

APPLICATION: MA/11/0322 Date: 28 February 2011 Received: 3 March 2011

APPLICANT: Harvestore Systems (Holdings) Ltd

LOCATION: NEWNHAM COURT SHOPPING VILLAGE, BEARSTED ROAD,
WEAVERING, KENT

PARISH: Boxley

PROPOSAL: Erection of storage building with offices, parking and access as
shown on drawing nos. DHA/7524/01, DHA/7524/02 and
DHA/7524/03 received on 3rd March 2011.

AGENDA DATE: 11th August 2011

CASE OFFICER: Richard Timms

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

- It is a departure from the Development Plan

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV31, ENV34, ED1, ED2, ED9, T13
- The South East Plan 2009: CC1, CC6, RE1, RE3, C4, BE6, AOSR7
- Government Policy: PPS1, PPS4, PPS5, PPS7

2. HISTORY

MA/10/1664 Erection of storage building with offices, parking and access –
WITHDRAWN

3. CONSULTATIONS

3.1 Boxley Parish Council: No objections.

"Members do not wish to object but dispute the applicant's claim in the Design & Access Statement that 'the Sittingbourne Road park-and-ride is within a short (5 minute) walk from the site'. The present facility is considerably further and to safely access the park and ride requires a convoluted route as there are no pedestrian crossing facilities on the busy M20 access road. Therefore the Council challenges the assertion that 'the proposal will not result in any increase in traffic movements to or from the site'. Furthermore, the park-and-ride is provided to reduce traffic movements in the Town Centre by

encouraging commuters to use public transport, not for the benefit of employees working locally."

3.2 **Conservation Officer:** No objections

"Given the context of existing buildings on this site and the separation distance from the Newnham Court Inn I am satisfied that there will be no significant impact on the setting of the listed building."

3.3 **Environmental Health Manager:** No objections

"The site is close to a children's nursery and so precautions should be taken to reduce disturbance from noise & dust etc. There are no other Environmental Health issues which appear to apply in this particular case."

3.4 **Kent Highway Services:** No objections.

4. REPRESENTATIONS

4.1 One representation received on behalf of 'Pennies Day Nursery' raising the following summarised points:

- No justification for the proposed office space and there is space within Eclipse Park. Does not comply with PPS1.
- The site is not designated for B2 use under policies ED1 or ED2 of the Local Plan and neither supports existing manufacturing or commercial operations, nor is well related to the primary road network.
- B8 use can generate high volumes of traffic, which would not be in keeping with the Newnham Court Shopping Village.
- Special Landscape Area should take precedent rather than businesses that should move to the urban area.
- Will have an overbearing impact upon the site and will obstruct views of the North Downs and surrounding areas to the east of Newnham Court Shopping Village.
- Loss of light and aspect and amenity to children's nursery and the ability of the nursery to carry out its business. Will impact upon the viability of the business.
- At present the children are able to use the land for outdoor activity and play, which would be lost.
- Will compromise the safety of the area between the nursery and play barn granted permission to the north.

5. CONSIDERATIONS

5.1 Introduction

5.1.1 This is an application for the erection of a storage building with offices, parking and access at 'Newnham Court Shopping Village', Bearsted Road, Maidstone.

5.2 Site Location

5.2.1 The 'Newnham Court Shopping Village' comprises an extensive area of buildings and hardstandings on the edge of the urban area of Maidstone with a wide variety of shops and businesses. There are over 30 separate businesses and over 400 people are employed there. It is to the east of the A249 and junction 7 of the M20 is to the northwest. Access to the site is from Bearsted Road to the south.

5.2.2 The application site is located towards the northern end of the shopping village on its east side. It is a grassed area of land with 'Pennies' children's nursery to the west within a two storey steel building and car parks and buildings to the south. To the north is a grassed area, which has an unimplemented permission to be used as a car park in association with the use of two large agricultural buildings that are further north as a children's activity centre, under permission MA/09/1280, which expires in October 2012. The eastern edge of the shopping centre is defined by a 5m wide strip of deciduous trees around 6-8m in height here. Beyond this to the east are large grassed open fields.

5.2.3 The nearest house is 'Newnham Court' which is around 160m to the north with the agricultural buildings and mature trees between.

5.2.4 The application site is located on the edge but outside the defined urban area of north Maidstone. It is designated as a Special Landscape Area (policy ENV34) and identified as a strategic gap (policy ENV31) in the Local Plan. Around 40m to the south is the Grade II listed Newnham Court Inn. The site is around 400m south of the Kent Downs AONB which is on the north side of the M20 here.

