

## REPORT SUMMARY

<b>REFERENCE NO - 16/502060/FULL</b>		
<b>APPLICATION PROPOSAL</b> Change of use from a kitchen showroom (A1 use) to a mixed class coffee shop (A1/A3 use) and installation of shop front.		
<b>ADDRESS</b> 27 High Street Headcorn Kent TN27 9NH		
<b>RECOMMENDATION</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of this planning application.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> It is contrary to views expressed by Headcorn Parish Council.		
<b>WARD</b> Headcorn	<b>PARISH COUNCIL</b> Headcorn	<b>APPLICANT</b> Goldex Investments Ltd <b>AGENT</b> Architecture Design Ltd
<b>DECISION DUE DATE</b> 03/06/16	<b>PUBLICITY EXPIRY DATE</b> 18/05/16	<b>OFFICER SITE VISIT DATE</b> 01/04/16
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

16/502061 - Advertisement consent for 1 externally illuminated Fascia Sign and 1 externally illuminated projecting sign – Under consideration

MA/98/0697 – Advert consent - Approved

MA/94/0999 – Satellite dish - Refused

MA/93/0481 – Rear extension – Approved

MA/91/1363 – Retention of portable cabin – Refused

MA/90/1335 – Extensions – Approved

MA/90/1336 – Conservation area consent for extensions – Approved

MA/89/1932 – Rear extension – Refused

MA/89/1934 – Garage – Approved

MA/87/0397 – Advert consent – Refused

MA/75/0754 – Advert consent - Refused

## MAIN REPORT

### 1.0 Site description

1.01 27 High Street is a 2 storey building that is located some 70m to the east of the dog-leg turning onto North Street. Dawk's Meadow runs along the eastern (side) boundary of the site, leading up to a number of residential properties; the High Street is the main commercial street through Headcorn; and the surrounding uses vary and include retail, a public house, a Post Office; takeaways; cafes/restaurants; and residential. The High Street benefits from on-street parking. For the purposes of the Development Plan, the proposal site is within an Article 4 Direction Conservation Area; a Local Centre for shopping; within the village envelope of Headcorn; and within a Special Landscape Area.

## 2.0 Proposal

- 2.01 This application is for the proposed change of use of the ground floor from an A1 use (retail) to a mixed use of A1 and A3 (restaurant/café) use, to be run as a coffee shop; and for the installation of a new timber framed shop front that will be painted grey in colour. The proposal does not include any outside seating areas (front or back).
- 2.02 In terms of the mixed use, the A1 (retail) element comes with the takeaway purchases of beverages, and pre manufactured food; and the A3 (café/restaurant) use relates to drinks and snacks being consumed on the premises. It is important to note that the proposed use will have no cooking facilities on site, and that the only food served is pre-made off-site and if necessary heated up (which requires no commercial extract or ventilation systems).
- 2.03 The ground floor of this unit is currently empty, and has been so for around a year; and its previous use was as a kitchen showroom. The proposal will continue to benefit from 2 on-site parking spaces; the internal floor space is some 175m<sup>2</sup>; and it is expected to employ 5 full-time and 3 part-time members of staff. The air conditioning and toilet extract ventilation units to the rear are existing and will remain unaffected by the proposal.
- 2.04 The proposed opening hours are as follows:
- Mondays - Fridays: 06:30 hrs – 19:00hrs
  - Saturdays: 07:00 hrs – 19:00 hrs
  - Sundays and bank Holidays: 08:00 hrs – 18:00 hrs

## 3.0 Policy and other considerations

- Maidstone Borough-Wide Local Plan 2000: R1, R3, R10, R11, R17, R19, ENV34, T13
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan (submission version): SP5, SP7, DM18, DM19
- Headcorn Neighbourhood Plan

## 4.0 Consultations

- 4.01 **Headcorn Parish Council:** Wish to see the application refused and reported to Planning Committee;

*“The Headcorn Neighbourhood Plan has a clear vision for the role and protection of the High Street. It is both thriving and highly valued by the residents and businesses and given its Conservation status must be considered in its entirety as a heritage asset. This application consists of a change of use of an existing retail unit to that of a coffee shop operated by a national chain.*

*The High Street is already served by a significant number of small family run businesses that operate under A1/3 licenses. Shops and services in the village create local employment and self-employment. Small shops tend to employ proportionately more people in relation to the size of the business. Small independent shops are especially valuable to local economies. Buying locally-produced goods or spending money in local shops keeps wealth circulating in our communities, thus allowing the High Street to remain resilient to economic changes.*

