

10/06/2021

Ms. Canan Clatworthy MRTPI
Planning Department
Tunbridge Wells Borough Council
8 Grosvenor Road
Tunbridge Wells
TN1 2AB

Dear Canan,

RE: Amalgamation of 65 & 67 St Johns Road TN4 9RU and change of use to form Beauty Salon & Beauty Training School (Sui Generis)

Further to our discussions regarding this site, I write on behalf of my client Ms. Jessica Butler, local businesswoman and owner of Vanity Fair Beauty. Ms. Butler seeks planning permission for the amalgamation of both units to form one combined floorspace, as well as a change of use from the former Class A1 (now use Class E) to provide a mixed-use Beauty salon and Beauty training school. This is potentially considered to form a composite of two uses, such that the overall use is *Sui Generis*, or a "use class of its own".

Background & policy context

The existing site is comprised of two retail units formerly occupied by a bathroom improvement store. The units were originally approved under reference 14/506666/REM as part of a mixed-use retail & residential development which included the flats above. The original development was subsequently varied by later schemes under Section 73 of the Town and Country Planning Act. This included application 15/510585/FULL and then again under 18/01493/FULL. Attached to these consents was a condition expressly forbidding the amalgamation of the units:

- (10) The three retail units hereby approved shall not be sub-divided or conjoined into one unit and no development whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or as amended) or any Order revoking and re-enacting that Order, that allows the alteration, extension of or change of use shall be carried out.

Reason: In the interests of highway safety and to protect the residential amenity of the locality.

However, the existing home wear store “Ripples” was always operating as one combined store, as can be seen from the Google Streetview image below. It is not understood that the Council raised any concerns with this arrangement over the last 3 years despite the technical breach of the condition.



Figure 1: Former occupier of the units. Note both are combined to form one larger store.

In terms of policy context, the site falls within the Tunbridge Wells urban area in which there is no objection in principle to changes of use. The site is also located within a defined neighbourhood centre, set out by policy CR13 of the Council’s Site Allocations Local Plan (hereafter the “SALP”). There are no other identified policy constraints shown on the Council’s planning policy map.

The proposal

The applicant currently operates a successful beauty salon from 144 Camden Road on the other side of town, and has a well established and loyal client base in the area. She currently employs 4 members of staff and offers a wide range of beauty services. However, the space in her existing unit is limited and can only accommodate two treatment rooms, which has started to become a constraint on the ambitions and popularity of the business.

After a long search for a suitable new premises, the applicant is finalising negotiations for a lease of the application site at 65 – 67 St Johns Road. The proposal would include continuing the existing arrangement of the units operating as a single premises, and the applicant and her company would now be able to provide the following additional services:

- 4 Treatment rooms
- Training school section to train up to 6 students at any one time
- One Sunbed room
- 4 manicure stations / 4 pedicure built in stations

This would amount to a significant positive expansion of the business, enabling it to continue to build momentum whilst retaining and expanding on its local customer base. The introduction of the beauty school would also enable the applicant to provide regular training and mentoring events, as well as courses for members of the community interested in pursuing a career in beauty.

Aside from the internal changes including new partitions and stud walls, there would otherwise be no changes to the external appearance of the units. The scope of the proposal is limited to the change of use, and regulising the amalgamation of the two units into one.

Planning assessment

As noted previously no operational development is proposed. The key planning issues are therefore limited to the principle of the change of use and the effect of combining the two units into one, whether there would be any adverse retail impact from doing so, and whether this would result in any parking or highways impacts. It is not considered that the proposal would give rise to any issues in terms of neighbouring amenity or character and appearance, given the limited scope of works.

Principle of change of use / retail impact

Firstly, in terms of the principle of the change of use, the site lies within the defined local neighbourhood centre as defined by policy CR13 of the SALP. The policy sets out that proposals that would result in the loss of a community facility, as listed below, from within the defined neighbourhood centres will not be permitted unless it can be demonstrated that suitable alternative provision is available within the defined centre or that:

(1) in the case of commercial enterprises, it can be clearly demonstrated that the facility is no longer viable; or

(2) In the case of public facilities, it can be demonstrated that demand within the locality no longer exists, or there are clear operational reasons for closing or moving the facility and the wider importance of the facility to the community has been taken into account.

