

APPLICATION: MA/09/0215 Date: 9 February 2009 Received: 19 February 2009

APPLICANT: Mrs J. Beckley

LOCATION: WEIRBANK, 40, LENSIDE DRIVE, BEARSTED, MAIDSTONE, KENT,  
ME15 8UE

PROPOSAL: Change of use from residential dwelling to office use (Class B1) for a temporary period of 5 years as shown on a site location plan and block plan and a letter from the applicant dated 18/02/09, received on 19/02/09.

AGENDA DATE: 30th April 2009

CASE OFFICER: Louise Welsford

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by the Parish Council

### **POLICIES**

Kent & Medway Structure Plan 2006: QL1, SP1, EP3 & EP6.

Village Design Statement: Not applicable.

Government Policy: PPS1, PPS3 & PPG4.

### **HISTORY**

None Relevant.

### **CONSULTATIONS**

Bearsted Parish Council: wishes to see the application refused "on the grounds that it is seen as commercial intrusion into a residential area, removing potential housing from the parish. If the Borough Council officers are mindful to approve this application we would wish to see the temporary period reduced from five to two years".

Kent Highway Services: (verbal comments) Unlikely to generate significantly more trips or cause highway safety issue in this location. Parking provision is acceptable.

Maidstone Borough Council Environmental Health Manager: No objections.  
Recommends an hours of use condition.

Maidstone Borough Council Building Surveying Manager: No response to date.

## **REPRESENTATIONS**

Two letters of representation received objecting regarding the issues of emergency access being obstructed / danger from deliveries, hours of use and no need for the development, parking, visual appearance and not in keeping.

## **CONSIDERATIONS**

### Site and Situation

The application site contains a c.1970s two storey, mid terraced property, located within the urban area of Maidstone. The site frontage is block paved to provide parking for one vehicle. The surroundings to the site are predominantly residential in character. A stream at the end of the rear garden (which is approximately 17m long) separates the site from a recreational area to the south. There is a separate garage and parking space associated with the site in a general parking area around 20m to the east.

### Proposal

Planning Permission is sought for a temporary change of use from residential to business use for a period of five years. It is understood that the site would be used as an office for a health and safety consultancy business, which currently employs three full-time staff. It is stated that the hours of work would be 9.00 a.m – 5.30 p.m on Mondays – Fridays. No physical works to the building are shown to be proposed. Two parking spaces are shown to be available.

### Planning Considerations

In terms of the principle, Policy H17 of the Local Plan previously resisted the loss of residential units. However, this Policy has not been saved and cannot, therefore, be afforded any weight. It is understood that the reason for not saving Policy H17 was that there was not considered to be significant pressure for the change of use from housing (rather the opposite) and that it was unlikely that there would be a significant increase in such pressure, such as to result in a detrimental loss to the housing stock in broad terms. In my view, the Development Plan does not clearly resist housing loss in principle and in any case, in this particular case, only a temporary change of use is sought. I am of the view that the temporary loss of one residential unit for a period of five years would have no significant detrimental impact upon the housing stock in broad terms in the wider area.

The key issue relates to the impact upon residential amenity.

The proposal seeks permission for an administrative office use. Such a use would fall within Class B1, which is defined as a use which can generally be carried out in a

residential area without detriment to residential amenity. The use itself is not considered to result in any significant levels of noise, as it would not involve any manufacturing, processing etc, nor would it result in any fumes, dust etc. Traffic movements would be confined to the street and parking area, rather than passing immediately adjacent to any property's living rooms or patio area.

In terms of traffic generation, a residential dwelling is on average expected to generate 8 vehicle movements per day. I understand from Kent Highways that their records of surveys are not directly comparable to small office units such as this, but with a useable floor space of approximately 50m<sup>2</sup> (excluding kitchen and bathroom facilities), I do not consider it likely that the use would generate significantly more trips (if not less). Also, activity is stated to be confined to weekdays and would not, for example, take place on a Sunday. Deliveries of stationery etc may also occur, however, again due to the scale of the development / the size of the unit, I do not consider that these would cause such significant noise and disturbance as to warrant a refusal.

Also, only two of the staff are stated to be using the premises on a regular basis. It is noted here also that, due to the urban location, other modes of transport, (for example buses) would be accessible to employees accessing the site.

However, in my view, one would expect less activity in a residential area at weekends (particularly Sundays) and on bank and public holidays. (In the week, in a residential area one would expect vehicle movements to and from places of work, plus deliveries of household goods etc). Hours of use may be controlled by condition to prevent, for example, use at those times, in order to protect residential amenity. (I propose to amend the condition suggested by the Environmental Health Manager to a weekday finishing time of 6pm, which is not considered to be so late as to significantly affect amenity).

Taking all of the above into account, I conclude that there would be no significant loss of residential amenity for any neighbouring property, subject to an hours of use condition.

I have considered the installation of advertisements at the site, however, consider that any advertisements which are likely to have a significant impact upon the residential character of the area are likely to require Advertisement Consent (and would then be assessed under such an application). Any smaller advertisements – i.e. those not requiring consent – would not materially alter the character of the area.

In terms of parking provision, two spaces would remain available (as existing) and again there is considered to be no additional need, due to the small scale of the unit. Moreover, this is a residential 'no through' road, where on street parking is unlikely to cause a significant danger to highway users. Furthermore, this is a residential area where the road is not restricted for parking.

I do not consider that the use, due to its scale, is likely to result in such a level of traffic congestion, such as to cause a significant obstruction to emergency vehicles. Indeed, the existing residential use could in any case include events such as parties, which may on occasion attract higher volumes of vehicles and also home deliveries of household goods etc.

No physical works are proposed to the building, so there would be no impact upon the visual character of the locality.

In relation to need, the fact that other sites are available is not considered to constitute a reason for refusal, in the absence of any identifiable harm.

With regard to the concern that others may follow, precedent is a weak argument in planning and each case must be assessed upon its own merits.

#### Conclusion

Taking all of the above into consideration, it is concluded that the proposal would have an acceptable impact upon residential amenity and parking provision and that it complies with Development Plan Policy. I therefore recommend approval.

#### **RECOMMENDATION**

GRANT PLANNING PERMISSION 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 accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No activity in connection with the use hereby permitted, other than the cleaning of the premises, shall be carried out outside of the hours of 8am and 6pm on Mondays - Fridays and 8am and 1pm on Saturdays and not at any time on Sundays, Bank or Public Holidays;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers, in accordance with Policy QL1 of the Kent & Medway Structure Plan 2006.

3. The use hereby permitted shall be discontinued and the land/ building shall revert to its former use and condition on or before 31 March 2014;

Reason: In accordance with the particulars of the application and to enable the Local Planning Authority to review the impact upon the housing stock in accordance with PPS3.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and Kent and Medway Structure Plan 2006) and there are no overriding material considerations to indicate a refusal of planning consent.