

APPLICATION: MA/12/0999 Date: 28 May 2012 Received: 28 May 2012  
APPLICANT: Mr W Masoudi  
LOCATION: 34, HIGH STREET, MAIDSTONE, KENT, ME14 1JH  
PARISH: Maidstone  
PROPOSAL: Installation of shopfront and associated works as shown on site location plan, block plan and unnumbered elevations and floor plan received 29/05/12.  
AGENDA DATE: 26th July 2012  
CASE OFFICER: Kathryn Altieri

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

- The Council has a land ownership interest.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV8
- South East Plan 2009: BE6
- Village Design Statement: N/A
- National Planning Policy Framework

## **2. HISTORY (1974+)**

- MA/12/0984 - Advertisement consent for the installation of 1(no) externally illuminated fascia sign and 1(no) externally illuminated projecting sign – under consideration
- MA/12/0684 - Advertisement consent for the installation of 1(no) internally illuminated fascia sign and 1(no) internally illuminated projecting sign – withdrawn
- MA/12/0568 - Installation of new shop front and associated works - withdrawn
- MA/12/0684 - Advertisement consent for the installation of 1(no) internally illuminated fascia sign and 1(no) internally illuminated projecting sign – withdrawn
- MA/12/0023 - Variation of condition 3 of planning permission MA/11/1147 (any activity (including cleaning) in connection with the use of the premises shall only

take place between the hours of 9am and midnight on Mondays to Saturdays and 10am to 11:30pm on Sundays, Bank Holidays – approved/granted with conditions

- MA/11/1147 - Change of use from A1 (retail) to A5 (hot food takeaway) and installation of extract system – approved/granted with conditions
- MA/04/0388 - An application for advertisement consent for a non-illuminated fascia advertisement on the front elevation – approved/granted with conditions

### **3. CONSULTATIONS**

- Conservation Officer: Raises objections on heritage grounds to the previous application MA/12/0568;

*"Although No. 34 High Street is a 20<sup>th</sup> Century building of poor design which in itself constitutes a negative feature of the Conservation Area, and although the shopfront replaced was of no merit either, the new shopfront is of even worse design and results in further harm to the character of the conservation area. It also adversely affects the setting of the listed buildings to either side. The use of aluminium is not ideal within the conservation area, but in the context of this particular building may be difficult to resist. However, the design of the glazing, with a substantial horizontal transom bar at mid-height of each shop window, is not of traditional appearance and also results in an inappropriate horizontal emphasis to the glazing. If this transom bar were omitted the appearance would be improved sufficiently to make the proposal likely to be acceptable."*

### **4. REPRESENTATIONS**

- None received.

### **5. CONSIDERATIONS**

#### **5.1 Site Description**

5.1.1 The application site relates to a general rectangular shaped plot that is occupied by an end of terrace, two storey building that fronts onto the High Street, some 40m to the west of the junction with Mill Street. The site was previously a furniture shop but has recently been given planning permission for a change of use to A5 (takeaway) use. This building is largely glazed to the front and there is a vehicle access along its south-western flank that leads to a car park at the rear. The properties either side of the application site are Grade II listed and the site does fall within the Maidstone Centre Conservation Area. The surrounding area largely consists of differently styled buildings with varying commercial and residential uses and to the rear of the site is a private car park with residential flats on its eastern (3-5 Medway Street) and western (Tumim House) edges.

5.1.2 The application site is also in the 'tertiary town centre' area, as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

## **5.2 Background information**

5.2.1 The new shop front that has already been installed at 34 High Street was what was to be considered under MA/12/0568. However, after objections from the Council's Conservation Officer, this application was withdrawn. To clarify, the existing shop front is not what is being considered under this current application.

5.2.2 It should also be noted that the fascia sign currently in place is temporary and the applicant is aware that its installation is unlawful.

5.2.3 A Planning Enforcement investigation is open on this site (ENF/12134), and any further enforcement action is dependent on the outcome of this planning application and advertisement consent (being considered under MA/12/0984).

## **5.3 Proposal**

5.3.1 This application is for the installation of a largely glazed shopfront (with no horizontal transom bars) with the entrance door being centrally placed. This application does not include the installation of roller shutters.

## **5.4 Principle of Development**

5.4.1 The principle for this type of development is acceptable, with the most relevant policy within the Maidstone Borough-Wide Local Plan 2000 relating to this type of development being policy ENV8. Policy BE6 of the South East Plan 2009 is also of relevance. Clearly, the details of the scheme must be acceptable and I will consider the development against the criteria set out in these policies.

## **5.5 Visual impact**

5.5.1 34 High Street is a twentieth century building of poor design which on its own is not a positive feature of the Maidstone Centre Conservation Area, and the recently installed shop front has had a further detrimental impact upon the character of the conservation area, what with the addition of inappropriate horizontal transom bars to both windows. The Conservation Officer did object to the existing shop front under MA/12/0568.

5.5.2 The newly proposed shop front would not have these transom bars and so the incongruous, horizontal emphasis to the glazing would no longer be an issue. Moreover, in the context of the quality of this building, I also have no significant objection to the use of an aluminium framed shop front.

5.5.3 There are a variety of differently styled shop fronts in the vicinity and I take the view that this largely glazed shop front, without the transom bars, would not appear visually intrusive or out of character with the surrounding area.

5.5.4 Therefore, given the proposed shop front's design and largely glazed appearance, I do not consider that it would have a significant, detrimental impact upon the character and setting of the host building, the near-by listed buildings or the Maidstone Centre Conservation Area.

## **5.6 Other considerations**

5.6.1 Furthermore, given the scale, design and nature of the proposal, I am of the view that there would be no significant detrimental impact upon the residential amenity of any surrounding residential property, or upon public and highway safety.

## **6. CONCLUSION**

6.1 It is therefore considered overall that the development is acceptable with regards to the relevant provisions of the Development Plan and all other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

## **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.

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.