The list of uses considered to be a “community facility” for the purposes of the policy are set out as follows:

- Retail provision (including post office service and shop);
- Restaurant and public house;
- Surgery (doctor, dentist and other healthcare centres);
- Primary School, early years and child care (unless referred to in POLICY CS5);
- Children’s playspace;
- Library;
- Community hall;
- Place of worship; and
- Recycling centre

The purpose of the policy is clearly to protect the viability of the neighbourhood centres and to avoid the loss of shops and valued facilities to other uses like residential or offices. Whilst the proposed use may not precisely fall within the definition of any single one of these uses, it is nonetheless closely aligned with a retail function (the beauty salon) which would take up the majority of the floorspace in the units. In terms of the beauty school element which is largely subordinate to the salon use, this is still clearly a typical town centre operation, with an active and open frontage and receiving “drop in” customers who would also make linked trips and purchases in other local shops.

Furthermore, it would also bring an existing vacant unit back into a viable use, providing new jobs for local people and further benefiting the community through the training services it would provide. This is in the context of a significant decline in the nation’s high streets due to the impact of the pandemic and a shift in shopping habits towards online purchases. There are substantial economic benefits arising from the proposal, and far from having a detrimental impact on the neighbourhood centre, it would positively enhance and support it.

Additionally, the Government’s recent shift in policy towards uses within high streets further demonstrates that a greater degree of flexibility should be provided. This is emphasised by the broad range of uses encompassed within the new “Class E” format, aimed at diversify and encouraging all manner of businesses to take up underutilised space in high streets. The proposed use would further accord with the thrust of this change in policy.

Finally, whilst the applicant has adopted a precautionary approach and sought planning permission on the basis that the proposed use is a composite “mixed use” operation, it is equally arguable that the use is in fact squarely within use Class E, with the beauty school operation simply being ancillary to the primary function of the premises as a beauty salon. If the Council were to adopt this approach, then the proposal would entirely comply with policy CR13 anyway, and planning permission would only be required for the amalgamation of the units. Either way, this further demonstrates how closely the proposed use aligns with what the policies in the development plan are seeking to achieve.

Therefore, regardless of whether it complies with the policy precisely, there would still be no adverse impact on the vitality and viability of the neighbourhood centre. The proposed change of use would actively bring in new jobs and investment, with linked trips providing further investment in adjacent shops and services. If the Council does consider the use to be Sui Generis, it would nonetheless accord entirely with the aims and objectives of policy CR13.

Amalgamation of the units - retail Impact / parking and highways

As to the effect of merging the units, it is not entirely clear where the Council’s concerns rose from during the last time this condition was imposed (18/01493/FULL). The reason given was *“in the interests of highways safety and to protect the amenity of the locality”*. This is presumably to avoid the occupation of the unit by a larger supermarket selling convenience / comparison goods that might give rise to increased parking / highways safety pressure. However, the individual use of the units in this manner are not restricted and it is further unclear what amenity problems would arise.

In any event, as previously noted, the units have always been operating in this manner without any apparent perceivable harm. It is not considered that allowing this arrangement to continue for the applicant’s business would result in any measurable impact on highways safety or neighbouring amenity. No dedicated on-site parking is proposed, but clients would reach the store using public transport or by taking advantage of the nearby parking facilities, including John street car park directly behind the premises. The opening hours would be subject to the same planning conditions and the nature of the business does not give rise to any undue noise or disturbance that would impact neighbours. Accordingly, amalgamating the two units would not result in any planning harm, but would further assist with maintaining the vitality of the neighbourhood centre by putting both shops to good use.

Conclusion

The current vacant nature of the unit does no good to anyone, and indeed, has a detrimental effect on the vitality of the neighbourhood centre. The proposal to change the use of the units would enable a local business to expand and flourish, whilst bringing in considerable

investment to the area and creating new jobs. It is considered that the development accords with the aims and objectives of policy CR13 of the SALP, with no other planning harm identified in respect of retail impact or parking and highways. There are clear identified positive benefits associated with this use, and it is therefore requested that planning permission is granted.

Yours sincerely,



Adem Mehmet BA (Hons) PGDip MA MRTPI

Director

HIGHGATE Planning & Development Ltd