

REPORT SUMMARY

REFERENCE NO - 15/501230/OUT			
APPLICATION PROPOSAL Outline application for the residential development of 5 dwellings comprising a pair of 3 bedroom semi-detached houses and a two storey building containing one 2 bedroom apartment and two 1 bedroom apartments, together with associated car parking.			
ADDRESS Budget Rent A Car, Land Rear of 33 Tonbridge Road, Maidstone Kent			
RECOMMENDATION Permission granted			
SUMMARY OF REASONS FOR RECOMMENDATION The application is considered to comply with the provisions of the Development Plan and there are no overriding reasons to refuse planning permission.			
REASON FOR REFERRAL TO COMMITTEE Called in by Cllr Harper and Cllr English.			
WARD Fant Ward	PARISH/TOWN COUNCIL	APPLICANT R J And P M Slinn AGENT Christopher Atkinson	
DECISION DUE DATE 21/04/15	PUBLICITY EXPIRY DATE 21/04/15	OFFICER SITE VISIT DATE 24/4/15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
07/2549	Change of use to car and van hire	Permission	2008
79/0817	Use of existing building for continued storage and ancillary repair of amusement machines	Permission	1980 (renewed 1987)

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site is located on the south side of Tonbridge Road to the east of the junction with Bower Place and to the east of Orchard Place and north of Reginald Road. It lies to the rear of 33 Tonbridge Road, a grade II listed building, which is used as a dance studio (Rianos). The site is served by a vehicle access from Tonbridge Road which runs along the eastern flank wall between the dance studio and Rocklands.
- 1.2 The site was until recently occupied by Budget Rent a Car which has since relocated to another site in Maidstone. The site is approx. 55m wide x 15m deep and is occupied by a single storey building which was previously used as offices by the car hire company.
- 1.3 The site lies within an area allocated for economic development in the adopted Local Plan and Policy ED2 xxiii is relevant.

2.0 PROPOSAL

- 2.1 This is an outline application for residential development of 5 dwellings comprising a pair of 3 bed semi-detached houses, 1x2 bed and 2x1 bed apartments. Approval is sought for all matters except landscaping. The 2 storey buildings would be parallel to Reginald Road to the south and at 90 degrees to the properties in Orchard Place to the west. The proposed dwellings would be approx. 18m to the rear of the dance studios and 24m from the rear elevations of the properties in Reginald Road. The western elevation of Plot 1 would be approx. 6.5m from the terraced properties in Orchard Place. 7 parking spaces would be provided in a parking area immediately to the east of the proposed development.
- 2.2 The proposed dwellings are in the form of 2x2 storey buildings approx. 9m high, 6m to the eaves incorporating facing brick to the main elevations and hipped roofs with a 40 degree pitch enabling slate or plain tiles to be used. Landscaping and boundary treatment are reserved matters.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	750m2	750m2	
Approximate Ridge Height (m)		9m	
Approximate Eaves Height (m)		6m	
Approximate Depth (m)		6m	
Approximate Width (m)		15m	
No. of Storeys	1	2	+1
Net Floor Area	90	400	+310
Parking Spaces	28	7	-21
No. of Residential Units	0	5	+5
No. of Affordable Units	0	0	

4.0 PLANNING CONSTRAINTS

- 4.1 No 33, TONBRIDGE ROAD (South Side), Maidstone is a Grade II Listed Building (MBC and SBC Ref Number: 372/MA). Late C18 to early C19 house.
Enforcement ENF/12400

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.1 National Planning Policy Framework (NPPF) - presumption in favour of sustainable development
National Planning Practice Guidance (NPPG)
- 5.2 Development Plan: MBWLP(2000) -
ED2- Retention of employment sites
ENV6 – Landscaping and boundary treatment
T13 Parking standards

6.0 LOCAL REPRESENTATIONS

- 6.1 9 letters have been received from local residents objecting to the proposed development on the following grounds:
1. Over-development
 2. Loss of employment land
 3. Inadequate means of access – narrow, poor visibility
 4. Adverse impact on adjoining properties – overshadowing , loss of privacy, noise disturbance
 5. Pedestrian access to Orchard Place – noise, crime and health and safety issues
 6. Insufficient on-site parking – possible overspill onto surrounding residential streets
 7. Inadequate provision for refuse collection, emergency services
 8. Potential damage and disturbance by construction vehicles
 9. Inadequate marketing of commercial site
 10. Effect on wildlife including bats
 11. Additional congestion parking and disturbance
 12. Site should remain in commercial use
 13. Negative impact of development outweighs benefits

