

APPLICATION: MA/08/2439 Date: 8 December 2008 Received: 23 September 2009

APPLICANT: Alan Firmin Ltd

LOCATION: UNIT 15 WHEELBARROW INDUSTRIAL ESTATE, PATTENDEN LANE, MARDEN, KENT

PARISH: Marden

PROPOSAL: Change of use of land to employment purposes and erection of mixed use building to provide storage and workshops (Class B2/B8) and associated works including access and parking as shown on drawing numbers 10185-101, 10185-102, 10185-103, 10185-201, 10185-202, 10185-203, PKD083703/001/A , PKD083703/002, PKD083703/003/A, PKD083703/004/B, PKD083703/006, DHA/6807/01, DHA/6807/02, DHA/6807/03, DHA/6807/04, DHA/6807/05, received on 11/12/08 and as amended by additional documents being drainage statement, landscaping schedule, drawing numbers PKD083703/001/B, PKD083703/002, PKD083703/004/C, PKD083703/005/A, DHA/6807/01rev A, 4 unnumbered drawings received on 12/6/09 and assessment of need and availability of alternative sites received on 28/9/09.

AGENDA DATE: 17th December 2009

CASE OFFICER: Peter Hockney

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

- It is contrary to views expressed by Marden Parish Council
- It is a departure from the Development Plan and has been advertised as such

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ED2

South East Plan 2009: C4, RE3, NRM1, NRM4

Government Policy: PPG4, Draft PPS4, PPS7, PPS25

2. RELEVANT HISTORY

- MA/04/2093 – Variation of condition 6 of permission MA/04/0853 to allow the unit to be used from 08:00 hours on Monday continuously to 08:00 hours on

Saturdays, with 24hr weekend working on every third weekend – APPROVED WITH CONDITIONS.

- MA/04/0853 – Change of use from B8 use (warehouse) to B2 use (general industrial) and provision of ancillary offices and revised parking at unit 6 – APPROVED WITH CONDITIONS.
- MA/02/1424 – Change of use of land to provide for improved HGV access and parking, provision of revised car parking and service road, formation of additional access and erection of security fence – APPROVED WITH CONDITIONS.
- MA/00/1277 – Erection of industrial building for vehicle assembly work with parking and access and provision for improved HGV access to serve existing warehouses – APPROVED WITH CONDITIONS.
- MA/93/0354 – Creation of a new vehicular egress (renewal of expired permission MA/86/1197 W) – REFUSED – DISMISSED AT APPEAL.
- MA/91/0289 – Extension of storage area provision of new service area and erection of a security fence – WITHDRAWN.
- MA/90/0581 – Enclosure of existing loading bay to extend storage area and create new office area. Provision of new service area and car park and erection of security fence – APPROVED WITH CONDITIONS.
- MA/86/1197 – New vehicular egress – APPROVED.

3. CONSULTATIONS

Marden Parish Council wishes to see the application REFUSED on the following grounds:-

- Infilling of the gap between industrial buildings and residential properties.
- The area is outside the defined industrial area and village envelope.
- The decision should be deferred until after land allocations have been decided.
- Concern over water discharge from the site.
- The companies who had shown an interest initially were not now intending to use the building at the current time; therefore would have to be rented on the open market.
- The submitted assessment of local need and availability of alternative sites report is not sufficient to override policy.

The Environment Agency originally objected on the grounds of the lack of a Flood Risk Assessment particularly to do with surface water run-off. Following variations and

negotiations between the Environment Agency and the agent for the applicant, objections are no longer raised to the scheme.

The Upper Medway Internal Drainage Board raise no objections to the application although state that the development should meet with the Environment Agency's requirements.

Southern Water do not wish to comment on the application.

Kent Highways have no objections to the proposals in respect of highway matters.

"Access to the site is to be from the existing Wheelbarrow Industrial Estate access from Pattenden Lane. The access and adjoining highway network are considered to be suitable to accommodate the traffic generated by this proposal which is estimated to be one HGV per week and 28 car trips (two way) per day. The proposed parking provision at the site is considered to be adequate to cater for the proposed development."

