

APPLICATION: MA/14/0145 Date: 27 January 2014 Received: 30 January 2014

APPLICANT: Mr Howard Moss

LOCATION: INTEGRA, BIRCHOLT ROAD, MAIDSTONE, KENT, ME15 9GQ

PARISH: Boughton Monchelsea

PROPOSAL: Application for full planning permission for the erection of 7 units for a mixture of B1, B2 and B8 uses, including the renovation of the existing building, with appropriate provision for access and car parking as shown on Planning Statement, Design and Access Statement, Transport Statement and drawings DMWR/A3/3006/PL-00001, DMWR/A3/3006/PL-00002, DMWR/A1/3006/PL-00006 Revision A, MMWR/A1/3006/PL-00301, DMWR/A1/3006/PL_00302 Revision A and DMWR/A1/3006/PL_00111 Revision A received on the 29th January 2014, drawings DMWR/A1/3006/PL-00005 Revision B, DMWR/A1/3006/PL-00300 Revision A, DMWR/A1/3006/PL-00303 Revision A and DMWR/A1/3006/PL-00110 Revision A received on the 7th April 2014 and the response to KCC Highways comments received on the 11th April 2014.

AGENDA DATE: 12th June 2014

CASE OFFICER: Annabel Hemmings

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

- The Council owns the land

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ED2(iv), ED9, T13, R18(iii)
Maidstone Borough Local Plan Regulation 18 Consultation 2014
National Planning Policy Framework 2012: Chapters 1, 4, 7, 10
National Planning Practice Guide 2014

2. RELEVANT HISTORY

MA/07/1094 – Erection of 40 commercial units for a mixture of B1, B2 and B8 use and renovation of existing buildings. Approved 16th August 2007

MA/06/1211 – Erection of 41 industrial units comprising a mixture of B1, B2 and B8 use and renovation of existing building. Approved 12th September 2006.

3. CONSULTATIONS

3.1 Parish Council: No objection/comment

3.2 Environment Agency: No objection to the proposal subject to the imposition of a condition relating to unexpected contamination and informatives in relation to drainage, pollution, waste on and off site and fuel, oil and chemical storage being attached to any planning consent issued.

3.3 MBC Landscape: *“There are no arboricultural/landscape constraints associated with this proposal. I am, however, concerned about the inadequate landscaping scheme proposed along the frontage with Bircholt Road. If the proposed extent of car parking is necessary and there is only a narrow landscape strip left over I would at least like to see some tree planting and taller shrubs to provide an improvement to the amenity of the existing street scene and vertical softening to an essentially unbroken front elevation.”*

3.4 MBC Environmental Health Manager: A difficulty with an application for industrial units is that the end users of the site are unknown. Concern is expressed about the possibility of future occupiers causing nuisance through noise and air pollution. Raise no objection subject to the imposition of a condition preventing works taking place outside units and informatives relating to site waste management plan and best practice during construction being attached to any grant of planning permission.

3.5 KCC Highways: No objection subject to the imposition of conditions relating the following on any grant of planning permission:

- Provision and permanent retention of vehicle parking spaces;
- Provision and permanent retention of vehicle loading/unloading and turning facilities;
- Provision and permanent retention of cycle parking facilities;
- Completion and maintenance of the access/egress; and
- Submission of a Sustainable Travel Statement.

4. REPRESENTATIONS

4.1 None received.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application site lies to the east side of Bircholt Road within the Parkwood Industrial Estate and measures 1.77 hectares. The site has been largely cleared, although the portal frame structure of previous buildings remain. It is currently enclosed by hoardings.
- 5.1.2 The site is within the defined urban area and the estate is designated for employment/car showrooms under saved policies ED2 and R18 of the Borough Wide Local Plan 2000.

5.3 Proposal

- 5.3.1 Planning permission MA/07/1094 was granted in August 2007 and permitted the construction of 40 commercial units for a mix of B1 (light industrial), B2 (general industrial) and B8 (storage and distribution) uses and the renovation of an existing building on the current application site and its wider environs. Phase 1 of this development has already been built out and comprises 5 buildings (Blocks A-E) which are divided into smaller units. Phase 2 of that permission was for one large building, spanning the length of the site fronting Bircholt Road, divided into 5 units. This building has not been erected.
- 5.3.2 The current application site falls within what would have been phase 2 of MA/07/1904 and it is now proposed to provide an amended scheme on this site to provide 7 commercial units (still for B1, B2 and B8 uses) in two buildings. The applicants advised that this application seeks to provide an enhancement to the previous scheme that reflects the current market demand for smaller commercial units. The previous application permitted a total of 9,707sqm within the 5 units for phase 2. The current proposal is for 8,080sqm over units F and G and Block H, a reduction of 1,627sqm from the previous scheme.
- 5.3.3 The 1st building would front Bircholt Road and share party walls with the existing Blocks A, B and C and would occupy the area that would be covered by units 1-4 of the previous application. It would have a height of 9.1m and would utilise the existing portal frame structure. This unit would be divided into two units F & G. Unit F would be a large unit measuring 5,117sqm with unit G a smaller unit of 1,453sqm.
- 5.3.4 The second building (Block H) would be at right angles to Bircholt Road with a ridge height of 6m. This building would be divided into 5 smaller units - units H1, H2, H4 and H5 would be 282sqm and unit H3 being a slightly larger unit at 382sqm.

