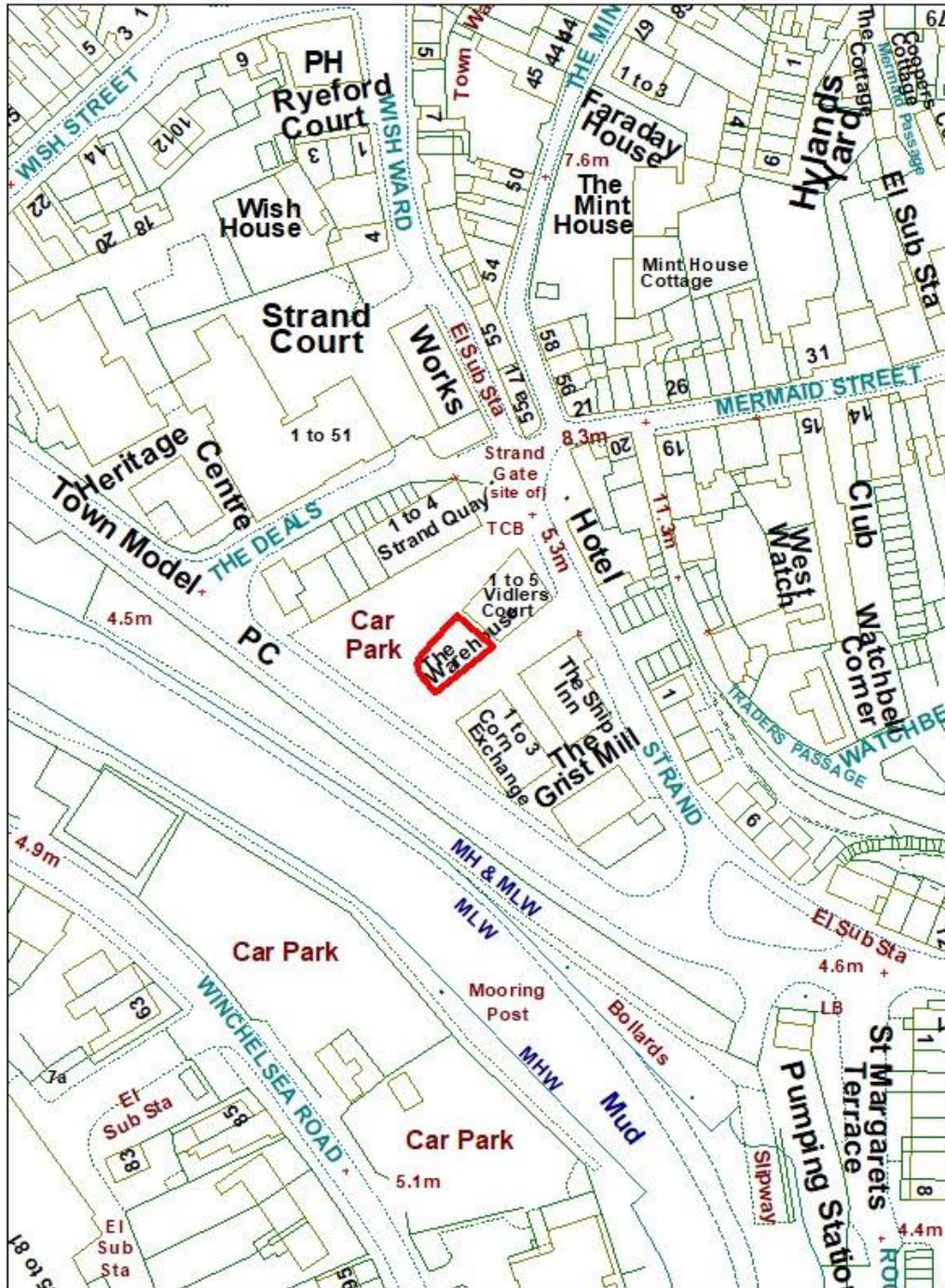


SITE PLAN

RYE

RR/2018/3117/P

The Warehouse, The Strand.