5.3 Proposed Development

5.3.1 Permission is sought for a two storey building to mainly provide storage space (361m²) for existing businesses at the Newnham Court centre and also some replacement office space (157m²). The additional storage space is said to be required to serve the existing businesses at the complex and address an identified shortfall in storage rather than providing a general B8 storage facility. The office space is to replace offices that were located in a courtyard building to the south and were changed to retail use in some minor redevelopment approved under application MA/10/0566.

- 5.3.2 The two storey building would be 7.5m to the ridge, 4.8m to eaves on the north side and 3.9m to eaves on the south side. The building footprint would measure around 20m x 20m with the storage space on the ground floor and office space on a mezzanine covering half of the first floor. Toilets and a lobby area would also be provided on the ground floor.
- 5.3.3 The building would be sited 19m east of the 'Pennies' nursery building and between 2.5m to 3m from the row of trees to the east. The south side of the building would front a new extended parking area providing an additional 8 car parking spaces off an existing car park here. On the north side would be a roller shutter door, lorry parking/turning space and a new 3m wide access heading west to link with the main access and one of the main parking areas within the complex. The building would have a brick plinth with metal sheeting above and a metal sheet roof with colours to match existing buildings.
- 5.3.4 A similar application was submitted towards the end of last year, however, this was withdrawn due to a lack of evidence to justify the development (additional justification and evidence has been provided with this application which is discussed below).

5.4 Policy Background

- 5.4.1 Policy ENV28 of the Local Plan, which relates to the protection of the countryside, outlines that development should not cause harm to the character and appearance of the countryside or the amenities of surrounding properties. Policy ENV31 relates to protection of the strategic gap outlining that development which significantly extends the defined urban areas or the built up extent of any settlement or development will not be permitted. Policy ENV34 relates to Special Landscape Areas outlining that priority will be given to the protection and conservation of these areas.
- 5.4.2 Policies ED1 and ED2 of the Local Plan outline the designated areas for economic activity in the Borough of which the 'Newnham Court Shopping Village' is not one. Policy ED9 relates to storage and distribution uses and states that such uses will be restricted to sites designated for B2 uses under policies ED1 and ED2 provided the use supports existing manufacturing or commercial operations and is well related to the primary road network.
- 5.4.3 Policy CC1 of the South East Plan outlines that the principal objective of the Plan is to achieve and maintain sustainable development. Policy RE1 relates to employment and outlines that local planning authorities will need to ensure policies are flexible to respond to changing economic needs. Policy RE3 relates to employment and land provision, outlining that local authorities will have regard

to local business needs. A clear emphasis is put on sustainable economic development.

- 5.4.4 PPS4 puts an emphasis on achieving sustainable economic development outlining at 'Development Management' policy EC10 that applications that secure sustainable economic growth should be treated favourably. General consideration must be given to the sustainability of the development in relation to climate change and the accessibility of the site, the design of the development, the impact upon economic and physical regeneration in the area and impact upon local employment. Policy EC11 requires the weighing of market and other economic factors alongside environmental and social factors, consideration of any long terms benefits and costs and whether the proposal meets the wider objectives of the Development Plan.
- 5.4.5 'Plan Making' policy EC6 relates to economic development in rural areas and outlines that economic development in open countryside should be strictly controlled. It outlines that most new development should be located in or on the edge of existing settlements where services and facilities can be provided together. This policy puts an emphasis on development being located at the right place but does not rule out all economic development in the countryside.
- 5.4.6 Because the site is outside a defined settlement or allocated employment site, I consider that the proposals are contrary to the Development Plan, specifically policy ED9 of the Local Plan which outlines that storage uses should be restricted to sites designated for B2 uses under polices ED1 and ED2. However, the South East Plan 2009 and PPS4 are generally supportive of sustainable economic development and PPS4 can potentially allow for some new economic development in the countryside.
- 5.4.7 Overall, I consider there is more recent potential support for sustainable economic development at rural sites or on the edge of settlements within the South East Plan 2009 and PPS4. As such, if there is no harm caused by the proposal and it is considered to provide sustainable economic development this could potentially outweigh older Local Plan policy and could be acceptable. I therefore I consider the main issues are -
- Whether there would be visual harm to the countryside
 - Whether the proposals would result in unsustainable economic development
 - The impact upon nearby amenity
 - Highway safety and parking

