Wateringbury Wateringbury	**569192 153460**	**24 April 2007**	**TM/06/03768/FL**

Proposal:	Change of use and layout of ground floor from general store with accommodation to coffee shop, beauty salon and flat
Location:	1 Bow Road Wateringbury Maidstone Kent ME18 5DD
Applicant:	Brian Kenneth Cooper

1. Description:

1.1 The ground floor of the existing building was last used as a retail unit with residential accommodation to the rear. The upper floors of this property are currently occupied by three separate flats. A yard is located to the rear of the property, where car parking can take place. This space is accessed via Boormans Mews, which is in the ownership of a third party, but which the applicant has a right to use.

1.2 The applicant has submitted a petition in support of his application which has 170 signatories.

1.3 The applicant has also submitted a survey he undertook himself of the occupancy rates of the village hall car park located opposite the application site. The survey was undertaken between 20 October 2006 and 11 November 2006 on all days within this period. Typically, on each day the car park was surveyed on at least 5 occasions.

1.4 Whist the current submission is for a change in the use of the ground floor of this property, the submitted drawings also show that an additional window (NW5) would be inserted within the flank wall of this building and that new partition walls would be erected within it to facilitate to the proposed change of use. Listed Building Consent would be required for these alterations, as the building is Grade II Listed.

2. The Site:

2.1 The site is located within the settlement confines of Wateringbury, on the East side of Bow Road. The property is the first of a terrace of three properties and is located close to the junction of Bow Road and Tonbridge Road.

2.2 The building is Grade II Listed and has been previously extended to the rear.

3. Planning History (selected):

TM/06/00166/FL Refuse 27 March 2006

Change of use to include cafe/coffee bar/wine bar plus internal alterations to toilets.

TM/06/00088/LB Refuse 27 March 2006

Listed Building Application: Change of use to include cafe, coffee and wine bar; modify existing WC to facilitate disabled use, fit new staff WC and small windows for ventilation, light and hygiene purposes

TM/05/00609/FL Refuse 18 May 2005

4 no. one bedroom flats and reduction in existing commercial/residential car parking to residential parking only

TM/01/01193/FL Grant With Conditions 22 October 2001

Change of use of existing dwelling to three flats with existing shop retained and external alterations

TM/01/01194/LB Grant With Conditions 22 October 2001

Listed Building Application: change of use of existing dwelling to three flats with existing shop retained. Internal and external alterations

TM/91/0495FL Grant with Conditions 24 October 1991

Two storey rear extension and alterations.

TM/91/0772LB Grant with Conditions 24 October 1991

Listed Building Application: Two storey rear extension and alterations.

4. Consultees:

4.1 PC: The Parish Council considers that this latest application with increased parking to the rear of the premises will increase the danger to the egress and ingress to Bow Road via Boormans Mews and is a danger to pedestrians. We are seeing ever increasing traffic past these premises which are totally unsuited for the type of changes requested. The Parish Council strongly objects to this application.

4.2 KCC (Highways): The current lawful use of the building is for three flats and the retail element as approved under TM/01/01193/FL. The approved parking layout showed a total provision of 6 spaces. This was considered adequate to serve the site as a whole with three spaces for the flats and two for the retail use. Historically customers were likely to have parked on street or used the car park opposite and unlikely to have used any rear parking. It is also likely that with customers short term ‘popping’ into the shop that parking on the double yellow lines in front of the shop took place. It was accepted that casual visitor parking for the residential elements could be accommodated off site.

This application shows proposals to change the use of the existing premises, from retail to class (A3) café, beauty salon and a flat whilst retaining the original three flats. The cafe could attract up to 5 parking spaces based on the revised floor area, whist the beauty salon could attract 1 parking space. Plus 1 for the residential flat and 3 for the existing flats. This makes a maximum total of 10 spaces. The submitted plan shows a total parking provision of 9 spaces, the majority being on a communal informal basis.

Again it is unlikely that if rear parking was available for potential customers to the café or beauty salon that they would use it. They would search out the alternative parking options available. The beauty salon is a small business with customers likely to arrive by appointment and stay for maybe an hour. Passing customers visiting a café are likely to seek safe long term parking. However, the café is comparatively small and will only provide for a limited number of covers. I therefore do not consider traffic generation to be an issue.

The parking to the rear is only likely to be used by residents and staff. Customers are unlikely to use it as it is not conveniently accessed. Customers will seek and use suitable alternative options. This may promote more sensible parking than the retail outlet. It is likely that customers will pull up outside the shop, on the double yellow lines, pop into the shop and then drive on. The longer stay requirements of the proposals could remove this type of parking.

The customer parking patterns for the existing and proposed uses are likely to be similar. There is the potential for parking in the public car park opposite, although the applicant has no control over its use. However, random spot checks have shown that spaces are quite often available during the day.

The proposed rear off street parking is short by one space compared to the maximum requirement of KCCVPS. With other on and off street parking options in the vicinity I would find this level of off street parking acceptable. There are alternative means of transport available, particularly the train with the railway station within acceptable walking distance that could potentially be used by the residents.

I would therefore, on balance, support this proposal.

4.3 DHH: No comments.

4.4 Private reps (including public notices): 24\0X\0S\8R. The reasons for objection to this application are:

- Over-intensive use of the access which would be detrimental to highway safety.

- The proposal would increase the conflict between pedestrians and drivers using the access.

