

MC/22/2050

Date Received: 22 August 2022
Location: Westfield Town Road
Cliffe Woods Rochester
Proposal: Change of use application incorporating part conversion of existing residential garage to sui generis beauty treatment room together with the creation of visitor parking spaces
Applicant Agent: Mr & Mrs Dallas
Kentec Draughting Services Ltd
Mr John Tomlin
10-12 High Street
Snodland
ME6 5DF
Ward: Strood Rural Ward
Case Officer: Arron Nicholls
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 16th November 2022.

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:

Received 22 August 2022:

7481-P-01 REV A existing and proposed plans and elevations

Reason: For the avoidance of doubt and in the interests of proper planning
- 3 The use shall not be commenced, until the area shown on the submitted layout as vehicle parking, 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 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking, is likely to lead to hazardous conditions on the public highway and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 4 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 5 The use hereby permitted shall only operate between the hours of 09:00 to 17:00 Mondays, Tuesdays, Fridays and Saturdays and between the hours of 09:00 to 20:00 on Wednesdays and Thursdays and not at all on Sundays or Public Holidays.

Reason: To regulate and control the permitted development in the interests of 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 change of use of a garage (Class B1) to a beauty treatment room (Sui Generis), together with the creation of visitor parking spaces. The opening hours proposed are between 09:00 to 17:00 Monday, Tuesday, Friday, Saturday and 9:00 to 20:00 on a Wednesday and Thursday.

Two full time employees would be employed to work at the beauty treatment room.

Relevant Planning History

MC/12/2279	Retrospective application for change of use from industrial (Class B1) to vehicle repair and servicing with ancillary tyre fitting (sui generis) Decision: Refused Decision date: 27 November 2012 Appeal decision: Dismissed 30 September 2013 Appeal date: 28 January 2013
MC/04/2593	Use of garage for class B1 (depollution end of life vehicles) Decision: Approved Decision date: 07 April 2005

MC/04/1644

Change of use from redundant industrial unit to residential dwelling and garage
Decision: Refused
Decision date: 07 September 2004

Representations

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

Cliffe and Cliffe Woods Parish Council have objected on the following grounds:

- Any intensification of the access to this site will create a highway safety issue (the neighbouring site was refused permission for access to the field for very occasional use for horse stabling).
- The B2000 is narrow at that point and on a bend, that reduces sight lines for vehicles leaving the site and traffic on the B2000 when vehicles are slowing down to enter or just leaving the site.

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 2021 and are considered to conform.

Planning Appraisal

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The application property is sited near the urban boundary of Cliffe Woods. 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. Paragraphs 81 and 82 of the NPPF also supports flexible working practices and recognises that there is a need to create conditions which allow businesses to adapt.

As such no objection is raised in regard to the principle, subject to the material considerations below.

Design

Paragraphs 126 and 130 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The existing garage block sits within the front garden of the property with access from the driveway via a side gate. The garage block is laid out as a double garage - which has a lawful use as a garage for B1 use - and a single garage. It is only the single garage which is proposed to be converted.

The only external changes proposed to the building is for the removal of the garage doors to that single garage and the insertion of a door and windows.

While the garage is visible from the highway, the proposed building works to facilitate its conversion to a beauty salon would be considered acceptable and as such there would be no objections raised with regards to Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

Amenity

The impact on neighbouring properties has been considered with regard to privacy protection, 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 Policies BNE2 and ED10 of the Local Plan.

Due to the location of the garage, and by virtue of its scale and height and relationship with neighbouring properties, the proposed alterations would not have a detrimental impact in terms of a loss of privacy, daylight or sunlight amenities.

With regards to noise and activity levels, there is likely to be an increase in day-to-day activity levels in comparison to the existing use. However, it is significantly detached from the neighbouring properties and therefore it would unlikely be noticeable in terms of noise and activity levels. Furthermore, the nature of the use is such that only small-scale appliances would be used associated with the use.

The proposed operating hours would be 09:00 to 17:00 Monday, Tuesday, Friday, Saturday and 9:00 to 20:00 Wednesday and Thursday. Considering the location of the site and the distance from neighbours it is not considered that the proposed hours would have any unacceptable impact on residential amenity and indeed no concerns have been raised through consultation on that issue. Notwithstanding this, it is considered appropriate to condition hours so that any future expansion of the business – should it be proposed – can be fully assessed.

Subject to the recommended condition the proposed use is not considered to adversely impact on the amenities of adjoining occupiers and the proposal would

comply with Policies BNE2 and ED10 of the Local Plan and paragraph 130 of the NPPF.

Highways

Access arrangements from the highway will remain unchanged, with three parking spaces provided on site, directly adjacent to the proposed unit. Due to the limited scale of the proposal, it is not considered the proposal would result in any unacceptable intensification that would unacceptably impact on highway safety. As such the proposal complies with Policies ED10 and T1, T2 and T13 of the Local Plan and paragraph 111 of the NPPF.

Conclusions and reasons for Approval

The part conversion and change of use to sui generis beauty treatment room together with the creation of visitor parking spaces is considered acceptable in design, amenity and highway safety terms. As a result, this application is considered to comply with the objectives Policies BNE1, BNE2, ED10, T1, T2 and T13 of the Local Plan and paragraphs 81, 82, 111, 126 and 130 of the NPPF and is recommended for approval subject to the conditions set out.

The application would normally be determined under delegated powers but is being referred for Committee determination due to Cliffe and Cliffe Woods Parish Council expressing a view 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/>