

APPLICATION: MA/10/1233 Date: 14 July 2010 Received: 14 July 2010

APPLICANT: Maidstone Borough Council

LOCATION: 13, TONBRIDGE ROAD, MAIDSTONE, MAIDSTONE, KENT, ME16 8HG

PARISH: Maidstone

PROPOSAL: Outline application for the erection of a storage warehouse with ancillary office (Use Class B1/B8) with all matters reserved for future consideration in accordance with illustrative plans, design and access statement, marketing report and planning statement submitted on 14 July 2010, and additional supporting information submitted on 5 August 2010 and 24 August 2010.

AGENDA DATE: 2nd September 2010

CASE OFFICER: Chris Hawkins

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

- The proposal is a departure from the Development Plan
- The Council is the applicant

## **1.0 POLICIES**

Maidstone Borough-Wide Local Plan 2000: ED2 (xxiii), ED8, ENV6, T13, CF2  
Village Design Statement: N/A  
Government Policy: PPS1, PPS3, PPS4, PPS5, PPS9, PPG13, PPS23, PPG24

## **2.0 HISTORY**

MA/05/2276 13 Tonbridge Road, Maidstone. Outline application for residential development with all matters reserved for future consideration. Withdrawn.

There is significant planning history to this application site. However, the above application is the only relevant planning history to this application.

## **3.0 CONSULTATIONS**

**3.1 KCC Archaeology** were consulted (on 21 July 2010) and raise no objection to the proposal subject to the imposition of a suitable condition requiring the

applicants, or successors in title, to undertake a watching brief. This is on the basis that the site is close to (or found on) a Roman cemetery in the mid 19<sup>th</sup> Century.

- 3.2 KCC Highway Services** were consulted (on 21 July 2010) and they raise no objections to the proposal, subject to the imposition of suitable safeguarding conditions and informatives upon any planning permission.
- 3.3 Southern Water Services** were consulted (on 21 July 2010) and raised no objections to this proposal.
- 3.6 Maidstone Borough Council Environmental Health Officer** was consulted (on 21 July 2010) and has raised no objections to this proposal.
- 3.7 Maidstone Borough Council Economic Development Officer** was consulted (on 21 July 2010) and made no comment on this application.
- 3.8 Maidstone Borough Council Property Services** were consulted (on 21 July 2010) and made no comment on this application.

**\*Officer Comment:** - Whilst no comment has been formally received from the Property Services Section, they have submitted the planning applications, and as such raise no objections to these proposals. The applications are submitted in order to put these applications forward for sale at auction, should permission be granted.

#### **4.0 REPRESENTATIONS**

- 4.1 Neighbouring properties** were notified and no letters of objection have been received.
- 4.2 CPRE Maidstone** have made comments upon this application. The points raised are summarised below: -
- The heights of the buildings should not exceed three storeys from ground level;
  - There should be an exploration of the possibility of underground car parking;
  - The employment possibilities should be taken into account;
  - CPRE Maidstone is against this application as it will not enhance the site in terms of buildings, layout or function;
  - The proposal would result in a significant level of traffic movement, and in particular lorries that would impede the free flow of traffic;
  - The use of the size for this purpose is not compatible with the town centre.

## **5.0 CONSIDERATIONS**

### **5.1 Site Description**

- 5.1.1 The application site is the former Council offices on the south side of the A26, Tonbridge Road. The 2-3 storey buildings previously at the site were recently demolished and the site has been cleared, with boards erected to the road frontage. The site has a road frontage width of 44m and depth of some 95m with an existing access off Tonbridge Road roughly in the centre of the frontage. Tonbridge Road is a two lane, one way road in a westward direction at this point past the site. The site slopes gradually to the south from Tonbridge Road. Internally, the site is relatively flat (although there was a 'dip' in the land as the access road run under the offices to the front of the site).
- 5.1.2 This area has a mix of residential, retail and business uses. The site itself is surrounded by buildings with nos. 5-9 Tonbridge Road to the east being single and two storey retail units. The Corbens Business Centre is to the rear of these properties and extends from the east edge of the site around the south. This centre has a mix of single and two storey buildings with a range of uses including a building plant hire and repair company and warehousing. To the southwest of the site are terraced houses at Rowland Close and to the west fronting Tonbridge Road is the large 3 storey Westree Court building which provides student accommodation. Opposite the site are two storey semi-detached houses and a car parking area.
- 5.1.3 The site and land to the south and east extending to the railway line is designated under policy ED2 of the Local Plan for economic use for class B1 (office and light industry) uses. Land opposite on the north side of Tonbridge Road is also designated for such use.

