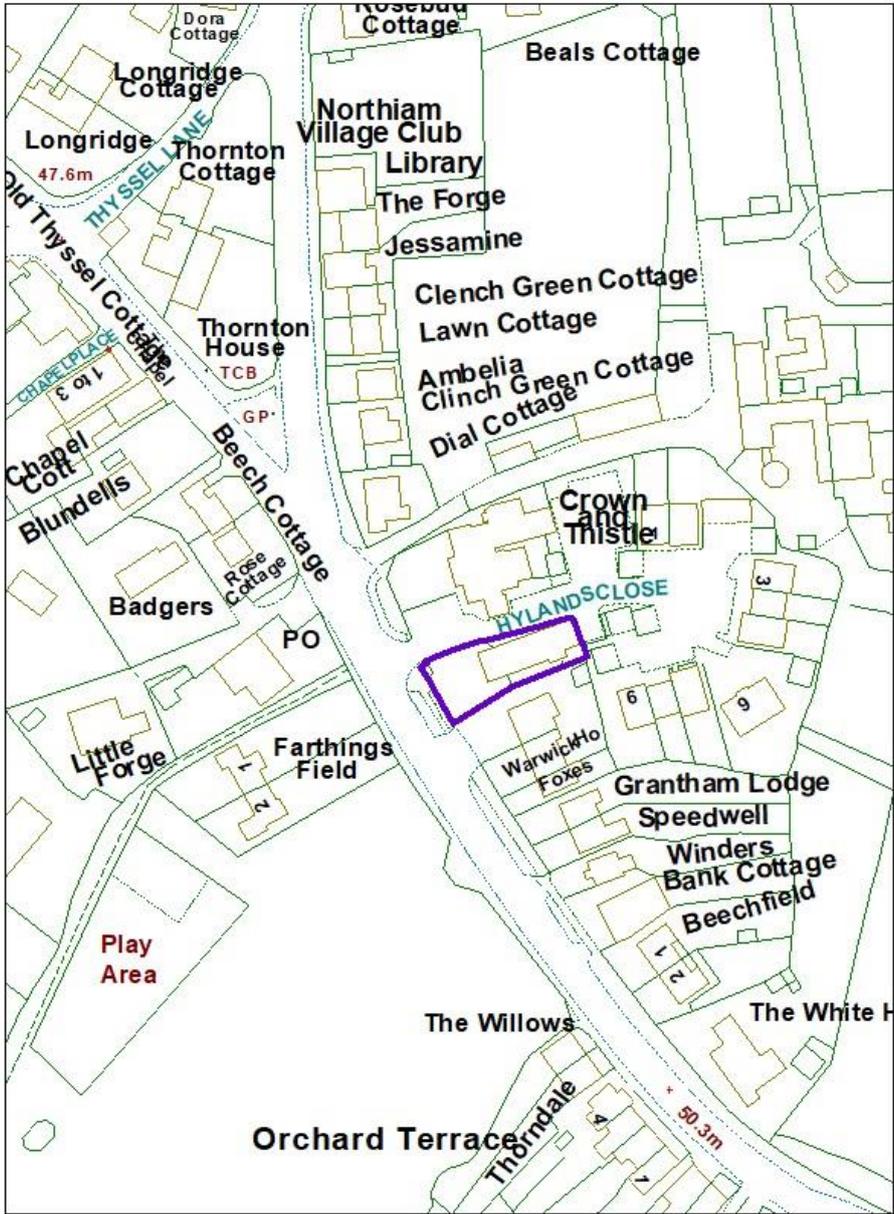


SITE PLAN NORTHIAM
 RR/2019/1540/P 98 Main Street



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Rother District Council

Report to - Planning Committee
Date - 17 December 2019
Report of the - Executive Director
Subject - Application No. RR/2019/1540/P
Address - 98 Main Street
NORTHIAM
Proposal - Change of use and conversion of part of ground floor shop premises to self-contained residential studio flat

[View application/correspondence](#)

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

Head of Service: Tim Hickling

Applicant: Mr A. Baker
Agent: Pump House Designs
Case Officer: Mr E. Corke (Email: edwin.corke@rother.gov.uk)
Parish: NORTHIAM
Ward Members: Councillors A.E. Ganly and M. Mooney

Reason for Committee consideration: Member referral: Councillor M. Mooney: Believes the living accommodation is now fit for purpose.

