

## REPORT SUMMARY

<b>REFERENCE NO - 21/01755/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Change of use of basement, ground floor and first floor of the Former Day at the Wells Building & entrance foyer and partial basement area to Corn Exchange from temporary sales centre (for Dandara) (17/03413) and extant cinema use (15/502422/FULL) to Class E (commercial, business, service) and extant cinema use (sui-generis) with ancillary cafe/bar/foyer as permitted by 15/502422/FULL.		
<b>ADDRESS</b> Former Day At The Wells Building And The Corn Exchange The Pantiles Royal Tunbridge Wells Kent TN2 5TE		
<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 and within a Primary Shopping Area;</li> <li>- The change to D1 would not have a detrimental impact on the vitality and viability of this part of the town centre;</li> <li>- There would be no adverse impact upon the significance of the Conservation Area or listed buildings;</li> <li>- The proposal would not harm the residential amenity of occupiers 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: 11</b>		
<b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: £161,075.00</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>Estimated annual business rates benefits for Borough: N/A</b>		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
Tunbridge Wells Borough Council are the Freeholder owners of the building.		
<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> 05/08/21	<b>PUBLICITY EXPIRY DATE</b> 16/07/21	<b>OFFICER SITE VISIT DATE</b> 18/06/21
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

<b>Planning Application</b>			
<b>20/03410/FULL</b>	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)	Permitted	05/03/21
<b>19/02252/FULL</b>	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
<b>19/01714/FULL</b>	Change of Use from Class B1(a) (Office) to Class 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.	Permitted	12/09/19
<b>17/03413/FULL</b>	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
<b>15/502422/FULL</b>	Change of use of former Day at the Wells building from Museum and Public Exhibition Hall (Use Class D1) to Cinema (Use Class D2) incorporating three screens arranged over two floors. Change of use of ground floor Corn Exchange Management Suite (Use Class B1) to ancillary cafe/bar/foyer. Change of use of existing D1 and A3 uses in the basement of The Corn Exchange to form additional ancillary cinema cafe/bar and ancillary toilet and wash facilities, within Use Class D2. Creation of entrance foyers from The Corn Exchange and Linden Park Road. Formation of outside seating area and provision of a new emergency access from the former Day at the Wells building (to the Linden Road car park). Ancillary amendments and minor structural and elevational changes to support the new uses/activities.	Permitted	09/07/15
<b>89/00690/TWBRG3</b>	Regulation 4 - use of basement as a heritage centre	Permitted	29/06/89
<b>84/00342/FUL</b>	Shops, offices, restaurant, heritage museum, health club, auction hall, parking	Permitted	18/01/85
<b>84/00343/LBC</b>	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 This application relates to the part of the building previously occupied by the 'Day at the Wells' exhibition and specifically the ground floor area.
- 1.04 This part of the site is located within the southern corner of the Corn Exchange and is attached to the Sussex Arms Public House in Sussex Mews and opposite the Auction Hall and Linden Park Road Car Park
- 1.05 Access to the Corn Exchange is principally from The Pantiles Lower Walk and Sussex Mews but there is also an entrance from Linden Park Road facing the Auction Hall and Linden Park Road car park.
- 1.06 There is public parking available within the public car park in Linden Park Road (not part of the application site).

### **2.0 PROPOSAL**

- 2.01 The application seeks permission to introduce a new Class E use(s) to the site in the short to medium term alongside the extant cinema use (approved under 15/502422/FUL). 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) known as commercial, business and service. It includes uses such as retail, sale of food, office financial services, indoor sport, health services day centres etc.
- 2.02 The use of the Day at the Wells building as a sales centre for Dandara will continue as per the terms of the temporary permission 17/03413/FUL. The use will expire in 2023 or at the point of sale of the last apartment (whichever is sooner). At that point the building will revert to the lawful cinema use.