### **5.2 Proposal**

- 5.2.1 This application is for outline planning permission for the erection of storage and distribution warehouse with ancillary offices and a retail counter (Use Class B8).
- 5.2.2 At this stage, all matters are reserved for future consideration, and as such, in determining this application, one has to assess whether the principle of developing the site for warehousing purposes is acceptable.
- 5.2.3 At present, the design of the development is not for consideration; however, the Design & Access Statement indicates that the building would be in the order of 6.5m to eaves and 9m to ridge.
- 5.2.4 Illustrative plans have been submitted showing a building towards the front of the site on the east side with the access running along the west side of the site. To the side and rear of the building are shown a service/delivery yard and

turning area and staff/customer parking for 19 cars, two of which would be disabled parking bays.

5.2.5 Space for landscaping is shown along the west and south edges of the site with tree planting across part of the frontage.

5.2.6 The Design & Access Statement indicates that the building would provide around 1380sq. metres of floorspace, with just less than three quarters being storage space and the remainder ancillary retail/offices and staff areas. A viability assessment has also been submitted that sets out the office provision within the town centre, and the likely demand for office use at the application site.

### **5.3 Principle of Development**

5.3.1 The application site is within an area designated for employment purposes (B1) under Policy ED2 of the Maidstone Borough Wide Local Plan (2000). This is a saved policy. The Policy states: -

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

Due to this designation, the applicant has been asked to demonstrate that the retention of the site for employment purposes has been fully examined, without success.

5.3.2 The applicant has therefore submitted supporting information which demonstrates that the land was marketed through a combination of the property press and the Kent Messenger over a five week period in June 2007. This included advertising within the 'Estates Gazette' (national) and within a local newspaper. Two further advertisements were placed within 'Property Week' (national) following this initial marketing. In addition to this, the applicant mailed the particulars of the site to parties that had previously shown an interest in the application site.

5.3.3 Of the bids submitted, none were for solely B1 use on the site (nor on 26 Tonbridge Road), but rather for a mix of B1/B8 storage on the site. At the time of the offer, advice was given to the applicant that the proposal would need to incorporate a suitable proportion of B1 use. However, no planning application was forthcoming, and the bid was then withdrawn. There have been no further bids for this plot of land.

5.3.4 Following the withdrawal of this offer, and no further bids on the land, the applicant decided to withdraw the site from the market, and submit planning

applications in order that they be taken to auction and sold with outline planning consent. The applicant has subsequently placed applications in with the Local Planning Authority for a care home (Use Class C2), a B8 storage use, and a pure residential use (Use Class C3) for determination. Since the submission of these planning applications, an unconditional offer was placed with the Council by a care home operator. However, this operator was unable to raise sufficient funds to purchase this land, and as such, withdrew their offer. The application submitted for the provision of a care home is unconnected to this offer. Whilst there are applications for alternative employment purposes submitted alongside this application, I do not consider that this demonstrates that these are viable, (indeed the recent problems by a care home operator in obtaining funds is an indication of this) rather that the applicant is seeking to maximise their opportunity to sell the land.

- 5.3.5 Clearly, the proposal to erect a storage building would be a departure from the Development Plan – being a B8 use. However, since the formulation (and adoption) of the Local Plan, it is acknowledged that there has been a significant shift in the requirements for office accommodation within the town centre of Maidstone. Evidence suggests that there is an over-provision of office space within the town centre, with most being of a relatively poor quality.
- 5.3.6 As Policy ED2 was formulated prior to the adoption of the Local Plan in 2000, it is clear that it was evidenced and drafted in excess of 10 years ago, and as a result central government guidance and advice has changed in this intervening period. Also, the way in which businesses operate is also likely to have changed within this period. As such, in determining this application, I consider it appropriate to give weight to the more recent central government guidance, and assess whether this would result in the overriding of the existing local policy. The question therefore needs to be asked; does this land still need to be retained for B1 employment provision?
- 5.3.7 As part of this planning application, and in order to overcome the Policy objection to a B8 use within this designated employment site, a viability assessment has been submitted that includes a survey of office space currently available within the Maidstone Area. This research confirms that there are a number of suites or buildings currently available on the market and extending to a provision of over 200,000sq ft.
- 5.3.8 This survey identifies that it is clear that the supply of offices in Maidstone is very fragmented in terms of the quality of space available and through factors of location, accessibility and amenities. This then identifies that the majority of available accommodation falls within the tertiary market, with relatively low yields. Many of these spaces have remained vacant for a number of years.

