

APPLICATION: MA/11/1565 Date: 12 September 2011 Received: 15 November 2011

APPLICANT: Mr Stewart Deering, Reef Estates Ltd.

LOCATION: LONDON HOUSE, 5 - 11, LONDON ROAD, MAIDSTONE, KENT, ME16 8HR

PARISH: Maidstone

PROPOSAL: Change of use and extension (through infilling of existing rear projection at ground floor level) from office (Class B1 use) to provide a 100 bedroom (Whitbread Premier Inn) hotel (Class C1 use) to include alterations to the existing elevations, alterations to existing vehicular access and car parking, provision of DDA compliant pedestrian access, reconfiguration of existing loading bay and provision of new landscaping as shown on drawing nos. PL.03 (existing topographic survey), 04, 05, 06, 07, 08, 09 (plans 04-09 existing floor and roof plans), 10, 11 (plans 10 and 11 existing elevations), 14 (proposed ground floor), Planning statement, BREEAM Pre-assessment report, Acoustic Survey, Stage 1 Safety Audit and Design Response to Safety Audit, Interim Travel Plan received 14/09/2011, Transport Statement received 16/09/2011, Appendix 1 to planning statement received 19/09/2011 as amended by Design and Access Statement and drawing nos. PL.12A (proposed site plan), 13A (proposed basement plan), 18A (proposed roof plan) received 19/10/2011, as further amended by drawing nos. PL.01A (site location plan) and PL.02A (block plan) received 07/11/2011, revised arboricultural report (11-103-report-Rev1) and revised Tree Protection Plan 11-103-TPP-revA received 09/11/2011 and by Certificate C and accompanying newspaper advertisement received 15/11/2011 and drawing nos. PL.15C (proposed first floor plan), PL.16C (proposed second floor plan), PL.17C (proposed third floor plan), PL.19C (proposed elevations 1 of 2) and PL.20C (proposed elevations 2 of 2) received 05/12/2011.

AGENDA DATE: 15th December 2011

CASE OFFICER: Steve Clarke

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

- It is a departure from the Development Plan as the site lies within a designated employment area considered suitable for B1 uses and the proposal is for an Hotel which falls within Class C1.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV49, ED2, ED17, T13, T23
- South East Plan 2009: SP2, SP3, CC1, CC4, CC6, T4, T5, NRM10, NRM11, BE1, TC1, TC2, TSR5, AOSR7
- Government Policy: PPS1, PPS4, PPG13

2. HISTORY

- 2.1 There is no previous relevant planning history relating to this site.
- 2.2 The existing building was constructed as an office block following outline and detailed planning permissions granted in 1963 under references MK1/63/0490 and MK1/63/0810 respectively.
- 2.3 MA/11/1967: Advertisement Consent for the installation of 5(no) internally illuminated fascia signs, 1(no) externally illuminated fascia sign, 1(no) externally illuminated hanging sign, 2(no) non illuminated freestanding signs 1(no) internally illuminated freestanding sign, 2(no) wire mounted internally illuminated poster signs, and 3(no) internally illuminated LED signs: UNDETERMINED

3. CONSULTATIONS

- 3.1 **Kent Highway Services:** Raise no objections and comment as follows

The existing office use comprises 2757m² Gross Floor Area with 131 parking spaces. Access is currently made from a private road via Terrace Road and via the A20 London Road (this access serves the basement car park).

The proposed hotel development proposes 92 parking spaces of which 26 spaces will be allocated to staff and used as an overspill parking area situated in the basement.

All access to the site is to be made from Terrace Road. The existing access onto the A20 London Road will be used as an egress for the basement car park only. There would be no traffic movements into this access.

An estimate of the traffic generation relating to the proposed development indicates that the hotel is likely to generate 29 vehicle movement in the morning peak period (9 arrivals and 20 departures) and 25 movements in the PM peak period (17 arrivals and 8 departures). This compares with 46 vehicle movements in the morning peak for the offices and 39 movements in the PM peak. The traffic movements associated with the hotel development are therefore less than that generated by the previous office use of the site during the peak periods.

A loading bay is provided on the London Road frontage to the site for the servicing of the site. It is estimated that an average of 1 service vehicle per day will be generated by this development. Previously servicing has taken place from London Road and the applicant was asked to investigate the possibility of servicing the site from Terrace Road, however due to on site constraints this was not possible.

The applicant should be required to implement measures to prevent parking and customer drop off/picking up in the area of the proposed loading bay fronting Rocky Hill/London Road.

Guidance on parking is given in the Kent & Medway Vehicle Parking Standards which recommend 1 space per bedroom and 1 space per 2 staff for hotel use, plus provision for coaches. 62 staff are proposed and therefore a maximum of 131 spaces should be provided according to the standards. However the site is in a sustainable location near to train and bus services and within walking distance of Maidstone Town Centre, therefore the maximum level of parking would not be expected. 92 spaces are proposed and this is below the maximum standard, however as this proposal is located in a sustainable area and subject to a Travel Plan, this level of parking spaces is acceptable. A contribution of £5000 is required for the monitoring of the Travel Plan. The Travel Plan should meet the approval of KCC Sustainable Transport Team prior to the occupation of the development.

12 cycle parking spaces are proposed and this is excess of the minimum recommended in the Kent & Medway Vehicle Parking standards and is therefore acceptable.'

