

APPLICATION: MA/12/2243 Date: 12 December 2012 Received: 15 January 2013

APPLICANT: Mr Michael Turner

LOCATION: GROUND FLOOR, 6 KINGS ROW, ARMSTRONG ROAD, MAIDSTONE, KENT, ME15 6AQ

PARISH: Maidstone

PROPOSAL: Change of use of ground floor to non-residential education centre to teach school children in core academic skills (that falls within D1 Use) as shown on site location plan and block plan received 07/01/13.

AGENDA DATE: 21st February 2013

CASE OFFICER: Kathryn Altieri

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

- It is a departure from the Development Plan and has been advertised as such.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ED2, T13
- South East Plan 2009: CC1, CC6, BE1, RE3, NRM10, T4
- Government Policy: National Planning Policy Framework (2012)

2. HISTORY

MA/12/2244 - Advertisement consent for the installation of 1(no) non-illuminated wall mounted sign and 1(no) non-illuminated rail-hanging sign-under consideration

MA/89/0518 - Demolition of existing and construction of new offices – approved/granted with conditions

3. CONSULTATIONS

- 3.1 **Environmental Health Officer:** Raises no objections.
- 3.2 **KCC Highways Officer:** Raises no objections;

3.2.1 *"The proposed change of use comprises of 62m² GFA and would accommodate up to 5 children with 2 members of staff. The application indicates that 2 parking spaces are provided and there is space within the site and on the highway for children to be set down/picked up. Additionally there is a car park nearby. In view of this I confirm that I do not wish to raise objection to this application."*

4. REPRESENTATIONS

4.1 1 neighbour representation raising concerns over the number of children attending and highway safety.

5. CONSIDERATIONS

5.1 Site description

5.1.1 The application site relates to the ground floor of 6 Kings Row, which is an end of terrace, two storey building with off street parking available to the front and rear of the building.

5.1.2 Set back some 30m from Armstrong Road, the Kings Row complex is gated and enclosed by a dwarf wall and railings. Kings Row and the other commercial properties to the south and west of the site fall within employment use designation, as shown by policy ED2 of the Maidstone Borough-Wide Local Plan 2000 (MBWLP). South Park playing fields are found to the east of the site.

5.1.3 The application site is in the defined urban area as shown by the MBWLP.

5.2 Proposal

5.2.1 The proposal is for the change of use of the ground floor from an office (B1) to a non-residential education centre to teach school children in core academic skills (D1 use). The ground floor area measures some 62m²; and in terms of staffing, two full-time employees and one part-time employee is proposed.

5.2.2 The applicant wishes to use the space to assess the needs of, and provide young children with the opportunity to use computers and to enhance their core academic skills.

5.3 Relevant policy and guidance

5.3.1 Under saved policy ED2 of the MBLWP, the application site falls within a designated employment site (B1 or B2 use). The application has been advertised as a departure from the Development Plan as the applicant has not

demonstrated that the retention of the building for B1 or B2 use has been fully explored without success.

- 5.3.2 Central government guidance has changed since the MBWLP was adopted, with the introduction of the National Planning Policy Framework (NPPF). So whilst this application is a departure from the MBWLP, the economic climate is now markedly different to how it was in 2000 (when the Local Plan was introduced), and strong weight should now be given to the more up to date NPPF in the determination of this application.
- 5.3.3 General advice in the NPPF states that there should be a presumption in favour of sustainable development whilst protecting existing communities; and one of the core planning principles of the NPPF is to...*"proactively drive and support sustainable economic development...and respond positively to wider opportunities for growth"*.
- 5.3.4 Whilst the proposal is technically a departure from the Development Plan, in that it would not provide B1 or B2 employment accommodation, it would nonetheless fall within the scope of economic development, by continuing to provide employment, albeit on a small scale. This would be in line with the NPPF, where the need for adaptability and flexibility in the allocation of employment land is necessary. Moreover, the application site is in a sustainable area, within walking distance of the town centre and close to main bus routes in and out of Maidstone.
- 5.3.5 Weight needs to be placed on the need to support economic growth and given the merits of this application I am of the view that a departure in this location would echo the sentiments of the NPPF in *"widening the opportunities for growth"*. Even though the proposal would involve a low level of employment, it should be put into context that this proposal is only concerned with 62m² of floor space and that the unit is currently empty, employing no-one.
- 5.3.6 The unit in question has no outdoor amenity space and a floor area of only 62m². When put into context, this limits what the building could be used for under a D1 use; and so I am satisfied that the nature of the proposed use would be suitable in this location.
- 5.3.7 There is no specific MBWLP policy that concerns the loss of office accommodation. In any case, given the relatively modest floor area of the unit under consideration here (62m²) I am satisfied that the change of use would not significantly increase pressure for additional office allocations on fresh land, especially bearing in mind the number of vacant offices in the Maidstone area.

