

REPORT SUMMARY

REFERENCE NUMBER: 24/503505/FULL		
APPLICATION: Installation of external cladding, replacement windows, and installation of plant/equipment to the roof and associated works.		
ADDRESS: Maidstone House, Maidstone Borough Council, King St, Maidstone, ME15 6JQ		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: The applicant is Maidstone Borough Council.		
WARD: High Street	PARISH: N/A	APPLICANT: Maidstone Council AGENT: Calfordseaden LLP
CASE OFFICER: Kate Altieri	VALID DATE: 21/08/24	DECISION DATE: 16/10/24
ADVERTISED AS A DEPARTURE: No		

RELEVANT PLANNING HISTORY

There are numerous planning applications, advert consents, pre-applications and enforcement cases for Maidstone House and below are lists the most relevant history:

- 24/502401 – Pre-app: External cladding of Maidstone House – General officer support subject to details of cladding
- 24/500163 - Upgrade rooftop telecommunications installation: 6 replacement antennas; installation of 2 dishes; and equipment cabin internally refreshed – Works are permitted development under Schedule 2, Part 16, Class A.1(2) of Town & Country Planning GPDO
- 15/506874 - Installation of 4 air handling units on roof - Approved

MAIN REPORT

1.0 SITE DESCRIPTION

1.01 Maidstone House is located on the southern side of King Street, sitting over The Mall Shopping Centre, with main vehicle access from the ramp that runs up past the eastern side of the Council's Link building. The site is surrounded by car parking to the south and west; Sainsbury's is found to the east; and whilst the site has no historic designation, there are heritage assets within the locality of the site, as will be discussed further on in the report. For the purposes of the Local Plan Review the proposal site is within the defined town centre of Maidstone. The site is also within Flood Zones 2 and 3; and within an area of archaeological interest.

2.0 PROPOSAL

- 2.01 This application is described as: *Installation of external cladding, replacement windows, and installation of plant/equipment to the roof.*
- 2.02 The submission seeks to achieve decarbonisation and in 2022, Maidstone Council appointed Apse Energy to assess the viability of installing low and zero carbon technologies to reduce the energy consumption and carbon emissions at Maidstone House and The Link. The recommendations within the APSE Energy report formed the Council's successful Salix funding bid; and once the recommendations are implemented the building will no longer rely on gas to heat the building, and it is estimated 395.94tCO₂ will be saved year on year, demonstrating the Council's commitment to achieve net zero by 2030. Alongside the Council's energy reduction ambition, the proposals will improve the thermal efficiency, internal comfort levels and aesthetics of the building by re-clad and insulating the Maidstone House's existing external brick elevations.

2.03 In summary, the submission sets out the following:

- Building will be wrapped in 100mm non-combustible mineral wool insulation and clad with fibre cement rainscreen - majority of cladding will be Equitone Natura N211 (Classic Grey), with Equitone Natura N359 (Ruby) used for rainscreen cladding reveals & feature soffit panels.
- Overall building massing will negligibly change, with insulation and cladding adding approximately 325mm to the building footprint (162mm increase to each façade).
- Cladding provides a durable finish and requires low-level of maintenance.
- The windows are to be replaced with thermally efficient units, with window frames and feature flashing being PPC Aluminium Anthracite Grey (RAL 7016).
- Window apertures and profile of building facade (stepped columns) will be retained, although new thermally efficient windows would be marginally smaller to enable thermal treatment to reduce cold bridging at junctions. Deeper window reveals will also be formed, providing more articulation solar protection through shading (Contributing to energy efficiency strategy).
- Proposal includes replacement of mechanical and electrical equipment on roof of building.



