

Application No: Y17/0699/SH

Location of Site: 111 Canterbury Road,
Hawkinge,
Kent
CT18 7BS

Development: Retrospective application for the retention of the existing temporary building for use in conjunction with the Hawkinge and Rural Children's Centre (Use Class D1).

Applicant: Kent County Council
Sessions House
County Hall
Maidstone
Kent
ME14 1XQ

Agent: Hume Planning Consultancy Ltd
Innovation House
Discovery Park
Innovation Way
Sandwich
CT13 9ND

Date Valid: 15.6.17

Expiry Date: 10.8.17

Committee Date: 26.9.17

Officer Contact: Mr Julian Ling

RECOMMENDATION: That temporary planning permission be granted subject to the conditions set out at the end of the report.
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1.0 THE PROPOSAL

- 1.1 This application seeks retrospective planning permission for the continued use of a modular sectional building as a children's centre under a D1 use. The application seeks a further temporary permission of seven years until 2024 to coincide with the expiry of the lease. The premises benefited from a temporary five year use in 2009 reference Y09/0347/SH which expired in October 2014. Since then the facility has been operating unlawfully without the required planning permission which this application now seeks to rectify.
- 1.2 The development is currently used by and is proposed to be used by the Hawkinge and Rural Children's Centre (Use Class D1) who provide services which include day-care facilities, a clinic and regular parent-child meeting groups and activities. The facility is open generally in the mornings although this application proposes opening hours between 9am and 5pm

Monday – Friday to allow some flexibility. No external alterations are proposed.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The premise is a modular sectional single storey building with a floor area of 150 sqm. The site is within the rural town of Hawkinge inside the settlement boundary and forms part of a larger site (including the Hawkinge Community Centre site to the south) which is used for social and community facilities. The site is located within the wider designated Kent Downs Area of Outstanding Natural Beauty landscape and part of the defined North Downs Special Landscape Area, and within a Groundwater Source Protection Zone. The site has a size of 0.97 h.
- 2.2 The site is located on the western side of Canterbury Road in Hawkinge adjacent to the Tesco convenience store. The site is occupied by a single-storey flat roofed sectional building with a long narrow garden area to the rear. There is a footpath along its northern edge which provides a pedestrian link through from Canterbury Road to residential properties to the west and the Hawkinge Community Centre site to the south. Residential properties along Canterbury Road adjoin the site to the north, to the south beyond the Tesco convenience store are further shops, a surgery and take-away hot food premises. On the opposite side of Canterbury Road to the east are further residential properties, a primary school and a commercial garage.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Y09/0347/SH - Retention of temporary building to provide office accommodation in connection with Hawkinge Neighbourhood Management Partnership. Approved subject to conditions.
- 3.2 Y04/1108/SH - Change of use of land including siting of a temporary building to provide office accommodation in connection with Hawkinge Neighbourhood Management Partnership. Approved subject to conditions

4.0 CONSULTATION RESPONSES

- 4.1 Hawkinge Town Council
Support
- 4.2 KCC Highways and Transportation
No comments. The development does not meet the criteria to warrant involvement from the Highway Authority.
- 4.3 Environmental Health Officer
No objection.
- 4.4 Estate Management Officer

No objection.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 23.08.2017

6.0 REPRESENTATIONS

6.1 None received

7.0 RELEVANT POLICY GUIDANCE

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

7.2 The following saved policies of the Shepway District Local Plan Review apply:

SD1, BE1, CO4, TR11, TR12, U4.

7.3 The following policies of the Shepway Local Plan Core Strategy apply:

DSD, SS1, SS3, SS4, SS5, CSD4

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework paras 14, 17, 28, 56, 70. Paras 28 and 70 are particularly relevant as they refer to supporting a prosperous rural economy and the promotion and retention of local rural services and community facilities and to the provision and retention of social and community facilities and to guard against the unnecessary loss of valued facilities.

8.0 APPRAISAL

Background

8.1 This site has been the subject of two previous temporary planning permissions being reference numbers Y04/1168/SH and Y09/0347/SH where the last permission expired in October 2014. This application therefore seeks retrospective permission to site the building and to enable operations to continue for a further seven years until the end of the lease in 2024.

Relevant Material Planning Considerations

- 8.2. The main issues for consideration in the determination of this application are whether the retention of the building on the site for seven years is acceptable in terms of its value as a social and community facility, visual impact upon the streetscene, the impact upon the neighbouring residential amenities and highways issues.

Social and Community

- 8.3 The site is used for a children's centre which is considered to be a social and community use which provides a valuable contribution to the town of Hawkinge and the wider rural area. In this respect the centre provides services which include day-care facilities, a clinic and regular parent-child meeting groups and activities. The NPPF: 2012 para 70 seeks to protect such a use stating that "planning policies and decisions should guard against the unnecessary loss of valuable facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs". At the local level Core Strategy policy SS3f) also seeks to safeguard such facilities stating development must address social and economic needs in the neighbourhood and not result in the loss of community, voluntary or social facilities".
- 8.4 The site is located within a very sustainable town location within the centre of Hawkinge, which is very accessible by car, foot and public transport where a bus stop is opposite the building. The use is proposed for a further seven years which would coincide with the lease of the building which would retain the facility but also allow time for an alternative more permanent solution to be found. Therefore in accordance with policy as a social and community facility it is considered acceptable to retain the service for a further seven years.

