

TM/81/11311/FUL Grant with conditions 14 August 1981
(TM/81/603)
Residential development of 3.29 acres of land to be known as housing area 6d.

TM/82/11024/FUL Grant with conditions 30 July 1982
(TM/82/344)
Erection of shop and four dwellings with garages and construction of access road.

TM/85/10473/OA Grant with conditions 11 January 1985
(TM/81/602)
Revision to primary school site provision of public playing fields, site for parish and church use and site for a shop and four terraced houses.

TM/89/11791/FUL Grant with conditions 5 June 1989
(TM/89/428)
Single storey extension to shop and first floor bedroom over.

TM/92/10693/FUL Grant with conditions 17 June 1992
(TM/92/224)
Alteration to shop front.

5. Consultees:

- 5.1 PC: Object as the proposal will not be in keeping with the area and as such will be detrimental; to the street scene in a very prominent position. This was the only convenience store in the area. The only others are a similar store over half a mile away on the other side of a busy road or Walderslade village which is down a steep hill. The business has been deliberately run down over a long period of time and could still be a viable business if managed properly.
- 5.2 KCC (Highways): Parking requirements of two spaces could be expected in this location. It is not clear what parking provision is currently connected to the existing property. The proposal to create two spaces served from a new access to be created from the existing lay-by that currently serves the shop in Catkin Close. In principle there is no objection from commercial use to residential subject to safeguarding condition and informative.
- 5.3 Private Reps: 22 letters of objection have been received and the following comments made:
- Lack of and loss of community facility.
 - Loss of an essential facility for the elderly and those without a car.

- Nearest shop is down a steep hill.
- Shop has deliberately been run down due to unreliable opening times, poor stock levels.
- A purpose built shop unit should be sold as such.
- Property was purchased with deliberate intention of running the business down.
- Proposal will result in increased pollution due to the need to drive.

One letter of support has been received. It is stated that the area cannot support a viable shop unit and anti-social problems are created with youngsters gathering in the evenings.

DHH: Comments have been made about refuse storage and collection arrangements.

Tree Officer: Requested a tree survey. Details submitted are acceptable as far as they go but further information is needed as to how the proposed parking might affect the trees.

6. Determining Issues:

- 6.1 The main issues are the loss of the community facility, the style of the proposed house, parking provision and the impact on nearby trees.
- 6.2 The viability of the purpose-built shop unit is key to the loss of the community facility and the determination of this application. It was provided as part of the wider Walderslade Comprehensive Developments which was initiated in the 1970's. The applicant's assessment of viability of the shop has been disputed by some residents in the area as well as the Parish Council. There is some local opinion that the business has been deliberately run down since the premises were purchased by the current owners.
- 6.3 In order to make a more detailed assessment of this aspect of the proposal, the Council's consultant chartered surveyors were requested to advise on the continuing financial viability of a convenience store in this location. The review was based on the documentary evidence provided by the applicant, an external inspection of the premises and an independent investigation of general demand for this type of retail opportunity.

6.4 The assessment concludes that: -

“Catkin Stores was an independent convenience store located close to other local amenities but isolated from any other retail unit. The store served the local community and acted as a “top up” shopping destination. Trade has declined since the current owners purchased it in 2003 and is now at a level where it is no longer able to operate commercially. This has been affected by the loss of its authorisation to sell National Lottery Tickets. The premises were not however operating at a loss.

The market for convenience retailing generally is reported to be strong. There has been a significant increase in investment in forecourt convenience sales especially in the larger petrol station. As a result a lot of “top up” purchases are combined with a petrol station visit. This has exacerbated the ongoing long time decline in the non affiliated independence sector. The isolated shops are increasingly reliant on those without access to a car, which represents a relatively small percentage of the population.

Catkin Stores is a small independent retailer with insufficient floor space to offer a range that can create a shopping destination in its own right and unsupported by an exiting retail destination location. The store is considered too small to attract a known name retail operator. During research no evidence of any demand for this location was found and it was concluded that the size of the unit would only be considered by another similar independent operator.

The local neighbourhood benefits from high car ownership with a higher percentage of households with 3 or 4 cars and a significantly lower percentage (7%) of households with no car compared to 16% for the rest of Tonbridge & Malling and 19% for the South East generally. This indicates a highly mobile catchment that can chose where it wishes to shop and a lower propensity to use a small independent retailer. The market trends and neighbourhood statistics for the area suggest that Catkin Stores has suffered changes affecting the independent sector of the convenience retail industry.

It has not been possible to determine whether there has been any contributory action to hasten the decline of Catkin Store. The recent unwanted attention from local youths and associated anti-social behaviour can significantly affect a retailer where the majority of customers are elderly or with young children. These groups are most likely to be put off by a risk of threatening behaviour.

The consultant surveyor concludes that the store whilst still marginally profitable. When last trading, is unlikely to sustain a viable retail business for the long term. As the business has now closed it will be even harder to attract a new open operator as the shopping habits of those who did use the store will have changed.

Despite recent marketing, there is no evidence of demand for the existing business premises, so to some extent a change of use appears to be inevitable if the unit is not to be left vacant.”

- 6.5 Given the above the principle of change of use has been accepted and it is necessary to consider the remaining planning issues. The style of the first floor and other additions are acceptable and in keeping with the adjoining property and the area generally. The site occupies a fairly prominent location above and adjacent to the road. Consequently the resulting house will be open to public view with little amenity space and limited privacy. Whilst this would not be to every ones taste, it would not represent a reason for withholding consent.
- 6.6 In terms of highway requirements no indication was given on the original drawing about the number of bedrooms for the existing house or the proposed parking facilities for this property. The Highways Engineer is unclear about parking provision for the existing shop or house but there should be a betterment in terms of reduced associated vehicle activity. The proposal does not appear to involve the loss of any parking places. In association with the new house a vehicular crossing is shown cutting across the adjacent lay-by with access to the north eastern part of the site. The Highways Engineer has advised that this lay-by is adopted and raises no objections to the means of access or the parking spaces subject to a standard condition and informative.
- 6.7 Given the proximity of the building to adjacent trees, a tree survey was requested from the applicants agent. The information received so far does not fully indicate how the proposed parking area might affect the trees and therefore additional information is required on this matter. This can be covered by condition.
- 6.8 Conclusion - The loss of a purpose built shop unit designed specifically to serve local residential area is always regrettable. The proposal is clearly contrary in principle to policy CP26 as a it would result in the loss of premises last used for the provision of community services. The additional information provided by the applicants and the viability assessment by the consultant surveyor have indicated that there appears to be insufficient support for the facility in the locality at present.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Block Plan dated 01.10.2007, Letter dated 19.09.2007, Location Plan dated 19.09.2007, Site Plan dated 19.09.2007, Floor Plan dated 19.09.2007, Elevations dated 19.09.2007, Floor Plan dated 19.09.2007, subject to the following conditions:-
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. All materials used externally shall match those of the existing building.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the any elevation(s) of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

4. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

6. The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

7. No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

8. Prior to the development hereby approved commencing, a layout plan showing the relationship of and construction details of the proposed car parking area in relation to trees adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In the interests of good forestry and amenity.

Informatives

1. With regard to the construction of the pavement crossing, the applicant is asked to consult The Highway Manager, Kent Highways, Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.
2. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners. (Q040)

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