

MC/19/1210

Date Received: 10 May 2019

Location: 43 Georgian Way Wigmore Gillingham Medway

Proposal: Construction of an outbuilding to rear for use as a hairdressing salon (demolition of the existing garage)

Applicant Mr Keith Owen

Agent KCR Design
Mr Keith Rogers 6 Chada Avenue
Gillingham
ME7 4BN

Ward: Hempstead And Wigmore Ward

Case Officer: Nick Roberts

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 21st August 2019.

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:

Proposed elevation and floor plan received 10 May 2019 and proposed block plan received 15 May 2019.

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

- 3 The use hereby permitted shall only operate between the hours of 10:00 to 18:00 Tuesday, between the hours of 10:00 - 20:00 Friday and between the hours of 09:00 to 16:00 on Saturday.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 Visitors/clients shall visit the premises by pre-booked appointment only and the appointment times shall be staggered to ensure there is only a maximum of two visitors/clients, one client per employee, at the premises at any one time.

Reason: In order to limit the impact of the use on the amenities of neighbours and on highway safety in accordance with Policies BNE2, T1 and T13 of the Medway Local Plan 2003.

- 5 The maximum number of clients attending the hairdressing business shall not exceed eight clients a day, and a total of twenty four clients in any one week period (Tuesday, Friday and Saturday). Additionally, a written log/record of the clients attending the property shall be kept at all times whilst the hairdressing use, hereby permitted, is taking place. The written log/ record of the clients attending the property shall be made available to the Local Planning Authority within 48 hours of a written request being delivered to The Premises. The log / record shall include: the name and contact details of the client; and the date and time when they attended the property.

Reason: To regulate and control activity levels and to restrict any potential intensification of use, in accordance with Policies ED10 and BNE2 of the Medway Local Plan 2003.

- 6 The noise rating level (LA,T) associated with the development site shall be at least 10dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

Reason: To safeguard conditions amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

Proposal

This application seeks planning permission for the construction of an outbuilding to the rear of the property accessible from Prinys Drive for use as a hairdressing salon. The outbuilding measures approx. 3.9m in width, 7.4m in depth and approx. 2.5m in height with a flat roof. The salon would be open 3 days a week and would operate Tuesday 10:00 - 18:00, Friday 10:00 - 20:00 and Saturday 09:00 – 16:00. There would be two employees on site (the applicant and his wife) who both live at the property and the applicant has indicated that there would be no more than 4 clients each per day. Deliveries would be once a month and made by courier.

Representations

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

In total **eleven** letters of representation have been received, including one letter of comment and ten letters of objection. The letters of objection raised the following concerns:-

- Highways concerns including the increase in traffic, parking and highway safety
- Its proximity to neighbouring gardens and its impact on the character of the residential area
- Concerns that it may set a precedent for other businesses
- The impact the business would have on the integrity of the drainage system.
- Noise and Nuisance in connection with the use

Re-consultation Responses

The scheme was amended on the 25 June 2019, this included reducing the hours of operation from six to three days a week, further details were also provided regarding the numbers of clients and parking arrangements. Following re-consultation **seven** letters of objection were received raising the following concerns:-

- Parking concerns
- Its impact on the character of the residential area
- Noise and Nuisance in connection with the use
- Concerns that it may set a precedent for other businesses

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 and are considered to conform.

Planning Appraisal

Principle

The application property is sited within the urban boundary of Rainham, due to its positioning on a corner plot the property fronts Georgian Way however access to the rear garden of the property is from Prinys Drive. Policy ED10 of the Local Plan recognises that a variety of business activities can be undertaken from home without the need to apply for planning permission provided that the activities do not involve material alterations to the residential character of the property. It also states that businesses from residential properties will be permitted providing it can be demonstrated that there would be no detrimental impact on residential amenity in terms of dust, noise and smell, additional traffic flows and vehicle parking. Paragraph 81 of the NPPF also supports flexible working practices.

