

## REPORT SUMMARY

19 December, 2017

<b>REFERENCE NO - 17/504979/FULL</b>			
<b>APPLICATION PROPOSAL -</b> Proposed change of use of part of D2 (snooker club) to A1 (sandwich shop) with alterations to fenestration			
<b>ADDRESS -</b> Maidstone Snooker Club Buckland Hill Maidstone ME16 0SQ			
<b>RECOMMENDATION –</b> GRANT PLANNING PERMISSION subject to conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION -</b> The current application overcomes the Council's previous reasons for refusal on the basis that the proposed change from D2 to A1 use is permitted within the Use Classes Order, with the proposed alterations to fenestrations acceptable with regards to the relevant provisions of the adopted Local Plan, the NPPF and all other material considerations such as are relevant. Therefore, planning permission is recommended subject to conditions.			
<b>REASON FOR REFERRAL TO COMMITTEE –</b> Cllr David Pickett requested that the application be determined by the planning committee if the case officer was minded to recommend approval due to the lack of parking provision within the scheme and highways safety concerns.			
<b>WARD</b> Bridge	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Timur Albay <b>AGENT</b> Barron Edwards Ltd	
<b>DECISION DUE DATE</b> 08/12/17	<b>PUBLICITY EXPIRY DATE</b> 10/11/17	<b>OFFICER SITE VISIT DATE</b> 18/10/2017	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
12/0354	Change of use of part of the snooker club to A1 retail shop, including alterations to the front of the premises (retrospective).	Refused	29.04.2012
09/0219	Retrospective application for part change of use of snooker club to supermarket (A1), installation of shopfront and security shuttering	Refused	24.05.2009
08/1406	Alterations to front elevation fenestration as shown on site location plan, drawing number 150.08/01 and 02 received 14 July 2008	Permitted	21.09.2008
07/1335	Change of use of part of the snooker club from class D2 to A5 for use as a takeaway and installation of extraction flue system	Refused	20.08.2007

## MAIN REPORT

### **1.0 DESCRIPTION OF SITE**

- 1.01 The application relates to an existing snooker club on the north side of Buckland Hill. The premises occupy a triangular shaped plot of land located within the Maidstone Town Centre boundary as designated in the adopted Local Plan (2017) policy map. The site is bounded by the Maidstone West railway line to the west and the Maidstone east railway line to the north east. To the west of the site beyond the railway line are three residential apartment blocks and further residential developments. To the south and east are a variety of commercial and industrial premises.

- 1.02 Buckland Hill runs west to eastwards across the southern façade of the premises. The site has a relatively narrow street frontage with no footway on its south side. The width of the road is further reduced to the west of the site where it passes over the railway line serving Maidstone Barracks Station, situated below this part of Buckland Hill. The existing pedestrian access points on the south side of the road leads down to the station platforms. There are three schools within 0.5km of the site.

## **2.1 PROPOSAL**

- 2.01 The current application is a resubmission of MA/12/0354 for retrospective change of use of part of the snooker club to A1 use, together with associated external alterations to the building. This previous application was refused on grounds of highway safety and external appearance of the proposed surface mounted shutter box installed upon the façade of the premises.
- 2.02 It involves the change of use of a section of the snooker club from D2 (Assembly and Leisure) to A1 (Shop) for the establishment of a sandwich shop, together with alterations to fenestration.
- 2.03 Since the previous application was determined, amendments to the Use Classes Order now permit a change from D2 uses to A1 for a period of two years. Therefore, councillors are reminded that the only element for determination in this submission is the proposed fenestration changes involving transformation of one of the windows on the façade of the building into a door and the permanent (rather than a temporary 2 year period) nature of the change of use .

## **3.0 POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan 2017: SP4 and DM1 are of relevance to this proposal. National Planning Policy Framework (NPPF) Paragraph 23, 58 and 59 are of relevance.

## **4.0 LOCAL REPRESENTATIONS**

- 4.01 **Local Residents:** Two representations received from local residents raising the following (summarised) issues:
- Lack of parking provision
  - Highway Safety

## **5.0 CONSULTATIONS**

- 5.01 **KCC Highways and Transport:** No objection
- 5.02 **Environmental Health:** No objection subject to conditions covering restrictions on times of use and hours of working (demolishing/construction).

## **6.0 APPRAISAL**

### **Main Issues**

6.01 The key issues for consideration are:

- Principle of development  
Visual impact
- Residential amenity
- Highways impact

### **Principle of Development**

6.02 The application site is located within the Maidstone Town Centre Boundary as defined by the adopted Local Plan (2017) policy map. Policy SP4 of the adopted local plan supports the sustainable growth of the Maidstone Town Centre. Policy DM1 sets out the Council's objectives of achieving high quality design throughout the borough. The National Planning Policy Framework NPPF identifies good design as a key objective in planning, setting out the need for development proposals to be of high quality and requiring development to add to the overall character of areas, whilst responding to local character. (paragraphs 58 and 59).