Cllr Harper has raised concerns on grounds 1-4 summarised above

7.0 CONSULTATIONS

7.1 KCC Highways:

“I do not wish to raise objection on behalf of the local highway authority subject to the following conditions:

Provision and permanent retention of the vehicle parking spaces and turning area shown on the submitted plans prior to the use of the site commencing.”

7.2 MBC Environmental Health

No objection, subject to a contaminated land condition

7.3 MBC Heritage: No objections

7.4 Southern Water : No objections.

8.0 BACKGROUND PAPERS AND PLANS

Planning Statement, Marketing Report, dwg nos. 140404/1B, 2B, 3D, 5B, ,6A,7,

9.0 APPRAISAL

Loss of Employment Land.

- 9.1 The relevant policy in the adopted Local Plan is ED2 (Retention of Employment Sites) Tonbridge Road is identified as a location for Class B1 uses where “planning permission will not be granted to redevelop or use vacant business/industrial sites for non-employment purposes unless the retention of the site for employment use has been explored fully without success”.
- 9.2 The site has a lawful business use as a car hire depot (‘sui generis’) which was permitted in 2008. The site has been marketed for a period of 18 months but without success. The surveyors who carried out the marketing exercise have referred to its

commercial shortcomings including the lack of road frontage, poor access and the lack of any significant interest in the use of the site for employment purposes. The surveyors report also referred to the high rateable value and the poor quality of the existing building with substandard heating and lighting which would require upgrading. Evidence indicates that a marketing exercise was carried out but failed to find a potential occupier. There are no grounds to dispute the evidence and on this basis it is considered that Policy ED2 has been complied with.

- 9.3 The NPPF advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Para. 22 concludes:
“Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”
- 9.4 The site is within an area allocated for employment purposes in the adopted local plan. However the character of the surrounding area is changing in that some of the former employment uses have been replaced by residential and other non-business uses. This trend is reflected in the area around the application site which is predominantly residential in character and is flanked on 3 sides by established housing. Although currently within an area allocated for employment uses in the adopted Local Plan because of the changing character of business areas on the edge of the town centre the area south of Tonbridge Road is not being carried forward as an employment allocation in the emerging Draft Local Plan.
- 9.5 In conclusion, evidence has been provided to demonstrate that the site was marketed for employment use for a period of 18 months but without success. The minimum marketing period is normally 12 months and the duration in this case is considered to be adequate. The relevant guidance in the NPPF (para. 22) has been taken into account and it is concluded that the proposed residential use would not have an adverse impact on the appearance and residential amenities of the area. The proposed development would extinguish a lawful business use in favour of residential which would be compatible with the character of the surrounding area. The site is considered to be in a sustainable location within walking distance of the town centre which would involve less reliance on private cars.

Impact on Residential Amenity

- 9.6 The proposal concerns land at to the rear of the frontage to Tonbridge Road to the north and Reginald Road to the south. Backland or tandem development may be acceptable if the proposal does not result in a material loss of privacy or disturbance due to use of the access. In this case the plans indicate a minimum separation distance of approx. 20m from the rear elevations of properties in Reginald Road which is considered to be sufficient to safeguard their privacy and outlook.
- 9.7 On the western boundary there is 6.5m separation between the new development and the adjoining properties in Orchard Place. The 2 storey gable end of the proposed dwelling on Plot 1 will replace the existing single storey office building. The flank wall on Plot 1 contains 2 ground floor windows to non-habitable rooms (a staircase and WC) which are indicated on the plan as being obscure glazed. Although the western flank wall of Plot 1 will be close to the side boundary with Orchard Place the separation distance of 6.5m is considered to be acceptable.

The dwelling on Plot 1 has a hipped roof and a single storey side extension which will assist in reducing the impact of the new development on the existing properties in Orchard Place. On balance it is concluded that the outlook from the properties in Orchard Place will not be harmfully affected.

