

REPORT SUMMARY

REFERENCE NO - 14/505603/FULL			
APPLICATION PROPOSAL Change of use from hairdressing and beauty salon (Class A1) to a residential dwelling (Class C3) to include single storey extension to east elevation, removal of external fire escape and first floor access, replacement of windows, addition of new opening at ground floor level and associated landscaping and parking works.			
ADDRESS Eden Barn Vicarage Road Yalding Kent ME18 6DW			
RECOMMENDATION Permit Subject to Conditions			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> - Market testing demonstrates that it is unlikely a commercial user will occupy the premises on vacation of the current user. - There is considered to be no objection in principle to the proposed use which will help to maintain the character and fabric of this NDHA and the character and setting if the CA in accordance with the provisions of the NPPF. - No objection is identified to the proposed conversion in heritage terms or in its impact on the character and setting of the SLA. - The conversion will provide an additional unit of family sized accommodation. - The design and layout of the proposal development is considered acceptable while its aural amenity will not be compromised as a consequence of the use of the social club and its car park. - The outlook and amenity of the development overlooking and abutting the site will be safeguarded. - There is no objection to the proposal on highway or parking grounds. 			
REASON FOR REFERRAL TO COMMITTEE Applicant is Member of the Council and Parish Council objects			
WARD Marden And Yalding Ward	PARISH/TOWN COUNCIL Yalding	APPLICANT Mr And Mrs Collins AGENT DHA Planning	
DECISION DUE DATE 14/01/15	PUBLICITY EXPIRY DATE 14/01/15	OFFICER SITE VISIT DATE 10 TH December 2014	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date

MA/01/1049	Conversion of barn to hairdressers,	Approve	24 th August 2001

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The building is currently used as a hairdressers and beauty salon with the main salon, kitchen and rest room at ground floor with treatment rooms at first floor level.
- 1.02 Abutting the northern east site boundary is a pair of semi detached cottages fronting Vicarage Road while the southern aspect of the building is onto an area of car parking used by the Yalding Social Club. Both this car park and application site is served by an access from Vicarage Road.
- 1.03 In a wider context the site lies with the settlement confines of Yalding and comprises an unlisted building lying within the Yalding Conservation Area (CA) Though the site lies within the settlement confines of Yalding both it and Yalding as a whole, fall within a Special Landscape Area

2.0 PROPOSAL

- 2.01 Planning permission is sought to change the use of the premises from a beauty salon/hairdressers to a single 3 no: bedroom dwelling with a combined dining/lounge kitchen at ground floor. External changes involve removal of the existing wooden staircase and storage shed on the east elevation and replacement of the existing storage shed with another larger shed in the same position.
- 2.02 The southern elevation facing onto the car park remains unchanged but the east elevation will have a new three panel window to replace the former fire escape door, installation of a new casement window at first floor level and french doors at ground floor. Changes to the west elevation involve changing two plain windows for casement windows along with installation of an additional 1st floor casement window while the north facing elevation also remains unchanged.
- 2.03 The remaining changes involve the existing parking area abutting the building to the west being retained for this purpose but the parking area to the east will be used to provide a broadly square shaped amenity area just under 10 metres deep and just over 9 metres wide. This area will be enclosed by a 2 metre high close boarded fence running along the northern site boundary while the southern side of the proposed amenity space abutting the car park will also be

enclosed by 2 metre high closeboarded fencing with a native species hedgerow to be planted inside the fence. The applicants advise that once the hedge has grown up the fence will be removed.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)2012
National Planning Practice Guidance (NPPG) 2014
Maidstone Boroughwide Local Plan Development Plan:
ENV34 – Special Landscape Areas
ENV45- Conversion of rural buildings to residential
H27 – Rural settlements (minor development)
T13- Vehicle parking standards

4.0 LOCAL REPRESENTATIONS

4.01 **Neighbours:** 12 properties were consulted and 4 representations were received which are summarised as follows:

- Concerns that retention of the air conditioning units within the replacement store building could harm aural amenity and that sound attenuation measures should be made part of any planning permission.
- The proximity of the proposed dwelling to the Yalding Village Social Club with late night entertainment and vehicle movements taking place in the nearby car park could result in noise and disturbance harmful to the occupants of the proposed dwelling resulting in complaints being received seeking to constrain the activities of the club.
- The social club has had planning permission refused to develop land for housing using the same access that would also serve the proposed dwelling. Considers it would be inconsistent to allow permission here.
- Proposal involves loss of an existing hedgerow forming the boundary with Jesolo and replacement with a fence resulting in loss of privacy and outlook.
- Loss of existing hedgerows should be resisted.
- The existing and proposed site layout plans showing Jesolo on Vicarage Road both in terms of the size / shape of property appear to be incorrect. .