5.5 Visual Impact on the Character & Appearance of the Countryside

- 5.5.1 The 'Newnham Court Shopping Village' comprises an extensive area of buildings and hardstandings in an urban fringe setting. Whilst falling outside of the urban area the site is no longer part of the countryside either in function or appearance and I note that in an allowed Appeal Decision for canopies over a plant sales area in 2008 on the west side of the complex, the Inspector agreed with this view. The new building would be within the confines of the Newnham Court complex, which on the east side here is defined by the large agricultural buildings to the north, the tree line along the east boundary, and the car park to the public house to the south. The proposals would not project further east than existing built development on this side of the complex and therefore would not involve an expansion into open countryside.
- 5.5.2 The new building would be partially visible from a relatively short section of Bearsted Road around 215-250m southeast of the site and glimpsed from public open space around 400m away near Grove Green. However, views would be broken by the adjacent tree line and other intervening trees such that it would not be prominent or intrusive from these views and would be seen in the context of existing buildings so would not be readily noticeable. The applicant has also agreed to landscaping in the form of extending the tree line to the south of the site that would further screen and break views of the building. Otherwise the building would be screened by existing buildings from roads to the west and north. The development would not be visually harmful or seen as being incongruous in any views from car parks or access ways within the site, where it would be seen in the context of existing development.
- 5.5.3 I have viewed the site from vantage points to the northeast within the AONB including 'Jade's Crossing' (1.6km away) and the North Downs Way near Thurnham Castle (2.7km). From 'Jade's Crossing' the site is screened by trees. From the North Downs Way, buildings at the complex are just visible but the proposal would not make any noticeable difference from here.
- 5.5.4 Overall, I do not consider the proposals would cause any harm to the character or appearance of the countryside, SLA landscape here or the setting of the AONB. The steel finish would match existing buildings at the site and so would be acceptable.
- 5.5.5 Policy ENV31 relates to the 'strategic gap' and states that development which significantly extends the defined urban areas or built up extent of any settlement or development, will not be permitted. As part of an already developed site, I consider the proposal would have no significant impact on the 'openness' of the Strategic Gap and it would not "*prejudice the character or independence of Maidstone as a settlement*", which is the aim of this policy. I do not consider this is grounds for objection to the application.

5.6 Whether the proposals would result in unsustainable economic development

- 5.6.1 The proposals would provide storage space to serve the existing business users at Newnham Court. Four businesses (environmental consultants, clothes shop, pet shop and coffee shop) are indicated as having an immediate requirement for additional storage space and letters/emails have been provided from the businesses stating this. The environmental consultants business indicates a need for 370-464m² of space for samples, drilling rigs, vans and equipment. The clothes shop indicates a need for some 110-140m². The pet shop indicates a need for some 140m² and the coffee shop a need for around 37-46m² for seasonal storage of tables, chairs and stock. This total storage space exceeds the floorspace proposed but the agent considers that the space can be maximised by the use of a racking/storage system.
- 5.6.2 It is submitted that without the additional storage facilities a number of the businesses would be forced to try and find alternative facilities off-site and this would involve frequent and additional journeys off-site to collect goods and items to be brought back to the site, which would be costly, time consuming and result in greater carbon emissions and be less sustainable.
- 5.6.3 It is also stated that there are no other buildings at the site available to provide office and storage space. The agricultural buildings to the north (Units 30 & 32) have previously been used for storage (although without planning permission) and these buildings have permission to be used as a children's activity centre under permission MA/09/1280. It is anticipated that the contract for the buildings will be concluded in the near future.
- 5.6.4 Based on this information, I consider the proposals would provide some needed on-site storage for existing businesses within the shopping complex and this would clearly provide economic benefits and be more sustainable for existing businesses. In terms of vehicle movements, this could help to reduce movements to off-site storage facilities and notwithstanding this I do not consider any significant movements would occur from a facility of this size.
- 5.6.5 The office space proposed is relatively small scale (157m²) and in my view would not result in any significant number of vehicle movements to and from the site or have any detrimental impacts upon allocated sites.
- 5.6.6 The site is on the edge of defined urban settlement of Maidstone, within safe walking/public transport distance of large residential areas and is well linked to the primary road network. It is therefore also accessible by a choice of means of transport.

- 5.6.7 For the above reasons, I consider the proposal will help limit carbon emissions and due to their limited scale, would have no significant effect on local traffic levels and congestion, positive factors identified under policy EC10 parts (a) and (b) of PPS4. The proposal would provide for economic benefits and due to their limited scale would not compromise the wider objectives of the Development Plan, both considerations under policy EC11. The proposals are at a site on the edge of the urban area and would provide for sustainable economic growth in line with PPS4.
- 5.6.8 As the economic and sustainable benefits of the storage area are because they would support existing users of Newnham Court, I will attach a condition to restrict its use as such.

