

4.3 – SE/13/01384/FUL Date expired 11 July 2013

PROPOSAL: Change of use from a mix of C3 (residential) and A1 commercial to C3 (residential) use.

LOCATION: Post Office, Ide Hill, Sevenoaks TN14 6JN

WARD(S): Brasted, Chevening and Sundridge

ITEM FOR DECISION

This application is called to Development Control Committee at the request of Councillor Piper to consider whether sufficient evidence has been provided to show that the owner has marketed the property for commercial purposes and in particular for commercial rent and would like this issue to be discussed at the Committee.

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) The development hereby permitted shall be carried out in accordance with the following approved plans: SPBL_IH_001 version 1.

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

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

Sevenoaks District Local Plan - Policies EN1, EN23, EN25A, VP1

Sevenoaks District Core Strategy 2011 - Policies LO1, LO7, LO8, SP1, SP2, SP3 and the NPPF

The following is a summary of the main reasons for the decision:

The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality.

The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

The development would preserve the special character and appearance of the Conservation Area.

The scale, location and design of the development would preserve the character and appearance of the Area of Outstanding Natural Beauty.

The development is considered to be appropriate development within the Metropolitan

Green Belt.

The traffic movements generated by the development can be accommodated without detriment to highway safety.

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),
- 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 on the progress of the planning application.

Description of Proposal

- 1 The application seeks permission for the change of use from a mix of C3 (residential) and A1 commercial to a solely C3 (residential) use.
- 2 It is not proposed to carry out any extensions or external alterations to the building.

Description of Site

- 3 The site the subject of this planning application is an existing mixed use premises which is currently vacant. The premises comprise a former ground floor post office with a residential unit above.
- 4 The site is situated within the village of Ide Hill outside of any settlement as defined on the proposals map to the Sevenoaks District Local Plan (SDLP).

- 5 The premises fronts onto Camberwell Lane. Camberwell Lane is occupied by an existing public house and dwellings of varying age and design and includes a varied mix of architectural styles.
- 6 The site is located in an Area of Archaeological Potential, Conservation Area, Area of Outstanding Natural Beauty (AONB) and the Green Belt.

Constraints

- 7 Airfield Safeguarding Zone
- 8 Area of Archaeological Potential
- 9 Area of Outstanding Natural Beauty (AONB)
- 10 Conservation Area
- 11 Green Belt

Policies

Sevenoaks District Local Plan:

- 12 Policies - EN1, EN23, EN25A, VP1

Sevenoaks Core Strategy:

- 13 Policies - L01, L07, L08, SP1, SP2, SP3

Other

- 14 National Planning Policy Framework (NPPF)

Planning History

- 15 94/01120/HIS Replacement of existing shop front. As supported by Agent's letter 16/9/94. Granted 27/9/94.

Consultations

Sundridge with Ide Hill Parish Council

- 16 Object to the proposal on the following grounds:

"The Parish Council believes this application to be against SDC Policy as retail space, small business and employment opportunities will be lost in the village centre. The Parish Council have not seen sufficient evidence to warrant the change of use from retail to residential and believe there should be more time to secure a new retail tenant at a realistic price for a retail unit.

The Parish Council believes that losing the commercial property will be irreversible and will have a detrimental effect on the centre of the village and its longer term sustainability".

Representations

17 7 representations received.

5 representations received objecting to the proposal on the following grounds:

- The statements made by the applicants are incorrect;
- There is a need for this type of facility;
- The business has operated successfully in the past;
- The village is well frequented by visitors and has a number of attractive features which regularly attract visitors who will wish to use such a facility;
- The new community shop does not offer the same facilities;
- Last satisfactory retail premises in the village;
- Loss of social hub;
- The premises could still operate successfully as a tea room/shop; and
- Affect on the character of historic village green and Conservation Area.

2 representations received supporting the proposal on the following grounds:

- In recent years the shop has become less viable and has not been supported by the local community;
- There has been no interest in the premises as a commercial enterprise;
- The premises would be in better use as a family home;
- The premises was marketed for long enough to establish that no one wanted to purchase it as a commercial enterprise;
- It will be good to see the premises refurbished;
- Business has been unworkable; and
- Following the opening of the village store it is unlikely that they would be able to compete.