5.0 CONSULTATIONS

5.01 **Yalding Parish Council:** Very disappointed at loss of this small, commercial building. Would urge that all possible options have been pursued, including marketing it for an alternative commercial use, before planning permission is granted. Subject to this being carried out have no further comment.

5.02 **Borough Cllr:** Very much agrees with the Parish Council's comments. Proposal would result in loss of valuable commercial premises in the village which can create urgently needed local employment opportunities. Seeks verification of the extent to which the property has been marketed for alternative commercial use – either for sale or rent - before giving further consideration to its change of use.

5.03 **MBC Heritage:** This is a small vernacular building which makes a positive contribution to the character of the conservation area. The proposed change of use is acceptable in terms of its impact on the character of the conservation area and the alterations proposed to the building are appropriate and will preserve its character. As such raises no objection on heritage grounds subject to conditions re samples of materials, joinery details and removal of pd rights to extend or alter the building or to erect outbuildings.

5.04 **Environmental Health:** There may be disturbance to residents of the property from people and vehicles coming and going from the car park and smoking shelter associated with Yalding Village Social Club. Although these noises may be intrusive and annoying it is unlikely that they would constitute a statutory nuisance representing a loss of residential amenity.

As such raise **no objection** subject to the relocated air conditioning units being enclosed in an acoustic enclosure to minimise the possible risk of noise disturbance without reducing air flow.

5.05 **Kent Highways:** No objection as proposal will (a) result in decreased traffic accessing the site (b) the existing access will be used (c)adequate parking and turning facilities are provided and (d) the site lies in a sustainable location close to public transport.

6.0 APPRAISAL

6.01 The key issues in relation to this development are considered to be (a) principle, (b) heritage considerations and impact on SLA (c) design, layout and aural amenity (d) impact on residents overlooking and abutting site and (e) highways and parking.

Principle of Development

6.02 Paragraph 28 of the NPPF relating to the need to support a prosperous rural economy states, amongst other things, that Local Planning Authorities should 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.

6.03 As such, in settlements such as Yalding the presumption is to retain local commercial services, such as that currently occupying the building, unless it is made clear by market testing that there is little realistic prospect of any commercial user occupying the building.

6.04 In response to this concern the applicants submitted a viability report relating to the ongoing commercial use of the building. Its key findings are as follows:

- Despite the building being marketed as a commercial concern for over 5 months through the network of rural business forum no interest whatsoever has been forthcoming.

- The current occupants have seen a decline in turnover with expenditure forecast to exceed turnover by a significant margin over the next two years leading to the conclusion that the current use will be unprofitable and therefore unviable in commercial terms.

- The building occupies an isolated inward looking location outside an existing retail area, and as such, is likely to remain unattractive to commercial occupiers as a consequence.

6.05 If the activity lay within a recognised retail frontage it is likely that it would benefit from potential passing trade from customers visiting the other activities making its trading position less challenging. However the building occupies an isolated, inward looking location outside any commercial frontage. As such it will only attract visitors for a specific purpose. Activities reliant on element of passing trade are therefore particularly vulnerable in such locations. As such it is considered that the market testing findings reasonably reflect the commercial realities of seeking to run a business from this location.

6.06 Accepting this, once the existing users vacate the premises, there is a strong possibility that the building will remain vacant for some time. The building, originally built for agricultural purposes, given its age, design, construction and former use, has a heritage character. It can therefore be considered to be a non designated heritage asset (NDHA) to which the provisions of paragraph 135 of the NPPF apply as follows:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

6.07 Consequently unless the building is provided with an alternative use, it is considered there remains a strong possibility that it will remain vacant leaving it at risk of becoming neglected/vandalised. This would be detrimental to the character and fabric of this NDHA and the character and setting of the wider CA. As such, there is considered to be no objection to the principle of the proposed change of use, particularly given the unsatisfied demand for family housing within the Borough. Matters therefore turn on detailed considerations.