MBC Planning Policy do not raise any objections to the application and comment that the Employment Land Review notes that the industrial estates in the south of the Borough are generally well supported and further notes the Marden and Staplehurst estates as two well performing estates. They comment as follows:-

"It is a reasonable application based on the Employment Land Review evidence and its location adjoining the existing Marden industrial estate."

4. REPRESENTATIONS

12 letters of objection have been received (including the Marden Residents Association & Pattenden Lane Residents Association) on the following grounds:-

- Loss of privacy.
- Visual intrusiveness in the countryside.
- Loss of property value.
- Concern regarding noise and disruption.
- Concern regarding flooding.
- Decision should be deferred until after the land allocations are undertaken.
- Light pollution.
- The site is outside the designated industrial area.
- The site area has been extended without explanation.
- The need for the development does not demonstrate the departure from policy.

5. BACKGROUND

- 5.1 The application was due to be reported to Planning Committee on the 3 September 2009 but was withdrawn from the Agenda by Officers. The reason for this was to request additional information from the applicant regarding an assessment of the local need and an assessment of other alternative sites as the application is a departure from the Development Plan. The application does not appear to fall within the scope of the Direction to be referred to Government Office for the South East (GOSE) under the Town and Country Planning (Consultation) (England) Direction 2009. Confirmation of this interpretation is awaited from GOSE.
- 5.2 This information has since been submitted and consulted upon and will be assessed within the remainder of the report.

6. SITE LOCATION AND DESCRIPTION

- 6.1 The application site is located immediately to the north of the adjacent Wheelbarrow Industrial Estate on the west side of Pattenden Lane. The Industrial Estate adjacent to the site is well established and is an allocated employment site by virtue of policy ED2 of the Maidstone Borough-Wide Local Plan (2000). The estate includes a continuous row of large warehouse style buildings approximately 133 metres in depth and set approximately 19 metres back from the edge of Pattenden Lane.
- 6.2 The defined boundary of Marden village and the extent of the allocated employment area (as set out in the adopted Local Plan) is the northern edge of the existing warehouse building and therefore the site of the proposed building would be in the countryside. The total site area including the access road is approximately 0.8 hectares.
- 6.3 There is a row of residential properties to the north of the site that front Pattenden Lane, the nearest being 10 Pattenden Lane. The dwellings would be approximately 50 metres from the proposed industrial building with a field access and hedgerow between the two. In addition there is an additional area of planting to the north, which is a small area of woodland.

7. PROPOSED DEVELOPMENT

- 7.1 The application is for the erection of a new detached commercial building as an extension to the industrial estate. The building would house an additional 1488m² of floorspace and would be of mixed B2/B8 use classes. Use Class B2 is general industry and B8 is storage or distribution uses.

- 7.2 The design of the building would be a typical industrial unit similar in style to other buildings on the Wheelbarrow Industrial Estate. It would be approximately 48m in length with a breadth of 31m with heights of 6.5m to eaves and 10.5m to the ridge. The external finishes to the walls would be predominantly metal olive green panels with engineering brick at the lower portion of the wall with moorland green metal roof panels with translucent rooflights.
- 7.3 The building would provide for an expansion of the existing business of Scarab, who assemble road sweeper vehicles and occupy the majority of the adjacent units. The extension would create additional facilities to help safeguard the existing 238 full time employees and create a further 20 jobs within the company.
- 7.4 A surface water detention basin is proposed to the east of the building (the site area was amended to include the site of the proposed basin) with 20 car parking spaces and 4 light goods vehicle spaces to the west. A significant landscaping scheme is proposed to screen the development in the wider landscape. To the east of the surface water detention basin would be tree planting comprising 1 Alder, 2 Birch, 1 Field Maple and 1 Hornbeam. On the bund surrounding the surface water detention basin would be a tree mix comprising 10% Alder, 40% Birch, 20% Field Maple and 30% Hornbeam as well as shrub mix comprising 20% Dogwood, 10% Hazel, 25% Hawthorn, 10% Wild Privet, 18% Goat Willow and 17% Guelder Rose, which largely complies with the Council's Landscape Character Assessment Guidelines.

