

4.3 21/03526/FUL

Date expired 22 December 2021

Proposal: Provision of a temporary shop unit to be used in lieu of the existing for a period of 3 years.

Location: Tonys Corner Shop, 18 Cedar Drive, Edenbridge KENT TN8 5JL

Ward(s): Edenbridge South & West

#### **Item for decision**

The application is being reported to Development Control Committee as the applicant is Sevenoaks District Council.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:

1) The temporary container hereby approved shall be removed and the land returned to its former condition after three years.

In order to preserve the character and appearance of the existing street scene in accordance with policy SP1 of the Sevenoaks District Core Strategy and Policy EN1 of the ADMP and accordance with the guidance outlined within the NPPF.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Proposed elevation plan - PL220, Proposed site Plan - A983-01C-PL-211, Proposed block plan - A983-01C-PL- 211 and the Planning statement received 21/10/21.

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

3) No use of the premises, works or associated activities including deliveries, loading, unloading, servicing, vehicle parking or the manoeuvring of vehicles shall be carried out outside of the hours between 07:00 am and 19:00 pm Monday to Saturday, and between 07:00 am and 14:00 pm Sundays and Bank Holidays.

To safeguard the amenity of the area and safeguard the amenities of nearby residential developments as supported by Policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

#### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's

report.

### **Description of site**

- 1 The Stangrove Estate is located on the west side of Edenbridge to the south of the railway line. It is accessed via Crouch House Road. Stanbridge Road and Pine Grove lead into the estate to Cedar Drive, Park View Close and Park Avenue. The existing shop (Tonys Corner Shop) is a small single storey retail unit located at the junction of Cedar Drive and Park Avenue, the building is run down and in a state of disrepair.

### **Description of proposal**

- 2 Planning permission is sought for the provision of a temporary shop unit to be used in lieu of the existing for a period of 3 years.

### **Relevant planning history**

- 3 21/02825/FUL - Creation of seven off-street car parks; the erection of 13 dwellings; an extended replacement to the existing shop and associated landscaping improvements and creation of temporary shop - Pending consideration.

### **Policies**

- 4 National Planning Policy Framework (NPPF)
- 5 Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.
- 6 Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
  - application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7 Core Strategy (CS)
  - SP1 Design of New Development and Conservation
  - SP8 Economic Development and Land for Business

## 8 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection

### Constraints

9 None identified.

### Consultations responses

10 Edenbridge Town Council - Support the application.

### Representations

11 Two objections received on the following grounds:

- Would look out of character with the surrounding area
- The proposal would cause eyesore, noise and anti-social behaviour

### Chief Planning Officer's appraisal

12 The main planning considerations are:

- Principle of the development;
- Impact on character and appearance of the area;
- Impact on neighbouring amenity;
- Parking and highways Impact.

### Principle of Development:

13 Policies SP8 of the Sevenoaks Core Strategy and EMP1 of the Sevenoaks ADMP seek to retain employment uses.

14 The proposal seeks to provide a temporary unit on site to allow the shop to remain open while the existing accommodation is brought up to modern standards. The temporary shop would provide a retail facility within Stangrove Estate and would see the continued operation of the shop whilst works are carried out. The shop is considered to be a valuable community asset and this application seeks to provide a temporary alternative for three years to see the retention of this community asset.

15 Para 93 of the NPPF states to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
  - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
  - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
  - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services
- 16 Therefore, the proposal for a temporary retail unit on site would be acceptable in principal and would comply with the aims of the NPPF.

**Impact on character and appearance**

- 17 The shop unit would be sited adjacent to the existing building and would be set within the confines of the site. The temporary building would be considered modest in size and scale and would be of single storey construction with two doors and no windows. The proposed container will be used as temporary accommodation for the shop. The container would be 6.06m x 2.44m wide with height of 2.59m. It would have gross internal area of 13.85m<sup>2</sup>. It will be finished in olive green pain.
- 18 The unit would be located on the grass verge along Cedar Drive. The proposed container would be set back from the existing street furniture, including the phone box, litter bin and post box. In terms of siting, the container would be set back approximately 3.3m from the edge of Cedar Drive and would not be considered to dominate the street scene.
- 19 Although the introduction of the container would look out of character within the surrounding residential area, it will be there for a temporary period of three years. It would provide an important community facility while works are carried out for the provision of a permanent and improved shop structure. The applicant would require the unit for up to 3 years. Once the permanent shop unit has been made available, the existing temporary unit will be removed and any landscaping reinstated. Therefore, the use and merits of the application would outweigh the harm it would cause on the character and appearance of the street scene.
- 20 For these reasons the proposed development will not detract from the character and appearance of the site or the surrounding area and complies with ADMP Policy EN1 and Core Strategy Policy SP1.

### **Impact on neighbouring amenity**

- 21 The proposed container would be positioned adjacent to Tonys corner Shop on the grass verge. The closest neighbour to the south of the site is occupier no. 16 Cedar Drive. The proposed container would be sited some 3.5m from the neighbouring boundary and some 6.5m from the front elevation of this property, no. 16. Despite the close proximity, the container would largely be screened from this dwelling by the existing build form of the current shop unit. The staggered build line would act to screen the proposed temporary container and would therefore not be considered to have a harmful visual impact on no. 16. Therefore the proposed structure would not be considered to cause a harmful impact in terms of outlook, sunlight, daylight and privacy.
- 22 In terms of noise, the proposed unit would be similar to what currently exists on site. The unit would be placed in the corner of the site and would be well placed away from residential amenity. In terms of noise protection, a condition will be proposed to restrict the times of operation hours to safeguard noise levels.
- 23 Upon considering the above, the proposed development would safeguard the existing residential amenity of the nearest neighbours of the development, subject to planning conditions to manage noise impacts, in accordance with Policy EN2 of the ADMP.