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Not To Scale

Rother District Council

Report to - Planning Committee
Date - 18 July 2019
Report of the - Executive Director
Subject - Application RR/2018/3117/P
Address - The Warehouse, The Strand, RYE
Proposal - Change of use from A3 restaurant to D1 orthodontist with internal alterations

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT (FULL PLANNING)**

Head of Service: Tim Hickling

Applicant: Mr S Mehra
Agent: Mr M Choudhary
Case Officer: Mr K Deeprise
(Email: kevin.deeprise@rother.gov.uk)

Parish: RYE

Ward Member(s): Councillors Rev. H. J. Norton and G.F. Stevens

Reason for Committee consideration: Member referral: Councillor Stevens – Unsuitable location for dentist in tourist area.

Statutory 8 week date: 15 February 2019

Extension of time agreed to: 23 July 2019

This application is included in the Committee site inspection list.

1.0 SUMMMARY

1.1 The proposed development is considered acceptable in terms of the use proposed, and the impact of the proposal on the special architectural character, historic interest and setting of the listed building and character and appearance of the locality, having regard to the Conservation Area.

2.0 SITE

2.1 This application relates to a Grade II listed three-storey building within The Strand. It forms a group with four others all of which share the same listing.

The site falls within the Development Boundary and Conservation Area for Rye and an Archaeological Notification Area.

3.0 PROPOSAL

- 3.1 This application seeks planning permission for the change of use of A3 restaurant (ground and first floor) to D1 orthodontist with internal alterations.
- 3.2 After raising concerns with the agent regarding the proposed ground floor layout of the building and subdivision, and the impact that this would have in terms of the loss of the original planform, legibility and character of the listed building, the internal layout was subsequently amended and glazed space dividers proposed as an alternative to solid partitions as originally intended. The vinyl flooring proposed has also been amended as a result of concerns raised over the impact that this would have on the character of the building. The flooring now proposed is 'Cementoflex' resin flooring (ref: CF: WR06) and a sample has been provided.
- 3.3 No internal changes to the first floor or external alterations to the building are proposed.
- 3.4 A corresponding listed building consent application has been submitted and approved under reference RR/2018/3134/L.
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4.0 HISTORY (most recent)

- 4.1 RR/2018/3134/L Internal alterations to listed building required for change of use – Granted.
- 4.2 RR/2019/151/P Retention of ground floor restaurant as commercial - A1 (shop) or A2 (financial and professional services). Conversion of first floor into 3 bedroom flat with replacement external doors and windows, weatherboarding and rainwater goods and new windows. Ground floor repairs to brickwork – Approved.
- 4.3 RR/2019/152/L Retention of ground floor restaurant as commercial - A1 (shop) or A2 (financial and professional services). Conversion of first floor into 3 bedroom flat with replacement external doors and windows, weatherboarding and rainwater goods and new windows. Ground floor repairs to brickwork – Granted.
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5.0 POLICIES

- 5.1 The following 'saved' policies of the adopted [Rother District Local Plan 2006](#) are relevant to the proposal:

- Policy RY6: Town Centre (Rye)

5.2 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:

- Policy OSS4: General Development Considerations;
- Policy RY1: Policy Framework for Rye and Rye Harbour;
- Policy CO1: Community Facilities and Services;
- Policy EN2: Stewardship of the Historic Built Environment;
- Policy EN3: Design Quality;
- Policy TR4: Car Parking.

5.3 The following policies of the emerging [Development and Site Allocations Local Plan](#) (submitted for examination in January 2019) are relevant to the proposal:

- Policy DCO1: Retention of Sites of Social or Economic Value.

5.4 The following policies of the [Rye Neighbourhood Plan](#) are relevant to the proposal:

- Policy D1: High Quality Design;
- Policy B2: Supporting Rye as a Visitor Attraction;
- Policy T2: Car Parking;
- Policy E3: Heritage.

The Rye Neighbourhood Plan has gone through a positive referendum and therefore can be given full weight.

5.5 The National Planning Policy Framework and Planning Policy Guidance are also material considerations with particular reference to Section 16 (Conserving and Enhancing the Historic Environment).