8. PRINCIPLE OF DEVELOPMENT

- 8.1 The proposed unit would provide additional industrial floorspace for B2/B8 use adjacent to the existing allocated employment site and adjacent to Marden village boundary. Marden is identified as a Rural Service Centre that 'provides services and facilities to the rural hinterland' (MBC Local Development Scheme, 2009). The site is a greenfield site in the designated countryside and the erection of new industrial floorspace does not form the basis of any policies in the Maidstone Borough-Wide Local Plan (2000) or the South East Plan (2009) and therefore is contrary to the policies of the Development Plan and as such has been advertised as a Departure.
- 8.2 There have been considerable changes in policy since the adoption of the Maidstone Borough-Wide Local Plan (2000). Government guidance in the form of PPS7: Sustainable Development in Rural Areas was published in 2004, the Council has undertaken an Employment Land Study which was published in July 2008 and updated September 2009, the South East Plan was adopted earlier in 2009 and the Government has published a draft PPS4: Planning for Prosperous Economies in 2009.

8.3 PPS7 states that planning authorities should focus most new development in or near to local service centres. It goes on to say that Planning Authorities should support a wide range of economic activity in rural areas. This proposal is obviously for an economic activity and Marden is a local service centre.

8.4 Draft PPS4 states:-

“Economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled. Most new development should continue to be located in or on the edge of existing settlements as this facilitates best use of existing infrastructure and delivers sustainable development.”

8.5 This proposal is on the edge of the existing settlement of Marden and in that respect delivers sustainable development.

8.6 The research undertaken by GVA Grimley on behalf of the Council in terms of the Employment Land Study indicates that there is a requirement for additional industrial floorspace in the southern area of the Borough.

“There is an overall balance between demand and supply of industrial land up to 2016. However there is little vacant industrial land in the southern part of the Borough to provide for the demand of additional industrial floorspace. Industrial sites across Maidstone Borough are generally well occupied and vibrant and some recent development (e.g. at Honeycrest Industrial Park) demonstrated the local demand. This is particularly the case for the larger sites in the south of the Borough at Marden, Staplehurst and Headcorn. These sites should remain allocated for business use. Consideration should be given to the provision of an additional 3 to 5 hectares as extensions of existing industrial parks in the southern part of the Borough. Preference should be given to light industrial, general industrial and small scale warehousing uses.”

8.7 The 2009 update of the Employment Land Review (ELR) undertaken by GVA Grimley on behalf of the Council includes the net employment land need for the period until 2026. In doing this they have not looked at Development Plan allocations, rather they have looked at the needs of Maidstone Borough through assessments of population trends and the projected increase from housing allocations.

8.8 The need is identified as between 15,439sqm (based on low growth) and 21,415sqm (based on high growth) of floor area for general industry and between 76,351sqm (based on low growth) and 116,131sqm (based on high

growth) of floor area for warehousing for the period from the study 2009 up until 2026.

