

APPLICATION: MA/11/0908 Date: 1 July 2011 Received: 1 July 2011

APPLICANT: Mrs C Parks, Maidstone Borough Council

LOCATION: HAZLITT ARTS CENTRE , ROSE YARD, MAIDSTONE, KENT, ME14 1PL

PARISH: Maidstone

PROPOSAL: Introduction of a plant room and associated equipment and staircases to the roof as shown on the site location plan and drawing numbers 1111/BW/01, 1111/BW/02 and 1111/BW/06 and design and access statement, all received 3rd June 2011.

AGENDA DATE: 21st July 2011

CASE OFFICER: Catherine Slade

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

- the Council is the applicant

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: R8
- South East Plan 2009: CC1, CC6, BE6
- Village Design Statement: Not applicable
- Government Policy: PPS1 Delivering Sustainable Development, PPS5 Planning and the Historic Environment
- Other: Maidstone Centre Conservation Area Appraisal

## **2. HISTORY**

- MA/11/0912 - An application for listed building consent for the introduction of a plant room and associated equipment and staircases to the roof and installation of radiators in Exchange and Rehearsal Rooms (formerly the Corn Exchange) – CURRENTLY UNDER CONSIDERATION
- 2.1 The proposal site has an extensive development management history, in respect of applications for planning permission, listed building consent and advertisement consent, most of which are not directly applicable to the current proposal. The proposal is the subject of a concurrent application for listed building consent, the details of which are set out above.

### **3. CONSULTATIONS**

- 3.1 English Heritage: Comments are awaited and will be reported to Planning Committee as an urgent update.
- 3.2 Maidstone Borough Council Conservation Officer: raises no objection subject to the imposition of conditions requiring the submission and written approval of details of the cladding to the plant room and makes the following detailed comments:

“These works will be at high level within a complex arrangement of roofs and will not be visible from ground level. There will be no significant impact on the character or appearance of the listed building or of the Conservation Area.”

- 3.3 Maidstone Borough Council Environmental Health Officer: raises no objection to the proposal subject to an informative relating to the potential of additional plant to cause a nuisance.

### **4. REPRESENTATIONS**

- 4.1 No representations have been received to date.

### **5. CONSIDERATIONS**

#### **5.1 Site Description**

- 5.1.1 The application site is located within the town centre of Maidstone to the south east of Earl Street, the north east of Market Buildings and the south west of Rose Yard. The site comprises a group of Grade II listed two storey mid nineteenth century buildings of classical form, including a Corn Exchange, with later twentieth century additions and alterations to the rear (Rose Yard).
- 5.1.2 The buildings house the Hazlitt Arts Centre, including an auditorium, gallery and rehearsal and performance spaces, as well as ancillary uses including bars, offices, storage and dressing rooms. The ground floor fronting onto Market Buildings is occupied by retail and commercial units.
- 5.1.3 The site is located within the Maidstone Centre Conservation Area, and within the secondary retail area of Maidstone.
- 5.1.4 The surrounding properties are in missed commercial uses, and there is no residential development immediately adjacent to the site of the proposed development, although the Council knows of two residential flats in the proximity of the site above Ashes Bar and ME1 on Market Buildings, which are located at a

distance of approximately 35m (measured horizontally) from the position of the proposed plant room.

## **5.2 Proposal**

- 5.2.1 The application seeks planning permission for the introduction of a plant room and associated equipment and external staircases to the roof; and an external door to the scenery store to allow access to the roof.
- 5.2.2 The proposed plant room would have a footprint of 26.25m<sup>2</sup>, and would be elevated in relation to the roof. The structure would have a mono pitched roof with a maximum height above roof level of 5m. The plant room would be sited centrally to the roof, and would be screened from view by higher structures to the north west, south west and north east, and immediately adjacent to a cone shaped light well to the interior colonnade to the Market Buildings, located immediately below.
- 5.2.3 The application also includes the introduction of external stairways to allow access to the proposed plant room for maintenance, as well as the introduction of an external door to the gable of the scenery store and associated internal and external stairways to enable safe access to the roof itself. Currently, access to the roof is gained either via an emergency ladder to the exterior of the building fronting Rose Yard, or through a hatch in gentlemen's W.C.
- 5.2.4 The purpose of the proposed works are to replace the existing boilers and hot water and heating arrangements within the Hazlitt Arts Centre and the Market Buildings, and to improve access to the external roof space.
- 5.2.5 The development to which this application relates, together with proposed works to the interior of the buildings comprising the replacement of existing radiators which would mainly replace existing fixtures, and the introduction of casings to the heaters and an internal staircase to the scenery store, is the subject of a separate application for listed building consent (MA/11/0912).

