

TM/02/03569/ORM ORM approved 22 January 2003

Minor amendment of planning permission TM/02/1850/RM (details of Class A1, A2 and A3 retail services units and B1 business units pursuant to planning ref. TM/89/1655) being amendment of footprint and the removal of two pitched roofs.

TM/04/01661/ORM ORM approved 5 July 2004

Minor amendment to reserved matters approval TM/02/1850/RM (details of Class A1, A2 and A3 retail services units and B1 business units pursuant to planning ref. TM/89/1655) involving minor elevational alterations and increase in floorspace.

TM/04/01664/ORM ORM approved 5 July 2004

Minor amendment of planning permission TM/02/01849/FL (provision of additional 2018 sq m Class A1 retail units and 595 sq m Class D1 medical services unit) involving minor changes to floorspace and elevational treatment.

5. Consultees:

- 5.1 Two further representations from members of the public which object to the change of use, though raise no additional comments to those reported previously.

6. Determining Issues:

- 6.1 As requested by Members at the previous meeting, the history of the Central Area has been researched in detail, starting with the mix of uses originally permitted and the subsequent alterations to that mix through Minor Amendment applications and changes of use. The history is set out comprehensively below in a table format. It is worth noting that the original permission is in the form of 2 applications TM/02/01850/RM and TM/02/01849/FL. This is because the combined effect of those proposals meant that the amount of retail floor space approved under the 1989 outline consent would have been exceeded and therefore the "excess" had to be considered as a full application.
- 6.2 For clarification, the Use Classes originally approved referred to the Order prior to the 2005 changes to the Order. Accordingly, A1 is Retail, A2 is Professional Services, A3 includes all of the current uses now referred to as A3, A4 and A5. Class B1 is offices (other than A2) and D1 is Non-residential institutions, such as clinics, crèches, health centres.
- 6.3 It should also be noted that the Block numbers referred to below relate to the originally approved numbering from TM/02/01850/RM and TM/02/01849/FL. The applicants re-numbered the blocks after 2002 which confuses matters to a degree. For clarification, where ORM applications have referred to Block 5 this was labelled as part of Blocks 2 and 3 on the original applications. For Members

identification, the approved changes in the ORM refer to the existing block 2 and 3 which contains Kings Hill Property Café, Ward & Partners and Kings Hill Recruitment, among others. Of the 2002 applications, the Block to be sited between Kings Hill Property Café and the doctors' surgery and the Block to be sited where the existing temporary car park is sited have not been constructed but both benefit from an extant approval. (These were referred to as Blocks 5 and 4 respectively in the 2002 approvals).

6.4 TM/02/01850/RM:

Block 1	Ground floor	A3	58 sqm
	First floor	A3	64 sqm
Block 3	Ground and first floor	A3	934 sqm
Block 4	Ground, first and second floor	A2	1,417 sqm
Block 5	Ground and first floor	A1	537 sqm
Block 5	Ground, first and second floor	B1	1,743 sqm

6.5 TM/02/01849/FL:

Block 1	Ground floor	A1	465 sqm
Block 2	Ground and first floor	A1	1,553 sqm
Block 1	First floor	D1	595 sqm

6.6 Original total floor area of the combined application in terms of use:

A3	A2	A1	B1	D1
1,056 sqm	1,417 sqm	2,555 sqm	1,743 sqm	595 sqm

6.7 TM/04/01661/ORM:

This application approved a reduction in the overall A1 floor area in Block 5, an increase in A2 floor area in Block 5 and an increase in A3 floor area in Blocks 1 and 3.

Block No.	Level	Use Class	Change	Overall effect
Block 1	Ground floor	A3	58 to 75 sqm	+ 17 sqm
	First floor	A3	64 to 73 sqm	+ 9 sqm
Block 3	Ground and first floor	A3	934 to 1001 sqm	+67 sqm
Block 4	No change	A2	-	-
Block 5	Ground and first floor	A1	537 to 287 sqm	A1 - 250 sqm
		A2	0 to 299 sqm	A2 + 299 sqm
Block 5	No change	B1	-	-

6.8 Overall total floor area in terms of use as a result of TM/04/01661/ORM:

A3	A2	A1	B1	D1
1,149 sqm	1,716sqm	2,305 sqm	1,743 sqm	595 sqm

6.9 TM/04/01664/ORM:

Increase in floor area in Block 1 and 2 for A1 and reduction in D1 also in Block 1.

