

APPLICATION: MA/10/0531 Date: 24 March 2010 Received: 29 March 2010

APPLICANT: Wear 'm Out

LOCATION: UNIT 3, PARKWOOD INDUSTRIAL ESTATE, CUXTON ROAD,
PARKWOOD, MAIDSTONE

PARISH: Boughton Monchelsea

PROPOSAL: Planning application to remove condition 1 (the use hereby permitted shall be discontinued and the land/ building shall revert to its former use and condition on or before 31st November 2010 in accordance with an approved scheme of work submitted to the Local Planning Authority prior to the commencement of the development) of MA/05/1882 as shown on drawing no. DHA/7493/01 received on 29th March 2010.

AGENDA DATE: 22nd July 2010

CASE OFFICER: Richard Timms

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

- It is a departure from the Development Plan
- The Council has an interest in the application being the owner of the land

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ED2, ED9, R18
Government Policy: PPS1, PPS4

1. HISTORY

MA/05/1882 An application to vary condition 1 of permission MA/03/1511 to extend the temporary consent for a change of use of cold store to D2 use with adjacent parking for a further 5 years – APPROVED UNTIL 31/11/10

MA/03/1511 Temporary (5 year) change of use of cold store to D2 use with adjacent parking – APPROVED UNTIL 31/12/2006

MA/01/1497 Temporary change of use to D2 – APPROVED UNTIL 06/12/2006

2. CONSULTATIONS

- 3.1 **Boughton Monchelsea Parish Council:** No objection

3. CONSIDERATIONS

4.1 Site & Setting

- 4.1.1 The application relates to a two storey former cold store building once part of the large Booker Warehouse on the west side of the Parkwood Industrial Estate, which falls within the parish of Boughton Monchelsea. The estate is designated for B1 (offices and light industry) and B2 (general industry) uses under policy ED2 of the Local Plan, or car sales and showrooms under policy R18. The site is within the defined urban settlement boundary of Maidstone.
- 4.1.2 The building is of typical industrial appearance with red brick to the ground floor and grey steel cladding above with a blue steel roof. The building is accessed via a private access off Cuxton Road some 85m to the north and is adjoined by industrial buildings on three sides to the north, east and south. There is an open parking area to the west of the building and dwellings on Bicknor Road beyond. The nearest dwelling being some 42m away, although there is a 2m wall and tall conifers between which screen views of the site from this property.
- 4.1.3 The building is currently used by 'Wear 'M' Out' a company that provides a children's adventure play centre with various play equipment. It is for children up to the age of 12 and provides special areas for younger children and large play frames and slides etc. for older children. Some food and drink is also provided on the premises. The company have used the premises since September 2005 and they also have another play centre in a trading estate in Tonbridge.

4.2 Planning History & Proposed Development

- 4.2.1 Temporary permission was granted for a D2 use (assembly and leisure) in 2001 under application MA/01/1497 for 5 years until 6th December 2006. Another temporary permission was granted for this use in 2003 under application MA/03/1511 until 31st December 2006. (These permissions essentially granted the same permission to December 2006). In 2005 an extension of the 2003 permission was granted until 31st November 2010 under application MA/05/1882.

4.2.2 This application seeks to remove condition 1 of the latest permission so that a permanent D2 use is allowed. No operational works are proposed. The applicant is proposing a permanent use because of the uncertainty of a temporary permission and the difficulty in securing loans and funding with such a situation. Investment is required for the continuous replacement of equipment and the renewal of the roof of the unit, required under the full repairing lease. The roof is understood to be in a poor state of repair and is starting to fail in a number of places with some leakage. It has also been put forward that 30 jobs are dependant on the renewal of temporary planning permissions.

4.3 Assessment

4.3.1 The first consideration for the removal of a condition is the reason for originally imposing the condition. Condition 1 of MA/05/1882 states as follows:

The use hereby permitted shall be discontinued and the land/building shall revert to its former use and condition on or before 31st November 2010 in accordance with an approved scheme of work submitted to the Local Planning Authority prior to the commencement of the development;

Reason: To enable the use to be reviewed in the light of employment land supply and to enable the use to revert to Class B2 (General Industrial) use upon expiry of the use hereby approved if necessary pursuant to policy ED2 of the Maidstone Borough-Wide Local Plan 2000.

4.3.2 As such the use must be reviewed in light of current and future employment land supply and the aims of policy ED2 but the application must also be considered against more recent government advice contained within PPS4: Planning for Sustainable Economic Growth. There were regional policies relevant to the application, however the South East Plan was revoked on 6th July and is no longer part of the Development Plan.

