

## Application report

<b>Application Reference:</b>	21/00669/FUL	<b>Date:</b>	15 <sup>th</sup> June 2021
<b>Proposal:</b>	Change of use of ground floor shop to residential.	<b>Case officer:</b>	Louise Cane
<b>Address:</b>	Shorey House, High Street, Brasted, Kent, TN16 1JA		

### Description of site

The application site currently comprises of a semi-detached dwelling located within Brasted High Street. There are both neighbouring properties and retail units surrounding the application site. The site is located within the parish of Brasted.

### Description of proposal

Change of use of ground floor shop to residential.

### Relevant planning history

No relevant planning history.

### Constraints

Area of Outstanding Natural Beauty  
Conservation Area  
Area of Archaeological Potential



### Policies

National Planning Policy Framework (NPPF)

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.

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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 6 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

### Core Strategy (CS)

- LO1 Distribution of Development
- SP1 Design of New Development and Conservation
- L07 Development in Rural Settlements

- SP5 Housing Size and type
- SP7 Density of Housing Development
- SP8 Economic Development and Land for Business

#### Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EN5 Landscape
- T2 Vehicle Parking
- T3 Provision of Electrical Vehicle Charging Point
- EMP5 Non Allocated Employment Sites

#### Consultation responses

**Brasted Parish Council: support-** Brasted PC supports this application subject to the agreement of the conservation officer.

#### Environmental Health- conditions:

1. Upon commencement of the development (including any demolition) work shall be carried out in accordance with the working times of 08:00-18:00 (Monday-Friday) and 08:00-13:00 (Saturday) with no working on Sundays or Public Holiday.

Reason: in the interests of protecting the amenity of adjoining/nearby residential properties.

2. There shall be no burning of waste materials on site during the construction period.

Reason: in the interests of protecting the amenity of adjoining/nearby residential properties.

**KCC Archaeology-** no comments.

**Conservation Officer (provided at Pre-Application stage)-**Shorey House sits within the Brasted High Street Conservation Area, and is identified as a positive contributor to the Conservation Area. The building sits within the character zone 1 of the Conservation Area: the High Street. The features and individual characteristics this zone includes that it retains the character of historic commercial centre of the parish, with shopfronts lining the street, some of which are preserved in former retail units converted to domestic use. The historic traditional timber shopfronts, some of which project from the front of the building, are also identified in the Conservation Area Appraisal (2019) as an important aspect of the historic building forms and details within the conservation area. The Conservation Area Appraisal advises that, as in many villages, the loss of the mix of uses is an issue, but Brasted has retained social facilities, such as the pub and the village shop, and a number of retail premises, many of them antique shops.



The loss of the shop unit is of concern in terms of the commercial character of the High Street and this has been highlighted in the 2019 Brasted High Street Conservation Area Appraisal as an issue affecting the character and appearance of the conservation area. This will add to the gradual diminishing of the antiques trade in Brasted.

The loss of the commercial use would potentially harm the character of the conservation area. An application would need to clearly demonstrate that the ongoing commercial/business use (20% business, 80% residential) of the building is no longer viable. The historic shopfront should be retained to help mitigate this harm.

### **Representations**

No representations have been received.

### **Planning appraisal**

The main planning considerations are:

- Principle of Development
- Impact on Conservation Area
- Impact on the Character of the Area and Area of Outstanding Natural Beauty
- Impact on Residential Amenity
- Parking and Highway Safety

### **Principle of Development**

Paragraph 8 of the NPPF states that development should be sustainable and promote a strong, responsive and competitive economy for providing the right type of development in the correct place. It supports growth and the provision of infrastructure. To promote a strong and healthy community by providing the needs for both present and future generations by providing assessable services.

Section 8 of the NPPF relates to “promoting healthy and safe communities”. Paragraph 92 states that planning policies and decision should, amongst other things:

- 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 and
- b) Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-days needs

At local level, policy L07 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 and provided equally assessable to the population served or where it is demonstrated, through evidence submitted to the council that the continued operation of the service or facility is no longer financially viable. Policy L08 of the Core Strategy also emphasises the importance of protecting the AONB and supports



small scale business development along with the vitality of the local community. I am therefore satisfied that this policy generally accords with the NPPF.