- 8.9 Taking into account the existing permissions where development has commenced for new employment uses, or the loss of existing employment uses there is an additional land requirement for the immediate period, 2009-2011, of -0.37ha for general industry (i.e. an overprovision), which includes B2 use and a requirement of 3.22ha for warehousing (B8 use). Using the plot ratio of 0.5 contained within the ELR, 3.22ha equates to 16,100sqm of warehouse floorspace required within the period until 2011. From this evidence it is clear that there is an immediate need for warehouse use that is not met by current permissions. The lack of allocations for B8 uses means that there would continue to be an increase in land requirement over the period until 2026 and whilst this maybe achieved through the Land Allocations DPD, due for adoption in 2015, there would be no allocations to meet the immediate need.
- 8.10 In addition to the above information in the ELR, Kent County Council publishes an annual Commercial Information Audit Monitoring Survey Report. These reports examined the completed floorspace values against the floorspace allocations contained within the previous Kent and Medway Structure Plan (2006). The latest figures from 2008/09 Monitoring Statistics indicate that the net developments completed between 2001-2009 show a loss of 18,745sqm of employment floorspace over the period. The net commitment of Maidstone Borough for employment floorspace from 2001-2021 contained within the Kent and Medway Structure Plan (2006) was 129,000sqm. The projected commitments in the latest statistics do not indicate that this level of floorspace provision will be met.
- 8.11 It is clear from this application that the proposal is deliverable and would contribute to the immediate need for floorspace.
- 8.12 I consider that on the basis of the evidence in the Employment Land Review that there is a clear and immediate need for B8 floorspace and this is a material consideration in the determination of this application.
- 8.13 Whilst the site is in the countryside there are indications from the publication of PPS7, draft PPS4 and the evidence and recommendations in the Employment Land Study that new employment floorspace could be located on the edge of rural service centres.
- 8.14 The applicant has submitted information that the building would be required for the existing tenants Scarab. Although the current downturn in the economy means there is no immediate demand it is envisaged that this additional requirement would return in the very near future as the national economic situation improves. In the event that Scarab do not recover and the need does

not return there is interest from ADL Ltd who are another tenant on the Wheelbarrow Industrial Estate. This again serves to demonstrate the immediate need for premises within the area. There are requirements of both companies to provide additional premises in close proximity to their existing buildings in order to prevent increased operational costs from a remote location.

- 8.15 The submitted assessment indicates that the land west of Pattenden Lane is fully occupied by commercial premises or include residential properties. None of these units are available. Recent development on the east side of Pattenden Lane has been occupied by other operators or is not suitable for the needs of the applicant. The creation of a split site using land elsewhere in Marden would impose significant additional costs on the business and would not be a viable option, problems are also likely given the height restrictions under the railway bridge. However, a search of sites within the Marden has not revealed any suitable sites. A search of previously developed sites close to the village in this area indicates that there is none of the required size to accommodate the proposed development. The results of this assessment indicate that there are no alternative sites on previously developed land within the industrial estate, the village or on the edge of the village, which leads back to the application site on greenfield land.
- 8.16 Overall, I consider that although there is no Development Plan policy that supports the development there is some support from Government guidance published since the Maidstone Borough-Wide Local Plan (2000). The findings of the Council's Employment Land Study conclude that there is an overriding need for additional warehouse floorspace in the immediate term (2009-2011). The assessment of employment floorspace since 2001 indicates that there has been an overall loss of 18,745sqm in the period 2001-2009. This evidence combined with the assessment of alternative sites leads me to conclude that, on balance, there is not an objection in principle to the development.

9. VISUAL IMPACT

- 9.1 The proposed development would be to the north of the existing industrial buildings on land that is currently undeveloped. In terms of its scale it would be a large building but significantly smaller than the existing units to the south, being less than half the size. The proposed external materials would match the materials used on the adjacent buildings and would not appear out of character.
- 9.2 The scale of the building is such that it would be set against the backdrop of the existing building on the northern edge of the industrial site when viewed from the north. The building would not be visible from the south as it would be obscured from view by the existing buildings.

- 9.3 There would be views of the development when directly in front of the site on Pattenden Lane. However, the building would be set approximately 69 metres back from the edge of Pattenden Lane and would not appear prominent in the area and would not dominate views from the road.
- 9.4 The 'detention basin' to the east of the building would not appear visually dominant due to its below ground nature. The surrounding bunds would be approximately 1 metre above the existing ground level. However, due to their landscaped nature and set back from the road I do not consider that the impact would be visually intrusive. The nearest footpath to the west would be approximately 130m away from the development and as such would not dominate views or look out of place adjacent to the existing industrial estate buildings.
- 9.5 As set out earlier in the report the proposal includes significant additional landscaping to further soften the impact of the development especially when viewed from Pattenden Lane. The mix of trees and shrubs would be appropriate and adequate for the purpose of softening the impact.
- 9.6 I do not consider that the development would create a significant level of visual harm that would warrant refusal.

