

- a) **DOV/17/00039 – Change of Use of ground floor to café - Fiveways, The Cross, Easry**

**Reason for report:** Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM24 - Retention of Rural Shops and Pubs Planning permission will only be granted for the change of use of a rural shop or pub if its loss would not harm the economic and social viability of the community that it serves or, if such harm would occur, it has been adequately demonstrated that the use is no longer commercially viable and genuine and adequate attempts to market the premises for retail purposes or as a pub (as appropriate) have failed.

National Planning Policy Framework (NPPF)

- The NPPF has 12 core planning principles (Paragraph 17) which amongst other things seeks to:
  - Proactively drive and support sustainable economic development by identifying business and other development needs of an area, and respond positively to wider opportunities for growth.
  - Secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- Paragraph 23 - requires the planning policies to be positive, promoting competitive town centre environments and setting out policies for the management and growth of centres over the plan period.
- Paragraph 69 - facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see.
- Paragraph 70 - 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;
- Paragraph 123 - Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Paragraph 126 - Local Planning Authorities should take into account the desirability of sustaining and enhancing the significance of a heritage asset and put them to viable uses consistent with their conservation.
- Paragraph 132 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

## The Kent Design Guide

This states that ‘the restoration, modification or extension of any building requires a sympathetic approach and this is particularly the case with heritage areas including historic buildings and townscape. Even a seemingly minor alteration can be damaging to an individual building or group’.

## Section 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990

Section 72(1) states that, ‘In the exercise, with respect to any building or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.’

### d) **Relevant Planning History**

There is no relevant planning history for the site.

### e) **Consultee and Third Party Responses**

Eastry Parish Council – no objections.

Environmental Health Manager – no objections subject to a condition requiring submission of a suitable scheme for the mechanical ventilation of the kitchen area, including filtration to remove grease and cooking odours.

#### Public Representations:

Eight (8) letters of objection have been received, raising the following relevant planning matters:

- Because of its siting at the junction, there is potential for accidents
- Would lead to further congestion in a small and busy village
- Increase in traffic volume in the area
- Increase in pedestrian and vehicle movement around the premises
- Lack of parking

Other matters raised include lack of need for another coffee shop and increase in the competition for the existing businesses in the village. The relevance of these objections has been assessed in the section 3.7 ‘Economic Matters’.

Ten (10) letters of support have been received making the following comments:

- Would bring additional people into the village and benefit the shops
- Enhance the current services in the village
- A new coffee shop would be beneficial particularly because there are now two large housing developments in the pipeline for the village
- Would be a great and welcoming meeting place for locals during the day
- Is at a walking distance from anywhere in the village

(All the public letters of representation are available online for members to review.)

### f) 1. **The Site and the Proposal**

- 1.1 The application relates to a site within Eastry’s Village Centre and lies within a Conservation Area.

- 1.2 The property is currently used as a hairdresser's shop at ground, first and second floors with storage area in the cellar. The application property lies at the junction formed by Fiveways, Church Street, Roman Road and High Street.
- 1.3 This application seeks consent for the change of use of the premises from a hairdresser's shop (A1 Use) to a coffee shop (A3 Use) on the ground floor whilst the first and second floors would continue to be used as a beauty salon (hairdresser's shop). The ground floor would comprise of the coffee shop with seating for customers, a kitchen, a toilet and a baby changing room. Internal access is provided to the first floor through the existing shop entrance. No external alterations are proposed.
- 1.4 There is an existing external waste storage area to the rear of the property which would be used by the proposed café.

## 2. **Main Issues**

- 2.1 The main issues are:
- The principle of the development
  - Residential Amenity
  - Heritage
  - Loss of a rural shop
  - Economic Matters
  - Highways Impact

## 3. **Assessment**

### Principle of the development

- 3.1 The site lies within the settlement confines of Eastry and within the village centre. The proposed change of use is considered acceptable subject to site specific considerations.

### Residential Amenity

- 3.2 The property lies within a triangular plot at a junction formed by 5 streets. There are no residential properties above the premises or to either side. Given the siting of the application property and the nature of the proposed use, it is not considered that additional odour control measures would be required.
- 3.3 The proposed opening hours from Monday to Friday would be 08:00 to 18:00; 08:00 to 18:00 on Saturdays and closed on Sundays and Bank Holidays. Having regard to the nature of the proposed use and low density of residential properties in its vicinity, it is not considered that the hours would disturb the amenity of residents living within/around the village centre. Indeed, given the location and the nature of the use, longer hours than those currently proposed would not be objected to.

### Heritage

- 3.4 Given the context of the proposal and the nature of its impacts, your officers are satisfied that the proposal would preserve the character of the

conservation area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. As far as the NPPF is concerned, the proposal is considered to be a sympathetic form of development which would not result in any harm to the heritage asset. Accordingly, the impact of the development is considered to be neutral.

#### Loss of a rural shop

- 3.5 There are a variety of shops in the centre including a baker's shop, fish and chips, a pub/restaurant, a pharmacy etc., however, there is no café in the village centre. DM24 of the Core Strategy lays great emphasis on the retention of rural shops and pubs. It states that *'planning permission will only be granted for the change of use of a rural shop or pub if its loss would not harm the economic and social viability of the community that it serves'*. In this instance, a café would be introduced on the ground floor of the application property with the hairdresser's shop continued to be used in the upper floors. In essence, the proposal would not result in the loss of a rural shop but contribute towards creating a diversity of uses in the village centre. The proposal would therefore accord with paragraphs 69 and 70 of the National Planning Policy Framework.

#### Economic Matters

- 3.6 The information provided in the application form suggests that the proposed change of use would give rise to job opportunities for 1 new full-time employee and 1 new part-time employee. In this respect, the proposal would support the economic objectives of the NPPF relating to building a strong economy.
- 3.7 8 contrary views have been received in relation to the planning application. The majority of the objections have been raised on the grounds such as lack of need of another café and potential competition for other cafés and businesses in the village centre. Promoting competitiveness and providing customer choice is likely to increase the footfall into Eastry village centre, thereby improving the vitality of it – a key objective of the NPPF, in particular, paragraph 23.

#### Highways Impact

- 3.8 On site visit, it was noted that on street parking is prevalent in Church Street and Brook Street. Whilst it is acknowledged that the application site does not provide off-street parking facility, given the small size of the proposed café, it is not considered that it would generate unmanageable parking demand in the area.

#### Conclusion

- 3.9 In conclusion, the proposed use is considered to be suitable for the location, in keeping with the character of the village centre and would be compliant with national or local planning policies.

g)

#### **Recommendation**

- I PERMISSION BE GRANTED subject to the following conditions to include:
  - i) Timescale of commencement of development;
  - ii) A list of approved plans;
  - iii) Details of mechanical ventilation to kitchen area.
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer  
Benazir Kachchhi