5.7 Neighbouring Amenity

- 5.7.1 The nearest house is 'Newnham Court' which is around 160m to the north. At this distance and with buildings between, I do not consider there would be any impact upon residential amenity.
- 5.7.2 An objection has been received in relation to the impact upon the children's nursery regarding light, aspect, amenity and safety. It is also stated that at present the children are able to use the application site for outdoor activity and play, which would be lost.
- 5.7.3 I do not consider the building would have an unacceptable impact upon the amenity of staff or children at the nursery. It would be 19m from the nursery building and at this distance would not be overbearing or result in any significant loss of light. It would be 3m from the rear outdoor area associated with the nursery but in my view would still not be overbearing or oppressive to this area, which would still have an open aspect to the southeast, north and northwest. There are numerous children's nurseries that are more enclosed than this in urban areas, which are not considered to provide unacceptable environments for children. With this outdoor area, I do not consider the loss of the site as occasional additional open space (which is owned by the applicant) is unacceptable.
- 5.7.4 Nor do I consider any vehicle movements past the north side of the nursery would be unduly harmful or unsafe as the rear outdoor amenity area is fully enclosed by close-boarded fencing. It has also been stated that the new access would come between the nursery and the approved indoor activity play barn in the agricultural buildings further north which would be unsafe. Notwithstanding the fact that this has not been implemented, the space between the sites would be the approved car park for the play barn, which would obviously have its own associated traffic.

5.8 Highways

5.8.1 An additional 8 parking spaces would be provided for the building with a loading/unloading and turning area on the north side of the building. I consider this is a sufficient number of spaces for the amount of floorspace such that it would not result in any highway safety issues or overly encourage car use. There would be some additional movements near the children's nursery, however many vehicle movements already occur to the front of the nursery in connection with its use and with the use of other premises. I do not consider the proposals would result in a substantial increase in movements that would be unsafe here. I also note that Kent Highway Services have raised no objections in this respect.

5.9 Other Matters

5.9.1 Other issues raised but not addressed above include the ability of the children's nursery to carry out its business and the impact upon the viability of the business. There is no substantiated evidence to demonstrate that attendance at the nursery would decrease as a result of the development or that it would have any significant affect on the viability of the business. I acknowledge the value of childcare facilities to the local community but do not consider future customers would be unduly deterred as a result of the development.

5.9.2 The Conservation Officer raises no objections in terms of the setting of the listed building given the context of existing buildings on the site and the separation distance and I have no objections in this respect.

5.9.3 The area for the new building is mown grass which I do not regard as being of any significant value in terms of ecology. I do not consider the development and its use would have any unacceptable impact upon protected species and see no reason to refuse the application on the basis of an adverse impact on biodiversity.

5.10 CONCLUSION

5.10.1 The proposals would not cause any harm to the character or appearance of the landscape at a site that is not perceived as being open countryside, and there would be no harmful impacts upon amenity. There is more recent support for sustainable economic development on the edge of settlements and for local authorities to be flexible to respond to changing economic needs within the South East Plan 2009 and PPS4. In this case, I consider that the proposals would provide some needed on-site storage for existing users of the shopping complex, which would provide a more sustainable arrangement for existing businesses. The office space proposed is small and would not result in any significant number of vehicle movements to and from the site or have any detrimental impacts upon allocated sites.

5.10.2 I have weighed the economic and sustainability benefits against the environmental impact. On balance, with there being no significant harm to the character or appearance of the countryside and because the development is in accordance with more recent regional and national planning policy, providing for sustainable economic growth, I consider it can be accepted as a departure from policy ED9 of the Local Plan. I have considered all representations which do not lead me to an alternative conclusion.

5.10.3 As such, I recommend the application for approval subject to the following conditions. (Delegated powers are sought to allow advertisement of the application as a departure from the development plan)

6. RECOMMENDATION

Subject to the expiry of the site notice and advert publicising the application as a Departure from the Development Plan and the receipt of no representations raising new issues, I be given DELEGATED POWERS to 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 ground floor of the building shall be used for B8 use only and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 or permitted under Schedule 2, Part 3, Class(es) B and E of the Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking and re-enacting those Orders with or without modification), and shall only be used in connection with businesses operating within the area outlined in red on the attached plan;

Reason: To meet the terms of the application and in the interests of achieving and maintaining sustainable economic development in accordance with PPS1 and PPS4.

3. Notwithstanding the provisions of 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, the Town and Country Planning (General Permitted Development) (Amendment) (No.2)

(England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 8, Class A to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and amenity of the surrounding area in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000.

4. No additional floor space shall be created inside the building hereby permitted;

Reason: In the interests of sustainable development objectives in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, PPS1 and PPS4.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which 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 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 Landscape Guidelines and shall include tree planting to the south of the proposed car parking;

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development in accordance with policies ENV6, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000.

6. 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(s) 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 policies ENV6, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000.

7. The development shall not commence until, written details and samples of the materials and the colour 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 policies ENV6, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000.

The proposed development is not in accordance with policy ED9 of the Maidstone Borough-Wide Local Plan 2000. However, the development is not considered to cause visual harm to the character and appearance of the countryside or landscape, and subject to the conditions stated, is considered to comply with recent Government guidance contained within PPS4: Planning for Sustainable Economic Growth. This 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.