- 5.3.5 Block H would mirror the existing units on the site with an insulated trapezoidal silver roof panel, micro-ribbed insulated composite cladding panel in silver, aluminium window and door framing in dark grey. The external materials of the building housing units F and G would be dark grey micro-ribbed cladding panels, with a band of silver together with a dark grey plinth brick wall (100mm high) to the base. Canopies above the unloading doors would be silver to match the branding and there would be red feature canopies above the main entrance doors.
- 5.3.6 A total of 113 parking spaces would be provided to serve the development with 6 spaces designated for disabled drivers. The spaces would be allocated between the units as follows – 47 spaces for unit F, 12 for unit G and 54 spaces split between the units in Block H. 52 cycle parking spaces (32 for unit F, 10 for unit G and 10 for Block H) are also proposed together with 2 HGV spaces to serve unit F, 1 to serve unit G and 1 for unit H3.
- 5.3.7 The site would be served by three accesses. Access A located at the northern end of the site would provide an exit for Unit F. Access B located centrally on the Bircholt Road frontage would allow access to all units via separate gates. Access C at the southern end of the site would serve as an access for unit G and the units within Block H.
- 5.3.8 There would be a 3m grassed landscaped buffer to the Bircholt Road frontage which the applicants propose to plant with low shrubs.

5.3 Principle of Development

- 5.3.1 The principle of development at this site for B1, B2 and B8 uses has clearly been accepted with the previous consent (MA/07/1094) and there have been no change to the employment designation of the site since this previous consent.
- 5.3.2 The proposal is also in line with current planning policy guidance within the National Planning Policy Framework (NPPF) 2012 seeks to promote sustainable economic growth.
- 5.3.3 I, therefore, consider that the principle of the development is acceptable and the main issues are visual impact, highway issues and sustainability.

5.4 Visual Impact

- 5.4.1 The current proposal introduces 2 buildings to the site, with a smaller foot print than the previous permission which had one large building across the whole of the site frontage. The visual impact of the buildings are also reduced by Block H

being end on to Bircholt Road and the introduction of a visual break between the two buildings.

5.4.2 The site is currently vacant apart from a building frame and is surrounded by hoardings and has been for a number of years. Subject to agreeing appropriate materials, the proposals would introduce good quality modern commercial buildings to the site. Landscaping would be provided along the frontage of the site which would enhance the local environment. I consider the visual impact of the development would be positive.

5.5 Highways

5.5.1 Kent Highways originally sought clarification in relation to a number of issues, but did not object to the proposal. Additional information was prepared by the applicant to clarify issues and address concerns raised. This information has been reviewed and the Highway Officer now raises no objection, subject to conditions relating to the provision and permanent retention of vehicle and cycle parking spaces, vehicle loading/unloading and turning facilities, the completion and maintenance of the proposed access and egresses to the site and the submission of a Sustainable Travel Statement.

5.6 Sustainability

5.6.1 The applicants advise in their Planning Statement that given that this is a new application (based on a previous application that has been part implemented) no formal BREEAM standard is being proposed for the units. They state that this is for a number of reasons – the lack of formal adopted policy/guidance by the Local Planning Authority, an economic review of providing BREEAM Very Good, the current economic climate, the existing planning permission (MA/07/1904) which could be built out without recourse to the BREEAM standards, Units F and G involve the renovation of an existing portal frame building not a complete new build and that this scheme is an enhanced scheme to that previously proposed in terms of materials.

5.6.2 The points raised by the applicants are noted. The Regulation 18 Consultation on the Council's emerging Local Plan has recently finished. Policy DM2 of that plan relates to Sustainable Design Standards and states a requirement for non residential developments of 1000sqm (gross) and above to achieve BREEAM Very Good and provide 10% of their energy from decentralised energy from waste, renewable or low carbon energy sources. Whilst this is an emerging policy it currently has some weight when determining planning applications.

5.6.3 In this instance, however, units F and G would involve the renovation of the existing portal frame and not a new building and it is acknowledged that there

are additional costs when meeting BREEAM standards when not dealing with a new build. Additionally, the fallback position of building out the previous scheme without any recourse to BREEAM standards is recognised. It is, therefore, considered appropriate not apply a condition to secure BREEAM Very Good on this proposal.