Block No.	Level	Use	Change	Overall effect
Block 1	Ground floor	A1	465 to 470 sqm	+ 5 sqm
Block 2	Ground and first floor	A1	1553 to 1555 sqm	+ 2 sqm
Block 1	First floor	D1	595 to 569 sqm	- 26 sqm

6.10 Overall total floor area in terms of use as a result of TM/04/01664/ORM:

A3	A2	A1	B1	D1
1,149 sqm	1,716 sqm	2,312 sqm	1,743 sqm	569 sqm

6.11 TM/04/02436/ORM:

Change of use of ground floor of Block 5 from A1 to A2.

Block No.	Level	Change	Overall effect
Block 5	Ground floor	A1 to A2	A1 - 287 sqm A2 + 287 sqm

6.12 Overall total floor area in terms of use as a result of TM/04/02436/ORM:

A3	A2	A1	B1	D1
1,149 sqm	2,003 sqm	2,025 sqm	1,743 sqm	569 sqm

6.13 TM/06/00099/FL:

Change of use of 5 Queen Street from D1 medical to A2 professional services.

Block No.	Level	Use	Change	Overall effect
Block 1	First floor	D1	595 to 378.6 sqm	- 216.4 sqm
		A2	0 to 216.4 sqm	+216.4 sqm

6.14 Overall total floor area in terms of use as a result of TM/06/00099/FL:

A3	A2	A1	B1	D1
1,149 sqm	2,219.4 sqm	2,025 sqm	1,743 sqm	352.6 sqm

6.15 Current application TM/07/03998/FL:

Change of use of 17 Queen Street from A1 to A2 professional services.

Block No.	Level	Class	Change	Overall effect
Block 1	Ground floor (17 Queen Street)	A1	470 to 360 sqm	- 110 sqm
		A2	0 to 110 sqm	+ 110 sqm

6.16 Potential overall total floor area in terms of use if TM/07/03998/FL were approved:

A3	A2	A1	B1	D1
1,149 sqm	2,329.4 sqm	1,915 sqm	1,743 sqm	352.6 sqm

6.17 Summary of changes as a result of the above amendments to the Central Area in terms of floor space (figures in sqm)

	A3	A2	A1	B1	D1
Original	1,056	1,417	2,555	1,743	595
TM/04/01661/ORM	1,149	1,716	2,305	1,743	595
TM/04/01664/ORM	1,149	1,716	2,312	1,743	569
TM/04/02436/ORM	1,149	2,003	2,025	1,743	569
TM/06/00099/FL	1,149	2,219.4	2,025	1,743	352.6
TM/07/03998/FL	1,149	2,329.4	1,915	1,743	352.6

6.18 The above analysis illustrates the individual changes and the cumulative effect on the proportions of each individual use on the Liberty Square development since originally permitted.

6.19 It should be noted that the majority of Block 5 and all of Block 4 have not yet been built. The “not yet built” part of Block 5 is approved to be three storeys of B1 uses. Moreover, currently Block 4 is approved to be solely for A2 uses which would provide an additional 1,417 sqm to the existing built A2 units. There currently is no indication of when Block 4 will be built.

6.20 At present, the approved amount of A2 (including the un-built Block 4) is 2,219.4 sqm which has risen from 1,417 sqm originally. The amount of A1 floor space approved is 2,025 sqm (reduced from 2,555 sqm originally). The proposed change of use at 17 Queen Street would reduce the A1 floor space further to 1,915 sqm and increase the A2 floor space to 2,329.4 sqm.

6.21 Having carried out this analysis, it is my opinion that the original proportions of uses within the Liberty Square development have been altered significantly with the originally dominant A1 use being overtaken by A2 which (looking at both the built and unbuilt commitments) is currently the dominant use. If approved, the change of use of 17 Queen Street would further distort the balance of uses in Liberty Square further increasing the A2 provision. This would, in my view cause undue harm to the vitality of the development in the long term, i.e. once the site is completed through the construction of Block 4 and the remainder of Block 5. The proposal would therefore be contrary to policy CP22 of the Tonbridge and Malling Core Strategy 2007 as it would harm the viability and vitality of Liberty Square through the loss of an A1 retail use.

6.22 I do not consider that there is any justification to allow the level of A1 floor space to be further eroded and therefore recommend that the application is refused.

7. Recommendation:

7.1 **Refuse Planning Permission** subject to the following:

Reason

1. The proposal by virtue of the loss of A1 retail floor space would be detrimental to the vitality and viability of the Liberty Square development as it would undermine the balance of uses on the site. The proposal is therefore contrary to policy CP22 of the Tonbridge and Malling Core Strategy 2007.

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