- 5.3.9 Notwithstanding the difficult market conditions, agents have reported that they have been receiving occasional enquiries from national companies considering Maidstone as an option for location, and who have expressed interest only in prime units such as County Gate or Eclipse Park (although they note that demand has fallen within the past two years). These sites having been identified by virtue of their high spec buildings, excellent parking provision, notwithstanding their lack of profile. Similarly, Turkey Mill continues to have a good level of demand (and Members are aware of the recent planning application to provide an additional 1632metres<sup>2</sup> of new office space that has been granted), due to the high quality of most of the refurbished units, and again, because of the level of parking provision, and its attractive setting.
- 5.3.10 In addition to the existing supply of accommodation, there are a number of outstanding planning permissions that would expand the provision within the town. One of these, at Springfield, has the potential for three purpose built blocks totalling some 13,090metres<sup>2</sup>. This plan has been mothballed due to the economic conditions, but the renovated Mansion remains in the market.
- 5.3.11 I consider that this information demonstrates that there is a clear over-supply of poor quality accommodation, and that those interested in re-located to/expanding within the town are seeking the more high spec office space.
- 5.3.12 The report then refers to the suitability of Tonbridge Road for future office development. From the experience of the author, and from the enquiries that they have made, that land to the west of the River Medway is not favoured for offices, by virtue of its poor accessibility, lack of local staff amenities, the mixed use environment and the lack of parking provision. Because of this there has been a trend in recent years for the move away from offices toward residential in the area. An indication of this is the granting of part of Bower Terrace (itself designated as B1 employment under policy ED2) for student and housing accommodation under planning permission MA/05/1251 despite the employment designation.
- 5.3.13 Furthermore, it is identified that the adjacent and nearby retail showrooms, modern industrial buildings, and older Victorian buildings detract from the attractiveness of the locality as an office destination, as does the constant noise from the adjacent Tonbridge Road. It is considered that these factors have a negative factor on the suitability of 13 Tonbridge Road as an office location, such that the author does not consider that it would be consequently viewed as a suitable located by developers. The Author concludes that *'we do not consider that 13 Tonbridge Road presents a suitable site for office development, particularly given the fact that good quality secondary space within the town centre at Kestrel House and Link House has not been found suitable despite lengthy marketing campaigns.'* They then state that due to the nature of the economic climate, and the over-provision of supply *'any employment provision*

*must meet market expectations in order to find suitable occupiers and to this extent the issues of environment, accessibility and parking will be paramount. In our submission these attributes cannot be achieved in Tonbridge Road and hence the site at 13 Tonbridge Road would not be suitable for office accommodation.'*

5.3.14 It is therefore clear from this viability assessment that the site is no longer considered suitable for office accommodation, and as such, I consider that the requirement of Policy ENV28 of ensuring that this use be fully explored without success, has been satisfied.

5.3.15 As Policy ED2 was formulated prior to the adoption of the Local Plan in 2000, it is in excess of 10 years since the evidence was gained, and policy drafted, and as a result central government guidance and advice has changed in this intervening period. Also, the way in which businesses operate is also likely to have changed in this period. As such, in determining this application, one has to look at the existing central government guidance, and assess whether this would result in the overriding of the existing local policy.

5.3.16 Of particular relevance to this application is Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4), which was released in 2009. This sets out the governments objectives for sustainable growth within the UK. Within this document, 'economic development' is recognised as achieving one of the following objectives: -

- Providing employment opportunities;
- Generates wealth; or
- Produces or generates an economic output or product.

I am satisfied that the provision of a storage use would generate employment opportunities, and as such is identified as a form of economic development.

5.3.17 Policy EC1 of PPS4 requires for Local Planning Authorities to use evidence to plan positively. At present Maidstone Borough Council (MBC) have not adopted their core strategy, although background research has been undertaken to ascertain the level of employment land needed within the Borough, both now, and in the future. This complies with the requirement of this policy, in that it assesses the overall need for land or floor space for economic development. This will inform the policy which is then forthcoming. Work carried out to date, by GVA Grimley on behalf of the Council (September 2009) provides an assessment of the existing employment stock. I therefore consider that this study is a material consideration in the determination of this planning application.