Statutory 8 week date: 20 August 2019

This application is included in the Committee site inspection list.

1.0 SUMMMARY

1.1 The proposal is for conversion of a warehouse attached to the rear of a carpet shop to a self-contained studio flat. The application is recommended for a refusal because the necessary evidence has not been submitted to justify a reduction in the size of the shop and, furthermore, occupiers of the studio flat would not be provided with an appropriate and proportionate level of private usable external space, and would have a very poor outlook.

2.0 SITE

2.1 98 Main Street is a detached two-storey property with a single-storey outshut to the rear, located in a relatively central position within the village on the east side of Main Street (A28). There is a carpet shop at ground floor level with an

attached warehouse (storage space for the shop) to the rear. At first floor level there is a 1-bedroom flat. An off-street parking area for four cars lies to the front of the building, accessed from Main Street.

- 2.2 The application specifically relates to the warehouse to the rear of the shop, which is a single-storey mono-pitched roof structure of brick construction. To the north the warehouse is adjoined by an access road that serves the car park of a vacant public house and residential properties in Hylands Close. To the east it is adjoined by a parking area that serves a property in Hylands Close. The rear garden of an adjoining residential property (Warwick House) lies to the south.
- 2.3 The site is located in the village's Conservation and Archaeological Notification Areas. It is also within the High Weald Area of Outstanding Natural Beauty (AONB).
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3.0 PROPOSAL

Background

- 3.1 In 2013 a refusal of planning permission (Application Ref: RR/2013/406/P) was issued for change of use of the ground floor shop from retail to a residential use. Permission was refused because there was no justification for loss of a local shop. A subsequent appeal (Appeal Ref: APP/U1430/A/13/2204632) was dismissed on the grounds that the proposed change of use would have resulted in the unjustified loss of a retail unit to the detriment of the retail and service provision of Northiam.
- 3.2 In September last year a refusal of planning permission (Application Ref: RR/2018/1793/P) was issued for change of use of part of the shop to a self-contained 1-bedroom flat. Permission was refused for the proposal for the following two reasons:
- It would have significantly reduced the shop's floorspace, resulting in a retail unit of around 16sqm only, which could have been detrimental to the shop's long-term viability.
 - It would have failed to provide satisfactory living conditions for occupiers of the flat in relation to light and outlook.
- 3.3 Earlier this year a refusal of planning permission (Application Ref: RR/2018/3100/P) was issued for conversion of the warehouse attached to the shop to a self-contained 1-bedroom flat. Permission was refused for the proposal for the following three reasons:
- It would have resulted in a reduction in the size of the existing shop without demonstrating that this would not undermine the viability of its continued use. As such, the proposed change of use would have resulted in the unjustified loss of part of a retail unit, to the detriment of the retail and service provision of Northiam.
 - It would have provided a very small area of outdoor amenity space and its usability would have been compromised by its enclosed position between the new flat, existing high fence on the southern boundary, and the two-storey height of the host property, all of which would have contributed to users of this space experiencing a significant sense of enclosure. As such, the proposal would have failed to provide an appropriate and proportionate

level of private usable external space for occupiers of the flat, which would have been detrimental to living conditions.

- The new flat would have occupied a backland position surrounded by areas of hard-standing (including pedestrian and vehicle accesses), high boundary treatment, and the two-storey host property, all in close proximity to windows serving important living spaces (i.e. the living/dining area, kitchen and bedroom) of the flat. This is not a typical situation for a ground floor flat where some degree of visual relief is usually provided in the form of an appropriate sized garden, which would not have been present here. As such, occupiers of the flat would have had a very poor outlook, which would have been detrimental to living conditions.