2.04 In short, the submission seeks to positively address the following principles:

- De-carbonise Maidstone House;
- Reducing Energy Demand;
- Improving thermal efficiency;
- Creating an attractive, well designed aesthetic; and
- Building for the future.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan Review (2021-2038)
- National Planning Policy Framework (2023) & National Planning Practice Guidance

3.01 **Local Plan Review:** The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on 20th March 2024 and this document attracts full weight. The LPR effectively deletes the 2017 Local Plan from Maidstone's Development Plan and it has no weight as a result. Please note here that elements of the 2017 Local Plan that were still relevant have been absorbed into the LPR. For this proposal, relevant policies within the LPR are considered to be: LPRSS1 (Spatial strategy); LPRSP1 (Town centre); LPRSP14(A) (Natural environment); LPRSP14(B) (Historic environment); LPRSP14(C) (Climate change); LPRSP15 (Design); LPRENV1 (Development affecting heritage assets); LPRQD1 (Sustainable design); and LPRQD2 (External lighting).

4.0 LOCAL REPRESENTATIONS

4.01 **Local residents:** No representations received.

5.0 CONSULTATION RESPONSES

(Please note summaries of consultation responses are set out below; and comments are discussed in more detail in the appraisal section where considered necessary)

5.01 **MBC Conservation Officer:** Raises no objections in heritage terms (see main report).

5.02 **MBC Environmental Protection Officer:** Raises no objection to proposal (see main report).

5.03 **KCC Biodiversity Officer:** Raises no objection (see main report).

5.04 **MBC Building Control:** Confirm they are unable to provide advice as proposal relates to recladding of a building that is more than 18m in height.

5.05 **Health & Safety Executive:** No representations received and so it is therefore assumed that they have no comments to make on this planning application.

6.0 APPRAISAL

6.01 The key issues for consideration therefore relate to:

- Climate change implications;
- Impact upon character and appearance of area;
- Heritage implications;
- Residential amenity;
- Biodiversity implications; and
- Other planning matters.

Climate change implications

6.02 On this issue, key policy references for this proposal include:

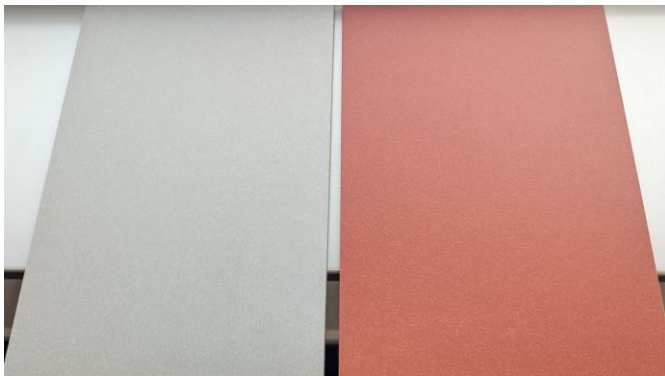
- LPRSP1 states (inter alia): (2) *Development in town centre should: (a) Demonstrate a quality of design that responds positively to townscape, including ensuring conservation and enhancement of town centre's historic fabric; and (c) Contribute to a high-quality public realm and improvement schemes for town centre to ensure adaptation to a warming climate as identified in Infrastructure Delivery Plan.*
- LPRSP14(C) states (inter alia): *To ensure development in borough mitigates and adapts to climate change council will: (2) Encourage delivery of sustainable buildings and a reduction of CO2 emissions in new development....*
- LPRSP15 states (inter alia): *Proposals should create high quality design and should meet following criteria, as appropriate, to be permitted: (2) Respond positively to, and where possible enhance, local, natural, or historic character of area. Particular regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage; and (8) Orientate development, where possible, in such a way as to maximise opportunity for sustainable elements to be incorporated, including.... to reduce the reliance upon less sustainable energy sources.*
- LPRQD1 states (inter alia): (2) *Proposals for new development shall demonstrate how scheme has adopted a 'fabric first' approach to sustainable design, by incorporating energy efficiency measures into new buildings; and (7) Where possible new development should be designed and orientated so as to ensure it responds to or allows for future adaptation to impacts of climate change over its lifetime.*

6.03 Further to this, the NPPF's environmental objective is to – *'protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy'*.

