

4.2- SE/14/01263/FUL Date expired 22 July 2014

PROPOSAL: Change of use from A1 - retail, to D1 - developmental play classes between the hours of 09:00 - 17:00 for a maximum number of 14 children aged 0-5 years with their carers.

LOCATION: 16 -18 London Road, Riverhead, Kent TN13 2UE

WARD(S): Dunton Green & Riverhead

### **ITEM FOR DECISION**

This matter has been referred to the Committee by Councillor Brown to discuss issues of parking and highways safety

**RECOMMENDATION:** That planning permission be Granted subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) No more than 14 children shall be on the premises at any one time with no more than 5 staff in attendance at the same time.

To prevent the intensification of the use such as to cause problems on the nearby public highways as a result for demand for on street parking spaces.

3) The premises shall only be open between the hours of 8am - 6pm Mondays to Fridays and at no time on Saturdays, Sundays and Bank Holidays.

To protect the amenities of nearby residents in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan and policy EN2 of the emerging Allocations and Development Management Plan.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: unnumbered site plans and floor plan - existing and proposed.

For the avoidance of doubt and in the interests of proper planning.

### **Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,

- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was updated of any issues after the initial site visit.

#### Description of Proposal

- 1 This application seeks permission for the change of use of an existing vacant former antiques shop (Use Class A1) to a use falling within Use Class D1. The proposed use is to use the premises to run developmental play classes for a maximum of 14 children and their carers. The group Gymboree Sevenoaks currently operates out of the Knole Academy in Seal Hollow Road. Those premises closed on 22<sup>nd</sup> July.
- 2 The premises would be subject to minor alterations internally to open up the floorspace to create a single large play area, buggy storage area, kitchen/WC and staff area. The entrance door is screened behind fencing from the play area.
- 3 The proposal is for use by a maximum of 14 children, between the ages of 0 – 5 years old, with their carers between the hours of 0900 – 1700 hours Mondays to Fridays.
- 4 The Gymboree website explains these classes in the following way:

*“Here at Gymboree Sevenoaks we have a full timetable of Classes and Open Play, with varied options so that you and your little one can make us part of your busy schedule”. “Brand new government guidelines were released recently, which highlighted the importance of physical activity and play in young children’s early development. The report outlined the vital role of PLAY and MOVEMENT in early childhood, putting emphasis on encouraging children, particularly those that aren’t walking, to crawl, roll and play – physical activity is now encouraged from birth, ‘particularly through floor-based play... in safe environments’. Meanwhile, children that are up on their feet are now recommended to have at least 3 hours of activity, spread throughout a day with periods of rest in-between.”*

#### Description of Site

5. The site comprises one pair of ground floor former retail units which are now vacant, that front onto London Road Riverhead. The units lie within a parade of 4  
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units, the other two comprising a barbers to the south and car parts and accessories shop to the north. At the rear of the site there are two detached buildings which are not included in the application site.

- 6 Pedestrian access to the rear of the site is gained via an alleyway running alongside the barbers and to the rear of the 4 units. There is no off street parking or vehicular access to the rear of the site. At the front of the site stopping/parking is unrestricted at present although notices advise that alterations to the parking regime will introduce short stay parkin bays in front of these units. Parking in Pounsley Road to the north of the site is restricted by double yellow lines. Elsewhere nearby roads are a mixture of restricted and unrestricted parking.
- 7 The surrounding area is a mixture of residential and commercial uses. A garage lies opposite, with retail warehouse units to the south and a Tesco store lies a few hundred metres to the south west.

#### Constraints

8. Within the built confines of the town. Within a neighbourhood retail centre (within the SDLP)

#### Policies

##### *Sevenoaks District Local Plan*

- 9 Policies – EN1, VP1, S3A.

##### *Sevenoaks Core Strategy:*

- 10 Policies - L01, L02, SP1.

##### *Allocations & Development Management Plan (Draft)*

- 11 Policies EN1, EN2, TLC4, T2, CF2.

