

MC/19/3042

Date Received: 19 November 2019

Location: 175 Bells Lane Hoo St Werburgh Rochester Medway

Proposal: Part change of use from residential to sun bed business

Applicant Mrs Sonia Pring

Ward: Peninsula Ward

Case Officer: Dylan Campbell

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 4th March 2020.

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 floor plan and proposed block plan showing parking received on 3 December 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 19:00 Tuesday to Friday and 10:00 to 14:00 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 Sun bed 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 one client anywhere within the curtilage of the property (as shown on the approved site plan) 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 sun bed business shall not exceed 15 clients a day, and a total of 75 clients in any one week period (Tuesday- Saturday). Additionally, a written log/record of the clients attending the property shall be kept at all times whilst the sun bed business 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 No advertisement shall be displayed on the building or anywhere within the site to advertise the Sun Bed business hereby approved.

Reason: In the interests of visual and neighbouring amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

Recommendation

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 a part change of use (the conservatory) to allow the use the conservatory area to the rear as a sun bed business. The sun bed business would operate 5 days a week, proposed hours of Tuesday- Friday 10:00 - 19:00 and Saturday 10:00- 14:00 with no operation on Sundays and public holidays. There would be one employee on site (the applicant) who lives at the property and one sub bed; and the applicant has stated that visitors/clients will visit by pre-booked appointment only and the appointment times will be staggered to ensure there is only one client at any one time at the property. The maximum number of clients attending the business would not exceed 15 clients a day and therefore no more than 75 clients in any one-week period (Tuesday- Saturday).

Relevant Planning History

MC/15/1170

Installation of a pair of gates to front of driveway
Decision: Approval with Conditions
Decided: 3 June 2015

Representations

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

Three letters of representation have been received, raising the following concerns:

- Loss of privacy
- Parking competition
- Highway safety

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 site is located within the rural settlement of Hoo St. Werburgh. Policy ED10 of the Local Plan recognises that a variety of business activities can be undertaken from home without resulting in a material change 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 supports flexible working practices. The proposed business is for the provision of one sun bed to be located within an existing conservatory extension to the rear of the property. The applicant has provided information on the use in terms of clientele numbers and time of operation. Given the information provided and the scale of the business proposed, it is considered that the proposed use would not materially alter the residential nature of the dwelling and would, therefore, not be harmful to the character of the area. Notwithstanding, it is necessary to control the scale of the development and a condition requiring no advertisement on site is recommended.

As such, subject to the assessment of the proposal with regard to design, impact on neighbouring residential amenities and highways, the principle is acceptable in regards to Policy ED10 of the Medway Local Plan and paragraph 81 of the NPPF.

Design

The conservatory is present on the dwelling and the sun bed would be placed within this extension. As such there are no external alterations proposed that would alter the character or appearance of the dwelling. As such, there would be no objections raised with regards to Policy BNE1 of the Local Plan and paragraph 127 of the NPPF.

Amenity

There is no additional consideration in terms of impact on daylight, sunlight, overshadowing or outlook is necessary, as the extension is present on site. Therefore no impact in respect of Policy BNE2 of the Local Plan.

The impact, as such to be considered would be in respect of 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 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 key consideration would be the potential impact on 177 Bells Lane due to the proximity of the property to the vehicle access to the site and side access for client to get to the conservatory. The proposed operating hours would be Tuesday to Friday 10:00 - 19:00 and Saturday 10:00 - 14:00; the bookings would be staggered and spread out during the day, rather than a number of clients arriving in a short space of time, which would prevent continuous noise and disturbance from increased movements to neighbouring properties. The front and sides of the application site are bounded by a close boarded fence measuring more than 2m in height, No. 177 has a garage at ground floor nearest the boundary and there are no habitable room windows on the first floor side elevation. It is considered that the effect of vehicle movements on residential amenity, primarily No. 177, would be minimal. The proposal would not generate waste or the need for deliveries, therefore there are no concerns raised in this regard.

In light of the above, the proposed use would not adversely impact on the amenities of neighbouring dwellings in terms of noise and disturbance. However, it is recommended that conditions to control the level of the use, bookings by appointments only and hours of operation, be imposed.

Subject to conditions, the proposal would be in accordance with Policies 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, T1 and T13 in relation to traffic generation, highway safety and adequate parking provisions. Concerns have been raised by neighbouring residents regarding the impact of the proposal on highways safety and parking provision.

The application indicates that there would be no more than 15 clients visiting the property each day for five days per week, and there will be no additional staff employed, just the applicant who lives at the property. The existing property has provision for a maximum of six vehicles on the existing driveway and it is noted that clients visiting the would 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 by appointment only and there would be unlikely to be more vehicles at any one time than might be expected with visits from family and friends. As the

applicant would also be working from home and the business would not open until 10:00 additional vehicle movements during peak hours would potentially be reduced.

When taking into account that there would be only one client on site at any one time and in view of the supporting information submitted by the applicant, it is not considered that the proposal would 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 use of the conservatory for operating a sun bed business is not considered 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 subject to conditions, it is considered that the activity levels would not be detrimental to the amenity of neighbouring occupiers. This being the case, the proposal is considered to be in accordance with Policies BNE2, ED10 and T1 and T13 of the Medway Local Plan 2003 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 views contrary to 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/>