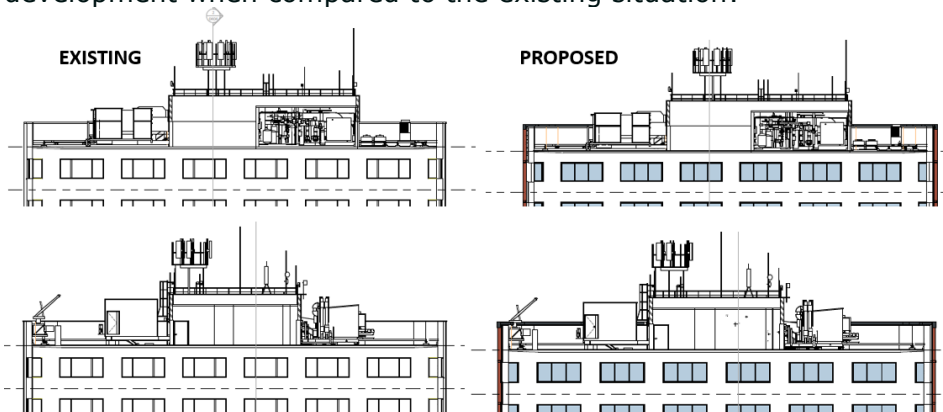
6.04 It is evident the proposal seeks to address the issue of climate change and on this issue there is clear policy support for such a development, subject to the details of the submission.

Impact upon character and appearance of area

- 6.05 Maidstone House stands some 30m in height from the surface of the parking deck, set behind and raised up from the Maidstone Link building. The site is relatively prominent within the town centre, and externally the building is of cube form with multiple window openings; there is a vertical emphasis with the brick piers; and the existing dark red brickwork gives a dull appearance.
- 6.06 The proposal would not alter the height or general form of the existing building; the cladding would marginally increase the mass of the building by some 162mm on each façade; all openings would remain, albeit marginally smaller given the cladding; the definition of the projecting building columns would be retained; and the development would result in deeper window recesses.
- 6.07 In terms of external materials, the replacement windows would be aluminium; and the fibre cement cladding will be Equitone Natura N211 (Classic Grey) and Equitone Natura N359 (Ruby), with images of the samples provided below:



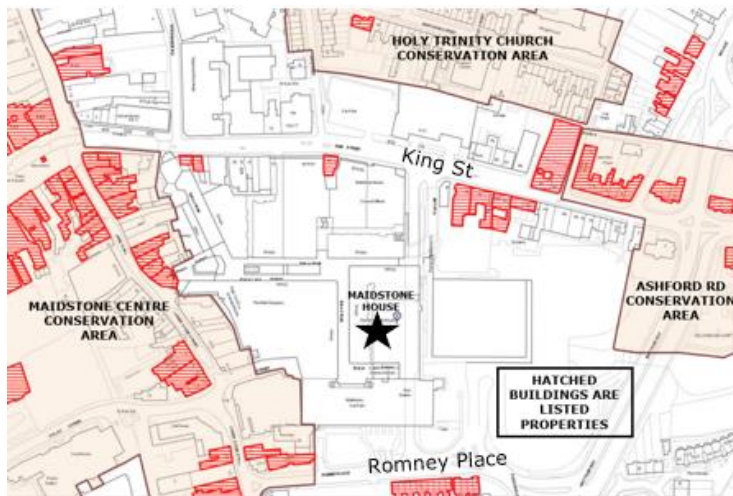
- 6.08 The proposal would modernise and lighten the appearance of the building with contemporary cladding that would appear neutral and reserved in appearance, with a subtle accent of colour within the window and column recesses to provide some interest. Further to this, the retention of the protruding columns and the hybrid way of fixing the panels of cladding both vertically and horizontally, would continue to give the building articulation; the increased window recesses will further provide depth to the building; and the increase in the bulk of the building would be minimal. On this, it is therefore considered that the proposal would not result in building that would be anymore visually intrusive and harmful, when compared to the current circumstances.
- 6.09 Moving on, the plan extracts below show the existing and proposed roof equipment for comparison and, as can be seen, this part of the development would be partially hidden by the building's parapet wall and it would not result in a significantly more visually harmful form of development when compared to the existing situation:



- 6.10 With everything considered, the view is therefore taken that the proposal would positively respond to the townscape through a modern design approach, in accordance with policies LPRSP1 and LPRSP15.