#### *Other*

- 12 NPPF

#### Relevant Planning History

- 13 SW5/52/92 - Alterations granted
- 14 SE/74/16 - Erection of a replacement store building

#### Consultations

##### *KCC Highways:*

- 15 Whilst there is concern about the absence of any off-street parking provision at this site, the recommended provision for the permitted use when assessed against the adopted KCC vehicle parking standards is 6 no off-street spaces whereas the recommended provision for the proposed use at the levels of staff and children indicated within the submission is 6 to 7no off-street spaces which is almost equivalent in respect of parking demand.

- 16 Under the adopted KCC vehicle parking standards there is an additional requirement in respect of the proposed use class for an area to be secured off-street for dropping and picking up which is also not available at this site. However, the existing permitted use has an equivalent additional requirement for an off-street loading and servicing area and so the absence of such a facility in the context of this proposal does not constitute an additional adverse highway impact when compared to the lack of such facilities for the existing permitted use.
- 17 The comments which have been made about potential additional future restrictions in respect of on-street parking provision locally are noted. However, as the projected parking demand from the proposed use is very similar to that of the permitted use when compared to the adopted KCC vehicle parking standards then the projected highway impact of such restrictions will also be negligible in respect of this planning proposal.
- 18 In conclusion, whilst the proposal does generate some concern from a highway perspective in respect of the lack of any available off-street parking and servicing facilities, it has to be considered that equivalent shortfalls already exist for the existing permitted use. Therefore, providing that the scale of the use is limited by condition to an absolute maximum of 14 children at any one time with staff numbers also limited to no more than the 5 in total as indicated within the supporting information attached to this proposal then no objection could be justified on highway grounds.

#### *SDC Environmental Health*

- 19 No adverse comments

#### *Dunton Green PC*

- 20 Dunton Green Parish Council objects to this application on the grounds of potential parking and road traffic issues as a direct result of increased longer term demand by users of such a facility and its staff. There is already a high demand for on street parking in Dunton Green and there is nothing within this application which indicates were users will be expected to park. There will be additional parking restrictions in Dunton Green with effect from 3<sup>rd</sup> August which will restrict further the areas of free parking available within the village confine.

#### Representations

- 21 4 letters of support raising the following issues:
- This will support local families and businesses – families calling into local businesses for shopping, lunch after the classes
  - Welcome this to the local area – there has been nothing locally and within walking distance since Sure Start closed.
  - This will support lots of local children and with additional children coming into the area as a result of the Rye Lane development should be welcomed
- 22 1 letter offering support but expressing concern about the highways situation: there being no where to safely collect and drop off at the site. Local road are congested and parking has been an ongoing problem for years.

## Chief Planning Officer's Appraisal

### Principal Issues

- 23 The main issues relate to: the principle of the change of use, impact upon neighbours, parking/impact upon the adjacent highway.