Chief Planning Officer's Appraisal

Principal Issues

18 The Post Office is located in a conservation area. Therefore, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty and obligation to have regard to the preservation and enhancement of such heritage assets. As such, the impact of the proposal on the special character and appearance of the Conservation Area is material to the consideration of this application.

19 In addition to the above, the site is located in the AONB, as such, in accordance with Section 85 of The Countryside and Rights of Way Act 2000 in performing any function affecting land in an AONB the Local Planning Authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of that area.

20 The remaining issues to consider in the determination of this application are:

- Whether the principle of development and the loss of a community facility is acceptable;
- Whether the proposal complies with the relevant policy criteria regarding development within the Green Belt;
- The visual impact of the proposal;
- The impact upon residential amenity;
- Archaeological Implications;
- Highway implications;
- Sustainability; and whether the proposal would require any affordable housing contribution.

Principle of Development / Loss of Community Facility

21 Paragraph 28 of the NPPF states that plans should promote the retention of community facilities in villages such as local shops. Having regard to this, paragraph 70 of the NPPF states that planning decisions should guard against the unnecessary loss of valued facilities particularly where this would reduce the community's ability to meet day to day needs.

22 At a local level, policy S3A of the Local Plan states that *"in those local shopping centres and village centres shown on Inset Maps of the Proposals Map and in the centres of other smaller villages without Inset Maps, the change of use of the ground floor of existing shop premises from Class A1 of the Use Classes Order 1987 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"*.

23 In addition to the above, policy LO7 of the Core Strategy states that the loss from rural settlements of services and facilities that serve the local community will be resisted where possible. Exceptions will be made where equivalent replacement facilities are provided equally accessible to the population served or, amongst other things it is demonstrated, through evidence submitted to the Council, that the continued operation of the service or facility is no longer financially viable.

24 Having regard to the above, following the closure of the post office store in July 2011, the Council received an application in September 2011 reference SE/11/02116/FUL for the temporary change of use of a metal storage container (located adjacent to Ide Hill Village Hall) from storage to a village shop. It is stated in the application details that the use of the storage container for retail purposes was a direct consequence of the closure of the local village shop, as there remained no other alternative in the village. It is stated that the Parish Council and local residents formed the view that there was a need for a small local shop and the intention of the initial application was to provide a stop-gap until a more permanent solution could be found. Temporary permission was subsequently granted in December 2011 for a period of three years.

25 In September 2012, the Council received a further planning application reference SE/12/02542/FUL for the removal of the storage container and erection of single storey community shop also on land adjacent to the village hall. The application was received in response to continued demand for a local store and lack of

alternative sites. It should be noted that paragraph 4.1 of the Design and Access Statement accompanying the application states the need for a community shop arose from the demise of the old village shop and post office which it is stated *“closed with it no longer representing a commercially viable business use”*. Further information submitted in support of the application for the Community Shop suggests that it would not have been viable for the Community Shop to refurbish and fit out the former shop and operate it as a business use. This was accepted as part of the applicant’s justification for allowing the development to go ahead and planning permission was subsequently granted in November 2012. Works on the new Community Shop have since started and are currently in progress.

- 26 The plans accompanying the application for the Community shop indicate the store having a total external floor area of 78m². This comprises a shop floor area of 57m², with 1.6m² of this being used to provide a post-office counter, and a further 20.8m² for storage. The plans indicated that the shop is to provide a modest number of displays, including a small cabinet for frozen and chilled products a store area and post-office counter.
- 27 As such, it is considered that the above alternative schemes weigh in favour of the current proposed scheme by having already addressed a previous identified need and by ensuring that sufficient retail space would remain locally to meet local needs in the form of the Ide Hill Community shop.
- 28 In order to justify the loss of the facility in accordance with local and national policy criteria, the Council would generally expect evidence accompanying any formal application to demonstrate that the business is no longer viable, that the property has been marketed at a price that is realistic for a sale for a period of at least 6 months and that sufficient equivalent facilities remain to meet local needs. At a minimum this supporting information should include estate agents records of how the premises has been marketed, any interest in the premises including details of whether the interest relates to business and/or any other alternative use(s), reasons for pursuing or not pursuing a sale, details of any offers made and any details of any financial information which may be relevant to the viability of the business etc.
- 29 In the case of the current application, representations received from local residents suggest that historically, the post office has been an important facility within the village providing an important service to the local community as well as to tourists/visitors frequenting the village.
- 30 The shop has been vacant for over two years now. Information received from the applicants suggests that it closed as the shop was/is no longer financially viable. On this basis it is now proposed to change the use of the premises to allow sole residential occupancy.
- 31 Financial information received with the application indicates that based on the record weekly turnover of Ide Hill Community shop obtained from the Westerham Chronicle in an article dated 5 April 2012 if the application premises were to operate with a similar turnover it would operate at a significant financial loss.
- 32 The applicant states that prior to coming to the market on a freehold basis the property was offered for lease as an on going concern for a number of months.