Design

The outbuilding would be of a similar design to domestic garden buildings that you would expect to see in residential areas. It would also be of a size and height that fall within the provisions allowed under Schedule 2 Part 1 Class E of the Town and Country General Permitted Development Order 2015 (as amended). The design of the outbuilding is considered to be acceptable and in accordance with Policy BNE1 of the Local Plan and paragraph 127 of the NPPF.

Amenity

The impact on neighbouring properties has been considered with regard to privacy protection, visual dominance and potential loss of outlook, loss of daylight/sunlight and overshadowing in accordance with Policy BNE2 of the Local Plan and dust, noise smell and the activity levels associated with the proposed business use and its impact on residential amenity in accordance with Policy ED10 of the Local Plan.

With regards to privacy, daylight and sunlight amenities, overshadowing, noise and vibration, although the application would involve the construction of an outbuilding, due to its location and height in relation to neighbouring properties and their habitable room windows, and the height of the existing boundary treatments, the structure itself is not considered to introduce any detrimental impact in terms of privacy or in terms of the developments resultant impact on daylight or sunlight amenities.

With regard to noise and activity levels, by the nature of the use the only potential impact would be related to clients arriving and departing the property. The proposed operating hours would be Tuesday 10:00 - 18:00, Friday 10:00 - 20:00 and Saturday 09:00 – 16:00 and therefore the impact would only be 3 days a week. The demand would also be spread out during the day, rather than a number of clients arriving at one time and therefore the effect of such movements on residential amenity is considered to be minimal. Furthermore, it is highly likely that surrounding properties on Georgian Way and Prinys Drive would have domestic visitors and deliveries with a not dissimilar effect. In order to ensure that the noise from the proposed use would have a minimal impact on neighbouring properties it is considered appropriate to impose a condition relating to noise rating levels.

Subsequently, the proposed use is not considered to adversely impact on the amenities of adjoining occupiers. However in addition to a noise condition it is recommended that appropriate conditions are also imposed to control the level of the use, bookings by appointments only and hours of operation. The development therefore complies with Policy BNE2 and ED10 of the Local Plan and paragraph 127f of the NPPF.

Highways

The development has been assessed against Local Plan Policies BNE2, ED10 and T13 in relation to traffic generation, highway safety and adequate parking provisions. Concerns have been raised regarding the impact of the proposal on highways safety and parking provision.

The application indicates that there would be no more than 8 clients visiting the property each day for three days per week, and there will be no additional staff employed, just the applicant and his wife who live at the property. The existing property has provision for three vehicles on the driveway and it is noted that demand would be likely to be spread out during the day, rather than a number of vehicles arriving at one time. The applicant has confirmed that visits to the property would be made strictly by appointment only and therefore there would unlikely to be more vehicles at any one time than might be expected with visits from family and friends. As the applicant and his wife would also be working from home and the business would not open until 10:00 additional vehicle movements during peak hours would be reduced. In addition, photographs have been provided by the applicant demonstrating that there is on street parking available on both Georgian Way and Prinys Drive at various points throughout the day.

When taking into account that there would be only two clients on site at any time and in view of the supporting information and parking survey submitted by the applicant, it is not considered to result in an intensification of activity levels that would be detrimental to the amenity of neighbouring occupiers or have a significant impact on highway safety and as such the proposal complies with Policies ED10, BNE2, T1 and T13 of the Local Plan and paragraph 109 of the NPPF.

Conclusions and Reasons for Approval

The construction of an outbuilding to be used for hairdressing is not considered, in principle, to result in the erosion of the residential character of the area, nor is it considered to detrimentally impact upon highway safety or the flow of traffic. Furthermore with the conditions limiting the number of hours, and clients visiting the property it is considered that the activity levels are not detrimental to the amenity of neighbouring occupiers. This being the case, this application is considered to comply with the objectives of the Medway Local Plan 2003, in particular Policies BNE1, BNE2, ED10 and T1 and T13 and paragraphs 81, 109, 127 and 127f of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to the officer's recommendation.

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/>