

APPLICATION: MA/12/2075 Date: 11 December 2012 Received: 1 March 2013

APPLICANT: Mr Anthony Hayes

LOCATION: PARNHAM HOUSE, NORTH STREET, HEADCORN, KENT, TN27 9NN

PARISH: Headcorn

PROPOSAL: Change of use of building to gymnasium with parking including single storey extension, alterations to fenestration and associated works and installation of outside bike store/shelter as shown on Statement in Support of Application, proposed block plan and existing elevations and floor plans received 20/11/12, letter from agent and proposed elevations and floor plans received 30/01/13 and site location plan received 19/02/13.

AGENDA DATE: 4th April 2013

CASE OFFICER: Kathryn Altieri

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

- It is contrary to views expressed by the Parish Council.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: CF14, ENV34
- Government Policy: National Planning Policy Framework

2. HISTORY

- MA/89/1750 – Extension – approved
- MA/79/1041 - Extension to building to include sale of heating and plumbing equipment from existing building – approved/granted with conditions
- MA/78/0119 – Conservation area consent for the demolition of a timber building – approved/granted with conditions

3. CONSULTATIONS

3.1.1 **Headcorn Parish Council:** Wish to see this application refused and reported to planning committee. Objections have been raised on the grounds of;

3.1.2 *Insufficient parking provision, highway safety, sewerage issues, general noise and disturbance to local residents, loss of light and overshadowing, and access to rights of way affected. The parish Council also suggested alternative sites would be more suited and suggested amendments to the existing design.*

3.2 **Conservation Officer:** Raises no objections with recommendation of samples of materials condition;

3.2.1 *"This is a modern building erected in the 1980s which makes a neutral contribution to the character of the conservation area. The proposed additions and alterations will have little impact on this character or on the settings of nearby listed buildings. The new use will add vitality to the conservation area."*

3.3 **Environmental Health Officer:** Raises no objections with informatives;

3.3.1 *"This site has been used as a builders yard and as such may have some historic contamination associated with it, but because of the fact that it is a change of use rather than being a demolition for residential use, I conclude that there will not be the necessity to carry out a contaminated land assessment. However, the change of use to a gymnasium may introduce an unwelcome noise, perhaps from amplified music, to nearby residents, despite the busy traffic noise from the A274. What is required is a common sense approach and good housekeeping by the new gymnasium owners to minimise unnecessary noise by keeping all windows and doors shut and by introducing a noise policy to users of the facility to minimise unnecessary noise whilst leaving the facility and in the car park. These are often the biggest source of noise complaints from similar facilities.*

Further comments received on 13th March 2013;

3.3.2 *"I have now been sent information concerning the acoustic output of the proposed units. The values are not, in my opinion, excessive compared with the anticipated noise environment, i.e. the adjacent A274 and the numbers of vehicles that use this route. The position of the external unit also helps to have the output screened from the nearest properties. In addition, these units will also not be left on while the premises are not in use. I therefore conclude that the noise impact of these units on nearby properties will not be significant. Following the receipt of this information I now longer have any noise objections."*

3.4 **KCC Highways Officer:** Raises no objections;

3.4.1 *"The site is located in the centre of Headcorn in an accessible location to the village. Parking is provided for 8 cars, 2 motorcycles and 4 cycles within the site. SPG4 recommends a maximum of 1 car parking space per 22m² which would equate to a maximum of 9 spaces being provided. Parking is also available on North Street opposite the site access for a limited period of 2 hours between 8am and 6.30pm. Car parking is therefore considered to be adequate for the proposed use, although provision should be made for a disabled parking space. Cycle parking is also considered to be adequate.*

3.4.2 *The existing access to the site also gives access to a private car park and hairdressers. North Street, at this location, is subject to a 30mph speed limit. Visibility from the site access is restricted by the buildings each side of the access therefore any significant increase in traffic from this application may give cause for concern. This being the case I have analysed the TRICs database to give an indication of the levels of traffic likely to be generated by the proposal. This indicated that traffic levels generated by a private fitness club in a suburban location, (no surveys were available for village centre locations) are likely to be in the order of 4 between 0800 – 0900 comprising of 2 arrivals and 2 departures and 11 between 1700 -1800 comprising of 7 arrivals and 4 departures. Given that this traffic generation should be offset by those which could be generated by the existing use of the site, the number of new trips using the access is not high.*

3.4.3 *Additionally, there have been no recorded injury crashes on the A274 North Street in the vicinity of this access within the latest 3 year period."*

Further comments received on 12th March 2013;