5.3.18 Policy EC10 of PPS4 requires Local Planning Authorities (LPA) to adopt a positive approach towards planning applications for economic development, and to treat favourably planning applications that secure sustainable economic growth.

5.3.19 Of most relevance to this application is policy EC11 of PPS4, which relates to the determination of planning applications for economic development not in accordance with an up to date Development Plan. This policy states that when determining such a planning application, LPA's should: -

- Weigh market and other economic information alongside environmental and social information;
- Take full account of any longer term benefits, as well as the costs, of any development, such as job creation or improved productivity including any wider benefits to national, regional or local economies; and
- Consider whether those proposals help to meet the wider objectives of the Development Plan.

5.3.20 As such, this proposal should be assessed in accordance with these requirements. In terms of the first point, I consider that there is an evidence base that suggests that there is an over-provision of office accommodation within the town centre – this is identified within the GVA Grimley Employment Land Review. Furthermore, the Council's Economic Development Strategy (EDS) sets an overall target for 10,000 new jobs within the Borough by 2026 (within the B and non B classes), and also for the existing office stock within the town centre to be improved. It states that this should be done on a sequential basis, with offices located within the town centre to be provided or upgraded first, and then any new provision to be located on edge of town centre sites, with good access.

5.3.21 In addition to this report, what can be seen from the Employment Land Review is that there was (in Sept 2009) in excess of 50,000m<sup>2</sup> unoccupied office space within the Borough of Maidstone, 3,268m<sup>2</sup> of which was within the London Road area. In total 23 units, comprising of 14,283m<sup>2</sup> were vacant within the town centre, and in accordance with the EDS is considered more suitable for upgrading.

5.3.22 The information given above, is a clear indication that there is an over-provision of office accommodation within the Borough, and whilst much of this is brought about by virtue of its quality, there is a large proportion of town centre sites that are more suitable for upgrading prior to the application site. I am therefore satisfied that there is up-to-date economic information which would support an alternative use on this site.

5.3.23 The second point within Policy EC11 (b) requires the LPA to assess the longer term benefits of the proposal, and in particular look at job creation. As no



interest has been shown in the recently (back to 2008) in using the site for office accommodation, there is little indication that this form of economic growth will be forthcoming. I therefore consider it appropriate to assess the potential viability for the development to provide employment within other sectors.

5.3.24 The provision of B8 storage within this site would give rise to employment opportunities, both for skilled – i.e. managerial, less skilled, and manual jobs. I am therefore satisfied that this proposal meets with this requirement of the policy.

5.3.25 Finally, one has to assess whether the proposal would meet with the wider objectives of the Development Plan. The Development Plan does provide support for employment opportunities, in particular within town centre sites. I am therefore satisfied that the proposal would meet with the wider objectives of the Development Plan.

5.3.26 In addition to the above, Policy ED9 of the Maidstone Borough Wide Local Plan (2000) states that B8 storage and distribution uses will be restricted to sites designated for B2 uses under policies ED1 and ED2 provided that the B8 use proposed supports existing manufacturing or commercial operations and is well related to the primary road network. As set out above, significant discussions took place between the applicant and a B8 operator in 2007/2008, with the applicant providing evidence that they would need to operate within a more central location. This applicant also proposes office and retail elements that would also lend to a more central and sustainable location than somewhere such as Parkwood or Aylesford. It should also be noted that PPS4 does not provide any distinctions between a B1 or B8 use. Retail development is restricted in the allocated industrial parks, due to the requirement for them to be in more sustainable locations, and I consider that it is therefore acceptable to depart from this policy within the Local Plan in this instance.

5.3.27 It should be noted that Policy CF2 of the Maidstone Borough Wide Local Plan (2000) refers to the loss of 'publicly owned land.' As this site is owned by the Council, I consider it appropriate to apply this Policy. However, the policy states that the Local Planning Authority needs to be satisfied that 'an identified need for community facilities that could be met on this site does not exist.' I am satisfied that there is no need on this site for such a facility, and as such, the proposal does comply with this Policy.