Conditions relating to the treatment of the loading bay to the front of the site, measures to prevent its use as a drop-off point and the need for additional signage for vehicles exiting the site as well as ensuring surface water does not drain onto the highway, provision of car parking and cycle spaces prior to first use are suggested as well as informatives relating to the parking of construction and operatives vehicles within the site, and wheel washing facilities during construction.

- 3.2 **MBC Landscape Officer:** The Landscape Officer initially raised objections to the development due to the potential impact of the proposals on the protected Copper Beech tree within the site and also the proposal to reduce the crown by 10%.

'The site contains a very large Copper Beech Tree, which is subject to Tree Preservation Order No. 14 of 2006, designated as an individual tree, T1. We have visited the site since to inspect the Beech tree in the light of this application and discussed the submitted documents in some detail prior to the provision of these comments. The tree is considered to be a particularly good specimen and its successful retention within any scheme on the site is highly desirable.

A tree report has been supplied with the application. The tree report comprises a survey of the tree's current condition and dimensions, an Arboricultural Implications Assessment, an Arboricultural Method Statement and Tree Protection Plan. It classifies the tree as Grade A1 using the BS5837 criteria. I agree with this classification.

The report recommends a 10% crown reduction. As this is proposed and submitted as part of the planning application, this should be considered as if it were an application to carry out works to a protected tree. Whilst we consider some reduction works to avoid conflict with the building and minimum works necessary to avoid damage during construction, we do not consider that the reasons put forward are sufficient justification to reduce the whole crown as proposed. On this basis, we cannot support the planning application in its current form, as a grant of planning consent would also effectively grant consent for the crown reduction at the same time. It is recommended that the developer is encouraged to amend this part of the proposal.

The report proposes offsetting the RPA of the tree. We do not understand why this has been done. Although BS5837 allows for offsetting of the RPA, this is for trees in open grown situations, which this clearly is not. However, this appears to have little practical consequence in this situation, except perhaps that it some of the hard surfacing around the building corner to the south side of the new entrance is outside of the RPA as a result, but it does reflect that the tree is more likely to have rooted predominantly to the west under the tarmac car park rather than the east where there is the building basement. We think that the RPA needs to be reconsidered, expressed as an area and shown to reflect the current situation of hardstanding and open ground. This will possibly identify that there is less than the minimum recommended RPA currently available, and will probably include the area to the north, where new hardstanding and disable parking is proposed. This might mean that a no dig, permeable construction needs to be used in these areas.

The report identifies the need for possible excavation (but does not specify how much) for an informal path and shows the line of this on the Tree Protection Plan. However, it is not shown on the Proposed Site Plan, which also shows a different parking layout which seems to propose a lesser area of hardstanding (which is welcomed). If this path cannot be constructed using entirely no dig techniques, I would be opposed to its inclusion at all and would rather the pedestrian exit/access to the south parking area be routed to either side. Permanent fencing/planting could also be used to discourage the formation of informal paths through the RPA of the tree.

I understand that hard surfacing is to be retained and the sub base left undisturbed, with only resurfacing where necessary. It is very unlikely that tree root damage will occur as a result. However, I am concerned that the report discussed services and provides some quite detailed advice on how to install services should it not be possible to route them outside of the RPA. The Council should consider the matter of services fully and I recommend that the applicant is asked to provide full details of services to be installed, with measures to minimise damage to tree roots fully detailed in response to the service routes identified. The ideal solution would be to route all service runs outside of the RPA, but it is recognised that this is not always possible.

The proposed landscaping is generally acceptable in terms of species and layout, but we recommend the use of a standard condition requiring submission of a fully detailed landscaping plan, implementation of approved landscape details and replacement of failures for a period of 10 years.

The Landscape Team does not object to the principle of the development proposed, but is unable to support some of the details of the current proposal.'

Rather than refusing the application, I advised the applicants of the Landscape Officer's objections. A revised Arboricultural Assessment and Tree Protection Plan were submitted on 9 November 2011 seeking to address the Landscape Officer's concerns. As a result, the following comments were made.

'I consider that the revised details address the main concerns that I raised in my last comments.

The proposed 10% crown reduction has been amended to a pruning to give 2 metres clearance from the adjacent building, which I consider reasonable and appropriate management. The Tree Protection Plan (TPP) has now been amended to match the proposed Site Plan submitted in terms of layout. The offsetting of the RPA appears to have been dropped and I think is now denoted by the grey polygon on the TPP. (The report does not discuss whether the RPA meets the minimum recommendations of BS5837 – I would like to know this if possible, particularly the % shortfall if not.)

Note that the RPA now includes the area to the north where disabled parking is proposed, so the tree report now recommends the use of no-dig construction methodology, referring to APN12 and the specification of cellweb. This is all acceptable in principle, but I recommend that the developer confirms that they are satisfied with the finished levels that will result – this may require a detailed design. Note also that any construction of hard surfaces within RPAs needs to be permeable – the developer should also confirm that they would be satisfied with this.

The informal path beneath the tree appears to have been dropped from the scheme (it is still referred to in 1.2 of the tree report but I assume that its inclusion there is an error).

Although the detailed methodology for construction and demolition works is not yet acceptable in my opinion, this can be required by a pre-commencement condition and is not a reason to refuse the current details.

I understand that the issues surrounding services are resolved in that none are currently proposed. Again, the eventuality that any services need to be routed on the west side of the building can be dealt with through a suitable condition requiring details to be submitted and approved prior to installation.

I am still unable to support the application until the above details have been resolved, although I still raise no objection in principle and consider this an improved submission.'

