

APPLICATION: MA/11/1014 Date: 17 June 2011 Received: 21 June 2011

APPLICANT: BAE Systems Pension Funds Trustees Ltd.

LOCATION: 7, COLMAN PARADE, KING STREET, MAIDSTONE, KENT, ME14 1DJ

PARISH: Maidstone

PROPOSAL: Application to allow an interchangeable use of the unit for uses falling within Use Classes A1, A2 and A3 as shown on drawing no. 634/14/1\_SLP01 received 17/06/2011.

AGENDA DATE: 11th August 2011

CASE OFFICER: Steve Clarke

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

- It is a departure from the Development Plan as the uses proposed are not restricted to those within Use Class A1 as stated in policy R7 of the Maidstone Borough-wide Local Plan 2000.

## **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: R7

South East Plan 2009: SP1, SP2, SP3, CC1, CC6, TC1, TC2, BE1, AOSR7

Village Design Statement: N/A

Government Policy: PPS4

## **2. HISTORY**

2.1 The parade of shops and Colman House offices above, were erected in the mid 1960s. The site overall has an extensive planning history, the most recent applications relating to the application unit are as follows:-

- MA/07/1010: An application for advertisement consent for one internally illuminated fascia sign: APPROVED 03/07/2007
- MA/99/1938: Advertisement consent for the installation of internally illuminated fascia signage: APPROVED 07/02/2000
- MA/94/0419: Installation of new shopfront: APPROVED 29/04/1994

### **3. REPRESENTATIONS**

3.1 None received to-date. Any received will be reported to Members at the meeting.

### **4. CONSIDERATIONS**

#### **4.1 Site Description**

4.1.1 The site is located on the north side of King Street within Colman Parade a row of commercial units that are situated on the ground floor of Colman House a multi-storey office block. Immediately to the front of the site are a number of bus stops. This section of King Street provides a direct link between the Mall Chequers shopping centre and Week Street/Fremlins Walk and the High Street and has a high footfall.

4.1.2 The unit to which the application relates amounts to some 110m<sup>2</sup> in area and is currently trading as Card Factory, in use as a shop predominantly selling birthday and other cards. There is a first floor which is used for storage and staff facilities.

4.1.3 Within the parade there two A2 uses (Brook Street Employment Agency and Britannia Building Society) the remaining units are A1 retail units comprising Peppermint in a double unit (fashions), Kent News (newsagent), Greggs (bakers/sandwiches), Card Factory (application site), Evans in a double unit (fashions) and Caffè Nero. The entrance to Colman House lies between Evans and Café Nero. On the south side of King Street opposite Colman Parade are Head and Hart Jewellery, Costa Coffee, Claire's Accessories and Lush.

4.1.4 The site is located in the Town centre as defined in the Maidstone Borough-wide Local Plan 2000 and is designated as Core shopping frontage under saved policy R7.

#### **4.2 Proposal**

4.2.1 The application seeks approval for a change in the use of the premises from its permitted current use (A1 shops) to allow the unit to be occupied by uses falling within Use Classes A1 (shops), A2 (Financial & Professional Services) or A3 (restaurants and cafes) uses on an interchangeable basis.

4.2.2 No external alterations to the premises are proposed.

4.2.3 The applicants state that they are seeking the permission to allow for greater flexibility as they consider the future of the unit, particularly given current market conditions.

### 4.3 Principle of development

4.3.1 The key issues on which this application should be assessed are whether the proposal would affect the vitality and viability of the Town Centre and the role and function of the core shopping area. Maidstone is designated as a Regional Hub and as an important Regional Shopping Centre in the South East Plan 2009 and it is important that this role is not undermined by development that is permitted.

4.3.2 As stated previously, the application site is within the area of the Town Centre designated as a core retail area under saved Policy R7 of the Borough-wide Local Plan 2000. Policy R7 states as follows:-

**'POLICY R7 THE CORE SHOPPING AREA, AS DEFINED ON THE PROPOSALS MAP, IS DESIGNATED FOR CLASS A1 (SHOP) USES AT GROUND FLOOR LEVEL. WITHIN THIS AREA THE BOROUGH COUNCIL WILL NOT PERMIT THE USE OF GROUND FLOOR PREMISES FOR CLASS A2 (FINANCIAL AND PROFESSIONAL SERVICES), CLASS A3 (FOOD AND DRINK) USES OR OTHER USES.'**

4.3.3 An interchangeable use of the premises for uses falling within Classes A1, A2 or A3 would be a departure from this policy and therefore the application has been advertised as such.

