

REPORT SUMMARY

REFERENCE NO - 17/502930/FULL			
APPLICATION PROPOSAL Change of use from Class A1 r0etail to use of premises as a tanning salon.			
ADDRESS 28A High Street Headcorn Ashford Kent TN27 9NE			
RECOMMENDATION - GRANT Subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL 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 there are no overriding considerations to indicate a refusal of the application.			
REASON FOR REFERRAL TO COMMITTEE Headcorn Parish Council wish to see the application approved but insist for the opening hours to be the same as the adjoining post office which is open Monday – Saturday 9:00am to 5:30pm. Without these hours the Parish Council request that the application is referred to committee.			
WARD Headcorn	PARISH/TOWN Headcorn	COUNCIL	APPLICANT Medibeds Ltd. AGENT Kevin Wise Town Planning
DECISION DUE DATE 07/08/17	PUBLICITY EXPIRY DATE	OFFICER SITE VISIT DATE 22/06/2017	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
89/2187	Proposed W.C Extension to rear of antique shop	Permitted	18/01/1990
86/1822	Creation of a new doorway on eastern elevation of post office for separate shop unit	Permitted	20/01/1987
86/1817	Creation of a new doorway on eastern elevation of post office for separate shop unit	Permitted	20/01/1987
75/0307	Rebuilding of existing side covered way and rear toilet extension to sorting office to replace existing toilet block to be demolished	Permitted	10/11/1975
67/0012/MK2	Single storey sorting office for the G.P.O.	Permitted	22/08/69

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 28A High Street is a small part of a larger two storey building 100m to the east of the junction turning into North Street. Foremans Walk runs along the eastern (side) boundary of the site, which has a hair salon and a number of retail units on the ground floor with residential apartments above. Adjoining the site to the east is a post

office and set back from the front elevation and above the retail unit is part of a residential dwelling. The building along with the adjoining post office and residential unit above are Grade II listed. The High Street is the main commercial street through Headcorn, and the surrounding uses vary and include retail, a public house, a post office, takeaways, cafes/restaurants and residential. For the purposes of the Development Plan, the proposal site is within a Conservation Area and a local centre for shopping, within the village envelope of Headcorn; and within a Special Landscape Area as defined by the Maidstone Borough Wide Local Plan 2000.

2.0 PROPOSAL

- 2.01 The application is for the proposed change of use of the retail unit (A1) use to a (Sui Generis) use, to be run as a tanning salon with 2 tanning beds with changing cubicles.
- 2.02 The only internal change proposed is the removal of a modern partition wall that separates the existing kitchen area. No alterations are proposed to the exterior of the building and any new advertisement that may require advertisement consent will be the subject of a separate application(s) to the Council.
- 2.03 The unit is currently vacant and has an internal floor space of 25m² in the form of a roughly rectangular shaped shop area plus a small cloakroom/toilet to the rear. The proposal is expected to employ 1 full time and 1 part time member of staff. No proposed opening hours were outlined in the application, but following the comments from the Parish Council the agent has put forward the following opening hours:
- Monday – Fridays 09:00hrs – 19:00hrs
 - Saturdays 09:00hrs – 18:00hrs
 - Sunday 10:00hrs – 16:00hrs

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: R1, R10, ENV34
Final Draft Maidstone Local Plan: SP5, SP7, DM17

4.0 CONSULTATIONS

- 4.01 **Headcorn Parish Council:** *“The unit to which the minutes refer is Headcorn Post Office and the opening times are Monday – Saturday 9:00am to 5:30pm and they would insist that the tanning unit operates the same hours.”*
- 4.02 **Conservation Officer:** No objection
- 4.03 **Environmental Health Officer:** Raises no objections
- 4.04 **Neighbour representations:**
- 3 objections raising concerns that the use is not in keeping with a village setting, the listed building or a conservation area. The use does not promote a healthy lifestyle, Sui Generis use is likely to cause disturbance to the residential property above.
 - If the application is permitted, the opening hours should be 09:00 to 5:30pm on weekdays, from 9am to 4pm Saturdays and closed on Sundays.