Heritage Considerations and impact on SLA:

6.08 The building comprises an unlisted building sited within the Yalding Conservation Area (CA). For the reasons amplified above the building is considered to represent an NDHA.

- 6.09 Dealing first with the impact on the CA, paragraph 137 of the NPPF makes clear that Local planning authorities should look for opportunities for new development within CA's to enhance or better reveal their significance. Consequently proposals that preserve those elements of the setting making a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 6.10 Planning permission to convert this barn to a hairdressers was granted under ref: MA/01/1049 in 2001. Conversions of agricultural buildings to commercial uses would have been considered under the provisions of policy ENV44 of the adopted local plan in force at the time. Conversion of agricultural buildings no longer in agricultural use but converted to commercial use, will therefore still need to be considered under the provisions of policy ENV45 where reuse for residential purposes will not be permitted unless every reasonable attempt has first been made to secure a suitable business reuse of the building and that residential conversion is the best reuse of the building in securing both it and its surroundings, heritage character. For the reasons already set out above it is considered that it is unlikely that a business use will be secured for the building.
- 6.11 Policy ENV45 is mainly intended to deal with the impacts of conversion on the wider countryside. However the setting of this building lying within a settlement and surrounded by existing development does not have a rural setting. As such, it is not considered that the proposal has any material impact on the rural character of the countryside abutting Yalding or the wider SLA.
- 6.12 Notwithstanding this lack of a rural setting, it is considered that policy ENV45 still contains criteria relevant to this proposal as follows being (a) that the building must be of substantial and sound construction and that reuse can be secured without major or complete reconstruction (b) that the proposed conversion works respect local building styles and materials and (c) that sufficient amenity space can be provided in keeping with its setting along with the provision of adequate parking. The visual impact of the parking area will be addressed below but highway aspects of traffic generation and parking will be assessed separately.
- 6.13 The building is clearly in good condition while the proposed external changes mainly involve swapping the existing single windows for casement windows, installation of a window at first floor level, replacement of the fire escape door with a three panel window, french doors at ground floor and removal of the external fire escape. It is considered that all these changes are minor in their individual and cumulative impacts and will result in little material change to the current appearance of the building. Demolition of the existing store and its replacement with a slightly larger building, in which the existing air conditioning units will be relocated, will have the added benefit of removing incongruous modern equipment from the exterior of the building thereby benefitting its heritage character.
- 6.14 Turning to the remaining elements of the proposal, the existing parking area abutting the western flank of the building will be retained for this purpose with a low brick planter defining the western boundary. Given that this area is already

used for parking, it is not considered that there will be any material change to the setting of the building or the or character of the CA. Regarding the size and siting of the proposed amenity space, this area is currently used for car parking as such adding little to the setting of the building and character of the CA. It is considered that the proposed amenity area (having dimensions just under 10 metres deep and just over 9 metres wide) is acceptable in its impact. However it is currently intended to define the southern boundary of the amenity area by a closeboarded fence which may be removed once the proposed hedgerow behind matures.

- 6.15 Having regard to the developed setting of the site, that the building is considered to represent a Non Designated Heritage Asset, its siting in the CA and need to provide sound attenuation from the noise impacts of the social club and its car park, it is considered that the proposed closeboarded fencing is not appropriate for this location. It should be replaced with a brick wall which can be secured by condition.
- 6.16 To ensure that the character and setting of the building is not compromised in the future, permitted development rights allowing alterations and extensions to the building and erection of outbuildings should be withdrawn.
- 6.17 In conclusion it is considered that the proposed external changes will improve the character, setting and appearance of the NDHA and that of the wider CA in accordance with the provisions of the NPPF and policy ENV45 of the adopted local plan while also being supported by the Councils heritage advisor. As such the proposal is considered to be acceptable on heritage grounds. In addition given the developed character of the immediate locality it is not considered that the proposal will have any material impact on the SLA contrary to the provisions of policy ENV34 of the adopted local plan.