### *Principle of Change of Use:*

- 24 Policy S3A of the SDLP advises that in local shopping centres and village centres and in the centres of other smaller villages the change of use of the ground floor of existing shop premises from class A1 to another use will not be permitted unless it would provide for an essential local service and/or sufficient retail space would remain to meet local needs. This site forms part of a short run of shops which are protected by this policy. Policy S3A remains a material consideration until superseded by the provisions of the ADMP.
- 25 Policy TLC4 of the ADMP which carries moderate weight seeks to protect a range of neighbourhood and village centres but does not include this site and the adjacent shops as a protected centre. Rather the parade of shops lying approximately 600 meters to the north of the site forms the protected shopping frontage for the purposes of policy TLC4.
- 26 Policy CF2 of the ADMP, which carries moderate weight, seeks to ensure that the loss of neighbourhood services and facilities within the Sevenoaks urban area will be resisted where they serve a local need. Exceptions will be made where equivalent replacement facilities equally accessible to the population are provided. Alongside community facilities, Policy CF2 will apply to retail units that are considered to meet a local need outside the town and neighbourhood centres. The aim of this policy is to ensure that non retail facilities and premises for such facilities are retained to offer services that help to build sustainable communities and reduce the need for people to travel.
- 27 In view of the fact that this group of 4 units lies within relatively close walking distance to the protected retail parade to the north and within a few minutes walking distance to the Tesco superstore at Riverhead it is not considered that overriding weight ought to be attached to either policy SC3 or CF2 in respect of the protection of the retail function of this site. Rather the fact that this unit is not considered as a protected neighbourhood frontage by the emerging ADMP should allow consideration of a proposed alternative use of the site that allows provision of a facility which will provide a local service.
- 28 The use proposed, whilst not perhaps an essential service as referred to in policy S3A, nevertheless would provide a service that appears to be lacking in the local area, as suggested by the letters of support from local residents. This complies with policy C2 insofar as whilst a retail use would be lost the proposed use is clearly a facility that will serve the local community, or at least some parts of it, and will reduce the need to travel to such a service elsewhere.
- 29 Overall it is considered that the principle of a change of use away from a retail use is acceptable and particularly so because the proposed use is one offering a local service.

### *Impact upon Neighbours*

- 30 The two floors above the premises have a residential use. Access to those properties is from the rear of the site so there will be no conflict with the access to the application site. The only other potential conflict could arise as a result of any noise and disturbance emanating from the premises. However the centre will only operate during the standard working day and environmental health have raised no concerns about this particular relationship.
- 31 There are no other concerns about the relationship to those units around it.

### *Impact upon Highways*

- 32 A key strand of the NPPF is its commitment to sustainable transport in terms of reducing the need to travel as well as providing more sustainable ways to travel.
- 33 Policy LO1 of the Core Strategy reflects this approach by seeking to focus development within the built confines of existing settlements.
- 34 Policy VP1 of the SDLP confirms that vehicle parking provision will be made in accordance with adopted vehicle parking standards. The Local Planning Authority may modify these standards in order to .....4) account for the existing parking provision (whether provided on or off site) already attributed to the buildings existing use when a change of use is proposed.
- 35 Policy T2 of the ADMP to be allocated moderate weight seeks to ensure that vehicle parking provision is made in accordance with current KCC guidance. Notwithstanding current guidance the Council may depart from the standards in order to take account of specific local standards that may require a higher or lower parking standard ...to account for the existing parking provision already attributed to the buildings existing use when a change of use is proposed.
- 36 The County Highways Authority has assessed the proposed parking/highways requirement for this site against the retail use. It finds that the requirement for the proposed use is very similar to the existing use and proposed shortfalls and deficiencies would be very similar to those already associated with the retail use of these premises. On that basis it has not been concluded that the proposed situation would be materially worse than the existing and no objection is therefore raised.
- 37 This approach would appear to be compatible with policy VP1 and policy T2 of the emerging ADMP.

### Other Issues

#### *Access Issues*

- 38 Will be resolved as part of any building regulations application.

### **Conclusion**

- 39 This application seeks permission for a change of use from retail use to use for a use falling within Use Class D1 – a developmental play centre for children between the ages of 0 – 5. The premises lie within a centre where emerging

policy seeks to ensure that community uses utilise these premises although these need not always lie within Use Class A1. In this case there is a protected frontage some 600 m's to the north of the site and it is considered that the proposed use would provide a service/facility to the local community.