10. IMPACT ON RESIDENTIAL AMENITY

- 10.1 The closest dwelling to the proposed building is 10 Pattenden Lane. This property would be approximately 50 metres from the proposed building. This distance is sufficient to ensure that there would be no loss of light or an overwhelming impact on the outlook from the property.
- 10.2 The nature of the use of the building, the distance between the proposed building and the neighbouring property and the lack of any windows facing 10 Pattenden Lane all ensure that there would be no loss of privacy to the occupiers.
- 10.3 The proposed building would be adjacent to the existing industrial estate buildings, which have unrestricted working and operating times. However, given the fact that the proposed building would be closer to the properties than the existing buildings I consider a limitation on hours of operation and deliveries to be appropriate. I note the concerns raised by objectors regarding disturbance, however, I do not consider that the disturbance from an industrial premises during working hours would be unacceptable.
- 10.4 There would be no significant impact on the residential amenity of the neighbouring occupiers that would be sufficient to warrant and sustain a refusal of permission on these grounds.

11. OTHER CONSIDERATIONS

- 11.1 The site is managed grassland that involves regular mowing and this combined with the lack of hedgerows on the site means that the potential for protected species to be on site is very low. There are two existing oak trees to the front of the site which have the potential to provide habitats for breeding birds or for bats, these are to be retained as part of the application. The increased landscaping would provide for biodiversity enhancements on the site.
- 11.2 The application proposes to use the existing access road within the industrial estate with parking proposed to the rear of the building adjacent to this access. Kent Highway Services do not raise any objections to the development on highway safety grounds.
- 11.3 A BREEAM pre-assessment estimator checklist for industrial buildings has been submitted and indicates that the development would achieve a VERY GOOD rating.
- 11.3 The loss of property value has been raised by objectors; however, this is not a planning consideration.

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.

2. The proposed building shall be constructed in accordance with the submitted details unless prior written agreement is obtained from the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan (2000).

3. All planting, seeding or turfing comprised in the approved details of landscaping shown on drawing number DHA/6807/01/A and accompanying schedule shall be carried out in the first planting and seeding seasons following the occupation of the building 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 setting and external appearance to the development and in the interests of visual amenity of the area, in accordance with PPS1 and Policy ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan (2000) and C4 of the South East Plan (2009).

4. The development hereby permitted shall be constructed to the BREEAM for Industrial Units standard to achieve at least a VERY GOOD rating. Prior to the commencement of the construction of the development, details of the rating achieved shall be submitted to and approved by the local planning authority and the development shall thereafter be constructed in accordance with the subsequently approved details;

Reason: To ensure a sustainable and energy efficient form of development in accordance with Kent Design and PPS1 and policy M1 of the South East Plan (2009).

5. No operations in connection with the approved use shall be undertaken outside the hours of 0700 to 1900 Monday to Friday, 0700 to 1400 Saturdays and at no time on Sundays, Bank or Public holidays;

Reason: To ensure a satisfactory level of amenity is afforded to neighbouring occupiers in accordance with policy CC1 of the South East Plan (2009) and guidance contained in PPS1.

6. No lighting shall be installed on site unless agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory level of amenity is afforded to neighbouring occupiers and to safeguard the character and appearance of the area in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan (2000) and CC1 and C4 of the South East Plan (2009) and guidance contained in PPS1.

7. The building shall not be occupied until the drainage scheme set out in the submitted drainage statement and calculations and shown on drawing number PKD083703/001/B has been fully completed. The detention basin and drainage system shall be fully maintained thereafter;

Reason: To ensure adequate surface water drainage to prevent flooding in accordance with policies NRM1 and NRM4 of the South East Plan (2009) and guidance contained within PPS25.

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.