Design, layout and aural amenity:

- 6.19 It is considered that design and layout concerns have been largely addressed above and no further comment is therefore considered necessary on these matters as a consequence. However 1st floor windows in Jesolo, one the properties abutting the site to the north east, will look across the proposed amenity space resulting in future residents being exposed to overlooking from this source. However the bulk and height of the proposed storage building will provide a 'privacy shadow' such that the proposed patio area to the rear of the proposed dwelling will be screened from overlooking. As such it is not considered that the proposed amenity area will be subjected to excessive overlooking contrary to the provisions policy H18 of the adopted local and the residential extensions SPD.
- 6.20 Turning to the potential conflict between the use of the social club and its car park and aural amenity of the future residents of the dwelling, the comments of the EHO are noted.
- 6.21 Though no objection is raised by the EHO, consideration of a planning application requires a higher amenity test than just whether a proposal will be

unlikely to be exposed to a statutory noise nuisance. The provision of a brick wall along the site boundary with the car park providing a solidly built imperforate means of enclosure, should ensure that noise and disturbance arising from the use of the car park will be sufficiently attenuated. Noise and disturbance in the evenings may appear more intrusive due to the reduced background noise levels. However given (a) that use of the garden is less likely to take place at this time and (b) that double glazing should enable a reasonable internal noise environment to be secured, it is not considered that future residents will be subjected to an unacceptable aural environment due to continued use of the social club.

Impact on the outlook and amenity of adjoining residents

- 6.22 The properties considered to be most affected by this proposal are the pair of semi detached cottages flanking the north east boundary of the site comprising Hope Cottage and Jesolo. Dealing first with the changes to the appearance of the building, the existing north facing elevation remains unchanged. However the existing timber store to be replaced has a length on the boundary of just over 2.5 metres which will be increased to 3.5 metres with a height increase of 200mm. It is considered that these changes are marginal and will not materially increase the impact of the development on the outlook or amenity of Jesolo.
- 6.23 It should also be taken into account that the rear boundary of Jesolo currently backs onto a parking area serving the existing use with a high hedge on the boundary. Noise and disturbance generated by use of this of this car parking area will be replaced by that associated with a domestic amenity space which is clearly acceptable in residential context. Concern has been raised that replacing the existing hedge on the boundary with Jesolo with a two metre high closeboarded fence will not only be harmful to the visual amenity of Jesolo but also result in loss of privacy.
- 6.24 It is understood that the existing hedge extends not only into the application site but also partly lies within the curtilage of Jesolo. As such only partial loss of the hedge is involved while the erection of a 2 metre high boundary fence will be sufficient to screen Jesolo from being overlooked from the adjoining amenity area.
- 6.25 Turning to the impact on Hope Cottage, though the existing parking area will be continue to be used for parking it will no longer be used for commercial parking purposes bringing with it a decrease in the number of vehicle movements to this area. As such it is considered that there will be a betterment in the aural amenity of Hope Cottage along with no material change to the outlook of this property.
- 6.26 Consideration also needs to be given to the impact on The Orchard to the east of the site and 3,4 and 5 High Street to the west. Dealing first with The Orchard, this detached property is already well screened on its boundaries and taking into account that much of its garden lies beyond the 21 metre privacy zone set out in the adopted residential extensions SPD, it is not considered that this proposal will be exposed to any material loss of privacy. Regarding the impact

on 3,4 and 5 High Street to the west, there will be no alteration in levels of overlooking as no new first floor windows are proposed while spacing between buildings will remain as existing. As such it is not considered that there will be any material alteration in the outlook or amenity of these properties.

- 6.27 A concern has been raised relating to the retention of the air conditioning units and the impact this will have on the aural amenity of adjoining residents. However subject to these being enclosed in an acoustic enclosure to minimise the possible risk of noise disturbance as recommended by the EHO, it is not considered that their retention will result in any material harm to aural amenity.

Highway and parking considerations:

- 6.28 In the absence of objection from Kent Highways, there is considered to be no sustainable objection to the proposal on highway or parking grounds. However conditions should be imposed to ensure that the proposed parking is provided before first occupation of the dwelling.