The confirmation sought was then provided and the following final recommendation was then made by the Landscape Officer, who now has no objections to the proposal.

'Change my recommendation to approve subject to conditions. I recommend pre-commencement conditions requiring the submission, approval and implementation as per the approved details of:

1. Arboricultural Method Statement

2. Tree Protection Plan
3. Full details of no-dig construction including existing/finished levels and permeable surfacing details
4. Requirement for LPA approval of details prior to installation of any services on the west side of the building, should the need to do so be identified.
5. Fully detailed landscaping plan, implementation of approved landscape details and replacement of failures for a period of 10 years.'

3.3 **MBC Tourism Manager:** Would like to see the application approved.

'High quality accommodation attracts business and leisure visits. A range of accommodation is required to satisfy a broad spectrum of visitors. Tourism, both leisure and business is a major factor in contributing to the local economy, through income generation and employment opportunities.

No destination can afford to stand still in terms of the appeal and variety offered by its attractions and accommodation. Product development is needed to enhance the attractiveness of Maidstone, whether this relates to accommodation leisure facilities, attractions or events.

The Premier Inn brand is a well known and respected in providing excellent quality at low prices. It undertakes rigorous marketing campaigns promoting its hotels for a mixture of uses and highlighting locations across the country. It would bring additional staying visitors into Maidstone who are attracted by this particular brand of accommodation. It has a high number of corporate account users. As the business centre for Kent, Maidstone would be a good location for this hotel for business travellers.

There are three Premier Inns within the Borough. All are known to have achieved high occupancy rates.

The proposal comes at a good time for Maidstone, as several of our guest accommodation properties in the town have either closed, or the proprietors retired from the industry.

The proposed location in the town centre close to public transport would be of added benefit. During the peak visitor season and when there are major events in the county, accommodation in the town centre is generally fully occupied. The Tourist Information Service has great difficulty in sourcing centrally located accommodation for visitors who arrive by public transport.

It is also recommended that the application is approved on the grounds it meets our Tourism Objectives:

1. To improve Maidstone's image and raise the Borough's profile in key markets and with potential visitors, businesses and residents, ensuring maximum employment opportunities, investment and spend.
2. To maintain and increase the level of visitor-spend in the local economy.
3. To maintain or increase the level of employment opportunities in the local area
4. To improve the visitor experience by developing the quality of the visitor offer through improving the quality of tourism facilities and customer service and

adding selectively to Maidstone's current tourism infrastructure thus helping to broaden the Borough's visitor appeal.'

3.4 MBC Environmental Health: Raise no objections and make the following comments:-

'The former Council Offices would seem to be a good site for a hotel; from the Environmental Health point of view the two main issues are traffic noise and land contamination. However, as a hotel is the intended use, for consistency, we could not normally require an acoustic assessment, since the occupants are not normal residents. However, an assessment has nevertheless been submitted. Unsurprisingly it has found that the noise levels are sufficiently high to recommend that double glazing should be required. It would be unusual if this was not put into place in any case for a hotel, so these conclusions are not a surprise and I would therefore not disagree with them. The issue of land contamination has been covered in this vicinity previously with another application for a hotel at 26 Tonbridge Road. The whole of this site was included in a land contamination assessment and nothing of concern was found. Following this, I would therefore not require an assessment for this site.

Recommendation: No objections subject to the implementation of the measures recommended in the acoustic report.'

4. REPRESENTATIONS

- 4.1 **One** representation in support of the application from CPRE Protect Kent Maidstone Branch has been received. The development is seen as a means of enhancing this part of Maidstone Town Centre.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 London House is an existing four-storey office block plus basement located on the southern side of the part of London Road known as Rocky Hill on the edge of Maidstone Town Centre. It is adjoined to the east by a wine warehouse and car service centre and to the west by a car park and further west, at the corner of Rocky Hill and Terrace Road, the offices of Datateam publishing. Opposite the site on the northern side of Rocky Hill are other office buildings and car servicing uses. Rocky Hill falls steeply towards the River Medway from west to east across the site frontage. The fall is in the region of 4m from west to east across the site frontage. The properties on the west side of Terrace Road opposite the Datateam offices, some 100m from the site, are located within the Maidstone Rocky Hill Conservation Area and are listed Grade II.

- 5.1.2 The site area, including the car park to the west, amounts to approximately 0.4hectares. London House is a 'T-shaped' building with the main façade facing Rocky Hill and a rear extension with undercroft parking leading southwards from the façade. The building has a gross floor area of some 2757m². The undercroft

parking at the rear is accessed from an unadopted access track, of indeterminate ownership, that runs eastwards down the hill from Terrace Road behind the buildings fronting both Rocky Hill and Tonbridge Road further to the south, providing access to rear car parking areas serving these properties. The basement area of London House is accessed directly from Rocky Hill, with a second means of access from the rear track-way that was not used when the building was occupied by the Borough Council.

- 5.1.3 Currently with the undercroft and basement parking and the car park lying to the west of the existing building, there are 131 car parking spaces on the site.
- 5.1.4 To the south west of the building between the rear projecting wing and the car park to the west is a very substantial Copper Beech tree. This is very prominent in views from the surrounding area, through gaps between buildings. The tree is protected by Tree Preservation Order no.14 of 2006.
- 5.1.5 London House has been unoccupied since the Borough Council vacated the premises in 2008. The building is not owned by Maidstone Borough Council.
- 5.1.6 The site falls within a designated employment area under policy ED2 of the Maidstone Borough-wide Local Plan 2000 allocated for uses falling within Class B1. The site has no other allocation or designation in the Borough-wide Local Plan.