Current scheme

- 3.4 The current proposal is for conversion of the warehouse attached to the shop to a self-contained studio flat. External alterations consist of the demolition of part of the warehouse to provide a court yard garden, the insertion of shower room and living room windows in the northern wall, the insertion of three high level living room windows in the eastern wall, and the insertion of patio doors and a main entrance door and window in the southern wall.
- 3.5 The proposed studio flat would have a gross internal floorspace of approximately 40sqm and the retained shop floorspace would be around 70sqm.
- 3.6 The Planning Statement submitted with the application sets out the rationale for the proposed development as follows:

“The ground floor of the subject building is currently used as a carpet shop and warehouse and is underutilised by the existing business. Customers only attend via an appointment to view carpet samples and the shop space required is small. The warehouse area is equally underutilised as carpets are quickly turned around from delivery to fitting in customers’ homes.

The idea of the proposal is to retain a smaller carpet shop and storage area for customers to the front of the building and convert the rear of the building to an additional residential flat. The building will NOT be lost to non-retail space. To the contrary the existing carpet shop will continue to serve the local community. The proposal is to re-utilise part of the ground floor space more efficiently.

Prior to the planning application in 2013 the building was used as a “Londis” convenience store. This store was one of only two in the village of Northiam at that time. The other convenience store was operated by “Spar” located approximately 800m to the north in Main Street/Station Road. Following refusal of Application No. RR/2013/406/P, the subject building used by “Londis” closed, since when another convenience store with a Post Office has opened by “Jempsons”, also in Main Street/Station Road. There are now two convenience stores again in the village of Northiam (“Jempsons” and “Spar”), which adequately serve the neighbourhood and the retail and service provision of Northiam. It is in our opinion that a village the size of Northiam would not need a third supermarket convenience store due to the size and population of the village and therefore the property would serve the local community by being used for an alternative retail use.

The current use of the building as a carpet shop is to be retained by the current owners however the size of the unit under the new proposal of use without the rear store room providing 70sqm would in our opinion support a number of other business opportunities which we feel would be able to operate from the premises utilising the revised floor area of the commercial property.

We have recently marketed a commercial barn with B1 and B8 use on the outskirts of Northiam situated on Whitebread Road. This 141sqm premises has had several enquiries however is still available due to demand not requiring the size or scale of unit, or because of the lack of internet connection currently available to the property. As 98 Main Street, Northiam is a smaller property we feel that should it become available this would generate good demand due to its central village location with regular public transport bus services and high-speed internet access.

We have also reviewed the demand for the proposed residential Studio unit within Northiam and are of the opinion that there would be strong demand for this type of property both from the first-time buyer market and also from the downsizer market. The later market is very strong at present with widows / widowers wishing to move out of larger properties within the village that they are finding hard to upkeep in preference for smaller residential properties with easy ground floor access and low maintenance requirements. The proposed studio unit at the rear of 98 Main Street meets these requirements as it situated in a central village location with easy access to all local amenities as well as being situated directly on a local bus service route.”

4.0 HISTORY (relevant)

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|-----|----------------|--|
| 4.1 | RR/2013/406/P | Change of use from retail to a residential use. Refused and subsequent appeal dismissed. |
| 4.2 | RR/2018/1793/P | Change of use of part of ground floor shop to one residential flat including external alterations. Refused. |
| 4.3 | RR/2018/3100/P | Change of use of part of ground floor shop to one residential flat including external alterations (alternative to that refused under Application No. RR/2018/1793/P). Refused. |

5.0 LEGISLATION AND POLICIES

- 5.1 The following section of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant to the proposal:
- 72: (General Duty as Respects Conservation Areas in Exercise of Planning Functions)
- 5.2 The following ‘saved’ policy of the adopted [Rother District Local Plan 2006](#) is relevant to the proposal:
- DS3: (Proposals within Development Boundaries)