However, the applicant states that no interested parties could be found and no offers were made as the property was not financially viable as a shop.

- 33 It is stated that the property was not and could not be further offered for rental due to its current state of disrepair, the remedial works for which are said to total in excess of £150,000 prior to the cost of any re-fit. This concurs with information submitted in support of the application for the new Community Shop which in an email dated 11 September 2012 attached to Annexe 1 estimates the cost of refurbishment to be between £100,000 and £150,000. It is therefore considered that the state of the property makes rental highly unlikely or viable.
- 34 The applicant claims that the former owners then listed the property for sale in November 2011 which concurs with information submitted from the Estate Agents 'James Millard Independent Estate Agents'. Amongst other things, the sales particulars state that the premises offer a commercial/residential opportunity. The property was initially valued by the agents and marketed at £675,000. On 15 August 2012 the price was reduced to £499,950 and the property was listed with a second agent 'Bracketts'. It is stated that both agents actively marketed the property by phone and online on their own websites and through well known marketing sites such as Prime Location, Rightmove and Zoopla. The property was also marketed in The County Border News, The Tunbridge Wells Courier and the Sevenoaks Chronicle. Following a 13 month marketing campaign the premises was finally sold in February 2013 with James Millard Estate Agents at £480,000.
- 35 Information accompanying the application shows that under James Millard there was private interest in the shop as a commercial property when it went on the market in 2011, but for reasons unknown, this interest never progressed. Since then the applicant states that interest in the property has only been for residential use and that whilst a number of offers for the property had been received for residential use none had formally progressed until the applicant's offer of £480,000 in February 2013.
- 36 In addition to the above, the applicant in an email dated 19 July 2013, has provided additional detailed information which demonstrates why they consider the premises is not suitable for retention for alternative business use. This information is provided in response to comments raised regarding the possibility of alternative commercial occupancy. Reasons include insufficient parking, poor accessibility by public transport and poor broadband connectivity.
- 37 In summary, it is my view that it has been adequately demonstrated that the shop is no longer financially viable and that the premises has been actively marketed as a commercial/residential opportunity for a significant period of time with no genuine prospect for its continued use as a commercial facility. It is therefore my view that the applicant has provided clear and convincing evidence to justify the loss of the ground floor business in accordance with policies S3A of the Local Plan and L07 of the Sevenoaks Core Strategy as there is no reasonable prospect of continued use.
- 38 Additionally, the community shop provides an alternative facility accessible to Ide Hill residents which is relevant to the assessment of the proposal under Policy L07.

Green Belt Policy Criteria

- 39 Having regard to the Green Belt, paragraph 90 of the NPPF, states that certain forms of development including “*the re-use of buildings provided that the buildings are of permanent and substantial construction*” are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purpose of including land within it.
- 40 The building is of permanent and substantial construction. It is not proposed to extend or alter the external appearance of the building. As such, the proposal would have no greater impact on the openness of the Green Belt than the existing building and would not conflict with the purpose of including land within it.
- 41 For this reason, the proposed development is regarded to be appropriate development in the Green Belt which would not harm the openness.

Visual Impact

- 42 As stated previously, it is not proposed to extend the building or alter its external appearance and as such there would be no material change in the building appearance which would harm the visual amenity of the locality including the special character of the conservation area and AONB.
- 43 Furthermore, the majority of internal floor space including approximately half of the ground floor and all of the first floor is already in use as residential. Therefore in my view there would be no harmful intensification in the domestic use of the site which could be said to substantially harm the established character of the area.
- 44 In light of the above, in my view the proposal would not have a negative impact upon the character of the building and consequently in accordance the aforementioned policy criteria and guidance and Sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and Section 85 of The Countryside and Rights of Way Act 2000 would preserve the special character and appearance of the conservation area and AONB.