*Evidence shows that for every £10 spent in an independent local shop or service £25 is generated for the local economy compared to only £14 being generated for every £10 spent in a national retailer. Research\* completed by the New Economics Foundation (NEF) shows that national chain actually spend very little locally Sainsburys spends 9% locally Iceland spends 13.5% locally JD Weatherspoon’s 19.2% locally. Whereas local businesses spend at 80% locally.*

*It is the view of the Council that approval of this application would cause harm to the existing local economy and may result in the closure of other units on the High Street.*

*The committee is further concerned that the proposed business hours are not in keeping with that of the existing high street and would have significant impact on the residents who live on the High Street.*

*Parking in Headcorn is already a significant problem and given that this premises are adjacent to an area of a bus stop and double yellow lines, burden will be added to the existing problem.*

*It is interesting to note that the report developed by Allegra Strategies includes consumer research and business research undertaken in Putney, Shoreditch, Edinburgh, Leeds, Sutton Coldfield and Cardiff. There appears to be no research centred on rural communities or their High Street. Further the research from Deloitte referenced in the report says "the research shows those High Street which maintain the right mix of shops, while offering experiences and convenience that cannot be replicated online, remain popular". Given that Headcorn has 6 retail units that provide coffee, a further retailer of this nature is not maintaining the right mix."*

4.02 **KCC Highways:** Raise no objection.

4.03 **Environmental Health Officer:** Raise no objection.

4.04 **Conservation Officer:** Raises no objections.

4.05 **Neighbour representations:**

- 20 objections raising concerns over parking and congestion; it being an unwelcomed use and wanting to keep independent businesses in Headcorn; and it being competition for existing businesses
- 11 representations of support as it would make use of a vacant building; bring more footfall and job opportunities into the area; it is of a good design; and would help modernise the village centre.

## **5.0 Principle of development**

5.01 There is a presumption in favour of sustainable development within the National Planning Policy Framework (NPPF), and it is accepted that the proposal site is within a sustainable location. In terms of the 3 dimensions to sustainable development in the wider sense, the NPPF also seeks development to contribute to building a strong, responsive and competitive economy; to support strong, vibrant communities; and to contribute and enhance our built and historic environment. It should also be noted that the NPPF seeks to support a prosperous rural economy; and states that local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas.

5.02 Policy R1 of the Local Plan relates to any retail development in the borough and states that it can be permitted in a village settlement such as Headcorn, subject to various criteria. The proposal site is also within a Local Centre and saved policy R10 of the Development Plan states;

*THE BOROUGH COUNCIL WILL MAINTAIN EXISTING RETAIL USES IN THE DEFINED DISTRICT AND LOCAL CENTRES, CONSISTENT WITH THEIR SCALE AND FUNCTION, AND DEVELOPMENT WHICH WOULD HARM THEIR VITALITY AND VIABILITY WILL NOT BE PERMITTED. POLICY R11 WILL APPLY IN THE DISTRICT AND LOCAL CENTRES, WHICH ARE DEFINED AS:*

*(xvi) HIGH STREET, HEADCORN;*

*PROPOSALS FOR FURTHER CLASS A1 RETAIL DEVELOPMENT WILL BE PERMITTED IN, OR IMMEDIATELY ADJACENT TO, EXISTING DISTRICT OR LOCAL CENTRES SUBJECT TO THE APPROPRIATE CRITERIA IN POLICIES R1 AND R2.*

*THE COUNCIL WILL PERMIT THE DEVELOPMENT OF NEW LOCAL CENTRES ANCHORED BY A CONVENIENCE STORE OR SUPERMARKET, PARTICULARLY IN AREAS DEFICIENT OF SUCH FACILITIES, SUBJECT TO THE APPROPRIATE CRITERIA IN POLICIES R1, R2, R11 AND R15. THE DEVELOPMENT OF NEW DISTRICT CENTRES WILL NOT BE PERMITTED.*

5.03 Saved policy R17 of the Development Plan states;

*THE COUNCIL WILL PERMIT HOT FOOD SHOPS, RESTAURANTS, CAFES, BARS AND PUBLIC HOUSES OUTSIDE THE CORE SHOPPING AREA TO WHICH POLICY R7 APPLIES, PROVIDED THAT THE FOLLOWING CRITERIA ARE MET:*

*(1) THAT THERE IS NO DETRIMENTAL EFFECT, BY REASON OF HOURS OF OPENING, FUMES AND SMELLS OR NOISE AND DISTURBANCE, TO NEARBY OR ADJOINING USES AND ESPECIALLY RESIDENTIAL AMENITY; AND*

*(2) THAT THE EFFECT OF ONE OR A CONCENTRATION OF SUCH USES WOULD NOT BE DETRIMENTAL TO THE VITALITY AND VIABILITY OF ANY DISTRICT OR LOCAL CENTRES WITHIN WHICH THEY MAY BE LOCATED.*

5.04 The proposal is for a mixed use of Class A1 (retail) and Class A3 (café/restaurant), and so an element of A1 use will be retained. In addition, there remains other retail uses within and close to the Local Centre, including the Post Office and a Sainsbury's Local. With this considered, I am satisfied that there are alternative A1 (local convenience type) uses that would remain easily accessible to the local community.