3.4.4 *"In view of the fact that the proposed use of the site is not likely to generate any significant increase in traffic movements over and above that which could be generated by the existing land use on the site I would not wish to raise objection subject to the following conditions:-*

- *Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.*
- *Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing."*

3.5 **English Heritage:** Does not wish to comment;

3.5.1 *"This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice."*

4. REPRESENTATIONS

4.1 14 representations have been received by 9 neighbours, raising concerns over;

- Highway safety
- Parking provision & wrongful use of existing parking facilities for residents
- General noise and disturbance
- Loss of privacy/overlooking
- Loss of light/over shadowing
- Loss of a view
- Visual impact/impact on setting of nearby listed buildings/conservation area
- Alternative sites have been suggested
- Impact on rights of way
- Loss of house value

5. CONSIDERATIONS

5.1 Background information

5.1.1 The applicant did receive pre-application advice from the Council back in August 2012. It was stated at this time that the principle of the proposed change of use would likely be acceptable, subject to the detail of any formal submission. The proposed scheme has also been amended during the life of the application, with the roof design of the extension being changed from a barn-hip to a full hipped roof.

5.2 Site description

5.2.1 'Parnham House' is a modern detached building set back and accessed from North Street. It is brick built with a plain tiled barn-hip roof, there is already a single storey (flat roofed) extension projecting from the western elevation; and at the time of my site visit was vacant but last used as a builder's merchant. There is an area of hardstanding to the front (east) and side (north) of the site; and the site is enclosed by a small dwarf wall to the north, a five-bar entrance gate, and 1.8m high close boarded fencing to the south and east. A parking area is found beyond, to the north of the site (believed to serve local residents); and the closest residential properties are to the east and south of the site, fronting onto North Street and Church Walk.

5.2.2 The vehicle access from North Street (A274), which is also used by local residents, is flanked by residential properties to the south and a small commercial unit to the north; the western side of North Street along this stretch does have double yellow lines; there is on street parking available on the eastern side; and the speed limit here is 30mph.

5.2.3 The application site is in the defined village envelope and Conservation Area (article 4) of Headcorn; and is in the Low Weald Special Landscape Area (policy ENV34) as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

5.3 Proposal

5.3.1 The proposal is for the change of use of the two storey building to a gymnasium (D2 use) and would include the erection of a single storey extension projecting from the front (eastern) elevation.

5.3.2 Projecting some 8m from the eastern elevation of the existing building, the extension shown would measure some 7.7m wide, covering a floor area of some 61.5m²; and with its hipped roof would stand some 6m in height, the same as

the existing building. The proposed extension would be set in 1m from the site's southern boundary and approximately 1.8m from the eastern boundary.

- 5.3.3 Fenestration alterations would include the removal of the rooflights in the eastern roof slope; the replacement of the door on the eastern elevation with a window; and the replacement of the door to the northern elevation of the existing (flat roofed) single storey extension with a window.
- 5.3.4 The proposal would have use of 8 car parking spaces, 2 motorcycle spaces and a newly installed small bicycle shelter (to hold 4 bicycles).
- 5.3.5 The applicant has confirmed the opening hours to be 09:30-19:00 Monday-Saturday and 09:00-17:00 on Sundays and Bank Holidays.

5.4 Relevant policy and guidance

- 5.4.1 The application site is not allocated employment land, and general advice in the National Planning Policy Framework (NPPF) states that there should be a presumption in favour of sustainable development whilst protecting existing communities. In addition, one of the core planning principles of the NPPF is to...."*proactively drive and support sustainable economic development...and respond positively to wider opportunities for growth*". The application site is in a sustainable area and the proposal would maintain the building for employment use, generating employment opportunities, albeit on a small scale.
- 5.4.2 The National Planning Policy Framework (NPPF) seeks to support the rural economy, "...*in order to create jobs and prosperity by taking a positive approach to sustainable new development.*" The NPPF goes on to state that to promote a strong rural economy, support should be given to "...*the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.*"
- 5.4.3 The NPPF also seeks to promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. Whilst not specifically relating to gyms, I consider the sentiment of the NPPF to be of relevance in terms of this proposed change of use.
- 5.4.4 In terms of the historic environment, the NPPF also states that...."*Not all elements of a conservation area will necessarily contribute to its significance.*"
- 5.4.5 The most relevant saved Local Plan policy relating to development of this type is saved policy CF14 of the MBWLP. This policy permits proposals for D2 (assembly & leisure) uses outside the core shopping area provided that the criterion set out in this policy is met. Gymnasiums are classified as a D2 use.