5.2 Proposal

- 5.2.1 The application seeks full planning permission for a change of the use and extension of the existing building, (through the infilling of the existing undercroft to the rear projection at ground floor level), from its current Use Class B1 office use to provide a 100 bedroom hotel (Use Class C1). The application indicates that 38 full time and 10 part time staff would be employed (equivalent to 43 full-time staff) within the hotel.
- 5.2.2 The submitted application proposals include alterations to the existing elevations of the building, alterations to existing vehicular access and car parking, the provision of DDA compliant pedestrian access, the reconfiguration of the existing loading bay and provision of new landscaping within the site.
- 5.2.3 The building as existing is constructed from rectangular floor plates that join in a 'T-shape'. It is externally finished in single-skin charcoal grey coloured masonry with tile cladding and large areas of glass on every storey.
- 5.2.4 The application seeks to provide a new external façade to the building with vertical rendered forms with solar shades and feature canopies. There are white rendered areas which are projected from main façade, creating recessed window

fenestration in contrast to darker areas of blue/grey render that are set back on the line of the original building. It is proposed to infill sections of the basement wall in the existing grey brick and also to use this on the infilling of the undercroft in the rear projecting wing.

- 5.2.5 The applicants have amended the scheme further since submission through the introduction of two bay window features that project approximately 300mm from the façade of the building in the proposed central bay fronting Rocky Hill. The windows would project from first through to third floor level. Horizontal timber cladding would be used to form the divisions between the windows. The glazing and cladding would return around the edges of the projecting bays. In addition, on either side of the projecting wing at the rear of the building horizontal cladding would be introduced between the windows on one of the white rendered areas.
- 5.2.6 The larger window serving the restaurant at ground floor level under the newly proposed projecting bay windows is now also shown flanked on either side by timber cladding and the area beneath the cill of this window would be faced in the darker rendered colour proposed to be used.
- 5.2.7 The main entrance to the building would be moved to the west flank of the building in its north west corner facing the proposed car park. A projecting rendered bay would be formed which returns along the street frontage of Rocky Hill. Above the entrance and also returning along the Rocky Hill frontage would be a projecting canopy. A canopy feature would also be provided to the two other projecting rendered features on the Rocky Hill elevation and these would be replicated at roof level by projecting solar shades on the projecting bays. The windows would be framed in metal coated to match the darker grey/blue rendered colour.
- 5.2.8 In terms of access to the building, the existing stepped entrance from Rocky Hill would be removed. Instead a new set of entrance steps and a ramped access from Rocky Hill would be provided close to the north west corner of the existing building. A pedestrian access route from the track-way at the rear of the site to the Rocky Hill frontage would also be provided. The proposed main entrance would also be accessed directly from the main car park area to the west of the building. Access to the car parking from the rear access track would be controlled by means of barriers. A total of 92 car parking spaces including 26 for staff (located in the basement), would be provided.
- 5.2.9 A landscaping scheme has been submitted as part of the application. This indicates the planting of Small-leaved limes to the front of the car park adjacent to Rocky Hill with Birch and Amelanchier also proposed within the site. These would be planted at 18-20cm girth as specimen trees. A Hawthorn and Maple hedge would also be planted to the front of the site and along the western side

of the car park. Shrubs would be planted to the front of the car park and at the rear of the building. The areas adjacent to the in-filled projection at the rear of the building would be grassed over, replacing the existing car park. The Copper Beech Tree and the grassed area beneath it would be retained as existing.

5.2.10 The application was also accompanied by an arboricultural survey and Tree Protection Plan relating primarily to the Copper Beech Tree. Some minor works to trim some branches on the Copper Beech are proposed to enable the conversion works to be undertaken to the building and scaffolding erected. No-dig construction methods would be used for the car park (serving disabled parking bays) located to the north of the tree.

5.2.11 A BREEAM pre-assessment was submitted with the application that shows the refurbishment of the building and its re-use would achieve a Very Good rating.

5.2.12 An acoustic assessment has also been submitted. This indicates that background noise levels measured on the Rocky Hill frontage are quite high. The report states that to meet the applicant company's specification for noise in hotel bedrooms it will be necessary to install glazing to the bedrooms facing Rocky Hill that meets the following specification: 4mm glass - 6-16mm air gap - 4mm glass and then secondary double glazing of a minimum 6mm glass with at least a 100mm air gap between the outer double glazing and the inner secondary glazing. The use of trickle vents would not be appropriate.

5.2.13 A Transport Statement and draft Travel Plan and Safety Audit report (relating to the use of the proposed loading bay to the Rocky Hill frontage) were also submitted as part of the application. The Travel Plan sets targets which include a 10% reduction in single occupancy car trips, 6% increase in public transport trips 2% in cycle trips and 2% increase in walking trips over a five year period from the opening of the development following a staff and guest survey undertaken within three months of the opening.

5.3 Determining issues

5.3.1 The site lies within an area designated for employment purposes under policy ED2 of the Maidstone Borough-wide Local Plan 2000. The policy states that the designated area is suitable for uses falling within Class B1. Given that the proposed use is a use that falls within Class C1, the application has been advertised as a departure from the Development Plan.

5.3.2 The determining issues relating to this application are whether there are any material considerations that would justify a departure from the Development Plan.