- Concerns with provision of refuse collection facilities interfering with parking arrangements.

- Use of the parking area by nine vehicles would cause detriment to the residential amenity of properties in Hanbury Close in terms of noise disturbance.

- Concerns with regard to children's safety who play in Boorman's Mews.

- The survey of the village hall car park by the applicant was undertaken during half term holidays and does not represent its typical occupancy rates.

5. Determining Issues:

5.1 The application site lies within the settlement confines of Wateringbury, where the principle of changing the use of a building is acceptable in broad policy terms. The main issues concerning this development are highway safety and the impact of the development upon the residential amenity of neighbouring properties.

5.2 In order to fully appreciate the highway safety issues concerning this development, it would be useful to review the recent planning history of this property. In 1991, planning permission was granted under ref. TM/91/00495 for a two storey rear extension to this property. This contained at ground floor, an extension to the existing retail unit and an element of residential accommodation to be used in connection with the flat located on the upper floors of this property.

5.3 Planning permission was then granted under ref. TM/01/01193/FL to convert the then existing 4 bedroom flat in the first and second floors of this property to 3 self contained 1-bedroom flats. This application contained no details concerning works to the ground floor of this building. However, this application did include a plan of the parking area located to the rear of the building that is accessed via Boormans Mews. The Borough Council approved a layout showing the provision of 6 car parking spaces within this area.

5.4 As the Highway Authority has stated, the proposed mix of uses plus the existing three flats could require a maximum of 10 spaces to service this development. Therefore, the proposed development would require a maximum of four additional off road parking spaces to be provided in order to accord with the current Kent County Council Vehicle Parking Standards. The area shown as being the parking area as part of this development is not currently laid out in any particular configuration, although the existing double garage is located where spaces 1 and 2 are shown on the submitted parking layout.

5.5 Having visited the site, I am satisfied that the proposed layout for 9 cars can be accommodated as shown on the submitted plan. Theoretically, therefore, the layout of the proposed private car park could meet most of the additional car parking requirements generated by the proposed development (three out of the four additional spaces).

5.6 I note the comments from local residents and the Parish Council concerning additional traffic movements into and out of the car park onto Boormans Mews and Bow Road. The access along Boormans Mews is narrow and tight between buildings. It is not readily apparent to passers-by that it serves the land to the rear of the application site, the casual impression being that it serves the Boormans Mews development, as the sign at the junction of this private road with Bow Road indicates. In light of this, I concur with Kent Highways that customers using the café or beauty salon are unlikely to use this parking space, but instead will look for more convenient parking elsewhere.

5.7 A free public car park is located immediately opposite the application site and is clearly advertised in Bow Road. Whilst comments have been submitted concerning the timing of the applicant's survey of spaces within the car park, this data does intimate that for the majority of the time when the business premises would be open, there would be sufficient car parking spaces to accommodate customers using the café and beauty salon. Indeed, when the site has been visited by the case officer on several occasions during the course of this application, there has always been a sufficient number of car parking spaces available to cater for the increased parking generated by the proposed use. Whilst this is not an in depth study of the occupancy of the public car park, I am of the opinion that sufficient space is likely to be available for customers using the commercial aspects of the proposed development.

5.8 Kent Highways has indicated the private car park at the rear of the site is more likely to be used by staff and residents within this development than passing customers, due to the location and means of access to it, which I agree with. Kent Highways consider that the minimal increase in traffic generated by this proposal that is likely to use the access to and from the private car park associated with this development, would not be detrimental to the safe and free flow of traffic using the public highway.

5.9 In light of the above, I consider that this development is acceptable in terms of highway safety.

5.10 It has to be borne in mind that the private car park shown as part of this application already has permission from the Borough Council to be used as such. Whilst this land has not been formally laid out to date and does not appear to be being used to its full potential for parking cars, this could lawfully occur at any time, in

connection with the existing uses of 1 Bow Road. This is the baseline for assessing the additional impact of the proposed use upon the residential amenity of neighbouring properties.

5.11 As a maximum, three additional cars could be parked within this car park under this proposal. As has been discussed above, any additional use is likely to be generated by staff within the beauty salon and the café, rather than customers using the facilities. The traffic generation associated with the proposed 3 additional parking spaces is likely to be minor in nature and, as such, is unlikely to cause significant disturbance to the neighbouring residential properties in my opinion. The DHH has not objected to this proposal.

5.12 Concerning the issue of refuse collection, there is a generous curtilage associated with this property. A lawned area is located between the rear of the building and the proposed car parking area. I am satisfied that refuse containers could be sited within this property without hampering access to the proposed parking bays.

5.13 In light of the above, I am satisfied that the development is acceptable and I recommend that permission be granted.

6. Recommendation:

6.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 05.12.2006, Site Plan dated 05.12.2006, Supporting Statement dated 20.11.2006, Floor Plan dated 20.11.2006, Elevations dated 20.11.2006, Location Plan dated 24.04.2007, Block Plan dated 24.04.2007, 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 pursuance of Section 91 of the Town and Country Planning Act 1990.

2. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

   Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

3. The business shall not be carried on outside the hours of 10.00 to 17.00 Mondays to Fridays and 10.00 to 17.00 Saturdays with no working on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority. (I003)

   Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

Informative

1. The internal and external alterations shown on the submitted drawings to be undertaken to this building in order to facilitate the proposed change of use will need Listed Building Consent from the Borough Council.

Contact: Matthew Broome