5.4.6 In summary, policy CF14 will permit D2 uses in areas outside the core shopping area provided that;

- It does not under mind the vitality and viability of the existing village;
- It improves the attractiveness and functioning of the village, both socially and economically;
- It does not have a significant detrimental impact on neighbour amenity;
- It does not result in any significant highway safety issues;
- It is in a sustainable location with adequate parking provision;

5.4.7 The site is in a sustainable location, within walking distance of Headcorn village centre, local bus routes and Headcorn train Station; and I am of the view that the principle for a D2 use in this location is considered acceptable. I will therefore now consider the detail of the proposal against the criteria set out in these policies and guidance.

5.5 Impact on vitality and viability of Headcorn village centre

5.5.1 The application site is in walking distance of Headcorn village centre, being only some 60m from the High Street; and I am not aware of an over provision of this type of use in Headcorn village. Indeed, the applicant has pointed out that there are no other gyms similar to what is proposed here within seven miles of the site.

5.5.2 I am therefore satisfied that this proposal would not undermine the vitality and viability of the village, but more improve the quality, attractiveness and functioning of the village centre and its role in the economic and social life of the community.

5.5.3 This application is not considered to be a major proposal and so the applicant does not have to demonstrate that they have followed a sequential approach to the proposed location.

5.6 Design, siting and appearance

5.6.1 There would be views of the proposed extension from public vantage points. However, these views would not appear over dominant or incongruous, given that 'Parnham House' is set back more than 25m from North Street to the east of the site and from Church Walk to the south of the site; and the site is largely screened from public view by way of the existing surrounding built development.

- 5.6.2 I am also of the view that the proposed extension would be well proportioned and appropriately designed; and to further ensure a satisfactory appearance to the development I will request samples of the external materials to be used by way of condition. The external air conditioning unit would also not be significantly visible from any public vantage point.
- 5.6.3 This modern building makes a neutral contribution to the character of the conservation area, and I am of the view that the proposed development, given its scale, design, siting and set back from any public vantage point, would not have a significant adverse impact on the setting and character of Headcorn Conservation Area, the near-by listed buildings or the wider surrounding area. The Council's Conservation Officer raises no objections.

5.7 Residential amenity

- 5.7.1 The proposed single storey extension would be set back approximately 1.8m from the western (rearmost boundaries) of the terrace of houses that front onto North Street; and some 9m away from the rear elevations of these properties. The proposal would also be set in 1m from the southern boundary of the site; and on the angle, set approximately 2m away from 4 Church Walk with this neighbour's garden area to the south of the proposal. I am satisfied that the proposed extension's positioning and orientation in relation to the surrounding properties, together with its scale, low eaves height and hipped roof design further reducing its bulk, would not cause significant overshadowing or a significant loss of light or outlook to any neighbouring occupant. In addition, no new openings would directly face onto any dwelling and acceptable levels of privacy at ground floor level would be maintained by way of the existing 1.8m high close boarded fencing for boundary treatment.
- 5.7.2 There is the potential for this change of use to generate levels of noise from inside the building that could have an adverse impact on the living conditions of local residents. To mitigate against this, I consider it reasonable to condition all openings to be shut during hours of operation. The applicant will also be reminded by way of informatives to have due consideration for local residents and as far as is practicable reduce the transmission of amplified sound. The proposed air conditioning units should maintain a comfortable environment for the gym users.
- 5.7.3 The Environmental Health Officer has raised no objections to the submitted details regarding the external and internal air conditioning units, in terms of their impact on neighbouring properties. Indeed, the acoustic output of the proposed units is not considered to be excessive compared with the adjacent A274 and the number of vehicles that use this route; and the position of the external unit (on the building's western elevation) also helps to have the output

screened from the nearest properties. I am therefore satisfied that the air conditioning units would not have a significant noise impact on the occupants of nearby residential properties.

- 5.7.4 Given the proposed use of the site and the proposed car park's separation distance from any residential property; and the fact that there is already a car park in use adjacent to the site (using the same access), I am of the view that the vehicle movements to and from the site would not be any more significantly disturbing to neighbours when compared to existing uses around the site and what the site was previously in use as.
- 5.7.5 The applicant has proposed the opening hours to be 09:30-19:00 Monday-Saturday and 09:00-17:00 on Sundays and Bank Holidays. I consider these times to be acceptable and have no objections in this respect in terms of the impact on surrounding neighbours. I am of the view that the recommended conditions would ensure that the proposed change of use would not cause significant residential amenity issues and therefore do not consider it reasonable to restrict the opening hours by way of condition.