5.3.8 Whilst the application site is also designated as being in an area where the Council would permit vehicle sales and showrooms (policy R18 of the MBWLP), this is not a material concern in the determination of this application.

5.3.9 I therefore consider the principle of the proposal to be acceptable and will now consider the detail of the application against the criteria set out in local policies and government guidance.

5.4 Impact on property and character of surrounding area

5.4.1 The proposal is only concerned with the change of use of the property, with no external building operations to be considered. I am therefore satisfied that this proposal would not overwhelm or destroy the character of the existing property; and nor would it significantly affect the visual amenity of the surrounding area.

5.5 Residential amenity

5.5.1 There are no building operations to consider, but obviously the potential impact of the proposed use must be considered.

5.5.2 No residential property would be within 70m of the application site; the car parking areas exist and there are already vehicle movements to and from the site, generating a certain level of noise; and I am of the view that the proposed change of use would not significantly increase these movements enough to justify refusal of this application alone, in terms of general noise/disturbance.

5.5.3 In terms of capacity, I am of the view that the small floor space available will largely dictate how many children can be taught at one time, and so do not consider it necessary to restrict children numbers by way of condition. Moreover, given that the unit is a significant distance away from any residential property; and given the nature of the proposed use, I also take the view that it would be unreasonable to restrict working hours.

5.5.4 There are certain uses under the D1 classification where there could be the potential for amplified sound that can carry some distance, and so in the interests of residential amenity I do consider it reasonable to restrict this by way of condition.

5.5.5 Given the separation distances of residential properties from the application site; the nature of the proposed change of use; and the fact that the car parking areas associated with the unit already exist; I am of the opinion that the proposed change of use would not have a further significant detrimental impact on the amenity of the occupants of any near-by residential property when compared to the unit being used as an office.

5.6 Highway implications

- 5.6.1 The site is in a sustainable area, close to regular bus routes in and out of Maidstone; it is not considered that the proposed change of use would result in a significant increase in traffic movements to and from the site; and the site does have off road parking available. In addition to this, there is on street parking and a public car park available to the front of South Park recreation field, less than 50m away from Kings Row that could also be used by staff or parents/carers of the children.
- 5.6.2 I therefore take the view that this proposal would not have a significant impact on highway safety or parking provision (in terms of generating any further significant need). KCC Highways Officer also raises no objections.

5.7 Other matters

- 5.7.1 Given the nature of the proposal, there are no significant issues with respect to landscaping, bio-diversity or drainage.

6. CONCLUSION

- 6.1 With regards to the issues raised by the one representation received, I do not consider it reasonable to enforce the applicant to provide outdoor lighting; or to install warning signs for motorists entering and leaving the site.
- 6.2 For the reasons outlined above, I consider the principle of the proposed change of use to be acceptable and take the view that it would not cause any demonstrable harm to the character of the area or significantly harm the amenity of existing residents. It is appropriate and justified to depart from the existing Development Plan and to give greater weight to the more up to date guidance provided by Central Government in the National Planning Policy Framework. I therefore recommend conditional approval of the application on this basis.

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. No amplified sound shall be used on the site without the prior written consent of the Local Planning Authority;

Reason: To safeguard the residential amenity of future occupants. This is in accordance with the National Planning Policy Framework.

The proposed development would be a departure from the Development Plan, in that it would not provide B1 or B2 use employment accommodation within the application site in accordance with Policy ED2 of the Maidstone Borough-Wide Local Plan 2000. However, the proposed change of use would not be prejudicial to its designation and is in accordance with the advice in the National Planning Policy Framework (NPPF). The NPPF is more recent than policy ED2 of the Maidstone Borough-Wide Local Plan 2000, and it does encourage sustainable economic development where there are no overriding material considerations to indicate a refusal of planning consent.

Note to Applicant:

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

The application was approved without delay.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.