5.3.3 In terms of considering whether the principle of the proposed development is acceptable, it is necessary to consider to what extent the retention of the property in B1 Use has been fully explored without success. It is also necessary to consider whether there has been any change in government policy that would point to a decision not in accordance with the provisions of the Development Plan, and also whether there are any other relevant Development Plan policies that relate to the development and finally whether there are any other matters which should also be taken into account.

5.4 Principle of development

Marketing

5.4.1 Policy ED2 states that permission for no-employment uses will not be given unless it has been demonstrated that the retention of the site or premises for employment use has been explored fully without success.

5.4.2 The application was accompanied by a marketing statement that sets out the steps that have been taken to market the premises since June 2009, when a national firm (Matthews and Goodman) and Martine Waghorn Chartered Surveyors, who are based in Maidstone, were instructed to market the building by its owners.

5.4.3 The premises were extensively marketed nationally and locally (Estates Gazette, Property Week Kent Business and Kent, Surrey and Sussex Commercial Property Register) and through the use of mailing campaigns, brochures and a board on the site. The premises were (and still are) featured on the agents' web-sites and Estates Gazette Property Link.

5.4.4 There were a number of enquiries received but almost exclusively from developers who were looking to achieve a change of use on the site. Among the enquiries were self-storage, car dealerships, medical, hotel, residential, retail and care home. Only one party considered that the building was suitable for office use but made it clear to the agents that this would be temporary with a view to seeking residential use. At the end of 2009 terms were agreed (subject to planning) to sell the site to a party interested in a change of use of the site to a car showroom. That potential occupier subsequently withdrew and the premises were marketed throughout 2010 at a reduced price and re-running elements of the earlier marketing campaign. Whilst further enquiries were received, none related to a potential office use. This marketing exercise continued into 2011 until the current potential occupiers agreed terms subject to planning.

5.4.5 The marketing statement also refers to the high incidence of vacant properties (particularly offices) in the area of the application and states that in the

experience of the Surveyor concerned over the last 22 years in Maidstone this is not a cyclical condition but a recurring feature of the area, despite its relatively good transport links and location relative to the Town Centre.

5.4.6 I consider that the two year marketing exercise that has been undertaken is sufficient to show a lack of demand for continued use of the building for a Class B1 office use.

Government policy

5.4.7 In addition, Members will be aware that whilst Policy ED2 of the Borough-wide Local Plan seeks to ensure Class B1 uses on the site and the surrounding area, this policy was originally adopted in December 2000 and saved in 2007 and is therefore now of considerable age since first adopted.

5.4.8 Government advice has changed in the form of PPS4 published in December 2009. This advice is clearly more up-to date than the saved policies in the Borough-wide Local Plan. It is important also because PPS4 has expanded the definition of economic development within which, hotel development as an 'arts, culture and tourism development use' is included and also includes development that creates employment opportunities. The advice set out in PPS4 also makes no distinction between the various Use Classes in terms of employment generation and economic development.

5.4.9 I consider therefore, that despite not being a Class B1 use, the provision of an hotel on the site would not be contrary to more up-to date government policy and is therefore acceptable in principle subject to the tests set out in PPS4 being satisfied.

5.4.10 The definition of main Town Centre uses set out in PPS4 includes hotel development as part of arts, culture and tourism related development. There is not a requirement however, in PPS4 (Policy EC14) for hotel development to be subject to a sequential test in the same way as certain retail and leisure development.

5.4.11 Policy EC10 of PPS4 gives specific advice to the consideration of applications for economic development. Authorities are encouraged to adopt a positive and constructive approach to applications for economic development. Proposals should be assessed in relation to the available transport choices, how they seek to reduce carbon emissions over the life-time of the development, the quality and inclusivity of the design, the impact on economic and physical regeneration in the area and on employment.

5.4.12 London House is located in an edge-of-centre location. It is well connected in terms of public transport choices being close to Maidstone West railway station

and on a route served by a number of bus services. I also consider that despite its location on the western side of the River Medway there are good pedestrian connections to the primary retail area of the Town Centre across the river.

5.4.13 The development would provide the equivalent of 43 full-time jobs and would revitalise an existing and tired 45 year old building which should help to 'lift' the surrounding area. The proposals will achieve a 'BREEAM' Very Good standard through the refurbishment of the building.

5.4.14 I consider therefore that the proposals do meet the advice set out in PPS4.

Other relevant Development Plan policy

5.4.15 Policy ED17 of the Borough-wide Local Plan 2000 is relevant to consideration of this application and sets out the following criteria against which new hotel proposals should be assessed.

POLICY ED17: WITHIN THE URBAN AREA AND VILLAGE BOUNDARIES AS DEFINED ON THE PROPOSALS MAP, A NEW HOTEL, GUEST HOUSE OR OTHER SERVICED ACCOMMODATION AND SELF-CATERING ACCOMMODATION FOR VISITORS, THE EXTENSION OR UPGRADING OF SUCH ACCOMMODATION OR THE CHANGE OF USE OF A BUILDING TO PROVIDE SUCH ACCOMMODATION WILL BE PERMITTED IF ALL THE FOLLOWING CRITERIA ARE MET:

- (1) IT IS COMPATIBLE WITH ITS SURROUNDINGS IN SITING, SCALE, DESIGN, MATERIALS AND LANDSCAPING; AND**
- (2) IT WILL NOT HARM THE AMENITIES OF PEOPLE LIVING NEARBY; AND**
- (3) IT WILL NOT HARM BUILDINGS OR AREAS OF HISTORIC OR ARCHITECTURAL INTEREST; AND**
- (4) IT WILL NOT IMPAIR ROAD SAFETY OR THE FREE FLOW OF TRAFFIC; AND**
- (5) IT WILL HAVE ENOUGH VEHICLE PARKING IN THE CURTILAGE OF THE PROPERTY; AND**
- (6) IT WILL NOT CAUSE THE LOSS OF RESIDENTIAL ACCOMMODATION IN A TOWN CENTRE COMMERCIAL AREA; AND**
- 7) ACCESS IS AVAILABLE BY A CHOICE OF MEANS OF TRANSPORT.**

IN THE CASE OF SELF-CATERING ACCOMMODATION A HOLIDAY OCCUPANCY CONDITION WILL BE ATTACHED, PREVENTING THEIR USE AS A SOLE OR MAIN RESIDENCE. THE CONDITION WILL LIMIT OCCUPATION TO A SPECIFIED TEN MONTH PERIOD IN ANY CALENDAR YEAR.

5.4.16 In terms of Criterion 1, the proposals seek to refurbish, adapt and re-use an existing building. I consider that the impact of the building on the area should be assessed in this context as the building already has an impact on the character and appearance of the area. These considerations are set out below in section 5.4 of the report.

- 5.4.17 The issue of residential amenity is set out in section 5.6 of the report below. In summary, I do not consider that the relationship between the dwellings fronting Tonbridge Road and the application building will be materially altered by the proposals. There is likely to be less vehicular movement along the access track as a result of the proposed use.
- 5.4.18 The development will not affect the setting of the Rocky Hill Conservation Area or listed buildings within it. The relationship will be as currently exists. The key visual feature in the street and surrounding area, the Copper Beech Tree, will be retained.
- 5.4.19 Highway issues are dealt with in detail later in the report but Kent Highway Services have raised no objections to the development, in terms of highway capacity or safety. Sufficient parking provision is also made.
- 5.4.20 There will be no loss of residential accommodation and there is a choice of transport modes to serve the development.
- 5.4.21 Subject to the detailed design and visual impact of the proposals being acceptable as well as the detailed highway issues, both of which are considered below, I do consider that the proposals meet the criteria of policy ED17 of the Borough-wide Local Plan 2000.

Other relevant factors

- 5.4.22 In addition, Members will be aware that under planning application MA/08/1799 planning permission was granted on 11 December 2008 for the erection of a 96 bedroom budget hotel with associated bar/restaurant and on-site parking on the site at 22-26 Tonbridge Road. This is immediately to the south of the current site and is a site subject to the same Policy ED2 Maidstone Borough-wide Local Plan 2000 designation as the London House site.
- 5.4.23 I consider that the premises have been marketed for B1 purposes for a sufficient period and that changes in Government policy in PPS4 together with the acceptability of the site's location in terms of adopted policy ED17 of the Borough-wide Local Plan 2000 are such that no objections should be raised to the principle of the development. Other elements of the proposals should however be acceptable.

5.5 Design and visual impact

- 5.5.1 The existing building is of a significant scale lying close to a heavily trafficked road and is a prominent feature in the streetscene of this part of the Town Centre. The applicants have sought not to demolish the building but to retain its basic structure and refurbish/extend it. This is a desirable approach in terms of

sustainability, but brings with it a number of challenges if the proposed changes to the building are to be successful and acceptable.

- 5.5.2 The existing building was erected in the mid 1960s and the architecture is of that era. There is a strong horizontal emphasis to the building through the extensive glazing and areas of grey brickwork and cladding. The building has remained largely unaltered since it was first erected.
- 5.5.3 The proposed elevational changes seek to provide a new era in the life of the building. As proposed, they provide a more vertical emphasis to the appearance of the building. This is achieved through the introduction of rendered vertical divisions of contrasting white or blue/grey colour to the Rocky Hill frontage and the other elevations. The extent of glazing has also been reduced across the building.
- 5.5.4 On the Rocky Hill frontage, three white rendered divisions will project approximately 200mm from the façade. The division in the north-west corner will return onto the west elevation and provide a new entrance feature for the building as the main entrance is now shown to face the car park to the west of the building. The white rendered divisions facing Rocky Hill will be interspersed with two blue/grey rendered divisions. This pattern of colour is replicated elsewhere on the building.
- 5.5.5 The windows within the white rendered areas and at ground floor level facing Rocky Hill would be rectangular and deeper than those in the blue/grey areas (above ground floor level) which would be square in form. This pattern of deeper rectangular windows in white rendered areas and square in the blue/grey areas is also repeated on the other elevations of the building.
- 5.5.6 The centre division on the Rocky Hill frontage will be further enhanced by two projecting bay window features from the first-third floors projecting a further 300mm (approximately). The areas under the windows will be finished in horizontal timber cladding. The glazing and the timber will return back to the rendered façade. At ground floor level the main window to the restaurant will be flanked by timber cladding and the area beneath the cill of this window finished in the blue/grey render colour.
- 5.5.7 The white rendered sections facing Rocky Hill will have metal solar shades at roof level and metal canopies above the ground floor windows, the canopy and the solar shade in the northwest corner would return along the west elevation above the new main entrance to the building.
- 5.5.8 The scale of the building will not be materially altered by the proposals. It will still have a presence in the street. The proposed extension would take place in the undercroft at the rear of the building and would be achieved by infilling

under the existing first floor floor-plate. These works would not have a detrimental impact on the street scene or the character of the area or the building itself.

