

REPORT SUMMARY

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| REFERENCE NO - 19/02596/FULL | | |
| APPLICATION PROPOSAL Change of use of the lower ground floor from a health and pilates studio (D2) to allow a range of uses incorporating: Part D1 (non- residential institutions) to include a health centre, clinic, nursery, education and/or training facility; Part D2 (leisure) to include pilates, yoga, and/or gym; B1a (office); and/or A2 (financial and professional services) | | |
| ADDRESS Royal Victoria House 51 - 55 The Pantiles Royal Tunbridge Wells Kent TN2 5TE | | |
| 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 a mixed use (A2, B1a, D1 and D2) would not have a detrimental impact on the vitality and viability of this part of the town centre. - There would be no harm to the Conservation Area or Listed Building - The proposal would not harm the Residential Amenity of neighbouring properties | | |
| INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL The following are considered to be material to the application: Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A Net increase in numbers of jobs: No net increase Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: None as no increase in jobs The following are not considered to be material to the application: Estimated annual council tax benefit for Borough: N/A Estimated annual council tax benefit total: N/A Annual New Homes Bonus (for first 6 years): N/A Estimated annual business rates benefits for Borough: The change of use is considered not to be a large development and according to the guidance these figures are therefore not required | | |
| REASON FOR REFERRAL TO COMMITTEE Tunbridge Wells Borough Council are the Free Holders of Royal Victoria House | | |
| WARD Pantiles & St Marks | PARISH/TOWN COUNCIL N/A | APPLICANT Lower Pantiles LLP AGENT Mrs Louise Caney |
| DECISION DUE DATE 19/11/19 | PUBLICITY EXPIRY DATE 01/11/19 | OFFICER SITE VISIT DATE 04/10/19 |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): | | |

| Planning Application | | | |
|---|--|----------|----------|
| 14/00849/FULL | Proposal: Change of use of part of lower ground floor from Class B1a (Office) to Class D2 (Assembly and Leisure) as health and pilates studio | Approved | 20/05/14 |
| 14/501774/FULL | Variation of condition 3 of planning permission 14/00849/FULL (hours of opening) | Approved | 29/09/14 |
| 14/505997/FULL | Proposal: Change of use of part (60sqm) of the lower ground floor (basement) of Royal Victoria House from office to a chiropractic clinic falling within Use Class D1: Non Residential | Approved | 20/01/15 |
| 17/00117/FULL | Proposal: Change of use of part of lower ground floor basement (140m ²), ground floor (57m ²) and first floor (273m ²) from Class A3 (Restaurant) to Class B1 (Office) or Class A2 (Financial and Professional Services) together with minor internal remedial works including removal of contemporary stud and partition walls and fixtures and fittings, together with introduction of internal glazed dividing screens, internal stair (first to second floor) and two new first floor window opening to internal galleria of The Corn Exchange | Approved | 09/03/17 |
| 17/00119/LBC | Proposal: Listed Building Consent - Change of use of part of lower ground floor basement (140m ²), ground floor (57m ²) and first floor (273m ²) from Class A3 (Restaurant) to Class B1 (Office) or Class A2 (Financial and Professional Services) together with minor internal remedial works including removal of contemporary stud and partition walls and fixtures and fittings, together with introduction of internal glazed dividing screens, internal stair (first to second floor) and two new first floor window opening to internal galleria of The Corn Exchange | Approved | 09/03/17 |
| Neighboring site – Corn Exchange | | | |
| 17/02097/FULL | Proposal: change of use of the ground floor of the Corn Exchange 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) | Approved | 22/08/17 |

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application relates to a unit in the Royal Victoria House, which has most recently been used as a pilates studio and fitness/welling suite since being granted permission in 2014. Prior to this, the premises were used as offices. Access into the building is from the main entrance facing onto the Pantiles and then up the main stairs to the first floor.

2.0 PROPOSAL

- 2.01 The application is seeking planning permission for the change of use of the unit from the pilates studio (D2 use) to allow a range of uses including the following:
- *D1 (non- residential institutions)*
 - *D2 (leisure)*
 - *B1a (office); and/or*
 - *A2 (financial and professional services)*
- 2.02 The proposal is to create a flexible working spaces to encourage new small start up business and individuals and provide purpose built and dedicated facilities to foster the growth and expansion of established companies.
- 2.03 The proposal does not include any physical changes to the building.

3.0 SUMMARY INFORMATION

Proposed new floor space: 121m²

4.0 PLANNING CONSTRAINTS

Air Quality Management Area

Potential Archaeological Importance - Various Sites

Area of Special Advert Control Area Of Special Advert Control

Tunbridge Wells Asset Register Land Registry Data - TWBC Ownership

Conservation Area Tunbridge Wells (*-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 1066555Grade: 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 Tunbridge Wells Central Parking Zone (commercial) - TP7

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

6.0 LOCAL REPRESENTATIONS

6.01 Site notices were displayed on the 11 October 2019 at two locations around the application site. In addition an advert was placed in a local newspaper on the same date.

6.02 No representations were received.

7.0 CONSULTATIONS

7.01 N/A

8.0 APPLICANT'S SUPPORTING COMMENTS

- The relocation of Studio One, the previous tenants of the site, has provided the applicants with an opportunity to widen the market for the future re-use of the premises to allow better flexibility and avoid the premises from being vacant for too long between tenants. The use of the premises within planning use classes D1, D2, B1a and/or A2 will complement the 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 the Pantiles, which will build upon the growth created from other nearby businesses that have established in recent years. This is firmly 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 Royal Victoria House, and no change to the existing hours of use and amplified music conditions imposed on previous planning approval 14/501774.

9.0 BACKGROUND PAPERS AND PLANS

Application form
Site plan
Floor plans
Supporting Statement

10.0 APPRAISAL

Principle of Development

- 10.1 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 includes the uses D1, D2, B1a and A2 uses.
- 10.2 The proposal would not result in the loss of the existing D2 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. The proposed flexible uses are considered to match in with the existing uses within the pantiles. As identified in the supporting statement there have been a number of other more flexible uses permitted around the pantiles including Union House and the Auction House.
- 10.3 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 and located on the first floor so this policy does not apply.

Impact on Visual Amenity, Conservation Area and Listed Building

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

Impact on Residential Amenity

- 10.5 Proposed opening hours are 07.00 till 21:00 Monday to Saturday and 10:00 till 16:00 Sundays.
- 10.4 The closest neighbouring properties are above 57 The Pantiles and 10 Sussex Mews behind the site, who 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.
- 10.5 It is noted that the permission for the 2014 application for the use of the premises as the pilates studio included a condition for restriction to amplified music. As the unit would still potentially be used under a D1 use or another use that may utilise amplified music it is considered necessary to retain this condition in a revised form on this application.

Highways and Parking

- 10.08 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

10.09 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 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:

Existing and Proposed Block plan, drawing number AD-202 rev A, received 24/09/19
Existing and Proposed Part Floor Plan, drawing number AD-202 rev A, received 24/09/19

Reason: To clarify which plans have been approved

- (3) No amplified music shall be played in the premises before 08:30 and after 23:00 Monday to Saturday and before 10:00 and after 16:00 on Sunday and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the residential amenity of the nearby occupiers

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.