### **Parking and Highways Impact**

- 24 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 25 As the site is located in a sustainable location adjacent to the existing shop, the proposed temporary shop would not require additional parking provisions under local policy. Customers would have use of nearby parking bays and public transport links. Any additional short-term trips would be of a modest scale that would be unlikely to result in a severe impact on the highway network. As such the proposal would remain in accordance with Policy T1 and T2 of the ADMP.

### **Community Infrastructure Levy (CIL)**

- 26 This proposal is not CIL liable.

### **Conclusion**

- 27 In light of the above considerations, I am satisfied that the proposal is an appropriate form of development, will not detract from the visual amenity of the locality and will not harm the residential amenity of nearby dwellings and future occupants.

It is therefore recommended that this application is GRANTED.

**Background papers**

Site and block plan

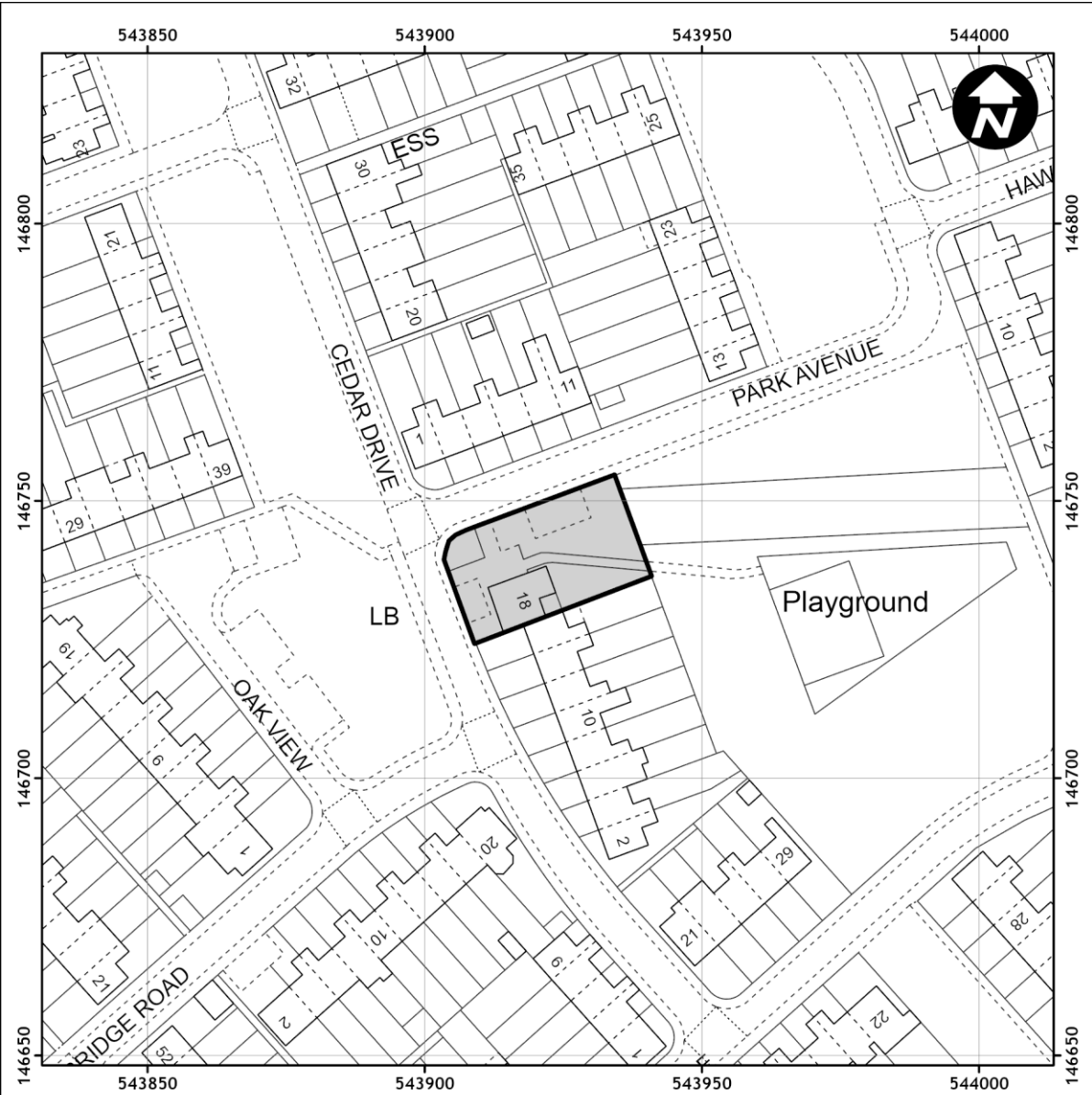
Contact Officer(s):

Anna Horn: 01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)



# Site Plan

Scale 1:1,250  
 Date 31/12/2021



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 Ordnance Survey 100019428.

BLOCK PLAN