It is evident that the proposal does not replace the existing facilities of the antique shop, which is currently present on site.

The information submitted includes a planning statement, which sets out why the antique shop is not viable.

The building itself already consists of 80% of residential units, with 20% of the building comprises of the antique shop. The shop has been both vacant and up for sale for over 12 months and has had no interest. They confirm that they believe that this may also not change due to the current Covid-19 pandemic.

Further information has also been provided, which confirms that the building was put up for sale in March 2020, with the price being reduced in 2021. They had over 20 viewings however no interest in the shop as it stands. An offer was accepted in February 2021 at the reduced price, however subject to this being given confirmation to change the use of the shop to residential.

Based on the information submitted, it is clear that the antique shop is not viable and therefore would be an acceptable loss. The proposal would therefore comply with the NPPF and Policy L07 of the ADMP.

**Within or adjacent to a Conservation Area:**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.

The application site is located within the Brasted Conservation Area. The Conservation Area Appraisal emphasises the importance of the materials within the area and how this should be respected with the proposal.

The Conservation Officer was consulted on the scheme and confirmed that the proposal would be harmful to the Conservation Area, unless it has been demonstrated that the use of the antique shop is no longer required.

In the planning statement and the further email received, it has been confirmed that the antique shop has been vacant and up for sale for over 12 months and have had no interest. They have had one interest but this is based on the change of use.



The proposal would also not result in any external alterations to the building. Therefore, the proposal would not directly harm the character of the Conservation Area and therefore complies with Policy EN4 of the ADMP.

**Area of Outstanding Natural Beauty (AONB) and Character of the Area**

Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.

The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.

There are therefore two considerations directly related to a site's AONB status when determining a planning application. Firstly, does the application conserve the AONB and secondly, if it does conserve the AONB does it result in an enhancement. A failure to achieve both of these points will result in a conflict with the requirements of the Act.

Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.

The proposal in appearance would not alter the appearance of the street scene as the external appearance of the building would be altered as part of the proposal. Therefore, within the street scene, the proposal would still remain in keeping.

The proposal is resulting in the addition of a dwelling to the site, however this would be in keeping with the existing character within the area as residential properties are already present within the street. There are also currently residential units already present on the site with this already being 80% of the building and therefore the proposal would integrate well.

Currently the antique shop is vacant and the removal of this to a property will be beneficial to the street scene as there will no longer be a vacant building and will result in the addition of a residential property within the High Street and the district.

The materials would also not differ to the current dwelling and therefore would respect the character of the area and the existing building. The proposal would therefore conserve and enhance AONB.

The proposal complies with Policy EN1 and EN5 of the ADMP.

### **Neighbouring Amenity**

Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.

There are both neighbouring properties and commercial buildings surrounding the application site.

The existing windows on the building would be unaltered by the proposal. The proposal would only include alterations to the rooms in the front section of the building to residential rooms. The windows to the front elevation, which accommodate these proposed rooms would be located at a sufficient distance from neighbouring properties and would not directly overlook any neighbouring properties. The door to the rear elevation, which would accommodate the sitting room would also minimally impact the neighbours due to the boundary walls between the property and the neighbours.

In addition to the above, due to the building not being externally altered, the proposal would minimally harm the level of light and outlook to the neighbours.

The proposal therefore complies with Policy EN2 of the ADMP.

### **Parking and Highways Impact**

Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. The proposed ground floor plan indicates a parking/turning area to the rear courtyard of the dwelling. Due to its size, it would provide sufficient parking.

Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change. No electrical vehicle charging point has been provided with the scheme, however this can be conditioned.

### **Trees and Landscaping**

There are no trees to be impacted by the proposal.

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

This proposal is CIL liable and there is no application for an exemption.

### **Other issues**

Environmental Health were consulted on the scheme and raised no objection to the scheme subject to the inclusion of conditions on the decision notice.

### **Conclusion**

The proposal complies with Policies EN1, EN2, EN4 and EN5 of the ADMP, Policy L07 of the Core Strategy and the NPPF.



**Recommendation**

It is therefore recommended that this application is granted.

Case officer: Louise Cane

Date: 15<sup>th</sup> June 2021

Manager/Principal: **Mike Holmes**

Date: **16.06.21**