

REPORT SUMMARY

REFERENCE NO - 23/00420/FULL		
APPLICATION PROPOSAL Change of use from Council Offices to a mixed use of Council Offices and Class E(g) (i) Co-Working Space and Café		
ADDRESS Tunbridge Wells Borough Council Town Hall Mount Pleasant Road Royal Tunbridge Wells Kent TN1 1RS		
RECOMMENDATION GRANT subject to conditions (see section 11.0 of report for full recommendation)		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The proposal would allow the re-use of a building within the town centre for flexible office purposes; • The proposal would preserve the significance of the Conservation Area and the listed building; • The proposal would not cause significant harm to the nearby residential amenity spaces. • The proposal would not have an adverse impact on the character and visual amenities of the street scene. • There would be no harm to highway safety arising from the proposal; • Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition. 		
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: N/A Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A 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 Estimated annual business rates benefits for Borough: N/A as still in use as offices		
REASON FOR REFERRAL TO COMMITTEE Tunbridge Wells Borough Council are the landowners		
WARD Park	PARISH/TOWN COUNCIL N/A	APPLICANT Ms Mandy Weston AGENT N/A
DECISION DUE DATE 14/04/23	PUBLICITY EXPIRY DATE 17/03/23	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

Planning Committee Report
22 March 2023

22/02788/LBC	Listed Building Consent: Removal of a stud wall between rooms 119 and 119A of the Town Hall to return to the room to its original design	Granted	20/10/22
22/01156/LDLB	Lawful Development Certificate (Proposed Works to a Listed Building): Repair and decoration works to all sash windows (other than those repaired and decorated during the emergency works of 2020) within the Town Hall and Assembly Hall Theatre	Granted	30/06/22
21/03715/LBC	Listed Building Consent: Installation of helical bars to the external brick wall on roof J	Granted	08/04/22
20/00114/LDLB	Lawful Development Certificate (Proposed Works to a Listed Building) – Repairs or replacement of timber sash windows (see schedule of works)	Granted	17/04/20
12/02781/LBC	Listed Building Consent - Installation of a stand-by generator on new concrete plinth in courtyard of Town Hall; fuel supply line from adjacent road; Installation of cabling and switchgear to connect generator to existing electrical distribution circuits	Granted	04/12/12
11/01946/LBC	Listed Building Consent: Alterations to widen existing door opening	Granted by Secretary of State	16/09/11
06/02275/LBC	Listed Building Consent - Removal of toilet fittings and partitions from Room 5	Granted	07/09/06
04/01639/LBC	Listed Building Consent - Alterations to existing disabled toilet on ground floor	Granted	18/08/04
04/01569/LBC	Listed Building Consent - Conversion of storage room to training room	Granted	30/07/04
03/03119/LBC	Listed Building Consent - Alterations to gents WC on first floor. Alterations to mayors store to provide disabled WC	Granted	19/03/04
03/00323/LBC	Listed Building Consent - Proposed electric warm air heaters in main entrance and planning/housing entrance	Granted	16/04/03
97/01730/LBC	Listed Building Consent - Alteration to housing advice reception area	Called in by Secretary of State	03/02/98
97/00658/LBC	Listed Building Consent - Installation of a platform stairlift for wheelchair access to Council Chamber	Granted	08/08/97
96/00266/LBC	Listed Building Consent - to extend existing glasshouse at first floor level to form additional offices	Granted	24/07/96
96/00265/TWBRG3	Regulation 3 (TWBC) - First floor extension to glasshouse to provide offices	Granted	19/06/96
81/00668/FUL	Extension on roof of Town Hall to provide additional offices	Granted	07/08/81

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The Town Hall is sited in a prominent location on the north-east corner of the central cross-roads formed by Church Road, Crescent Road and Mount Pleasant Road in Royal Tunbridge Wells.
- 1.02 The building was purpose built for local government administration. The complex accommodates Tunbridge Wells Borough Council, including uses for administrative offices, civic and other meetings and ceremonial functions. It comprises two storeys, basement offices/storage areas plus a second floor roof office that was added in the 1980s.
- 1.03 The Town Hall was listed at Grade II in 1995 and the Historic England list description is as follows:

“Town Hall. Built in 1939, one of a series of linked municipal buildings designed by Percy Thomas and Ernest Prestwich after a competition in 1934. Neo-Georgian with “Moderne” details. Brown brick in Flemish bond with Portland stone dressings, band below cornice and band above plinth. Flat roof. Symmetrical building of 2 storeys of splayed shape. Centre has 3 bays. Centre has raised parapet with shield and the motto “Do well Doubt not”, flanked by giant pilasters and giant round-headed window with balcony and stone architrave with double doors. Two flights of stone steps with circular planters by doorcase and rectangular planters by steps. One 20-pane sash on each side. Seven sashes to right side elevation and 12 to left. Interior has marble staircase of white marble with black marble plinth and coping. Giant stylised pilasters and gilded stylised Greek Key decoration to cornice. Original circular and half-cylindrical light fittings. Council Chamber has Greek Key design to ceiling and balcony. Domed vestibule.”