5.5.9 The fact that servicing will take place directly from the lay-by off Rocky Hill is not ideal, but the alternative of rear access is not practicable in this case due to the narrowness and alignment of the unadopted track-way to the rear. It is a fact that the building was serviced from this point when in use as offices as this level provides direct and level access from the street. On balance therefore, no objections are raised to this element of the proposals.

5.5.10 I am satisfied that the detail of the proposed changes to the building is acceptable. The elevations will have layering and vitality. The precise details of the render colour and the architectural details such as the canopies, solar shades and projecting bays should be controlled by means of appropriate conditions to ensure an appropriate quality is achieved. Given this, I raise no objections to the proposals in terms of its design or visual impact.

5.6 Highways

5.6.1 The impact of the proposed use on the local road network and in terms of highway safety has been considered by Kent Highway Services. They raise no objections to the development.

5.6.2 The development would generate less peak movements than the existing office use. An estimate of the traffic generation relating to the proposed development indicates that the hotel is likely to generate 29 vehicle movement in the morning peak period (9 arrivals and 20 departures) and 25 movements in the PM peak period (17 arrivals and 8 departures). This compares with 46 vehicle movements in the morning peak for the offices and 39 movements in the PM peak. The traffic movements associated with the hotel development are therefore less than that generated by the previous office use of the site during the peak periods.

5.6.3 A loading bay is provided on the London Road frontage to the site for the servicing of the site. It is estimated that an average of 1 service vehicle per day will be generated by this development. Previously servicing has taken place from London Road and the applicant was asked to investigate the possibility of servicing the site from Terrace Road, however due to on site constraints this was not possible.

5.6.4 Kent Highway Services consider that with proposed works to improve the service area fronting the A20 London Road and the implementation of measures to prevent parking and customer drop off/picking up in this area, with dropped kerb crossings being provided each side of the lay-by, that no objections are raised to the proposed servicing arrangements.

5.6.5 In terms of car parking provision Kent Highway Services advise that t 131 spaces should be provided according to their standards. The recognise however, that as the site is in a sustainable location near to train and bus services and within walking distance of Maidstone Town Centre, the maximum level of parking would not be expected. They consider the 92 spaces proposed, whilst below their maximum standard is acceptable as this proposal is located in a sustainable area and subject to a Travel Plan.

5.6.6 Members will be aware that there are no locally adopted parking standards. Annexe D to PPG13 does not set out maximum standards for hotel development. However, given the site's location and access to public transport and the Travel Plan, I concur with Kent Highway Services' view and consider the level of car parking provision to be acceptable

5.7 Residential Amenity

5.7.1 There are residential properties approximately 40m to the south of the site that front Tonbridge Road and whose rear amenity areas face towards the site.

5.7.2 I do not consider that the proposed use of the building will have any adverse impact on the amenities of the occupiers of these properties given its currently permitted use as offices and the potential level of activity associated with that. The relationship and separation distances between the buildings will not materially change as a result of the development.

5.7.3 The number of parking spaces on the site is to be reduced from the current 131 to 92 including 26 for staff (to be located in the basement of the hotel), potentially reducing the amount of vehicular traffic on the shared access that runs between the Rocky Hill and Tonbridge Road.

5.8 Landscaping

5.8.1 As stated earlier in the report, there is a significant and protected Copper Beech Tree within the site. The tree is very prominent and is a positive feature of the area's visual amenity. The tree has been subject to a BS5837:2005 arboricultural survey and an arboricultural assessment report and Tree Protection Plan submitted.

5.8.2 As originally submitted, a 10% crown reduction to the tree was proposed. This was considered unjustified and unacceptable in terms of the potential impact on the tree. This proposed 10% crown reduction has been amended to a pruning to give 2 metres clearance from the adjacent building.

- 5.8.3 The Landscape Officer now considers that this approach is reasonable and appropriate management for the tree.
- 5.8.4 In other respects the submitted Tree Protection Plan (TPP) has now been amended to match the proposed site plan submitted in terms of layout and no-dig construction methods indicated for the car park area north of the tree. The Landscape Officer is now content having received confirmation from the applicant that they are satisfied with the resultant levels and the need for permeable surfacing in this area.
- 5.8.5 Subject to conditions requiring the submission of an arboricultural method statement, tree protection measures being put in place during construction, details of the no-dig method of construction and a condition requiring details of the routing of any services in the area to the west and north of the tree. The Landscape Officer has no objections to the development in terms of its impact on the Copper Beech Tree.
- 5.8.6 In terms of the submitted landscaping details, I consider that the indicated planting and landscaping to the site frontage to Rocky Hill would provide an acceptable treatment and level of landscaping and provide an improved setting to the development. I also welcome the provision of grass in the rear section of the site that currently forming part of the undercroft car park.
- 5.8.7 No objections are raised to the development in terms of landscaping and the impact on the protected Copper Beech Tree.

