy includes the uses D1, D2, B1a and A2 uses.
- 10.03 The proposal would not result in the loss of the existing B1, A2 or D1 use but would offer a mixed/flexible use which is considered to make a significant positive contribution to the viability and vitality of the locality. It is noted that a similar proposal was permitted at the Corn Exchange in 2017 where there was flexible units for office and financial and professional services. Another similar proposal was permitted at

Royal Victoria House for a flexible use of D1, D2, B1a and A2. The proposed flexible uses are considered to match in with the existing uses within the pantiles.

- 10.04 The site is located within a character frontage area of the town, which seeks to retain A1 used at ground floor level, as the use is already non- A1 use so this policy does not apply.
- 10.05 There are some relevant emerging policies in the upcoming new local plan. However these are at a draft stage and therefore limited weight is applied, however relevant policies are as follows:
- 10.06 The area is defined in the new local plan as a key employment area under policy ED1, where a range of use classes are acceptable including classes such as E and F1 (a). Policy ED2 seeks to retain existing employment sites and buildings in their existing use or an alternative employment generating use to support the vibrant and balanced economy of the borough. The proposal would seek to change the existing use, but retain it in employment use. The proposed uses are considered acceptable in this location and as they would be flexible it would ensure a range of uses to support a vibrant economy. This will also comply with policy ED9 to contribute to the vitality and viability of the town centre and policy ED10 as the uses would be located within a defined centre.
- 10.07 Policy ED11 is similar to paragraph 10.04 above in that the use is already in a non-A1 use so would not apply.
- 10.08 In conclusion the proposed new flexible use is considered acceptable and would comply with relevant policies in the current and upcoming development plans.

Impact on Visual Amenity, Conservation Area and Listed Building

- 10.09 No external changes are proposed to the building and therefore would not have an impact on the amenity of the area.

Impact on Residential Amenity

- 10.10 Proposed opening hours are 07.00 till 07:00 Monday to Sundays and bank holidays.
- 10.11 There are no residential dwellings in close proximity to the property however there are some further afield in the Pantiles which may be impacted by people coming and going. Considering the proposed use of the premises it is considered that it would not result in a significant disturbance from noise, furthermore there are a number of other commercial uses in the Pantiles which are open later hours, are not restricted by planning condition, and are greater noise generators e.g. (pubs and restaurants). In these circumstances it is considered that a condition restricting opening hours would not be justified.

Highways and Parking

- 10.12 The site offers no 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 highly sustainable in transport terms with numerous bus services and the train station within walking distance it is considered that the absence of any car parking is acceptable.

Summary

- 10.13 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 and 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:

Location plan, drawing number 57053_PL-01E
Site block plan, drawing number 57053_PL-02E
North East/North West Elevations as proposed, drawing number 57053_PL-05E
South West/South East Elevations as proposed, drawing number 57053_PL-06E
Ground floor plan as proposed, drawing number 57053_PL-08-E
Basement plan as proposed, drawing number 57053_PL-07F

Reason: To clarify which plans have been approved

Case Officer: Charlotte Oben

- 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.