

APPLICATION: MA/11/1132 Date: 4 July 2011 Received: 13 July 2011

APPLICANT: Mr & Mrs R & N Haq

LOCATION: 76-78 COLLEGE ROAD, MAIDSTONE, KENT, ME15 6SJ

PARISH: Maidstone

PROPOSAL: Change of use of building from B1 offices to C3 residential for the creation of a single dwelling with elevational alterations as shown on plan numbers 1807/01, 1807/04, 1807/05, design and access statement, supporting letter and application form received 6th July 2011 and additional Drawing 1807/17 received 25 October 2011

AGENDA DATE: 3rd November 2011

CASE OFFICER: Kevin Hope

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

- The proposal is a departure from the policies within the Maidstone Borough Wide Local Plan 2000 and has been advertised as such.

## **1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ED2, T13
- South East Plan 2009: CC4, NRM11, T4, CC1, H5, W1, W6, BE1, CC6
- Government Policy: PPS1, PPS3

## **2. HISTORY**

- MA/06/2007 - External alterations including the addition of dormers and other alterations to rooflines, plus minor extensions (works to form additional office floor space and improve facilities for disabled persons) – Approved with conditions
- MA/91/0642 - Formation of 5 no. car parking spaces at rear of property – Approved with conditions
- MA/88/0459 - Conversion of existing attic storage space to form additional office area – Withdrawn
- MA/84/0225 - Details of ten dwellings, pursuant to outline permission MA/83/1797 and MA/1677W – Approved

- MA/82/1165 - Change of use from offices to dental laboratories – Approved with conditions
- MA/82/0195 - Use of existing building as offices – Approved
- MA/80/1547 - Office annexe – Approved with conditions
- MA/79/1144 - Residential development – Refused

### **3. CONSULTATIONS**

3.1 **Parish Council:** N/A

### **4. REPRESENTATIONS**

- 4.1 One letter of objection has been received on the following grounds:
- Overshadowing
  - Loss of privacy

One letter of support for this application has also been received

### **5. CONSIDERATIONS**

#### **5.1 Site Description**

5.1.1 The application site relates to a detached two storey building with additional accommodation within the roofspace and the basement. Located within the urban area of Maidstone and within an area designated under policy ED2 of the Maidstone Borough Wide Local Plan 2000 for economic activity, the building has a lawful office (B1) use but has remained empty for a number of years. Set back from the road approximately 7.8m, the building is fronted by a large area of hard standing which provides parking for 15 cars. To both sides of the building, there is pedestrian access which leads to an area of amenity space to the rear of the building. This extends approximately 8m to the rear boundary of the site and is also laid to hardstanding.

5.1.2 The property has two large pitched roof projecting elements framing the front elevation and is of red brick and tile construction. The building also has white painted bargeboards, headers and window details which contribute to the character of the building.

#### **5.2 Proposal**

5.2.1 Planning permission is sought for the change of use of building from B1 offices to C3 residential for the creation of a single dwelling with elevational alterations.

These changes include the removal of a ground floor window within the rear elevation, the change of a window to a door within the front elevation and the additional of a front entrance canopy.

5.2.2 This proposal would also involve the addition of a 800mm high brick wall and 900mm high piers to the front boundary of the site to define this boundary. A large amount of the existing hardstanding would be retained within the front of the property, although some border shrub planting is proposed along the frontage of the building and along the front boundary abutting the proposed wall.

### 5.3 **Principle of development**

5.3.1 In terms of whether a development of this type is acceptable in principle, the restriction on the land needs due consideration. The site lies within an area designated for employment purposes (B1) by virtue of saved policy ED2 (xxi) of the Maidstone Borough Wide Local Plan 2000. The rationale for this land designation is to reduce the pressure for additional allocations on fresh land that would arise if these areas were redeveloped for other uses. The policy states:-

*"Planning permission will not be granted to redevelop or use vacant business, industrial, storage or distributions sites or premises for non-employment purposes unless the retention of the site or premises for employment use has been explored fully without success"*

5.3.2 Therefore, provided that sound evidence is provided to meet this criterion, the principle of this proposal could be acceptable in planning terms. As such, an assessment of the viability of this proposal will be carried out under section 5.4 below.

### 5.4 **Viability**

5.4.1 The applicant has submitted a marketing statement which provides a background to the marketing of the building. The statement states that the property has been marketed since August 2007 and is still on the market. A number of marketing tools have been implemented during the publication of this property including the presence of a "For Sale" board to the front of the building, the inclusion of the property within the "Offices Availability List" which is regularly mailed to all office property applicants, several adverts within the commercial property section of the Kent Business Publication together with its inclusion within the Caxtons and Estates Gazette Property Link websites. During this time, the building has been under offer on two occasions in November 2007 and March 2008 but there has been no interest since.