- 40 The site can offer no off street parking but the existing retail use makes no such provision either. The parking requirements are very similar for both uses and no objection is raised on this issue. There is considered to be no adverse neighbour impact

#### Background Papers

Site and Block Plans

Contact Officer(s): Lesley Westphal Extension: 7235

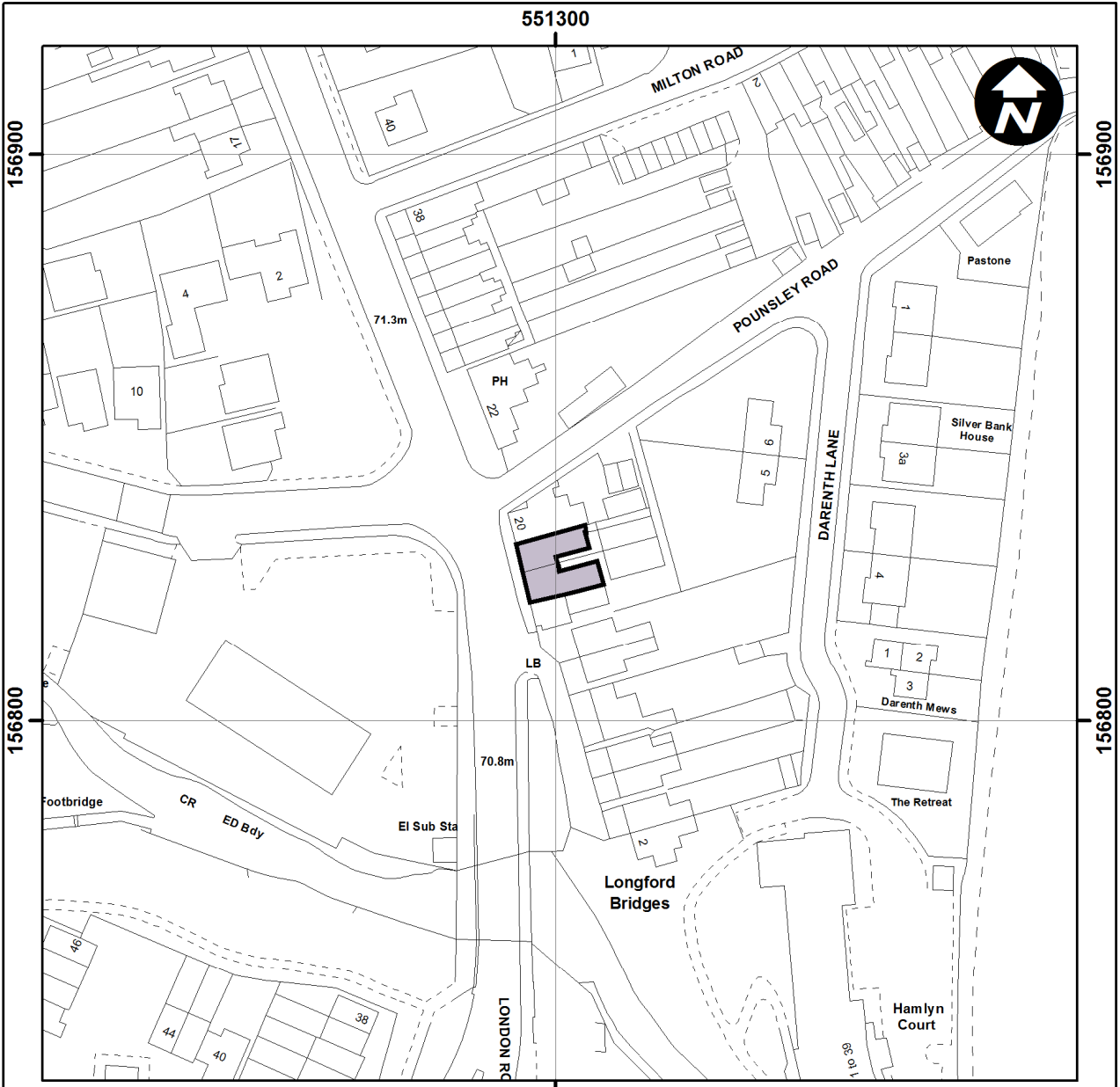
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N4QBHQBKFO200>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N4QBHQBKFO200>



# Site Plan

Scale 1:1,250  
 Date 09/07/2014



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 Ordnance Survey 100019428.



Block Plan