5.3.28 To conclude, PPS4 allows for greater flexibility in the determination of planning applications for economic development within town centres, subject to certain criteria being met. These are set out within Policy EC11. I am therefore of the opinion that this proposal would comply with the requirements of Policy EC11 of PPS4, and the information being collated by the LPA at present, that will guide future local policy, indicates that alternative uses are acceptable on this

allocated site. Material to the consideration is also the fact that the Council has already departed from the Development Plan on this site, by granting permission for a hotel. I am therefore satisfied that it is appropriate in this instance to depart from the existing Development Plan once more, and give greater weight to the more recent guidance provided by Central Government.

## **5.4 Visual Impact**

5.4.1 This proposal, by virtue of its end use, would see the erection of a large and relatively bulky building on the application site. Careful consideration therefore needs to be given to the impact that this proposal would have on the overall character and appearance of the locality.

5.4.2 Firstly, the question of whether the proposal would appear incongruous needs to be addressed. It is noted that the property to the east of the application site is a large commercial property, of a relatively straightforward form. This building has a narrow set back from the highway, with an area of hardstanding to the front. Likewise, opposite the application site is a retail unit that incorporates a large, pitched roof commercial element, of simple design. It is not considered therefore that the principle of erecting a building of this nature would necessarily prove to be incongruous within the locality. However, I am of the opinion that it would be inappropriate to allow a simple shed-like structure to be erected on this site, and that the proposal would need careful consideration prior to the submission of any reserved matters. As such, I am recommending that conditions be imposed to address the following matters: -

- Landscaping to the front (this is covered in more detail later in the report);
- The height of the building should not exceed ten metres to eaves;
- The building should be set back from the edge of the pedestrian footpath by at least 7metres;
- Any building should be well articulated, and should respect the pattern of the development within the locality;
- Details of materials to be submitted, and agreed in writing prior to the commencement of works on site.

I am also suggesting the following informatives: -

- The applicant is advised to consider the provision of a green/living roof on any of the flat roof elements of the proposal;
- The applicant is advised to consider the provision of a living wall on the most exposed elevations of the building, in order to soften the appearance of the development;
- The applicant should consider the use of projecting elements, both in terms of fenestration, and with the way in which the roof is designed;

- Should any front boundary wall be required, this should be constructed of ragstone;
- The proposal should incorporate a brick or ragstone plinth at its base, reflecting the materials used within the locality;
- The areas designated for vehicular movements and parking should be kept to a minimum.

5.4.3 I consider that the imposition of these conditions and informatives would guide any future developer to provide a good quality of design, at the reserved matters stage.

5.4.4 I do not consider that the plans submitted show a high quality scheme, and as such these should be given little weight. However, I do consider that they demonstrate that a large building could be accommodated within the parameters of the site, whilst also enabling a good level of soft landscaping provision, and car parking areas. As set out above, the development should be set back a suitable amount from the edge of the highway (I have suggested 7metres) with landscaping, including street trees to the front. The access should be reduced in scale from that shown, and the parking areas are excessively wide. However, I consider that this demonstrates that a suitable level of parking provision can be provided, with soft landscaping both along the boundaries and within the parking areas. I am therefore satisfied that a suitable layout could be brought forward, subject to the adherence to the conditions and informatives set out above.

## **5.5 Residential Amenity**

5.5.1 There are residential properties to the west of the application site, and also on the opposite side of the Tonbridge Road. The neighbouring properties to the west have habitable windows facing on to the application site, and as such, overlooking from these properties does occur.

5.5.2 The proposal has been shown in such a way as to ensure that the proposed development would have the main access adjacent to the boundary with these residential properties. This would ensure that there would be no significant overshadowing of these properties, or a resultant loss of light.

5.5.3 I do not consider that the proposal would be likely to give rise to any overlooking concerns to the existing properties. Indeed, it should be noted that the previous use (Council Offices) included windows immediately adjacent to the boundary with the residential units, and as such, I consider this an improvement. The condition requiring the applicants to provide a landscaped buffer along this elevation would further assist in reducing the noise and disturbance from the site (albeit if only a small reduction).

- 5.5.4 However, noise and disturbance generated by this proposal would need to be carefully considered at the detailed design stage. A use of this nature would be likely to generate a significant amount of HGV, and other vehicle movements, and as such, I recommend that an informative be placed upon any permission, requiring the future applicants to carefully address this matter, and consider their hours of operation. I do not consider it appropriate to condition the hours of operation at this stage however, as this would be a matter for negotiation when an end user is identified.
- 5.5.5 I therefore consider that the proposal, subject to the detailed design, could be proposed in such a way as to have no detrimental impact upon the amenities of the existing neighbouring occupiers, and as such, would comply with Central Government guidance and the Development Plan.