2.0 PROPOSAL

- 2.01 The building’s current use falls outside the defined classes within the Town and Country Planning (Use Classes Order) 1987 and is a ‘sui generes’ use (i.e. a use of its own type, in its own use class).
- 2.02 The proposal involves the change of use of the building to a mixed use, combining local authority administrative offices (and associated civic meetings and functions) with use by a company which lets office ‘co-working space’. The co-working office space would allow individuals, likely operating as sole traders and micro/small-medium enterprises to rent a desk/meeting room for a period of time (typically daily/weekly).
- 2.03 The applicant, Town Square, operates similar venues elsewhere in the country. They anticipate when at 85% capacity there will be approximately 40 micro/SME and over 80 sole traders using the facility. Areas such as the reception and facilities management would be shared between TWBC and Town Square. A café also features within the plans.
- 2.04 TWBC staff would be based in the recently refurbished offices within the northern wing of the building (first floor only) and the newer first floor offices adjacent to the

Assembly Hall on the eastern side of the complex. All occupiers would be able to use the shared facilities eg: toilets. The Council Chamber will remain accessible to TWBC for formal meeting/events and other rooms in the basement for storage etc. The rest of the building would be leased to Town Square.

- 2.05 The specific details of how the two entities would work alongside each other (for example access rights over common areas, how TWBC would book the Council Chamber) are matters for the lease and similar agreements between TWBC and Town Square.
- 2.05 No changes to the interior or exterior of the building for part of this application. Any such changes would require listed building consent and (for the exterior only) planning permission.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Land use	Local Authority offices and civic meetings / ceremonial functions (sui generis)	Mixed use for Local Authority office/civic meetings/ceremonial purposes, commercial office space and as a café	Material change of use to a mixed use for Local Authority office/civic meetings/ceremonial purposes, commercial office space and as a café

4.0 PLANNING CONSTRAINTS

- Limits to built development - inside
- Town Hall is a Grade II Listed Building (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Tunbridge Wells Conservation Area (*-statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2021
National Planning Practice Guidance (PPG)

Site Allocations Local Plan July 2016

AL/STR 1 Limits to Built Development
AL/RTW 2A Civic Complex/Crescent Road Area of Change

Tunbridge Wells Borough Core Strategy 2010

CP1 Delivery of Development
CP4 Environment
CP5 Sustainable Design and Construction
CP7 Employment
CP9 Development in Royal Tunbridge Wells

Tunbridge Wells Borough Local Plan 2006

EN1 Development Control Criteria
EN5 Development in Conservation Areas
TP7 Tunbridge Wells Central Parking Zone (Commercial)
TP9 Cycle parking

Supplementary Planning Documents

The Royal Tunbridge Wells and Rusthall CA Appraisal SPD (Nov 2000);
Noise and Vibration SPD (2014);
Civic Development Planning Framework February 2018

Tunbridge Wells Borough Submission Local Plan 2020-2038

Policy STR1: The Development Strategy
Policy STR2: Place Shaping and Design
Policy STR3: Brownfield Land
Policy STR4: Ensuring Comprehensive Development
Policy STR5: Infrastructure and Connectivity
Policy STR6: Transport and Parking
Policy STR8: Conserving and Enhancing the Natural, Built, and Historic Environment
Policy STR/RTW1: The Strategy for Royal Tunbridge Wells
Policy EN1: Sustainable Design
Policy EN2: Sustainable Design Standards
Policy EN16: Landscape within the Built Environment
Policy EN27: Noise
Policy ED1: Key Employment Areas
Policy ED2: Retention of Existing Employment Sites and Buildings
Policy TP1: Transport Assessments, Travel Plans, and Mitigation
Policy TP3: Parking Standards

6.0 LOCAL REPRESENTATIONS

- 6.01 Three site notice was displayed on the streets surrounding the application site in February 2023. The application was also advertised in the local press.
- 6.02 No responses have been received to the site notice.