5.7 Other Matters

- 5.7.1 The Landscape Officer has expressed concern about the level of landscaping proposed by the applicants. It is considered that the introduction of trees and taller shrubs rather than the small shrubs proposed will help to soften the frontage of the site. It is, therefore, considered appropriate to impose a condition requiring a landscaping scheme to be submitted and agreed to secure this.
- 5.7.2 The Environment Agency raises no objection to the scheme, but requests that a condition is attached to any grant of consent relating to previously unidentified contamination. The 2007 consent conditioned detailed contamination surveys and investigations. These surveys were undertaken for the whole of the site, including the current application site, and conditions satisfactorily discharged. I am, therefore, satisfied that there is no need to impose conditions requiring detailed contamination surveys to be carried out, but the condition as suggested by the Environment Agency is considered appropriate.
- 5.7.3 The Council's Environmental Health Manager raised concerns about the potential for future occupiers of the units to cause noise and air pollution. It is recognised that the units are located in an established industrial estate but they will be modern commercial units built to high standards. The occupiers of the units are not yet known, but there may in the future be a requirement for plant to deal with noise or air pollution to be added to the buildings and it is likely that these works would themselves require planning permission. Any such application would be dealt with on its own merits. It is, however, considered appropriate to impose a condition to ensure that all work is carried out within the units proposed and not in the open air.

6. CONCLUSION

- 6.1.1 The proposals would provide a form of development that accords with the adopted Local Plan and the National Planning Policy Framework. The proposal will provide employment and improve the appearance of a site that has been vacant and surrounded by hoardings for a number of years. There are no highway objections and there would be no harm to local amenity. I recommend that planning permission is granted subject to the following conditions.

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 open storage of plant, materials, products, goods for sale or hire or waste shall take place on any part of the application site.

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

3. No manufacturing, fabrication or other industrial process shall take place outside the buildings on the site.

Reason: In the interests of amenity and to ensure that the proposed development is integrated with its immediate surroundings.

4. Prior to the commencement of development samples to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

5. The approved details of the parking/turning/loading/unloading areas and cycle parking areas shall be completed before the commencement of the use of the 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 (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 highway safety.

6. No additional floor space shall be created inside the buildings hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To ensure that the car parking provided continues to meet the needs of the buildings approved in the interests of highway safety.

7. Prior to the commencement of development hereby permitted, the proposed accesses to the highway shall be constructed in accordance with the details shown on drawing DMWR/A1/3006/PL-00005 Revision B.

Reason: In the interests of highway safety and amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

8. Prior to the first occupation of the buildings hereby permitted, a Green Travel Plan shall be submitted to and agreed in writing with the Local Planning Authority. The Travel Plan shall include detailed and specific measures to reduce the number of journeys made by car to the buildings hereby permitted and shall include specific details of the operation and management of the proposed measures. The commitments explicitly stated in the Green Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first occupation of the building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the Local Planning Authority. Upon written request, the applicant or their successors in title shall provide the Local Planning Authority with written details of how the measures contained in the Green Travel Plan are being undertaken at any given time.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity.

9. Notwithstanding the details shown on drawing DMWR/A1/3006/PL-00005 Revision B, the development shall not commence until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of landscaping to introduce trees and taller shrubs to the site's frontage with Bircholt Road, using indigenous species. The scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted landscape Character Assessment and Guidelines and shall pay particular attention to the front of the site and landscaping between the parking areas to the front of the buildings.

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any

trees or plants which 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.

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect vulnerable groundwater resources as the site lies on the Hythe Formation and in a major aquifer.

12. The development hereby permitted shall be carried out in accordance with the following approved plans:
Planning Statement, Design and Access Statement, Transport Statement and drawings DMWR/A3/3006/PL-00001, DMWR/A3/3006/PL-00002, DMWR/A1/3006/PL-00006 Revision A, MMWR/A1/3006/PL-00301, DMWR/A1/3006/PL_00302 Revision And DMWR/A1/3006/PL_00111 Revision A received on the 29th January 2014, drawings DMWR/A1/3006/PL-00005 Revision B, DMWR/A1/3006/PL-00300 Revision A, DMWR/A1/3006/PL-00303 Revision A and DMWR/A1/3006/PL-00110 Revision A received on the 7th April 2014 and the response to KCC Highways comments received on the 11th April 2014.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

Informatives set out below

It is the responsibility of the applicant of to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundaries are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

The Environment Agency notes that all surface water and foul drainage is proposed to be directed to mains sewer and raises no objection to this. They would wish to be consulted should this change.

National planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- Excavated materials that are recovered via a treatment operation can be re-used on site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
- treated materials can be transferred between sites as part of a hub and cluster project
- Some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid delays.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation.

Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the Local Planning Authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is the greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.

Recommend that the developer produces a Site Waste Management Plan (for any development which is over £300,000); in order to reduce the volumes of waste

produced, increase recycling potential and divert material from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.

Attention is drawn to Sections 60 and 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 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.

Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc to nearby properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

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 Sundays and Bank Holidays.

Vehicles may only arrive, depart be loaded or unloaded within the general site between the hours of 0800 and 1900 Mondays to Fridays and 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 the site.

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 applicant/agent was provided with formal pre-application advice.

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

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 there are no overriding material considerations to indicate a refusal of planning consent

REASON FOR APPROVAL

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 central government advice and guidance as set out in the National Planning Policy Framework 2012. There are no overriding material consideration to indicate a refusal of planning consent.