- 9.8 The layout plan shows a pedestrian access from Plot 1 to Orchard Place which is understood to be a reinstatement of a former pedestrian route through the site. However the provision of a pedestrian link from the site to Orchard Place is considered to be acceptable in terms of privacy and outlook.
- 9.9 The layout of Plot 5 has been amended following concerns about the proximity of the rear elevation to the southern boundary and the lack of amenity space within the site. The gap has been increased to 3m to allow greater separation from the boundary, increased amenity space and provide space for additional planting along the rear boundary.
- 9.10 The windows on the north elevation of the proposed dwellings face the rear of 33 Tonbridge Road and are separated by the car park which has a depth of approx. 18-20m. The intervening distance is considered to be satisfactory in terms of safeguarding privacy and outlook.
- 9.11 There is an existing 2m close-boarded fence along the northern boundary between the application site and the dance studio. Although this provides some degree of screening it is suggested that this could be replaced by a 2m high brick wall to reinforce the northern boundary and provide more substantial screening to safeguard the setting of the listed building and the amenities of 33 Tonbridge Road.

Access and Parking

- 9.12 The Highway Authority has raised no objections to the proposed development having regard to its sustainable location, the former commercial use and the anticipated reduction in traffic. Despite its narrow width, the existing access has served the business activities on the site for many years and has accommodated higher vehicle movements than now proposed. The applicant claims that the car hire use generated up to 60-70 vehicle movements per day whereas the proposed residential development would be likely to generate approx. 30-40 movements per day, a net reduction of around 30 vehicle movements per day.
- 9.13 7 parking spaces are proposed within the site to the east of the proposed development to which the Highway Authority raises no objection. Local concerns have been raised regarding the possibility of overspill parking onto surrounding streets but this is considered to be less likely than with the activities which have existed on the site for many years. There is adequate turning space within the site so that vehicles will not have to reverse out onto Tonbridge Road.

Design

- 9.14 The proposed development reflects the character of The surrounding area is diverse in character and includes a variety of detached, semi-detached and terraced dwellings. in terms of scale, design and layout. Although involving backland development the proposal would enable the site to be developed without compromising the existing spatial standards or residential amenities of the area. The proposed design is traditional in style and would utilise materials which reflect those used in the local area including slate or plain tiles. The Conservation Officer is

satisfied that the proposal will not materially detract from the character and appearance of the dwelling or the setting of the listed building.

10.0 CONCLUSION

- 10.1 The proposal will replace a lawful business use with 5 residential units which will more closely reflect the residential character of the surrounding area. The loss of employment land is recognised but evidence has been presented to demonstrate that the applicant has been unable to market the site commercially and it is considered to be unsuitable for business use. Redevelopment for residential purposes offers a viable alternative use and the submitted scheme is considered to be compatible with the residential amenities of the area. No objections have been raised to the continued use of the existing access and the proposal would not compromise the setting of the adjoining listed building.
- 10.2 For these reasons it is considered that the proposals are in accordance with the adopted Local plan and NPPF and permission is recommended subject to the following conditions.

11.0 RECOMMENDATION – GRANT permission subject to the following conditions:

1. The development shall not commence until approval of the following reserved matter has been obtained in writing from the Local Planning Authority:-

c. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The development shall be carried out in complete accordance with the approved plans – dwg. nos. 140404/1B, 2B, 3 D, 5B, 6A,

Reason: To ensure the quality of the development is maintained.

3. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

Planning Committee Report

4. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: To ensure an appropriate appearance and setting to the development.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory external appearance to the development.

6. Before work commences details of proposed boundary treatment, including along the northern boundary of the site, shall be submitted to the Local Planning Authority for approval and shall be implemented in accordance with the approved details before the development is first occupied.

Reason : In the interests of the visual amenities of the area

7. The area shown on the submitted layout as vehicle parking space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the premises are occupied, and shall be retained for the use of the occupiers and visitors to the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of 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 parking inconvenient to other road users and be detrimental to highway safety and amenity

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no extensions or other alterations including windows/dormer windows other than those expressly authorised by this permission] shall be constructed.

Reason: In the interests of residential amenity.

9. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of public health and safety

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. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hants SO21 2SW

3.As the development involves demolition and/or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

Asbestos

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.

Planning Committee Report

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Case Officer: Tim Bloomfield

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.