## **5.6 Highways**

- 5.6.1 Kent Highway Services raise no objection to this proposal. However, as the access and parking is not yet for determination, this assessment is made as to whether there would be any facts that would preclude an appropriate access, that allows vehicles to enter and leave in a forward gear, and parking provision being provided.
- 5.6.2 The site is within a relatively sustainable location, well served by both public transport, and amenities. The Maidstone East and Maidstone West train stations are within a short walk of the site, and there is a well-served bus stop to the east. In my opinion, Tonbridge Road is a main thoroughfare that is able to cope with additional traffic of all types – including HGV's.
- 5.6.3 Whilst I do not consider that the illustrative layout represents a high quality layout, it does demonstrate that a suitably sized road, and parking area can be provided. I am of the opinion that any detailed scheme brought forward should significantly reduce the amount of hardstanding proposed, but irrespective of this, the applicants would have a sufficient space to ensure that there would be no overspill onto the busy Tonbridge Road, to the detriment of highway safety. In addition, I am satisfied that vehicles entering and leaving the site could do so in a forward gear, and as such, they would not be required to reverse out on to the Tonbridge Road.
- 5.6.4 I am conscious however, that as this is in outline form the numbers of spaces provided at the reserved matters stage may well vary. As such, I recommend that an informative be placed upon any permission granted, requiring the applicant to be mindful of the sustainable location of the site, and the need to keep parking numbers to a minimum whilst ensuring that the provision does not have a detrimental impact upon highway safety.

5.6.5 I am satisfied therefore that a detailed proposal could be provided that would not impact upon highway safety, and as such would comply with PPG13.

## **5.7 Landscaping**

5.7.1 Landscaping is a reserved matter with no details submitted. I am however, of the view that a good level of soft landscaping could be provided within the application site, with the illustrative plans showing that a soft landscape buffer between the front of the building and the highway.

5.7.2 I am of the view that this is an opportunity to enhance the character and appearance of the locality, with at present, many of the existing properties erected close to the footpath, with little or no landscaping. The illustrative plans show the building set back approximately 5metres from the highway, and I consider it appropriate to suggest a condition that requires the building to be set back to a greater degree (7metres) to ensure that soft landscaping can be provided. I also suggest a condition requiring a good level of planting to be provided along the building frontage, which shall include the following: -

- The provision of at least three street trees – *tillia cordata* for example;
- The provision of an area of low level planting of at least 3metres in depth along the frontage of the site (excluding the area immediately abutting the access – to ensure that visibility is maintained);
- The provision of a landscape buffer along the western boundary of the application site – this should be at least 2metres in depth and should include trees as well as low level planting.
- The provision of a landscape buffer along the rear (southern) elevation of the application site – this should be at least 2metres in depth and should include trees as well as low level planting.

5.7.3 Whilst I do not consider that this is *all* the planting that should be provided at the reserved matter stage, I do not consider it appropriate to be more prescriptive at present for the remainder of the site, as the siting and design of any building should influence the further landscaping provision within the internal layout.

5.7.4 I consider therefore that the proposal demonstrates that there would be scope to provide a good level of soft landscaping within the development, which would have a positive impact upon the character and appearance of the locality, and as such, I consider that the proposal would comply with policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

## **5.8 Other Matters**

5.8.1 No details have been submitted as to how energy efficient the proposed dwellings would be. However, PPS1 requires that any development be well designed, and I consider an important element of 'good design' to be sustainable construction. As such, I consider it appropriate to recommend a condition that the proposed building be constructed to be rated at least the 'very good' rating of the BREEAM standard.

5.8.2 I do not consider that the site is likely to house any significant biodiversity, due to the nature of its use, and the fact that the buildings have now been removed. As such, no ecological reports have been completed. However, I do consider it appropriate to suggest an informative that the applicants consider the use of swift bricks, or bat boxes, as well as the placement of cordwood within the site, to enhance biodiversity, in accordance with PPS9. I have also suggested an informative that the applicant, or their successors in title should consider the provision of a green/living roof on any flat roof areas, and living/green walls on the elevations, in order that the development enhance biodiversity, and also be treated in a manner that introduces softer, more natural features to this urban environment.