5.05 In terms of the potential impact upon the Headcorn High Street Local Centre, to put it into context this coffee shop would occupy only 175m<sup>2</sup> of floor space, which is well short of the retail threshold in the Local Plan (500m<sup>2</sup>), when a retail impact assessment or the application of a sequential approach would be required. This floor space is also significantly lower than the threshold in the NPPF for a retail impact assessment is 2,500m<sup>2</sup>. I appreciate this is a mixed use application but these figures emphasise this proposal is not of a scale that is likely to adversely affect the vitality and viability of Headcorn High Street.

5.06 The proposed coffee shop would provide some competition with the existing coffee shops/cafes in the Local Centre of which there are 2 with this as their made trade and a delicatessen that also sells tea, coffee and food to eat on the premises. However, this is only a small number of businesses and much of the local centre is made up of other specialist shops selling antiques, flowers, furniture, health and beauty services/products, musical instruments, bikes, and hardware goods; and there are also other trades such as hairdressers/barbers, estate agents, a public house, charity shops, a camera shop, takeaways, restaurants, Sainsbury's, newsagents, bakery, fishmongers, butchers, factory shop, and a Post Office. Whilst a new coffee shop would provide competition, it is considered that it is not of such a scale that would cause significant harm to local shops or the overall vitality and viability of the retail centre; and I am satisfied that there would not be an over concentration of this use in Headcorn High Street. For these reasons, I do not consider an objection in terms of harm to this Local Centre could be sustained.

5.07 It is noted that 'Costa' will be the intended occupier of the premises. However, as Members are aware, any particular company that may or may not occupy the premises is not a material planning consideration. I am therefore satisfied that this proposal would not be contrary to saved policies R10 and R17 of the Development Plan.

- 5.08 Whilst there is the potential for other retail uses, such as a convenience store, to occupy the premises, the last use was that of a kitchen sales unit; the building has been vacant for around a year; and the proposal will retain a part retail use. I am therefore of the view that the proposal is not contrary to saved policy R11 of the Development Plan. Saved policy ENV34 of the Development Plan seeks to protect the distinctive character of the area.
- 5.09 The submitted version of the Local Plan carries significant weight and I am satisfied that the proposal is in accordance with the relevant policies of this document.
- 5.10 The Headcorn Neighbourhood Plan is currently subject to Examination. Policy HNP1 seeks high quality design appropriate to, where relevant, the setting of the conservation area and other heritage assets; policy HNP2 seeks to protect Headcorn's historic environment; and policy HM Project 4 seeks to improve shop frontages in the High Street. I will go on to discuss the visual impact of the proposal later on in the report. Policy HNP17 states that business units located on the High Street will not be permitted where ...*"the result would be to create a Retail Class A (1 – 5) or retail warehouse development that would be in direct competition with the High Street and of a sufficient scale that it could risk undermining the viability of the High Street as a whole"*. I have explained above why this proposal would not undermine the viability of the High Street, and whilst this document is a material consideration, it does not hold sufficient weight to go against policy and guidance within the Development Plan and the NPPF.
- 5.11 I will now consider the proposal against the local and national policy/guidance as set out.

## **6.0 Visual Impact**

- 6.01 The only external change for consideration under this application is the new shop front. There is a separate advert consent application being assessed under 16/502061 for the proposed signage.
- 6.02 The proposed shopfront is in keeping and in proportion with the building and the streetscene, and the Conservation Officer has also raised no objections and considers it to be an improvement on the existing frontage. I am therefore satisfied that this element of the proposal would not have an adverse impact upon the character and appearance of the building or upon the setting of the conservation area and near-by listed buildings, or upon the character of the special landscape area.

## **7.0 Residential Amenity**

- 7.01 There is a residential flat at first floor of the building and it is important to consider the potential impact on this. There is the potential for the noise generated by the change of use to be more intrusive to this residence when compared to the previous use as a kitchen sales shop, what with the likely greater number of patrons frequenting the coffee shop and their different behaviours when compared to the previous use. As such, I consider the recommended condition to resist the transmission of airborne sound between the ceiling and floor that separates the cafe and proposed flat is reasonable and shall be duly imposed. These details go beyond Building Regulations, as they are designed only for residential to residential insulation and do account for the higher levels of noise generated by commercial operations. Compliance with this condition can be shown through the submission of a specialist report that demonstrates levels of insulation (whether existing or additional) meets the requirements set.