Heritage implications

6.11 The plan below shows the application site in relation to surrounding listed buildings and conservation areas.



- 6.12 The submission is accompanied by a Heritage Statement and the Council's Conservation Officer has reviewed the submission and raised no objection to the proposal on heritage grounds.
- 6.13 The Conservation Officer comments that the main impact from the proposal would be to the Holy Trinity Conservation Area to the north of the site, with potential longer views from Ashford Road and Maidstone Centre Conservation Areas; but given the site is outside of any Conservation Area, they consider the impact to these longer views to be less than substantial harm.
- 6.14 The four listed properties on King Street to the north of the site would also be most directly impacted by the proposal to their long views and settings, but given the existing presence of Maidstone House and its outlook, the Conservation Officer considers this impact to be neutral. The same stance has also been taken with the listed properties in Romney Place, to the south of the site, given the quite severe levels of disruption already undertaken to their setting and appearance. With particular regard to the new rooftop plant and equipment, the Conservation Officer accepts that the cluttered appearance is not dissimilar to the existing situation and that this element of the scheme would be largely hidden by the existing parapet. On this basis, they conclude the harm of this to be neutral to less substantial given what is already existing.
- 6.15 In summary, the Conservation Officer makes the following generalised comments on the proposal: *Proposed cladding is much lighter in its appearance when compared to existing and it adds a different, contemporary texture to building in place of existing brickwork. Introduction of cladding means windows will have a much deeper reveal which is generally considered to be a positive change, adding more depth and texture to building, which cohesively blends with this new contemporary appearance. Window changes to thermally efficient aluminium aligns and enables this refurbishment of property and has less of an impact in context of the application.*
- 6.16 In conclusion, the Conservation Officer agrees that it is reasonable to say that the existing building already causes less than substantial harm to the setting of surrounding heritage assets and therefore the proposal's impact is neutral overall to these surrounding historic assets. Furthermore, it is considered that the identified harm would be outweighed by the public benefits of tackling climate change and helping to reduce carbon emissions; and the proposal would positively respond to the townscape, ensuring the conservation and enhancement of the town centre's historic fabric. On this basis, the submission would accord with policies LPRSP1, LPRSP14(B), LPRSP15 and LPRENV1, and the heritage aims of the NPPF.

Residential amenity

- 6.17 The submission is accompanied by a Noise Impact Assessment (NIA), where the background levels were determined and impacts from the proposed plant were assessed; and on this, the Council's Environmental Protection Team have raised no objection. In short, the NIA has given maximum permitted sound power levels and sound pressure levels for the chosen equipment which will allow for this area to adhere to our standard commercial noise condition (specific sound level remaining 5dB under the background noise). The developer should select the equipment in accordance with the specifications set out in the NIA (in particular paragraph 6.3.1), and details of the chosen plant should then be submitted to the local planning authority for approval to ensure they meet the recommendations in the noise impact assessment. Such a condition is considered reasonable in the interests of amenity.
- 6.18 The cladding and replacement windows themselves would not cause any harm to the amenity of any resident in planning terms when they are trying to enjoy their own property, including in terms of glare; and any potential new external lighting will also be controlled by way of an appropriate condition.

Biodiversity implications

- 6.19 No ecological information has been submitted. The KCC Biodiversity Officer has reviewed submission and has raised no objection to the scheme in terms of potential impacts upon protected species. In summary KCC have commented as follows: *As a result of reviewing available data and submitted info, we advise proposal has limited potential to result in significant ecological impacts, due to current materials on building making it unlikely it supports roosting bats. As such, we are satisfied there is no requirement for an ecological survey to be carried out at this time.*
- 6.20 This said, the Biodiversity Officer goes on to state that the presence of bats can never be ruled out and an informative is therefore recommended to inform the applicant on what to do if any bats, or evidence of bats, are found during the installation of the cladding if approved.
- 6.21 Local Plan Review policy LPRSP14(A), where it requires the delivery of a minimum 20% BNG, is not relevant in this instance given that the proposal is not for new residential development; and the proposal is exempt from BNG legislation as it would not impact a priority habitat, nor any onsite/linear habitats.
- 6.22 Moving on, one of the principles of Local Plan Review policy and the NPPF is for there to be the opportunity to improve biodiversity in and around developments that is integrated as part of the design. In this respect, the submission details that swift boxes and bat boxes could all be integrated into the proposed development and a suitable condition is recommended to secure such enhancements, in accordance with policy LPRQD1 and the aims of the NPPF.