- 5.3 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- PC1: (Presumption in Favour of Sustainable Development)
 - OSS2: (Use of Development Boundaries)
 - OSS3: (Location of Development)
 - OSS4: (General Development Considerations)
 - RA1: (Villages)
 - SRM2: (Water Supply and Wastewater Management)
 - CO6: (Community Safety)
 - EN1: (Landscape Stewardship)
 - EN2: (Stewardship of the Historic Built Environment)
 - EN3: (Design Quality)
 - EN7: (Flood Risk and Development)
 - TR3: (Access and New Development)
 - TR4: (Car Parking)
- 5.4 The following policies of the [Development and Site Allocations \(DaSA\) Local Plan](#) (DaSA), which with main modifications have been found sound (on 5 November 2019) and can proceed to adoption, are relevant to the proposal:
- DCO1: (Retention of Sites of Social or Economic Value)
 - DHG3: (Residential Internal Space Standards)
 - DHG4: (Accessible and Adaptable Homes)
 - DHG7: (External Residential Areas)
 - DEN1: (Maintaining Landscape Character)
 - DEN2: (The High Weald Area of Outstanding Natural Beauty)
 - DEN5: (Sustainable Drainage)
 - DEN7: (Environmental Pollution)
 - DIM2: (Development Boundaries)
- 5.5 The National Planning Policy Framework, Planning Practice Guidance and High Weald AONB Management Plan 2019-2024 are also material considerations.
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6.0 CONSULTATIONS

6.1 East Sussex County Council Archaeologist – NO OBJECTION

6.1.1 Does not believe that any significant archaeological remains are likely to be affected by the proposed development.

6.2 Head of Service Environmental Services, Licensing and Community Safety – Private Sector Housing – NO OBJECTION

6.2.1 Unable to give detailed comments due to the lack of supporting information. Provides observations in relation to room size, House Health & Safety Rating System, natural lighting, natural ventilation, space and crowding, ceiling heights, entry by intruders, heating, fire and disrepair.

6.3 Planning Notice – NO COMMENTS RECEIVED

6.4 Northiam Parish Council – NO OBJECTION

6.4.1 Believes that the shortfall of Policy OSS4 (i), as highlighted by Rother District Council has now been addressed.

7.0 APPRAISAL

7.1 Issues for Consideration

7.1.1 The main issues are:

- Whether the proposal would be detrimental to the retail and service provision of Northiam.
- Whether the proposal would provide satisfactory living conditions for occupiers of the studio flat in terms of both the internal and external space available and in relation to light and outlook.
- Impact of the proposal on the character and appearance of the area.
- Impact of the proposal on the living conditions of neighbouring occupiers.
- Parking provision.

7.2 Retail and Service Provision of Northiam

7.2.1 Northiam is a linear-style settlement and is the second largest village in terms of population within the district. There is a wide variety of retail, service and commercial units within the village which cover a range of uses and functions and these are spread throughout the settlement rather than being concentrated in a defined retail or commercial centre. The application premises' occupies a relatively central position within the village.

7.2.2 Paragraph 83 of the National Planning Policy Framework seeks to support a prosperous rural economy through, amongst other things, the retention and development of accessible local services and community facilities, including local shops.

7.2.3 Policy RA1 of the Core Strategy states that the needs of the rural villages will be addressed by (iii):

“Ensuring thriving and viable rural communities, by retention of, and support for, local shops, services and public houses in villages.”

7.2.4 This is elaborated on the in Policy DCO1 of the DaSA, which says:

“In accordance with the presumptions set in the Local Plan Core Strategy, proposals that involve the loss or diminution of sites of social or economic value, including those last in such use, must demonstrate that there is no reasonable prospect of a continued use, backed by:*

- evidence of a comprehensive and sustained marketing campaign, which clearly indicates a lack of demand for the existing use (or as an alternative commercial or community facility, where appropriate), based on marketing, normally at least 18 months, that offers the land or unit/s for sale, or rental, at a realistic valuation of the site/premises for that use; and*
- evidence that clearly demonstrates that the unit is not or is not capable of being financially viable, including alternative commercial or community facilities, where appropriate.*

Proposals should not result in the loss of facilities or features which may undermine the viability of its use, including, but not limited to, car parks, gardens and function rooms.