## **5.3 Principle of Development**

- 5.3.1 The proposed development would serve existing buildings with an established use, and would not be contrary to policy R8 of the Maidstone Borough-Wide Local Plan 2000 which seeks to safeguard the vitality and viability of the secondary retail area of Maidstone. The principle of the development is therefore considered acceptable.
- 5.3.2 In the circumstances of this case, I consider the key considerations in the assessment of this application to be the impact of the proposed development on the character and appearance of the streetscene and the Maidstone Town

Conservation Area, and the setting of the neighbouring listed buildings, which include the Unitarian Church and numbers 8-9 and the former Mitre Public House (now ME1) on Market Buildings.

## **5.4 Visual Impact**

5.4.1 As set out in the comments of the Maidstone Borough Council Conservation Officer above, the operational development to which the application relates is restricted to the roof of the proposal site, and whilst subject to limited views from ground floor level (being visible from the light well to Market Buildings) the development would not be visible in the context of the streetscene or from public views from the highway, and as such I concur with the view of the Maidstone Borough Council Conservation Officer that there would "be no significant impact on the character or appearance of the listed building or of the Conservation Area". In any case, it is considered that the scale and design of the external elements of the proposal are acceptable, and in fact represent an improvement when assessed in the context of the appearance of the existing rooftop plant.

## **5.5 Residential Amenity**

5.5.1 The plant room would be sited to the roof of the existing building, and be largely screened by roof top structures already in place. The enclosure of the necessary plant in the proposed plant room would mitigate against noise and vibration, and in any case, at this stage the equipment proposed is limited to boilers and a control panel, which would have limited significance as sources of disturbance. Furthermore, as set out in paragraph 5.1.4 above, the nearest residential properties are located at a distance of approximately 35m from the proposal site in what is a busy town centre location, in the context of which the limited additional noise is likely to be insignificant.

5.5.2 The Maidstone Borough Council Environmental Health Officer has raised no objection to the current proposal subject to an informative drawing the attention of the applicant to the need for regard to be had to the impact of plant on residential amenity in the case that additional plant is introduced in future years.

5.5.3 For these reasons it is not considered that the proposal would result in harm to residential amenity.

## **5.6 Other Matters**

5.6.1 The development to which the application relates requires the Hazlitt Arts Centre to be closed, due to the incompatibility of undertaking the necessary operations, and the use of the buildings by patrons and members of the public. The Centre is therefore scheduled to be shut during August and September 2011.

5.6.2 As a result of the pressing timescale for determination of the application which result from the planned closure period; the expiry date of the statutory publicity procedures for such applications, which expires after the date of the Planning Committee; and the need to refer the application to the Secretary of State the Planning Committee is respectfully requested in the circumstances of this case to allow the Planning Officer delegated powers to refer the application to the secretary of state, recommending that planning permission be granted subject to conditions, subject to no further representations raising new planning considerations being received.

## **6. CONCLUSION**

- 6.1 For the reasons set out above, it is considered that the proposal would preserve the historical integrity and character of the Grade II Listed Building and would enhance its character and appearance, whilst having a limited impact upon that of the Conservation Area at ground level and the streetscene overall. The proposal would not cause harm to the vitality or viability of the secondary retail area of Maidstone, nor result in harm to residential amenity or highway safety.
- 6.2 It is therefore concluded that the application should be referred to the Secretary of State, with a recommendation that Planning Permission be granted.

## **7. RECOMMENDATION**

THAT, SUBJECT TO NO FURTHER REPRESENTATIONS RAISING NEW PLANNING CONSIDERATIONS BEING RECEIVED, I BE DELEGATED POWERS TO REFER THE APPLICATION TO THE SECRETARY OF STATE, RECOMMENDING THAT PLANNING PERMISSION BE GRANTED, 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 development shall not commence until full details of the cladding to the plant room have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details;

Reason: To ensure a satisfactory appearance to the development and that the historic appearance, character and significance of the building are maintained in accordance with policies CC1, CC6 and BE6 of the South East Plan 2009 and central

government planning policy and guidance in PPS1 Delivering Sustainable Development and PPS5 Planning for the Historic Environment.

**Informatives set out below**

Please note that the introduction of additional plant to the plant room may require listed building consent. Any additional plant should not cause a nuisance to neighbouring properties. For advice in this regard please contact Environmental Enforcement prior to the submission of installation.

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