Other planning matters

- 6.23 Given the nature of the proposal there are no objections to it in terms of highway safety; residential amenity; flood risk/surface water drainage; archaeology; arboriculture; air quality; and land contamination. Given the nature of the proposal, in this instance it is not considered reasonable to insist upon the development incorporating 10% onsite renewable or low carbon energy production.
- 6.24 Fire safety is dealt with under building regulations legislation and the Council's Building Control Team confirm they are unable to provide any advice on this planning application as it relates to the recladding of a building that is more than 18m in height. Further to this, the Health and Safety Executive were also consulted and have made no representations on the application. As the consultation letter sets out, it is therefore assumed that they have no comments to make on this planning application. Notwithstanding this, details submitted with the application confirm that the Rockwool insulation to be used is non-combustible achieving a reaction to fire classification of A1, as defined in EN13501-1 that provides the reaction to fire classification procedure for all construction products, including those incorporated within building elements. It is also shown that the Equitone cladding itself is fire safe (no fire ignition, no spread of fire).

- 6.25 All representations received on this application have been considered in the assessment of this application; and due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7.0 CONCLUSION

- 7.01 With everything considered the development would be acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. On this basis a recommendation for approval, subject to conditions, is therefore made.

- 8.0 RECOMMENDATION - GRANT PLANNING PERMISSION subject to following conditions** with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

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 development hereby approved shall be carried out in accordance with the following approved plans: K240260 0100; 0101; 0304 A; 0305 A; 0306 A; 0307 A; 0402; 0405; 0501; and L240096/SK M06.

Reason: To clarify which plans have been approved and in the interests of proper planning.

3. Prior to the first operation of any new plant and equipment externally installed on the roof of the building, and in accordance with the submitted Noise Impact Assessment, in particular paragraph 6.3.1 (by Sound Advice Acoustics Ltd, dated: Aug 2024), an acoustic assessment and subsequent report shall be submitted to and approved in writing by the local planning authority. The acoustic assessment and report shall be completed by a suitably qualified and competent person to demonstrate that the rating level of noise emitted from the new plant and equipment to be operated on the site (determined using the guidance of the current version of BS 4142 for rating and assessing industrial and commercial sound), is 5dB below the existing measured background noise level LA90, T. The equipment shall be maintained thereafter in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report whenever it is operating; and after the installation and use of the approved plant and equipment, no new plant and equipment shall be installed on the site.

Reason: In the interests of amenity.

4. The external cladding hereby approved shall be as shown on the submitted plans and documents, that being Equitone Natura fibre cement cladding (N211: Classic Grey and N359: Ruby); and the replacement windows shall all be aluminium framed. These approved external finishes shall be maintained as such thereafter.

Reason: To safeguard the character and appearance of the surrounding area.

5. Prior to the installation of the cladding hereby approved details of biodiversity enhancements, including through integrated methods into the fabric of the cladding to include swift boxes and bat boxes, and a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. These details shall include identifying the location; height; and the make/specification of these enhancements, and the development shall be implemented in accordance with the approved details and timetable with all features being maintained as such thereafter.

Reason: In the interests of securing biodiversity enhancements.

6. No external lighting, whether temporary or permanent, shall be placed or installed within or on the cladding hereby approved unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interests of amenity.

INFORMATIVES

1. Should any bats, or evidence of bats be found prior to or during the development, all works should stop immediately and a suitably qualified ecologist contacted for further advice before proceeding works. All contractors working on site should be made aware of the advice and be provided with the contact details of a relevant ecological consultant; and if a bat is found during works, the ecological consultant or the National Bat Helpline should be contacted for advice on: 0345 1300 228.

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.