Visual Impact

- 8.5 The building is a modular type that is not designed for permanent retention and will over time start to deteriorate. However it is currently in an acceptable condition and is not creating an adverse impact, where a further seven years of use is considered to be reasonable and acceptable for this type of building and if the application is approved should be conditioned in this respect.
- 8.6 The building fills what would otherwise be an open gap between the two existing adjoining two-storey properties and due to the building being single-storey, it is much lower than the adjoining buildings where it has limited impact in the Canterbury Road streetscene and the wider area generally. In this regard it is not unduly tall, dominant or incongruous in the streetscene and is well screened from views from the rear and side elevations owing to the tall hedgerows. To the front primary elevation, the building has a shop front type frontage facing the street which reflects the character and appearance of the neighbouring shops along Canterbury Road. To the rear is a garden which is well maintained, tidy and visually acceptable. As such whilst the building has little architectural merit its presence is acceptable under a temporary permission. Ideally this building should have been

replaced by now with a permanent building of a more appropriate design and construction. However, it is currently providing a valuable facility and allowing a further temporary permission to coincide with the end of the lease will enable this to continue. The supporting documentation explains that at the end of the current lease in seven years time the building will have reached the end of its useable life and as such that would be appropriate time to consider a more permanent solution.

- 8.7 The site is within the built up environment of the Hawkinge settlement, however is in a semi-rural location and is within the Kent Downs Area of Outstanding Natural Beauty and a Special Landscape Area. The retention of the relatively modest single-storey flat roofed sectional building, whilst not of particular architectural merit, would not have a detrimental impact on the wider designated Area of Outstanding Natural Beauty or defined Special Landscape Area as it is well screened from wider countryside locations and relatively unobtrusive being located back from the pavement between more dominant buildings. Therefore in terms of visual amenity, the buildings retention for a further seven year period is considered acceptable and in accordance with saved policies SD1, BE1 and CO4 and the NPPF: 2012.

Residential Amenity

- 8.8 Owing to its single storey scale and flat roof together with the separation distances from the nearby houses, it is not considered that there are any overbearing/overshadowing impacts to neighbouring residents. Screening around the site also prevents any overlooking and a loss of privacy.
- 8.9 In terms of noise and disturbance, it is considered some impact would occur from activity both in and around the building. However this is considered to be low key and occurs during reasonable day time hours and as such considered to be acceptable. It must be noted that this is a mixed use environment with other uses such as the Tesco convenience store operating into the evenings where some disturbance from activity is expected. The times of use between 9am and 5pm Monday - Friday are very reasonable and the size of the building is not unduly large which will naturally limit its use and the level of disturbance. No complaints or representations have been received regarding this and therefore the continued retention of this building for a children's centre for a further seven years is considered to be acceptable and unlikely to result in significant harm to neighbouring residential amenities in accordance with saved Local Plan Review policy SD1.

Highways/Transportation

- 8.10 The site is situated in a sustainable town centre location on a main road that is very accessible by car, bike and foot and is also opposite a bus stop. As a result many users of the services and facilities would not be reliant on use of a car to access the premises. However, kerbside parking is available along Canterbury Road outside the premises and the car parking to the Community Centre to the south is also available nearby. Kent Highway Services have been consulted but have not commented given the small

scale of the development. As such it is considered that no significant highways issues arise from the site and in this regard is considered acceptable in accordance with saved Local Plan policy TR12.

Local finance consideration

8.11 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. New Homes Bonus payments are not considered to be a material consideration in the determination of this application. In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. This application is not liable for the CIL charge.

Human Rights

8.12 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

8.13 This application is reported to Committee as the Council has a substantial interest in the land and building being the freeholder.

9.0 SUMMARY

9.1 This application seeks retrospective permission for the continued use of the building as a children's centre under a D1 use. The application seeks a further temporary permission of seven years until 2024 to coincide with the expiry of the lease.

9.2 The building provides an important social and community facility for the benefit of the local community which is located within a sustainable town centre location. The building is in an acceptable condition visually and does not present an adverse visual impact upon the streetscene or wider environment. The building and use safeguards residential amenities and the development is acceptable in highways and transportation issues. As such, it is considered that the retention of the building and facility for a further seven

years is acceptable and temporary planning permission is therefore recommended for approval subject to the conditions set out below.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions:

1. The building hereby permitted shall be removed and the land restored to its former condition on or before 1st October 2024.

Reason:

The Local Planning Authority wishes to review the situation at the date of expiry of this permission in the interests of visual amenity and to ensure that the development complies with the provisions of saved Local Plan Review policies SD1 and BE1, Core Strategy policy SS3 and the NPPF: 2012.

2. The development hereby permitted has been approved on the basis of the details shown on the submitted plans, numbered TR2139/5A, 61040500 and the sketch drawing of the existing building with dimensions.

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of saved policy SD1 of the Shepway District Local Plan Review.

3. The premises and associated land shall be used for a childrens centre and for no other purpose, including any other purpose in Class D1 of Part D of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

Reason:

To control the use of the building and to consider the implications of any further change of use in the interests of the amenities of the area in accordance with saved Local Plan Review policies SD1, BE1 and TR12, Core Strategy policy SS3 and the NPPF: 2012.

4. The premises shall not be open for the use hereby permitted, outside the hours of 09.00hrs and 17.00hrs and shall not be used at any time on Sundays or Bank Holidays unless otherwise previously agreed in writing with the Local Planning Authority.

Reason:

In the interests of the amenities of nearby residents in accordance with saved Local Plan Review policy SD1 and the NPPF: 2012.

Decision of Committee

Y17/0699/SH
111 Canterbury Road
Hawkinge