Impact on Neighbouring Amenity

- 45 It is not proposed to extend or alter the external appearance of the building, as such, loss of amenity by reason of increased form, scale, height and outlook is not material to the consideration of this application.
- 46 Having regard to privacy, as stated it is not proposed to alter the external appearance of the building this includes inserting additional windows. The only window affected by the proposed new residential use is the shop window which would remain. As the former shop window fronts Camberwell Lane and does not afford views towards neighbouring windows or private amenity space, the proposal is not considered to adversely impact upon neighbours amenities by reason of a loss of privacy.
- 47 In addition to the above, having regard to the proposed change of use, the proposal is to change the use of the existing Post Office to residential which as shown on the submitted proposed floor plans will increase the reception/living space to an existing residential unit. The former use of the premises as a post office and use of the premises in general within Class A1, is likely to be far more

intensive than a permanent residency which in my view would result in a reduction in both vehicle and pedestrian movement to and from the site and consequently a reduction in any noise and disturbance.

Highways

48 With regard to highway safety, the existing access and parking arrangements are not proposed to be altered.

49 The existing residential unit is currently three bedroom. In accordance with KCC Residential Parking standards set out in interim guidance note 3, a three bedroom unit in a village/rural location would require 2 independently accessible parking spaces. The current application does not propose any increase the number of bedrooms and the block and site location plans submitted with the application show sufficient space within the site to two vehicles.

Therefore, it is not considered that the proposal would interrupt the safe flow of traffic.

50 Furthermore, given that the proposal would result in the loss of a commercial facility which is likely to generate more comings and goings it is not considered that the proposal would result in any intensification in vehicle movements.

Sustainability

51 Policy SP2 of the Core Strategy states all new conversions to residential will be required to achieve BREEAM 'Very Good' standards. However, in this instance, given that the conversion and change of use to residential only relates part of the ground floor and the remainder of the property is already in residential use, coupled with the age of the property, it is my view that it would be over onerous and unreasonable in accordance with Circular 11/95 to apply a BREEAM condition to any grant of planning permission.

Affordable Housing

52 There is an existing residential unit occupying part of the ground and first floor which benefits from a separate side and rear access, and which appears could be occupied independently from the Post Office as a separate residential unit.

53 The proposal is to increase the reception space to this existing residential use and not to create any additional units. There is, therefore, no requirement for an affordable housing contribution.

Conclusion

54 It is my view that for the reasons contained in the report, the applicant has provided clear and convincing evidence to justify the loss of the ground floor business in accordance with policies S3A of the Local Plan and LO7 of the Sevenoaks Core Strategy.

55 The proposed development is regarded to be appropriate development in the Green Belt which would not harm the openness.

56 The proposal would not have a negative impact upon the character of the building and consequently in accordance the aforementioned policy criteria and guidance

and Sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), and Section 85 of The Countryside and Rights of Way Act 2000 would preserve the special character and appearance of the conservation area and AONB.