- Negative health impacts from using a tanning salon.

5 APPRAISAL

- 5.01 Existing and Emerging Policies seeks to protect and resist non A-D (retail/leisure) uses within a local centre. The key issues for consideration relate to:
- Impact upon the retail centre; and
 - Residential amenity.

Impact upon the retail centre

- 5.02 It is accepted that the proposed use would be non-retail Sui Generis use which would not be automatically acceptable under Policy R10 in the interests of preserving the vibrancy and vitality of the local centre. However, one of the key focuses of this policy is to protect a range of basic services for local people, such as foodstuff, retail outlets, post offices etc. The proposal would result in a loss of a retail unit, however it is currently vacant.
- 5.03 The local centre has a range of premises that offers a range of services such as, a public house, charity shops, takeaways, restaurants, Sainsbury's, post office, bakery, butchers, bikes and hardware goods and it is not considered that such a use at the proposed scale would cause harm to local shops or the overall vitality and viability of the local centre and would enhance the local centre by addition an additional mix of uses for the local community.

Residential Amenity

- 5.04 There is part of a residential dwelling at first floor level partially above the retail unit and it is important to consider the potential impact on this. In terms of proposed opening hours, the Environmental Health Officer has raised no objection to the application and has not recommended restricting opening hours of the proposed use. Headcorn Parish Council and one resident have requested that the hours of opening be restricted to the same hours that the adjoining post office is open.
- 5.05 The location of the proposal is on Headcorn High Street which is within a local centre and has on-street parking provision as well as a pay and display car park within the centre. The facility will only have two sunbeds and the relatively quiet nature of proposed activity and its close proximity to other commercial uses that are open into the evening, for example the adjacent hair salon, takeaways, restaurants, Sainsbury's Local and a Costa Coffee leads me to conclude that the proposal would not cause any further significant harm to amenity of any local residents in terms of general noise and disturbance.
- 5.06 In regards to the specific request for the tanning salon to be open no later than 17:30, Paragraph 206 of the NPPF states that "Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects". There are a range of opening hours for different uses in the vicinity of the site with, for example, Sainsbury's Local and the Public House open until at least 22:00. In addition later opening hours are typical for similar business activities such as hairdressers, beauty salons etc. that generally stay open until later to cater for workers. The proposed use would not cause excessive noise impacting upon residential amenity so I can therefore see no justification to condition the proposal to close at 17:30 Monday – Saturday.

- 5.07 A condition restricting the opening hours should reflect the location of the site and other uses within the local centre. Therefore a condition restricting the use beyond the times of 09:00-21:00 Monday-Saturday and 10:00-16:00 on Sundays would be reasonable and would ensure the amenity of residents is protected.

Highways

- 5.08 There is existing on-street parking along the High Street as well as an off-street pay and display car park in close proximity to the site. So whilst the proposal would not provide on-site parking provision, this is considered acceptable due to the fact that the proposal has only 2 tanning beds and I am satisfied that the proposal would not result in an adverse highway safety issues.

6.0 CONCLUSION

- 6.01 For the reasons outlined, I am of the view that this proposal would not harm the amenities of existing residents, the vitality or the viability of Headcorn local centre or cause safety issues on the highway. It is therefore considered overall that the proposal is acceptable with regards to the relevant provisions of the Development Plan, the National Planning Policy Framework, and all other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

RECOMMENDATION – GRANT Subject to the following conditions:

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 use hereby permitted shall only be open to customers within the following times: Mondays to Fridays, 09:00-21:00, Saturdays 09:00-21:00 and Sundays and Bank Holidays 10:00-16:00hrs.

Reason: To safeguard the amenity of local residents

- (3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. KWTP.01 and Design and Access Statement

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

INFORMATIVES

Case Officer: Adam Reynolds

Planning Committee Report
28 September 2017

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.