Other Matters

- 6.29 The social club advises that planning permission was refused to develop land in its ownership for housing using the same access that would also serve the proposed dwelling under planning permission ref: MA/03/0933 (partial demolition of club building, with amendment to existing parking and erection of a terrace of 4No. two bedroom houses) and which was dismissed on appeal. As such it considers that it would now be inconsistent to grant planning permission in the circumstances of the current application.
- 6.30 The Inspector in dismissing the appeal concluded, amongst other things, that the existing driveway would be inadequate to serve the total of the proposed development together with the retained Village Club. As the current proposal is likely to result in reduced traffic movements, it is considered it will bring a betterment in highway terms. As such it is not considered that the proposed development is comparable with the proposal dismissed on appeal under ref: MA/03/0933.
- 6.31 The concerns over the submitted plans relating to the size and shape of Jesolo are noted. However given (a) that all application sites are inspected and (b) assessment on the impact of the proposal on Jesolo carried out above, it is considered that sufficient information has been submitted to determine the application in accordance with the Councils normal standards.

7.0 CONCLUSIONS

- 7.01 These are considered to be as follows:

- Market testing demonstrates that it is unlikely a commercial user will occupy the premises on vacation of the current user.
- There is considered to be no objection in principle to the proposed use which will help to maintain the character and fabric of this NDHA and the

character and setting if the CA in accordance with the provisions of the NPPF.

- No objection is identified to the proposed conversion in heritage terms or in its impact on the character and setting of the SLA.
- The conversion will provide an additional unit of family sized accommodation.
- The design and layout of the proposal development is considered acceptable while its aural amenity will not be compromised as a consequence of the use of the social club and its car park.
- The outlook and amenity of the development overlooking and abutting the site will be safeguarded.
- There is no objection to the proposal on highway or parking grounds.

7.02 In the circumstances it is considered that the proposal is acceptable in its impact and that planning permission should be granted accordingly.

8.0 RECOMMENDATION – GRANT 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 hereby approved shall not commence until details and samples of all external materials to be used have first been submitted for prior in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

(3) Before the development hereby approved commences long and cross section joinery details at a scale of 1:20 shall be submitted for prior approval in writing by the Local Planning Authority. Work shall only be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason: To safeguard the character, fabric and setting of the Non Designated Heritage Asset and character and setting of the Conservation Area.

(4) Before first occupation of the development hereby approved the parking layout shown on drawing no: DHA/10399/02 shall be provided and maintained at all times thereafter with no impediment to its intended use.

Reason: In the interests of highway safety and the free flow of traffic.

(5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) no development falling within Schedule 2, Part 1, Classes A, B, C, D, E, G and H of that Order shall be carried out without first obtaining the prior consent in writing of the Local Planning Authority.

Planning Committee Report

Reason: To safeguard the character, fabric and setting of the Non Designated Heritage Asset and character and setting of the Conservation Area.

(6) Before the development hereby approved commences details of the siting of a 2 metre high brick wall to be erected along the southern site boundary (and which shall also enclose the refuse storage area) shall be submitted for prior approval in writing by the Local Planning Authority. The wall shall be in place before first occupation of the development hereby approved and retained at all times thereafter in accordance with the approved details.

Reason: In the interests of visual and aural amenity.

(7) Before first occupation of the development hereby approved the 2 metre high closeboarded fences shown on the north east and south east site boundaries shall be provided as shown on drawing no:DHA/10399/02 and retained as such at all times thereafter.

Reason: In the interests of visual amenity.

(8) The relocated air conditioning units shall only be operated within acoustic enclosures.

Reason: In the interests of aural amenity.

(9) The landscaping shown on drawing no:DHA/10399/02 shall be provided within the first available planting season following first occupation of the dwelling hereby approved. Any landscaping becoming dead, dying, diseased or dangerous within 5 years of planting shall be replaced with the same species in the same siting and retained in accordance with the terms of this condition.

Reason: In the interests of visual amenity.

(10) The development hereby approved shall only be carried out in accordance with the following plan nos: DHA/10399/01, 02, 03, 04, 05, 06, and 07.

Reason: In the interests of visual amenity.

INFORMATIVES

1. It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

2. As the development involves demolition and / or construction, the development should comply with the provisions of the Mid Kent Environmental Code of Development Practice.

3. The proposed ground floor cloakroom opens directly off the kitchen area risking the carry over of spray from the flushing of the w.c. pan onto surfaces that are likely to come into contact with food. It is therefore recommended that consideration be given to the incorporating measures to prevent this this from occurring.

Planning Committee Report

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.

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 application was acceptable as submitted.

Case Officer: Graham Parkinson

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.