4.4 Employment Land Supply

4.4.1 The latest employment land review update from September 2009 concludes that given the current permission and allocation, the Council would need to identify an additional 5ha up to 2026 of employment land above and beyond the amount set by current allocations and commitments. Clearly there is still a need for additional land to meet employment needs and therefore logically a need to maintain the existing employment land supply.

4.5 Policy ED2 of the Local Plan and PPS4

4.5.1 The objective of policy ED2 of the Local Plan as outlined in the explanatory text is to retain existing allocated employment sites,

"in order to maintain a variety of accommodation available in the Local Plan area, and to reduce the pressures for additional allocations on fresh land that would arise if they were redeveloped for other uses."

To my mind the main aim of this policy is to designate and maintain areas for employment use. Clearly, the D2 use would still maintain the building for employment use for 30 staff. Due to the relatively limited size of the building (some 1294m²) I do not consider the permanent change of use would significantly increase pressure for additional allocations on fresh land, especially bearing in mind that many buildings within the industrial estate are currently vacant.

- 4.5.2 Importantly under PPS4, economic development now includes not only development within the B Use Classes but public and community uses, main town centres uses and other development which either provides *'employment opportunities, generates wealth or produces or generates an economic output or product.'* As such, the proposed use is now classed as being economic development for policy purposes. So whilst the use would not comply with the restrictions for specific uses under policy ED2 of the Local Plan it does represent economic development providing employment within a designated employment area.
- 4.5.3 I also note that under national plan making policy EC2, PPS4 outlines that, *'policies should be flexible enough to accommodate sectors not anticipated in the plan and allow a quick response to changes in economic circumstances.'*
- 4.5.4 National policy EC10 states that Local Planning Authorities should adopt a positive and constructive approach towards applications for economic development. An assessment is required against impact tests including resilience to climate change, accessibility of the development, design, impact upon economic and physical regeneration and local employment.
- 4.5.5 In terms of the environmental impact, the applicant intends to make repairs to the building which would improve insulation etc. and thus reduce carbon emissions. The site is located on the edge of the urban area of Maidstone and so is accessible on foot and by cycle from nearby areas and by bus from further away. It therefore is accessible by a choice of transport. Any car access to the site can be adequately accommodated on local roads. There are no external changes to the building proposed so no design issues. Nor would there be any significant implications for residential amenity with the use being fully contained within the building.
- 4.5.6 In terms of economic and physical regeneration and employment impacts, the applicant is currently occupying the building and providing employment for 30

staff. Parts of the industrial estate are currently vacant and this represents a use that is providing both economic and employment benefits to the local area.

4.5.7 Also an important consideration to my mind is the fact that this type of use requires a relatively large tall and open building space due to the large play equipment including slides, climbing equipment etc. Typically such buildings tend to be mainly available at industrial or trading estates rather than in town centres.

4.6 Conclusion

4.6.1 Whilst the use does not accord with policy ED2 of the Local Plan, more recent national policies within PPS4 emphasise the need for adaptability and flexibility in the allocation of employment land. The use is now defined by PPS4 as falling within the scope of economic development and will provide continued employment within a designated employment area where many buildings are vacant. More prudent to my mind is that this specific use requires this type of building which is more typically found within an industrial or trading estate rather than a town centre.

4.6.2 Due to the specific needs of this type of business and for the above reasons, I consider the proposals represent circumstances where the application can be accepted contrary to policy ED2 of the Local Plan. Because my decision is based on this specific use requiring such a building, I consider the permission should be restricted to use as an adventure play centre use rather than any D2 use such as a gym, dance hall or other leisure uses which could more realistically locate within a more central location or outside an industrial estate. I therefore recommend that condition 1 of permission MA/05/1882 is removed to allow a permanent permission subject to the following conditions. (Delegated powers are sought to allow advertisement of the application as a departure from the development plan)

5 RECOMMENDATION

Subject to the expiry of the site notice and advert publicising the application as a Departure from the Development Plan and the receipt of no representations raising new issues, I be given DELEGATED POWERS to GRANT PERMISSION subject to the following conditions:

1. The building or land shall only be used as an children's indoor activity centre, and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or permitted under the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: The development has been approved due to the specific needs of this use and an unrestricted assembly and leisure may not be acceptable within this designated employment area in accordance with policy ED2 of the Maidstone Borough-Wide Local Plan 2000.

The proposed development is not in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000. However, due to the specific needs of the use and more recent Government guidance contained within PPS4: Planning for Sustainable Economic Growth , the development, subject to the conditions stated, is considered to represent circumstances that outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning consent.