### **3.0 PLANNING CONSTRAINTS**

Air Quality Management Area

Potential Archaeological Importance - Various Sites

Area of Special Advert Control

Tunbridge Wells Asset Register Land Registry Data - TWBC Ownership

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*)

Local Plan 2006: Character Frontage + 5M Buffer

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

Primary Shopping Area

#### **4.0 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 EN5 – Conservation Areas

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)

##### **Draft Local Plan/Emerging policies:**

ED1 – The Key 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 Retails Frontages

#### **5.0 LOCAL REPRESENTATIONS**

5.01 Site notices were displayed on the 18 June 2021 at two locations around the application site. In addition, an advert was placed in a local newspaper and published on the 25<sup>th</sup> June 2021.

5.02 The site notice and press advert do not expire until after the publication of the Committee agenda. However, any additional representations received will be updated at the committee meeting. No responses have been received so far.

#### **6.0 CONSULTATIONS**

##### **Conservation Officer**

6.01 05/06/21: The proposal for a change of use to include Class E and previously approved cinema would not raise any specific issues from a heritage perspective although any alterations to the buildings to facilitate Class E may require listed building consent and this support for change of use should not be taken to imply

future support of any alterations to facilitate the new use class. All future listed building consent applications would be judged on their own merits.

## **7.0 APPLICANT'S SUPPORTING COMMENTS**

- 7.01 We consider that the proposed combined Class E and sui generis cinema use of the buildings 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.

## **8.0 BACKGROUND PAPERS AND PLANS**

Application form  
Site location plan  
Site plan  
Existing floor plans  
Proposed floor plans  
Planning statement

## **9.0 APPRAISAL**

### **Principle of Development**

- 9.01 In September 2020 the Town and Country Planning (Use Classes Order) 1987 was amended so class E more broadly covered uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and indoor sport from D2(e).
- 9.02 The proposal is to introduce a new Class E use(s) to the site for the short to medium term alongside the existing cinema use which was approved under 15/502422/FUL. The building is currently used as the sales centre for Danara's The Pantiles 1887 development, under a temporary permission 17/03413/FUL. This is due to expire in 2023 or at the point of sale of the last apartment in the development. At either point the use of the building will revert to the lawful cinema use.
- 9.03 The premises are located within a Character Frontage area, 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 D2 and B1 uses (current uses).
- 9.04 The proposal would not result in the loss of the existing cinema use nor the office sales 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 similar proposals have been permitted at the Corn Exchange in 2017 where permission was granted for flexible units for office/ financial and professional services. Another similar proposal was permitted at Royal Victoria House for a flexible use of D1, D2, B1a and A2. More recently the ground floor of the Corn Exchange was permitted for a flexible use in March 2021. The proposed flexible uses are considered to match in with the existing range of uses within the Pantiles.
- 9.05 The site is located within a character frontage area of the town, which seeks to retain A1 retail uses at ground floor level. However as the use is already non-A1 this policy does not apply.

- 9.06 There are some relevant emerging policies in the upcoming new local plan. Whilst, these are at a draft Regulation 19 stage and therefore only limited weight can be given to them, relevant policies are as follows:
- 9.07 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.
- 9.08 Policy ED11 is similar to paragraph 10.04 above in that the use is already in a non-A1 use so would not apply.
- 9.09 In conclusion the proposed new flexible use is considered acceptable and would comply with relevant policies in the current and draft development plans.

#### **Impact on Visual Amenity, Conservation Area and Listed Building**

- 9.10 No external changes are proposed to the building and the proposed uses would not have a detrimental impact on the amenity of the area, the setting of the CA nor the special character of the listed building.

#### **Impact on Residential Amenity**

- 9.11 Proposed opening hours are 07.00 till 07:00 Monday to Sundays and bank holidays.
- 9.12 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**

- 9.13 The site offers no parking however this is no different to the existing situation for the current 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 in this location.

#### **Summary**

- 9.14 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**

**CONDITIONS** to include:

- (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:

Site Plan, drawing number 57001\_PL\_201A  
Proposed basement plan, drawing number 57001\_PL\_206B  
Proposed ground floor plan, drawing number 57001\_PL\_207B  
Proposed first floor plan, drawing number 57001\_PL\_208B

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.