- 7.02 In terms of the proposed opening hours, the Environmental Health Officer has raised no objection; and given the High Street location of the proposal with its on-street parking provision, and its close proximity to other commercial uses that are open into the evening, such as the adjacent public house, takeaways, restaurants and Sainsbury's Local, I am satisfied that the proposed coffee shop would not cause any further significant harm to the amenity of any local resident in terms of general noise and disturbance.
- 7.03 Whilst the Environmental Health Officer has recommended a number of conditions requiring details of noise levels omitted from plant equipment, it must be stressed that the proposed use will have no cooking facilities on site, and that the only food served is pre-made off-site and if necessary heated up. The air conditioning and toilet extract ventilation units to the rear are existing and remain unchanged by this proposal; and the development does not require the installation of any external commercial extract or ventilation systems. As such, there are no amenity objections to the proposal in terms of noise and odour, and the Environmental Health Officer has also raised no objection. An informative will be added to remind any future occupant that planning permission would be required for the installation of any external ventilation/extract systems.
- 7.04 I am therefore satisfied that the proposal would be in accordance with saved policy R17 of the Development Plan, and no objection is raised in terms of its potential impact upon any local resident.

## **8.0 Highway safety implications**

- 8.01 The Highways Officer is of the view that this proposal is likely to increase pedestrian trip generation greater than vehicular trip generation, and so I am satisfied that the capacity of the local highway network would not be adversely impacted upon. In addition, there is existing on-street parking along the High Street as well as an off-street pay and display car park in close proximity to the site. So whilst the proposal would not provide on-site parking provision, this is considered acceptable by the Highways Officer because of the site's village centre location. I am therefore satisfied that this proposal would not result in an adverse highway safety issue.

## **9.0 Other considerations**

- 9.01 Waste storage will be to the rear of the building (in two 1100 litre Eurobins), with 1 of these bins being for recyclable waste and collected on a weekly basis; and foul sewage will be disposed of via the mains sewer and there are no flood risk issues. I raise no further comment on these issues. The proposal would not impede or change the existing access to the flat above.
- 9.02 The issues raised by Headcorn Parish Council and local residents have been addressed in the main body of this report. However in respect of Headcorn Parish Council's comments, the Development Plan and the NPPF does not seek to consider what local and national companies invest back into the local economy and so this is not a material consideration in the determination of this application. I would also add that each application is considered on its own merits and would not set a precedent for future development.

## **10.0 Conclusion**

- 10.01 For the reasons outlined, I am of the view that this proposal would not cause any demonstrable harm to the character and setting of the area and conservation area; and it would not harm the amenities of existing residents or the vitality and viability of Headcorn High Street. It is therefore considered overall that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the National Planning Policy Framework, and all other material considerations such as

are relevant. I therefore recommend conditional approval of the application on this basis.

**RECOMMENDATION –GRANT** Subject to the following conditions:

CONDITIONS:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The use hereby permitted shall only open to customers within the following times: 06:30-19:00hrs Mondays to Fridays, 07:00-19:00hrs Saturdays and 08:00-18:00hrs Sundays and Bank Holidays and no deliveries shall be taken or dispatched outside of these hours;

Reason: To safeguard the amenity of local residents.

- (3) Prior to the first occupation of the development hereby approved, details of how the ceiling and floor that separates the residential use above and the commercial unit at ground floor level hereby approved shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels will be submitted to and approved in writing by the local planning authority. The weighted standardized difference (DnT, W) a spectrum adaption term, Ctr, is quoted according to BS EN ISO 10140; 2011 Acoustics - Measurement of sound insulation in buildings and of building elements- Part 4: Field measurements of airborne sound insulation between rooms. The approved measures shall be implemented and maintained thereafter;

Reason: To safeguard the amenity of occupants of the flat above.

- (4) The development hereby permitted shall be carried out in accordance with drawings 08.47/A.03 and 08.47/A.04 received 08/03/16 and 08.47/A.12.1 received 03/05/16;

Reason: To safeguard the character and appearance of then surrounding area and to safeguard the amenity of local residents.

INFORMATIVES

- (1) For clarification, this approval has not granted planning permission for the installation of any new external ventilation/extract systems. If any occupant wishes to install such equipment, planning permission would be required.
- (2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Kathryn Altieri

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.