5.8 Highway implications

- 5.8.1 The site is in a sustainable location, in walking distance of Headcorn village centre, which is served by a bus route and train station; and the proposal would provide eight parking spaces for cars, two motorcycle spaces and four bicycle spaces. In addition to this, there is parking provision on North Street, close to the application site, for a limited period of two hours between 8am and 6:30pm. After consultation with the KCC Highways Officer, I am therefore satisfied that the parking provision provided would be adequate for the proposed change of use in this location.
- 5.8.2 Visibility from the site access is restricted by the buildings each side. However, the application site would use the existing vehicle access onto North Street, which is also used to access a private residents car park, and previously used as access for a builder's yard and the traffic it would generate; and this stretch of North Street does have a 30mph speed limit. Moreover, the TRICs database was looked at by the Highways Officer to give an indication of the levels of traffic likely to be generated by the proposal. TRICs showed that traffic levels generated by a private fitness club in a suburban location (no surveys were available for a village centre location) are likely to be in the order of four movements between 08:00hrs-09:00hrs, comprising of two arrivals and two departures; and eleven movements between 17:00hrs-1800hrs comprising of seven arrivals and four departures. I am in agreement with the Highways Officer, in that given this traffic generation should be offset by those which could be generated by the existing use of the site, the number of new trips using the

access is not excessively high. In addition, there have been no recorded injury crashes on the A274 North Street in the vicinity of this access within the latest three year period. I am of the view that the proposal would not result in an over intensification of the site, and that existing access and the A274 would cope with the vehicle movements generated by this proposal. I therefore conclude that the proposed change of use would not result in any significant highway safety issues.

5.9 Other Matters

- 5.9.1 The application site largely consists of a modern built building and concrete surfacing; and there is little habitat connectivity by way of boundary planting. As a consequence, I do not consider there to be any significant issues with regards to a possible impact upon protected species. I therefore take the view it is unjustified to request any further details with regards to ecology or biodiversity.
- 5.9.2 The site is not within a Flood Zone, as designated by the Environment Agency; it is not within close proximity of any noticeable watercourse; and the proposed extension would be sited on an area of existing hardstanding. I therefore take the view that this development would not be any more prejudicial to flood flow, storage capacity and drainage within the area compared to what exists already.
- 5.9.3 The building is existing and connected to the main sewers; and the Environmental Health Officer has not raised any concerns in terms of the foul and surface water drainage arrangements. I do not therefore consider it reasonable to request any further details in this respect and raise no objections to the proposal on these grounds.
- 5.9.4 As there is not a concentration of other similar D2 uses in the locality of the application site, there are no further significant issues to consider in terms of the cumulative impact of this development together with other existing D2 uses.

6. CONCLUSION

- 6.1 The main issues raised by Headcorn Parish Council and the neighbour representations have been dealt with in the main body of this report. However, I would like to add that the issue of the development affecting any private right of way is not a material planning consideration in the determination of this application, but a civil matter that needs to be dealt with privately by the interested parties. Moreover, potential loss of house values and loss of a view are not material planning considerations; and I cannot justify refusal of this application on the basis that gym users may use the existing residents parking area adjacent to the application site. Several representations have also

suggested alternative sites for a gym in Headcorn and Headcorn Parish Council have suggested an amended design, but I can only take a view on what has been proposed under this application.

- 6.2 For the reasons outlined above, I consider the development would not cause any demonstrable harm to the character of the area and it would not significantly harm the amenities of existing residents. It is therefore considered overall that the proposal is acceptable for the reasons given and so I recommend conditional approval of the application.

7. 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. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development. This is in accordance with policy CF14 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework.

3. All windows and doors (except for the main entrance door) are to remain shut during hours of operation;

Reason: In the interest of residential amenity. This is in accordance with policy CF14 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework.

4. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning

(General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking provision is likely to lead to parking inconvenient to other road users and in the interests of road safety. This is in accordance with the National Planning Policy Framework.

5. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways;

Reason: To prevent pollution of the water environment. This is in accordance with the National Planning Policy Framework.

6. The development hereby permitted shall be carried out in accordance with the following approved plans:
proposed block plan received 20/11/12 and proposed elevations and floor plans received 30/01/13;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers. This is in accordance with policy CF14 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework.

Informatives set out below

The applicant is advised to have due consideration for local residents and as far as is practicable reduce the transmission of amplified sound.

Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the EHM regarding noise control requirements.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

Note to Applicant:

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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 the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.