4.3.4 The extent of the core area that was designated in 2000, some 11 years ago, was to seek to ensure a wide range of comparison goods retailers to avoid the threat of trade diverting to other centres if this range was perceived by shoppers as being too narrow. The extent of the area was defined by the proposed Fremlins Centre and the extent of the 'Zone A' commercial rental values. This aim was backed up by advice in the then applicable PPG6 which allowed for primary frontages to be restricted to a high proportion of retail uses. At the time, some 20-25% of the ground floor/street level frontages were comprised of uses other than A1.

4.3.5 It is necessary however, to consider whether there have been any changes to the area or material considerations, since the adoption of the Borough-wide Local Plan.

4.3.6 Government policy has changed and the most recent and most up-to-date policy advice is contained in PPS4 issued in December 2009. This encourages the promotion of the vitality and viability of town centres. Local planning authorities are advised that they should proactively plan to promote competitive town centre environments and provide consumer choice. To achieve this, the government aims to ensure inter-alia;

- new economic growth and development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities
- competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups)

4.3.7 Local planning authorities are still encouraged at the local level to, 'define the extent of the centre and the primary shopping area in their Adopted Proposals Map having considered distinguishing between realistically defined primary and secondary frontages in designated centres and set policies that make clear which uses will be permitted in such locations.'

4.3.8 PPS4 contains the following definitions of 'Primary Shopping Area' and 'Primary Frontage.'

**'PRIMARY SHOPPING AREA:** Defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are contiguous and closely related to the primary shopping frontage). The extent of the primary shopping area should be defined on the proposals map. Smaller centres may not have areas of predominantly leisure, business and other main town centre uses adjacent to the primary shopping area, therefore the town centre may not extend beyond the primary shopping area.

**PRIMARY FRONTAGE:** Primary frontages are likely to include a high proportion of retail uses.' :-

The PPS suggests that evidence as to the extent of the primary frontage can be gathered inter-alia by investigation of the level of Zone A rates within a town centre.

4.3.9 It is also necessary to consider the circumstances of the Town Centre itself, which have also changed, primarily through the completion of Fremlins Walk and the widening of the core shopping frontage and area, but also as a result of the recent economic uncertainty. Nevertheless, the application site is located in an area of very high footfall as part of the direct link between Maidstone's two shopping centres that King Street and Week Street provide.

4.3.10 Colman Parade represents a very small percentage of the retail frontage in the overall core area of the Town Centre. In the event that a change of use to A2 or A3 occurs, there would also still be 7 units out of the 10 in the parade in A1 use. Furthermore, planning permission would not be required for any future change from an A3 or A2 use to an A1 use within the unit. This has already occurred

with the adjacent unit to the west which has changed from an A2 Use (Barclays Bank) to its current use A1 use by Greggs the bakers in recent years. It is also the case therefore, that an A2 or A3 unit on the application site would not raise the overall level of non-A1 uses above that which has previously existed in the parade as a whole.

4.3.11 It is my view therefore, that although the proposals do represent a departure from the Development Plan, a change to an A2 or A3 use in this unit would not prejudice the vitality or viability of the Town Centre and its role as a regional shopping centre. No objections are raised to the principle of the development proposed.

#### **4.4 Other issues**

4.4.1 In the event that an A3 use is introduced to the unit, as there are no residential properties close-by, such a use would have no affect on residential amenity. For this reason I consider that it would not be reasonable to impose a condition limiting operating hours in the event that an A3 use is taken up. It would be appropriate however to require details of an extraction scheme to be provided if an A3 use is taken up in the interests of the amenity of the area as whole.

4.4.2 There are no highway implications arising from the proposals.

#### **5. CONCLUSION**

5.1 Although the proposals do represent a departure from the Development Plan, a change to an A2 or A3 use in this unit would not prejudice the vitality or viability of the Town Centre and its role as a regional shopping centre. No objections are therefore raised to the development proposed.

#### **6. 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. Prior to the commencement of any A3 use of the premises, details of a scheme for the extraction and treatment of cooking fumes shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first use of the premises for an A3 use and thereafter maintained to the

satisfaction of the Local Planning Authority as long as that use persists. Such a scheme should typically include a grease filter, pre-filter and activated carbon treatment, together with high level fume dispersion;

Reason: To safeguard the amenities of the surrounding area in accordance with policies CC6 and BE1 of the South East Plan 2009.

The proposed development whilst not complying with policy R7 of the Maidstone Borough-Wide Local Plan 2000 is not considered to cause harm to the vitality and viability of Maidstone Town Centre or the character and appearance of the area and subject to the conditions stated, is considered to comply with more recent Central Government Guidance within PPS4 and there are no overriding material considerations to indicate a refusal of planning consent.