

MC/18/2791

Date Received: 24 September 2018

Location: 8 Church Street, Hoo St Werburgh, Rochester, Kent

Proposal: Change of use class from sui generis Beauty Salon to use class C3 dwelling house

Applicant Mr Obee

Agent Mr Jack Coleman  
The Workshop  
Rose Cottage Farm, North Street  
Biddenden  
Ashford  
TN27 8BA

Ward: Peninsula Ward

Case Officer: Karen Cronin

Contact Number: 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 21st November 2018.**

**Recommendation - Approval with Conditions**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers: 1700-08-10A, received on 2 October 2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

## **Proposal**

The proposal is for a change of use from sui generis beauty salon to C3 dwellinghouse. The submission relates to the ground floor of the building and shows the conversion of the shop and minor operational development including alterations to the fenestration. The first floor is currently in use as a flat.

## **Relevant Planning History**

There is no relevant planning history

## **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

**Twenty-six (26)** letters have been received raising the following objections:

- Loss of community facility and focal point of the village
- Loss of essential facility in the village
- Lack of parking
- Loss of employment
- Need to support local business
- Need more shops with all the housing development happening in Hoo

A number of objections have been made that are not on planning grounds and fail to be considered.

**Three (3)** letters of support have been received.

**Councillor** Freshwater has made the following comments:

Objects to the application on behalf of the community regarding the change of use of valuable Hoo village shops need to provide services for an expanding village as proposed by the Council.

Councillor Freshwater has requested the application to be called-in to the Planning Committee for determination.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2018 and are considered to conform.

## **Planning Appraisal**

### *Principle*

The site is located within a Local Shopping Centre as defined by Policy R10 of the Local Plan this policy seeks to protect the loss of Class A1, A2 and A3 uses. This policy covers all shops in the village. However, in this instance the use as a beauty salon and hairdresser is sui generis and falls outside of any of the above use class classifications. This means that this commercial use is not protected by this policy.

Policy H4 of the Medway Local Plan 2003 states that within the urban area residential development will be permitted consisting of the redevelopment of existing residential areas and infilling in such areas.

The site is located on the periphery of the Local Shopping Centre designation and is disconnected from the other parts of the centre. This results in the proposal falling within a predominantly residential area with limited commercial character. Furthermore, national policy through the NPPF lends weight to the argument for the conversion of commercial units to residential usage. Paragraph 121 of the NPPF supports the use of retail and employment land for homes in areas of high housing demand. Although the commercial unit is currently in use, it is noted that it is very small and is connected to the flat above through the building which adversely effects the functioning of the unit so its long term viability is compromised. There are a number of other retail and commercial uses in the vicinity of the site so the loss of this commercial unit is not considered significant to the vitality and viability of the village and therefore no objections are raised on these grounds.

Paragraph 10 of the NPPF states that applications should be considered in the context of the presumption in favour of sustainable development. A key element of national housing policy is to minimise the loss of greenfield sites for residential use by making the best use of development opportunities within existing urban areas.

Consequently, the proposal is therefore in accordance with Policies H4 and R10 of the Medway Local Plan 2003 and paragraph 10 and 121 of the NPPF.

### *Design*

The NPPF attaches great importance to the design of the built environment. Paragraph 124 advises that good design is a key aspect of sustainable development, creates better places to live and work and helps make development acceptable to communities. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy BNE1 of the Local Plan is a general, criteria based policy for all development. It seeks appropriate design in relation to the character, appearance and functioning of the built and natural environment.

It is noted that only minor changes are proposed to the building, which already has a residential appearance. There are no objections with regard to the design or external

appearance of the building including the reinstatement of windows to the rear and with regard to Policy BNE1 of the Local Plan and paragraphs 124 and 130 of the NPPF.

### *Amenity*

The proposal raises no amenity issues for neighbouring properties in terms of privacy, light, outlook, or noise and disturbance, as there are no significant changes to the building, plus the proposed use is in keeping with the character of the surrounding area. The size and layout of the proposed accommodation is considered to be acceptable for future occupiers. The proposal is therefore in accordance with Policy BNE2 of the Local Plan and paragraph 127 and 180 of the NPPF.

### *Highways*

The site has no car parking and none can be provided. However, there is already a residential unit so the change to a dwellinghouse would not result in a significant increase in traffic movements. There is on-street parking and controlled parking zones within the locality. The site is close to the centre of Hoo village which has day-to-day services and public transport links. In these circumstances, there are no objections with regard to the transport and highways impacts of the development including with regard to Policies T1 and T13 of the Local Plan and paragraphs 102 and 105 of the NPPF.

### *Bird Mitigation*

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £239.61 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMB) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;

- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have agreed to pay this tariff and are in the process of submitting a unilateral undertaking. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan. An Appropriate Assessment has been submitted to Natural England.

#### *Local Finance Considerations*

There are no local finance considerations.

#### **Conclusions and Reasons for Approval**

This commercial unit falls under the sui generis use class category and as such fails to be protected by Policy R10 of the Medway Local Plan 2003. This new residential dwelling is considered to be an infill in the existing residential area. As such the proposed development is acceptable and will be in keeping with the character of the area, there would be no adverse effects on the amenities of neighbouring properties or future occupiers, or on parking or highway safety.

The proposal is considered to be in accordance with Policies BNE1, BNE2, H4, R10, T1 and T13 of the Medway Local Plan 2003 and paragraphs 10, 102, 105, 121, 124, 127, 130, 180 of the NPPF.

The application would normally be considered under delegated powers however is being referred to the Planning Committee due to the number of representation received expressing views contrary to officer's recommendation. The application also has a call-in request by Councillor Freshwater.

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#### **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>