7.0 CONSULTATIONS

KCC Highways

- 7.01 (28/02/23) – below threshold for comment

Mid Kent Environmental Protection

- 7.02 (03/03/23) - The Environmental Protection Team have no major issues with the application which is basically like for like with the inclusion of a Café. EPT are not sure if there will be more plant installed such as Air Condition and extraction for the café.
- 7.03 If the café is likely to do meals that require cooking such as burgers, fried foods, baking, fish & chips, curry etc it would be good for the EP team to see these and ensure they comply with the DEFRA Control of Odour and Noise from Kitchen Exhaust Systems. If there is likely to be a significant system and/or an uplift in air conditioning units then an assessment under current version of BS 4142 for rating and assessing industrial and commercial sound.
- 7.04 If it is likely that:
a) The kitchen is likely to be intensive cooking, details of odour and noise control condition can be inserted namely;

Kitchen/Restaurant Odour Control

A report based upon the Defra (NETCEN) Control of Odour and Noise from Commercial Kitchen Exhaust Systems shall be submitted to the local authority for approval. The noise element may be linked to the BS4142 noise if this is necessary (can be confirmed by the Environmental Protection Team).

b) Noise from Extraction Equipment and Plant such as Air Conditioners
If there is to be a significant uplift in air conditioning plant etc it may be necessary to submit details relating to location, noise levels and mitigation. The noise may need to be assessed in accordance to the current BS4142 method.

Industrial/commercial noise rating level

The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of the current version of BS 4142 for rating and assessing industrial and commercial sound: shall be low as reasonably possible. In general, this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5dB the applicant's consultant should contact the Environmental Protection Team to agree a site specific target level

TWBC Principal Conservation Officer

7.05 (01/03/23) - Further to the request for heritage advice regarding the above application, have reviewed the application drawings and supporting documents for this change of use application. The proposal does not seek any physical changes to the building and the proposed uses are not dissimilar to the existing uses in terms of potential use impact. It is therefore the view that specialist advice from the Built Heritage Team is not, in this case, necessary for the determination of this application.

8.0 APPLICANT'S SUPPORTING COMMENTS

8.01 See submitted Change of Use Statement

9.0 BACKGROUND PAPERS AND PLANS

9.01 Application form
Site location plan
Change of Use Statement
Conservation Statement

10.0 APPRAISAL

10.01 The main issues are:

- The principle of the development;
- Impact upon the Conservation Area and listed building;
- Residential amenity;
- Highways and parking;
- Other matters.

Principle of Development

Core Strategy

10.02 The strategic objectives of the Core Strategy (Chapter 3, page 13) include the objectives to stimulate and sustain the economic growth and competitiveness of the town (SO2) and to target regeneration efforts where necessary, particularly in the

borough's town centres to ensure that residents have the opportunity to access the services and facilities they require.

- 10.03 Core Policy 7 seeks to retain employment use within the Borough through maintaining the overall net amount of employment floor space for a range of employment generating uses. The application site falls within the Tunbridge Wells Town Centre Key Employment Area. Here, the policy seeks to safeguard employment areas and buildings that are well located in terms of main roads and public transport networks and that provide or are physically and viably capable of providing good quality modern accommodation that is attractive to the market. It is considered that the proposed use of the building meets all three criteria given the heritage value of the building, that its design lends itself to this use and the location within the town centre area.
- 10.04 Core Policy 9 also seeks to promote the sensitive development of the town for a mix of uses, including employment and retail. It also seeks to maintain existing employment floorspace (Criterion 4); development must conserve and enhance the assets of the town and its special character.

Site Allocations Local Plan (SALP)

- 10.05 Policy AL/RTW 2A of the SALP specifically allocates the wider area that this site forms part of as the Civic Complex/Crescent Road Area of Change (AOC). This policy allocates a wider area and proposals within the area as a whole will be expected to deliver a range of uses, including, high quality B1 office space.
- 10.06 The policy states there shall be no loss of public or ceremonial civic functions from the AOC unless suitable alternative provision has been secured elsewhere in the town centre. This allocation follows the requirement of NPPF para 86(d) to "*allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres*".
- 10.07 This policy was adopted some time ago when it was anticipated that the Borough Council would re-locate to new offices within Calverley Park. That project was abandoned some time ago. The SALP is an adopted policy, but will be superseded by policies within the Submission Local Plan, once that is adopted.
- 10.08 The retention of the Town Hall for employment purposes meets with AL/RTW2A. The other uses (such as retail and residential) are not relevant to this site; similarly the highways and street lighting improvements are outside the gift of this application to deliver, given its limited scope, exclusion of physical alteration/extension to the Town Hall and limited potential for additional traffic generation.

Civic Development Planning Framework (CDPF)

- 10.09 This document was prepared to supplement existing planning policies and guidance in relation to specific key (interrelated) sites within the town centre, including the application site. The intention was that the additional guidance would help to shape the form and quality of future development proposals including the Council's own development projects. It was also intended to ensure that a comprehensive approach is taken to redeveloping the sites and to assist in the determination of planning applications.
- 10.10 Policy AL/RTW 2A is expanded upon in part 4.1 of the CDPF, in respect of the Town Hall, where the objectives are;
- To protect the Grade II Listed buildings and the historic fabric of the surrounding townscape;

- To provide suitable alternative uses for the building which work well in the town centre context; and
- To improve the setting of the civic buildings by ensuring a high quality public realm.