[This includes a community facility, public house, shop, tourist accommodation or attraction and an employment use.]”*

7.2.5 With regard to the requirements of the above policy, the Applicant has failed to provide the necessary evidence to justify a reduction in the size of the shop (some 66sqm of floorspace would be lost), and as such it has not been demonstrated that the proposal would not undermine the viability of its continued use. Therefore, in the absence of any evidence to the contrary, it is considered that the proposed change of use would be detrimental to the retail and service provision of Northiam.

7.3 Living Conditions for Occupiers of the Studio Flat

7.3.1 Policy OSS4 (i) of the Core Strategy requires all development to meet the needs of future occupiers, including providing appropriate amenities.

7.3.2 Supporting paragraph 7.68 says:

“All development should be capable of accommodating the reasonable expectations of likely occupiers, including in terms of indoor and outdoor space...”

7.3.3 With regard to internal space, Policy DHG3 of the DaSA says that a single-storey 1-bedroom dwelling should provide a minimum gross internal floor area of 37sqm, as per the nationally described space standard. The internal floor area of the proposed studio flat is some 40sqm, which meets this requirement. It is also the case that the proposed fenestration and would provide adequate light to the flat.

7.3.4 Turning to external space, the first sentence of Policy DHG7 (i) of the DaSA says that appropriate and proportionate levels of private usable external space will be expected.

7.3.5 The scheme includes a court yard garden of some 20sqm. This would be a very small area of outdoor amenity space and its usability would be compromised by its enclosed position between the new studio flat to the north, neighbouring pitched roof garage at a higher ground level to the east, neighbouring pitched roof outbuilding to the south, and the two-storey height of the host property to the west, all of which would contribute to users of this space experiencing a significant sense of enclosure. For these reasons, the proposal would fail to provide an appropriate and proportionate level of private usable external space for occupiers of the studio flat, which would be detrimental to living conditions.

7.3.6 A separate court yard is shown to the west of the court yard garden, but this is essentially the passageway to the studio flat and would not be appropriate as outdoor amenity space, as it too is enclosed.

7.3.7 Turning to outlook, the flat would occupy a backland position surrounded by areas of hard-standing (including pedestrian and vehicle accesses), high

boundary treatment, neighbouring outbuildings and the two-storey host property, all in close proximity to windows and doors serving the living space. This is not a typical situation for a ground floor flat where some degree of visual relief is usually provided in the form of an appropriate sized garden. Whilst a court yard garden is proposed, this would be limited in size, and would itself be enclosed. As such, it would not provide adequate visual relief. For these reasons, it is considered that occupiers of the flat would have a very poor outlook, which would be detrimental to living conditions.

7.4 Character and Appearance

7.4.1 Policies OSS4 (iii), RA1 (i) and EN3 of the Core Strategy seek, amongst other matters, to ensure that new development is of high design quality that respects, contributes positively towards, and does not detract from the character and appearance of the locality.

7.4.2 These policies are broadly consistent with paragraph 127 of the National Planning Policy Framework which states that development should be sympathetic to local character, including the surrounding built environment, and maintain a strong sense of place.

7.4.3 The warehouse is located in a backland position in an area characterised by a mixture of commercial and residential uses. In this context, the introduction of an additional residential unit, together with the minor domestic alterations proposed, would not be detrimental to the character and appearance of the area. There would be no significant effect on the character and appearance of the Conservation Area or the landscape and scenic beauty of the High Weald AONB.

7.5 Living Conditions of Neighbouring Occupiers

7.5.1 Policy OSS4 (ii) of the Core Strategy requires all development to not unreasonably harm the amenities of adjoining properties.

7.5.2 The warehouse is located in a backland position surrounded by a mixture of commercial and residential uses. None of the proposed windows or doors would result in overlooking of neighbouring residential properties. For these reasons, the proposed change of use would not unreasonably harm the living conditions of neighbouring occupiers.

7.6 Parking Provision

7.6.1 Policy TR4 (i) of the Core Strategy requires the residual needs of the development for off-street car parking to be met having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.

7.6.2 One of the four off-street car parking spaces at the front of the shop is likely to be made available for the new flat, which would meet the residual needs of the development for off-street parking. This would result in the loss of one of the shop's parking spaces. However, a public car park is located some 375m

to the south-east, which is within walking distance. Customers of the shop would therefore be able to park here if no on-site spaces are available.