6.03 The application is for change of use of part of the building from D2 (Assembly and Leisure) to A1 (Shop), together with alterations to the fenestrations. As the element of the proposal involving the change of use is permitted within the Use Classes Order, the only aspect of the application for determination is the proposed alterations to fenestrations, involving replacement of a window with a door. Notwithstanding the Council's previous refusal on a similar scheme and having regards to the above, the principle of the proposed alteration is acceptable.

### **Visual Impact:**

6.04 The application building which is on the fringe of residential development in Buckland Hill has a distinctive character derived from brown brick work, coupled with the disposition of the windows on its façade which reflects its recreational use. The mix of high level and casement windows originally served the ancillary accommodation on the right side of the entrance which includes toilets and storage.

6.05 The external alteration currently proposed in this application involves replacement of one window opening on the façade of the building with a door. Councillors should note that the proposed fenestration has changed from that previously refused by the Council, with the removal of the roller shutter and surface mounted shutter box installed upon the façade of the premises. The current proposal would not have any significant adverse impact when viewed in the context of the character of the application building. It would not disrupt the visual coherence of the building's façade and is considered acceptable in terms of design.

### **Residential amenity:**

6.06 In terms of neighbour amenity, considering the minor nature of the alterations proposed, I do not believe that any significant harm would be caused to the residential amenity of surrounding commercial and residential properties.

### **Highways impact:**

- 6.07 The application premises are at the bottom of Buckland Hill near a sharp bend where the road turns south to join St Peters Street. Car parking standards for land use Class A1 (shops) within SPG4 recommends 1 car parking space 18m<sup>2</sup>. The proposal covering 106 square metres of floor area would normally require provision of 6 car parking spaces.
- 6.08 Whilst a number of objections have been raised on grounds of highways safety, which also formed the basis for the Council's decision to refuse the previous application, it is recognised that the A1 use currently proposed is allowed in the Use Classes Order. In the circumstances, an overriding planning objection on highway safety grounds cannot be sustained.
- 6.09 The Planning Statement accompanying the current submission states that customers of the proposed shop are anticipated to be mainly pedestrians passing by the site. In the intervening time between the previous and current applications, traffic bollards have been installed on the edge of the pavement along this part of Buckland Hill, which is a significant material consideration that needs to be taken into account in determining this application. The bollards would make it physically impossible for vehicles to straddle the pavement along the site frontage. With the bollard serving as a deterrent for unlawful parking, customers intending to visit the shop would have to park on nearby roads with public parking, mitigating any highways safety concerns.
- 6.10 The application site is located within Maidstone Town Centre boundary (with good bus links) to all parts of Maidstone. The application site is in a highly sustainable location and could be accessed without the use of a private car and where needed public transport alternatives to the use of the private car. KCC Highways and Transport does not raise any objection to this application on parking or highways safety grounds. In the event, any highways safety objections cannot be sustained.

### **7.0 CONCLUSION**

- 7.01 For the reasons set out above, I conclude that the proposed change from D2 use to A1 use and the associated alterations is in accordance with the development plan and that there are no overriding material considerations to indicate a refusal of planning permission. I therefore recommend approval with conditions set out below.

### **8.0 RECOMMENDATION**

- 8.01 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 hereby permitted shall be carried out in accordance with the following approved plans/drawings; PW03 and PW04 received on 26 September 2017

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

3. The materials to be used in the construction of the external work to the building hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development

4. The use hereby permitted shall only be carried out between the hours of 07:00 to 22:00hrs Monday to Friday, 10:00 to 16:00hrs on Saturdays & Sundays with no use on Bank Holidays.

Reason: In the interest of the amenities of neighbouring residential owners/occupiers.

## INFORMATIVES

### 1. **Construction**

The Mid Kent Environmental Code of Development Practice is highlighted to the applicant in relation to proposed construction works.

### 2. **Asbestos**

The applicant is reminded that 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. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

### 3. **Food plus Health & Safety issues**

The applicant is advised of the requirement to register their food business establishment with the Local Authority at least 28 days before food business operations commence, by virtue of Regulation (EC) 852/2004 on the hygiene of foodstuffs. Prior to use, Environmental Health should be contacted to ensure compliance with the Food Safety Act 1990 and all relevant statutes. Prior to use, Environmental Health should also be contacted to ensure compliance with the Health and Safety at Work etc. Act 1974 and all relevant statutes.

Case Officer: Francis Amekor

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