10.11 Like document AL/RTW 2A, this document was predicated on the now-abandoned re-location of TWBC's offices and the theatre to Calverley Grounds and as such is somewhat out of date. The CDPF envisaged alternative uses of the Town Hall such as a hotel, academic use or residential. The mixed office and Local Authority use proposed by this application is much more low-key and is essentially a continuation of the existing use within separate planning units. The CDPF does not exclude physical alterations to the building and the current application meets these objectives.

10.12 Overall, there is policy support for this proposed development within the local plan and NPPF as outlined above. The wording of policy AL/RTW 2A provides support for the redevelopment of this area however both this and the CDPF are out of date and carry limited weight in the planning balance. For the reasons set out above the proposal is considered acceptable in principle. Other material considerations and the more detailed matters are considered below.

NPPF

10.13 Para 81 of the NPPF states that;

"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."

10.14 NPPF Para 86a emphasises the need to define a network and hierarchy of town centres and promote their long-term vitality and viability. As referred to earlier, NPPF 86 (d) promotes commercial and office development in town centres.

10.15 On this basis, given the above policy support for the proposal and its compliance with the Core Strategy, the development is considered acceptable in principle.

Impact upon the significance of the Conservation Area and the listed building

10.16 LP Policy EN1 requires the design of a proposal to respect the context of its site. CP4 (1) requires the Borough's urban landscapes to be conserved and enhanced.

10.17 The site is located within the CA and the Town Hall is Grade II listed. Para 197 of the NPPF states that;

'In determining applications, local planning authorities should take account of:
a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.'

10.18 Para 206 states;

"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those

elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

- 10.19 Impact on the CA also falls to be considered under LP policy EN5; then more broadly under EN1 and CS Policy 4, which seeks to conserve and enhance the Borough's urban environments (including CAs) at criteria (1) and (5). EN1 and CP4 address listed buildings.
- 10.20 The proposal makes no external alterations to the building and maintains a very similar use within. This planning land use of the building is appropriate to this locality and its character. It would be likely to maintain (or add to) the vitality and viability of the town centre, and maintain pedestrian activity therein. It is therefore not considered that any harm is caused to the significance of the CA, nor to that of the listed building.

Residential amenity

- 10.21 The only residential uses close to the site is a single flat on the upper floors of No.79 Mount Pleasant (opposite the Town Hall). There are also similar uses on the upper floors of the buildings fronting Mount Pleasant Avenue to the south with residential use permitted on the cinema site opposite the main entrance to the Town Hall. The office use would be very similar to the current municipal office use, with little impact outside the building itself. The café would be a low key use within the centre of the building complex; any noise and disturbance from a use of this nature is highly unlikely particularly given that it is completely enveloped by the surrounding building.
- 10.22 Mid Kent Environmental Protection have been consulted on the application and raise no concerns except where the use of the café may be intensive, or where further plans and extraction systems may need to be installed. However if the café is minor in nature and a lower-intensity use (e.g.: heated products, drinks, cakes etc) this will not present a problem and will not necessitate significant amounts of new plant/extraction/ducting systems.
- 10.23 Furthermore the primary concern is any risk to nearby local residents, rather than impacts on users of the office space. The issue is likely to be self policing; a Local Planning Authority cannot control by planning condition the type of food that is sold from the premises. However the applicants are unlikely to use the café so intensively that it creates excess odour and puts off potential customers to the shared office space. This is essentially a matter for the applicant and the users of the Town Hall building.
- 10.24 Based on the comments of the EHO, the risk of causing a noise/odour nuisance to the nearest dwellings, which is what carries the greatest weight in planning decisions, is low in light of the above. Therefore additional conditions in this regard are not considered necessary.

Highways and parking

- 10.25 This is a town centre site in a highly sustainable location. Vehicle access to the site is not possible and there is no off-street parking. This part of Mount Pleasant is restricted to buses and cycles only between 9am and 6pm daily. The uses for which permission is sought are typical of those found in locations such as this.
- 10.26 KCC Highways raise no objections to the proposal. Parking is available in the adjacent Crescent Road car park and elsewhere in the town centre, as it currently is for TWBC staff.

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 be carried out in accordance with the following approved plans:

Change of Use Plans – Basement, Ground Floor, First Floor and Roof Office

Reason: To clarify which plans are approved.

- 3) The café use within the development hereby approved shall be restricted to the areas shown on the approved plans and shall not be used for any alternative purpose apart from Class E Office use.

Reason: In the interests of residential amenity, retaining employment space and to control and regulate development on this site

Case Officer: Richard Hazelgrove

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.