7.7 Other Matters

- 7.7.1 The Housing Delivery Test (HDT) has been introduced by the Government as a monitoring tool to demonstrate whether local planning authorities are building enough homes to meet their housing need. The HDT, which was published in February 2019, compares the number of new homes delivered over the previous three years with the Authority's housing requirement. Against a requirement of 1,008 dwellings over the last three years, Rother delivered 697 net dwellings with a result of 69%. Consequently, the Council has produced an Action Plan, as well as continuing to include a 20% buffer in its respective housing land supply position statement.

8.0 LOCAL FINANCE CONSIDERATIONS

- 8.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. However, as there is no increase in footprint of the building the amount received would be zero.
- 8.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £6,684 over four years.

9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 The Council is presently unable to demonstrate a five-year supply of land for housing (3.7 years as at 1 April 2019). This triggers the presumption in favour of sustainable development test set out in paragraph 11(d) of the National Planning Policy Framework. This states that where policies most important for determining the proposal are out-of-date, permission should be granted unless (i) the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 9.2 Paragraph 11(d)(ii) is relevant in this case. In terms of the benefits of the proposal, the provision of a studio flat would make a modest contribution to housing supply, construction costs and jobs, albeit for a temporary period, and would support nearby services and facilities. However, in terms of the adverse impacts, the proposal would be harmful to the retail and service provision of Northiam and would fail to meet the needs of occupiers of the studio flat, all as set out above. These adverse impacts are considered to carry substantial weight, which significantly and demonstrably outweigh the benefits of the proposal. In the circumstances, planning permission should not be granted for the development.

RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The proposal would result in a reduction in the size of the existing shop without demonstrating that this would not undermine the viability of its continued use, in conflict with Policy DCO1 of the DaSA. As such, the proposed change of use would result in the unjustified loss of part of a retail unit, to the detriment of the retail and service provision of Northiam. The proposed development would be contrary to Policy RA1 (iii) of the Rother Local Plan Core Strategy 2014, which seeks to ensure thriving and viable rural communities, by retention of, and support for, local shops and services. Furthermore, the development would not accord with paragraph 83 of the National Planning Policy Framework, which seeks to support a prosperous rural economy through the retention and development of local services and community facilities, including local shops.
2. The proposal would provide a very small area of outdoor amenity space and its usability would be compromised by its enclosed position between the new studio flat to the north, neighbouring pitched roof garage at a higher ground level to the east, neighbouring pitched roof outbuilding to the south, and the two-storey height of the host property to the west, all of which would contribute to users of this space experiencing a significant sense of enclosure. As such, the proposal would fail to provide an appropriate and proportionate level of private usable external space for occupiers of the studio flat, which would be detrimental to living conditions. The proposed development would be contrary to Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014, which requires all development to meet the needs of future occupiers, including providing appropriate amenities. Furthermore, the development would not accord with Policy DHG7 (i) of the DaSA, which requires new residential developments to provide appropriate and proportionate levels of private usable external space.
3. The proposed studio flat would occupy a backland position surrounded by areas of hard-standing (including pedestrian and vehicle accesses), high boundary treatment, neighbouring outbuildings and the two-storey host property, all in close proximity to windows and doors serving the living space. This is not a typical situation for a ground floor flat where some degree of visual relief is usually provided in the form of an appropriate sized garden, which would not be present here. As such, occupiers of the studio flat would have a very poor outlook, which would be detrimental to living conditions. The proposed development would be contrary to Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014, which requires all development to meet the needs of future occupiers, including providing appropriate amenities.

NOTE:

1. This refusal of planning permission relates to the following drawings:
Drawing No. 5854/19/LBP (LOCATION / BLOCK PLAN), dated MARCH 2019.
Drawing No. 5854/19/1 (PROPOSED CHANGE OF USE), dated MARCH 2019.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraph 38) 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 identifying matters of concern with the proposal, clearly setting out the reasons for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.