- 5.4.2 Taking this into consideration, I consider that the property may not be best suited for an office use at this time. The statement gives details of some of the feedback given by the viewers and perspective buyers of the property which explain that the building has an inflexible layout for a modern office and that the property is not economically feasible to update to the required standard of a modern office premises.
- 5.4.3 With no interest in the premises since 2008 and the property vacant since 2007 I am satisfied that there has not been a significant change in the office market in Maidstone which would require the retention of these premises. There has been no increase in demand for office accommodation within this locality and, no proposals for office accommodation on this site brought forward. Considering that there are a number of existing large office buildings empty or partially empty within the town centre which include large areas of office space for example, Kent House, I am satisfied that a sufficient level of office accommodation would be retained within the town centre area for future office provision.
- 5.4.4 The policies within the Maidstone Borough Wide Local Plan were adopted in excess of 11 years ago and circumstances have changed significantly in that period. Considering that demand is unlikely to increase in the near future due to the economic climate, I am satisfied that it is acceptable to depart from the Development Plan in this instance, subject to all other material considerations being met.

## 5.5 **Visual Impact**

- 5.5.1 With regard to the visual impact of the proposal, the proposed front entrance porch is modest in scale and would be in keeping in terms of roof design and appearance. This would ensure the porch would appear subservient. The materials proposed would also be in keeping with the existing building which would further reduce the visual impact of the development, although this will be restricted by condition.
- 5.5.2 The proposed walling and piers to the front boundary of the site would help to define the boundary of the site and frame the proposed pedestrian entrance to the middle of the property. Similarly, due to its modest scale and appropriate design, I consider that this would not cause any significant visual harm.
- 5.5.3 As such, I consider overall that this proposal would not result in any significant detrimental harm to the character or appearance of the existing building or streetscene.

## 5.6 **Highways**

5.6.1 With regard to highways issues, the proposed residential use of the building is likely to involve significantly less traffic movements by virtue of the nature of this use. Considering that vehicles will continue to enter and exit the site in forward gear and that the visibility splays at the driveway entrance and exit will not be obstructed by the proposed boundary wall and gate piers, I consider that no significant hazard to highway safety would arise from this proposal.

## 5.7 **Landscaping**

5.7.1 There is a degree of landscaping proposed within this development involving shrub planting to the front elevation of the building and abutting the proposed front boundary wall. This would soften the appearance of the building and would create a more residential appearance to the building. In my view, this level of landscaping is sufficient in this case to soften the appearance to the development.

5.7.2 With regard to the impact upon the tree which is adjacent to the site to the front, the size and height of the proposed boundary wall are such that I consider it is unlikely that damage to the roots of the tree will be caused by its construction. Nevertheless, given that the tree is a mature tree which makes a positive contribution to the character of the area, I consider that a condition which requires an arboricultural method statement to be submitted for approval is necessary, to ensure the longevity of the said tree.

## 5.8 **Neighbouring Amenity**

5.8.1 In terms of the impact upon neighbouring amenity, I note that a representation have been received with regard to overlooking and loss of privacy to the neighbouring property 80 College Road. I have assessed this and consider that due to the siting of the application building in line with 80 College Road, there is unlikely to be a significant level of overlooking upon this property.

5.8.2 Due to the nature of this proposal, there would not be a significant impact upon the amenity of any other neighbouring property.

## 5.9 **Ecology**

5.9.1 Due to the existing hardstanding and lack of planting within the site, I consider that there would not be a significant impact upon ecology as a result of this development.

## **6. CONCLUSION**

Taking all of the above in to consideration, I consider that this proposal would not significantly harm the level of available office space within the town centre and that this proposal would not cause any significant visual harm to the surrounding area. It is therefore recommended that planning permission should be granted subject to conditions.

## **7. RECOMMENDATION**

Subject to the expiry of the most recent consultation period, The Head of Development Management be GRANTED DELEGATED POWERS TO APPROVE SUBJECT TO THE IMPOSITION OF 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 materials to be used in the construction of the external surfaces of the boundary wall and porch hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development in accordance with policies CC6 and BE1 of the South East Plan 2009 and guidance in PPS1 Delivering Sustainable Development.

3. The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), which shall include details of all trees to be retained and the proposed measures of protection, undertaken in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations' has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no-dig construction and full details of foundation design for the extension, where the AMS identifies that specialist foundations are required. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The sitting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained, ensure a satisfactory setting and external appearance to the development, and secure the character and appearance of the undesignated heritage asset and the London Road Character Area in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan 2000 and CC1, CC6, BE1 and BE6 of the South East Plan 2009, and guidance in PPS1 Delivering Sustainable Development.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan numbers 1807/01, 1807/04, 1807/05, 1807/17

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policies CC6 and BE1 of the South East Plan 2009 and guidance in PPS1 Delivering Sustainable Development.

The proposed development would be a departure from the Development Plan, in that it would not provide B1 Use employment accommodation within the application site. However given the existing level of office provision within the town centre, the development would not be prejudicial to its designation. The proposal is therefore considered to be acceptable.