57 The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

58 The proposal would not result in any adverse highway implications.

Background Papers

Site and Block plans

Contact Officer(s): Claire Baldwin Extension: 7367

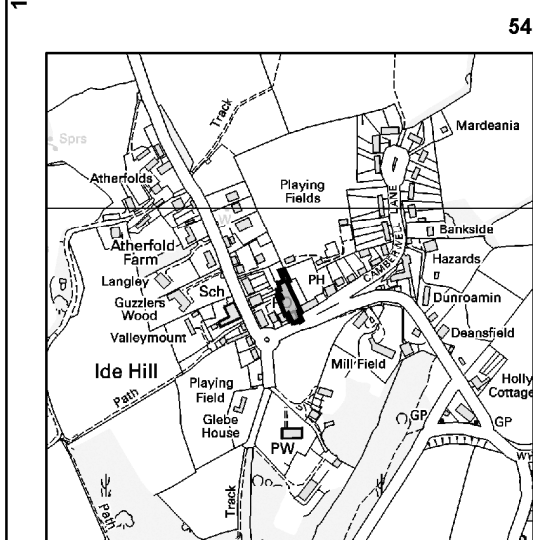
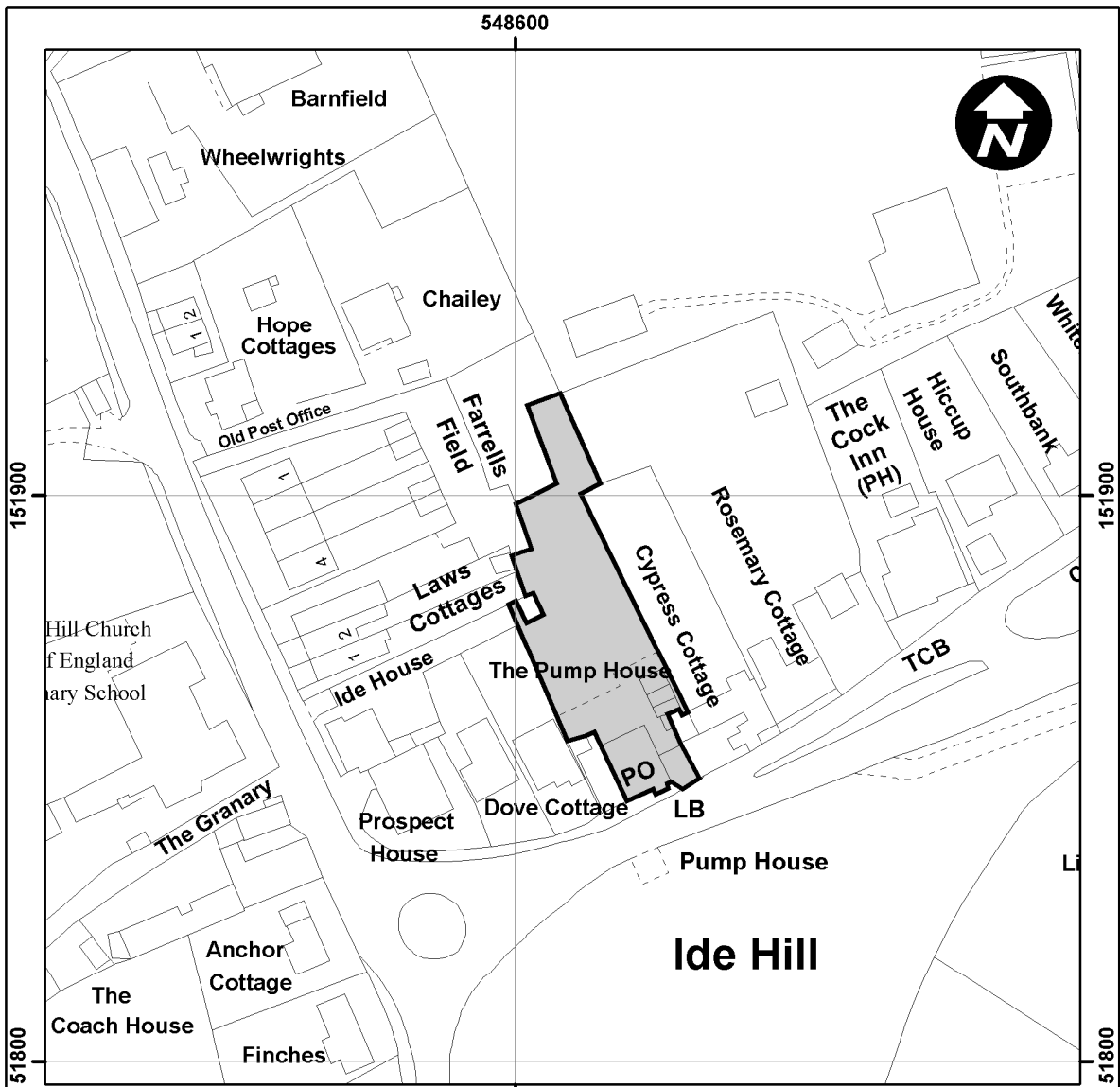
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MMGWTOBK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MMGWTOBK8V000>



Site Plan

Scale 1:1,250
Date 20/08/2013


Sevenoaks
 DISTRICT COUNCIL

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BLOCK PLAN