## **6.0 CONCLUSION**

6.0.1 Whilst the application is technically a departure from the Development Plan, in that it would not provide B1 employment accommodation within the application site, it would, nonetheless provide employment which is suited to a town centre use. I am satisfied that the proposal would comply with the requirements of Policy EC11 of PPS4, and as such, is an acceptable use within this site allocated for employment purposes. Whilst no detailed plans have been submitted, I am of the opinion that the parameters suggested are broadly acceptable, and with the imposition of suitable conditions, I am satisfied that the site can accommodate a well designed development that would respond to the character and appearance of the area. I therefore recommend that Members give this application favourable consideration, and grant planning permission subject to the imposition of the conditions set out below.

## **7.0 RECOMMENDATION**

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
  - a. Layout
  - b. Scale
  - c. Appearance
  - d. Access
  - e. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this

permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. 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 hereby permitted have been 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 in accordance with PPS1.

3. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings whose height shall not exceed 10metres from normal ground level to eaves level;

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1.

4. The development shall not commence until, details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site in accordance with PPS1.

5. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing occupiers in accordance with PPS1.

6. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of visual and residential amenity, in accordance with PPS1.

7. The development shall not commence until, details of the parking spaces and/or garages and sufficient turning area to enable vehicles to enter and leave the site in forward gear have been submitted to and approved in writing by the Local Planning Authority;

Reason: Development without adequate parking/garage provision is likely to lead to parking inconvenient to other road users and in the interests of road safety, in accordance with PPG13.

8. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety, in accordance with PPG13.

9. A scheme of landscaping using indigenous species as required under Condition 1 above shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. The development shall also include:-

- i) The provision of a minimum of three street trees along the Tonbridge Road frontage (to be of a suitable species);
- ii) The provision of an area of low planting of at least 3metres in depth along the Tonbridge Road frontage;
- iii) The provision of a landscaped buffer along the western boundary of the application site, which shall be at least 2metres in depth, and should include trees as well as low planting;
- iv) The provision of a landscaped buffer along the rear (southern) boundary of the application site, which shall be at least 2metres in depth, and should include trees as well as low planting.

Details of the measures for their protection in the course of development, together with and a programme for the scheme's implementation and long term management shall also be submitted. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in the interests of visual amenity in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.



10. 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 buildings 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 in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

11. The developer shall arrange for a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. No works shall start on site until a written programme and specification for the work has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest in accordance with PPS5.

12. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings that is set back a minimum of 7 metres from the edge of the footpath of Tonbridge Road.

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1 and to ensure a good level of landscaping provision in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

13. No development shall take place until details of bicycle storage provision have been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the development meets the Council's objective for sustainable economic development in accordance with PPS4 and PPG13.

14. The buildings shall achieve a 'very good' BREEAM rating. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that a very good rating has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

15. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings that are articulated so as to reflect the pattern and grain of the

development within the locality.

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1 and to ensure a good level of landscaping provision in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

### **Informatives set out below**

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

No burning shall take place on site.

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.

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

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

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.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)

Should any future development of the site include the erection of a front boundary wall, this wall should be constructed of Kentish Ragstone.

Any building proposed within the site should be well articulated, and should respect the pattern of the development within the locality.

The applicant is advised to consider the provision of a green/living roof on any of the flat roof elements of the proposal.

The applicant is advised to consider the provision of a living wall on the most exposed elevations of the building, in order to soften the appearance of the development.

The applicant should consider the use of projecting and recessed elements, both in terms of fenestration, and with the way in which the roof is designed.

The areas designated for vehicular movements and parking should be kept to a minimum.

The applicants, or successors in title should carefully consider both the orientation of the building, and their hours of operation so as to reduce the impact of the proposal upon the residential amenity of the existing residential occupiers within the locality.

The applicant is reminded of the sustainable location of the application site, and the need to balance the provision of parking in accordance with sustainable objectives, and highway safety. I therefore recommend that prior to the submission of any reserved matters planning application, discussions are held with the Borough Council Planning Officers, and Kent County Council Highway Services to fully address this matter.

The applicant is advised that a bench should be provided to the front of the application site.

The proposal shall be designed and operated in such a way as to minimise the impact upon the residential amenity of the neighbouring occupiers.

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.