6. CONCLUSION

- 6.1 Whilst the proposed development is a departure from the Development Plan in that a Class C1 Hotel use rather than a B1 use is proposed, I am satisfied that the premises have been extensively marketed for at least a two year period. This has produced no interest for the re-use of the building or its redevelopment for B1 purposes.
- 6.2 I am also satisfied that the proposed development accords with the advice in PPS4. The development would provide employment and lies within the definition of economic development contained in that document. Development of a hotel on the site would not prejudice the viability and vitality of the Town Centre.
- 6.3 Members will have noted the views of the Tourism Manager set out in paragraph 3.3 of this report and who supports the application. The proposed location in the town centre close to public transport is stated to be of added benefit. During the peak visitor season and when there are major events in the county, accommodation in the town centre is generally fully occupied. The Tourist Information Service has great difficulty in sourcing centrally located

accommodation for visitors who arrive by public transport. The proposed development would assist in this task.

- 6.4 The refurbishment of the building would improve its appearance and enhance the character and vitality of the area by bringing a currently vacant building back into beneficial use.
- 6.5 The development as proposed would ensure the retention of the protected Copper Beech Tree and provide enhanced landscaping within the site.
- 6.6 There are no highway objections to the development in terms of parking or the impact of the development on the local highway network. The development would result in no adverse impact on the residential properties to the south of the site situated in Tonbridge Road.
- 6.7 Subject to the imposition of suitable safeguarding conditions I consider the development to be acceptable and that the following recommendation is appropriate.

7. 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 development hereby permitted shall be carried out in accordance with the following approved plans:
PL.01A, PL.02A, PL.12A, PL.13A, PL.14, PL.15C, PL.16C, PL.17C, PL.18A, PL.19C, PL.20C and 11-103-TPP-RevA.

Reason: To ensure the quality of the development is maintained and to prevent harm to the amenity of neighbouring occupiers and the character of the surrounding area in accordance with policy CC6 of the South East Plan 2009.

3. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning

(General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

4. All planting, seeding or turfing comprised in the approved details of landscaping 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 pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

5. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The submitted details shall include

- i) Samples and colours of the proposed render
- ii) Samples of the proposed bricks to be used in the infilling of the rear ground floor extension and the proposed infilling of the existing openings to the Rocky Hill frontage
- iii) Samples of the proposed materials to be used for the surfacing of the service/loading bay
- iv) Details of the proposed cladding for the rear escape staircase.

Reason: To ensure a satisfactory appearance to the development pursuant to policy CC6 of the South East Plan 2009.

6. The development shall not commence until full details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the local planning authority;

- i) Details of windows and doors and recesses/reveals (which shall be a minimum of 100mm);
- ii) Details of the window surrounds

- iii) Details of the projecting bay windows to the Rocky Hill frontage
- iv) Details of the entrance canopy
- v) Details of the solar shades
- vi) Details of the junction of the walls and the roof and the materials used to cap the join
- vii) Details of rainwater goods

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the building in the interests of the visual amenity and character of the surrounding area in accordance with PPS1.

7. The development shall not commence until details of any external lighting to be placed on the building or erected within the site, together with measures to prevent light spillage, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: In the interests of the character and appearance of the area pursuant to policy ENV49 of the Maidstone Borough-wide Local Plan 2000.

8. The building hereby permitted shall not be brought into beneficial use unless and until a detailed Travel Plan has been prepared and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained in full within 3 months of the first occupation of the development and by its subsequent occupiers, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that no more trips are generated than predicted and in the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to Planning Policy Guidance Note 13 and policy T5 of the South East Plan 2009.

9. The development shall be constructed to achieve at least a BREEAM Whitbread Premier Inn 2008 Very Good rating. The building shall not be occupied a final certificate has been issued certifying that the building has achieved at least a BREEAM Whitbread Premier Inn 2008 Very Good rating.

Reason: To secure a sustainable and energy efficient form of development in accordance with Kent Design, PPS1 and Policy CC4 of the South East Plan 2009.

10. The development shall not commence until an Arboricultural Method Statement (AMS) in accordance with BS5873:2005 'Trees in Relation to Construction-Recommendations', has been submitted to and approved in writing by the Local Planning Authority. Any works shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To safeguard the protected Copper Beech tree to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

11. All trees to be retained must be protected by barriers and ground protection where appropriate in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. The development shall not commence until full details of protection have been submitted to and approved in writing by the Local Planning Authority. 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 siting 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 and to ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

12. The development shall not commence until details of the no-dig construction method for the proposed parking area to the north of the protected Copper Beech tree in the area indicated on drawing no. 11-103-TPPrevA received 09/11/2011 including details of the final permeable surface treatment have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

13. No underground services shall be installed within the area to the west of the building unless and until details of the type of service to be installed together with its route, depth and method of construction have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

14. The development shall not commence until the following details have been submitted to and approved by the local planning authority.
- i) Details of measures and signage to deter customer drop-off occurring on the proposed loading bay fronting Rocky Hill.
 - ii) Details of signage to advise drivers exiting the basement car park to turn right only at the access to Rocky Hill.
 - iii) Details of the 12 proposed cycle parking spaces to be provided within the site.

The subsequently approved details shall be implemented prior to the first use of the building as an hotel and maintained thereafter.

Reason: In the interests of pedestrian and vehicular safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

15. No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority;

Reason: To safeguard the external appearance and character of the building pursuant to policy CC6 of the South East Plan 2009.

Informatives set out below

No vehicles involved in demolition and construction may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of

noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

You are advised that suitable space should be provided within the site during construction for the parking of contractors and operatives vehicles to avoid inconsiderate parking on nearby streets.

The proposed development is not in accordance with the policies of the Maidstone Borough-Wide Local Plan 2000. However, the development, subject to the conditions stated, is considered to comply with recent Government guidance contained within PPS4: Planning for Sustainable Economic Growth, which 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.