5.6 In terms of legislation, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant.

6.0 CONSULTATIONS

6.1 Planning notice

6.1.1 Rye Conservation Society: No objection to change of use. Concerns relating to parking.

6.2 Town Council - **NO OBJECTION**

6.2.1 Support approval.

7.0 LOCAL FINANCE CONSIDERATIONS

7.1 The proposal is for a type of development where CIL is not liable.

8.0 APPRAISAL

8.1 Issues

8.1.1 The main issues for consideration are the use proposed; the effect of the proposal on the special architectural character, historic interest and setting of the listed building; and the impact of the proposal on the character and appearance of the locality.

8.2 Proposed use

8.2.1 Policy B2 of the Rye Neighbourhood Plan seeks to support and enhance Rye as a visitor destination within the core town centre area as defined on the map at Figure 17; however it does not restrict town centre uses, which the proposed orthodontist is. Given the core town centre location of the application building, the proposed orthodontist is considered acceptable and also accords with policies RY1 and CO1 of the Core Strategy. These policies support and recognise the importance of access to healthcare facilities and services within communities. An orthodontist in this town centre location would achieve that.

8.3 Character and setting of listed building and character and appearance of locality

8.3.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to Local Planning Authorities (LPAs) when considering whether to grant planning permission for works affecting a listed building, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

8.3.2 Section 72(1) of the Act confers a statutory duty to LPAs when considering whether to grant planning permission for works affecting a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

8.3.3 Paragraphs 193 and 194 of the National Planning Policy Framework states that:

“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.”

8.3.4 Policies OSS4 (iii), RY1 (iii) and EN2 (i and iii) of the Core Strategy and Policy E3 of the Rye Neighbourhood Plan seek to protect the character, appearance and historic environment of Rye.

8.3.5 Conservation advice has been sought on this application.

8.3.6 As amended, the proposed development would preserve the special architectural and historic interest of the listed building and character and appearance of the Rye Conservation Area. No external alterations are proposed as part of this application and the changes to the internal layout of the property will not compromise the original planform, legibility and character of the listed building.

8.4 Other issues

8.4.1 Comments have been received raising concerns over parking provision. With regards to this matter there is not envisaged to be an issue given the town centre location of the building and its existing use.

9.0 **PLANNING BALANCE & CONCLUSION**

9.1 The proposed development is considered acceptable in terms of the use proposed, and the impact of the proposal on the special architectural character, historic interest and setting of the listed building and character and appearance of the locality, having regard to the Conservation Area.

RECOMMENDATION: GRANT (FULL PLANNING)

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 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 development hereby permitted shall be carried out in accordance with the following approved drawings/details:
Location Plan, drawing no. ADP-00-00-DR- A-9001 Rev P1 1, dated 12.12.18;
Location Block Plan, drawing no. A-9002 Rev P1 2, dated 12.12.18;
General Arrangement, drawing no. ADP00-00-DR A-0001 Rev S4 C3, dated 18.04.19, received 19.06.19.

Reason: For the avoidance of doubt and in the interests of proper planning, as advised in the "Planning Practice Guidance – Use of Planning Conditions – Paragraph: 022 Reference ID: 21a-022-20140306."
3. The materials and finishes to be used in the development hereby permitted shall be as described within the application, specifically including also those related to the internal space dividers and the flooring, unless otherwise agreed in writing by the Local Planning Authority. The internal space dividers shall be as shown on approved drawing no. ADP00-00-DR A-0001 Rev S4 C3, dated 18.04.19, received 19.06.19 (General Arrangement), and the flooring details as also shown on drawing no. ADP00-00-DR A-0001 Rev S4 C3, dated 18.04.19, received 19.06.19 and as per the material sample submitted ('Cementoflex' resin flooring (ref: CF: WR06)).

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest of the building in accordance with Policy OSS4 (iii), RY1 (iii) and EN2 (i and iii) of the Rother Local Plan Core Strategy (2014) and Policy E3 of the Rye Neighbourhood Plan (2016-2028).

NOTE:

1. The applicant's attention is drawn to the conditions attached to the listed building consent RR/2018/3134/L.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.