

APPLICATION: MA/11/1983 Date: 16 November 2011 Received: 18 November 2011

APPLICANT: Mr C. Thurlow, Baltic Wharf (Maidstone) Ltd

LOCATION: RAGLAN HOUSE AND POWERHUB, ST PETERS STREET, MAIDSTONE, KENT

PARISH: Maidstone

PROPOSAL: Change of use of first floor of Raglan House to a dance academy studio (Use Class D2) and change of use of existing dance academy studio in unit B11 of the Powerhub Building to employment use (Use Classes B1 or B2 or B8) as shown on A3 site location plan received on 17th November 2011 and drawing nos. TBH/1, TBH/2 and TBH/3 received on 18th November 2011.

AGENDA DATE: 12th January 2012

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: ED2, T13
- South East Plan 2009: CC1, CC6, RE1, RE3, NRM10
- Government Policy: PPS1, PPS4, PPG24

2. HISTORY

Various applications relating to alterations and extensions to the 'Powerhub' building and Raglan House and the following changes of use applications:

- MA/06/1396 - Change of use from class B1 use (internet service providers office) to a sui generis use as a credit bookmakers office/exchange trading office – APPROVED WITH CONDITIONS
- MA/98/1442 - Change of use to retail sales of pine furniture and associated goods with storage and ancillary office space – APPROVED WITH CONDITIONS

MA/96/1013 - Change of use of existing industrial unit to retail use (for the sale of soft furnishings) – APPROVED WITH CONDITIONS

MA/95/0804 - Use of premises as a taxi and private hire telephone and booking office – APPROVED WITH CONDITIONS

MA/95/0295 - Use of premises as a dancing school – APPROVED WITH CONDITIONS

MA/94/0607 - Change of use to indoor golf simulation centre – APPROVED WITH CONDITIONS

MA/92/1447 - Part change of use to resource unit for people with learning disabilities – APPROVED WITH CONDITIONS

MA/88/0393 - Change of use from industrial to storage – APPROVED WITH CONDITIONS

MA/88/0112 - Change of use of units to gymnasium weight-training sauna solarium – APPROVED WITH CONDITIONS

MA/84/1474 - Change of use to retail warehouse – REFUSED (ALLOWED AT APPEAL)

MA/79/0835 - Change of use to sandwich bar – APPROVED

MA/78/1894 - Change of use to coach works and paint spray shop – APPROVED WITH CONDITIONS

3. REPRESENTATIONS

3.1 No representations received.

4. CONSIDERATIONS

4.1 Site Description

4.1.1 The application relates to 'Raglan House' and the 'Powerhub' building which are linked to one another and located on the east side of St Peters Street. These buildings form part of the former 'Maidstone Industrial Centre' complex which consists of these buildings and 'Baltic Wharf'. The complex has over 30 individual units. The site is northwest of the town centre of Maidstone and to the west of the River Medway. The site falls within an area designated for B1 (offices and light industry) and B2 (general industry) uses under policy ED2 of the Maidstone Borough-Wide Local Plan 2000.

- 4.1.2 Raglan House is a two storey building of traditional appearance with a brickwork front over a pitched roof, fronting St Peters Street at the north end of the site. The Powerhub building, immediately south, is a large four storey building which fronts the road and extends around 100m eastwards. Raglan House is a vacant office building (B1 use) and Powerhub has a mix of offices, general industry and storage (B1, B2 and B8 uses) with some retail most of which are vacant.
- 4.1.3 The application specifically relates, firstly, to Unit B11 which is on the second floor of the Powerhub building where there is an existing dance studio, and secondly, the first floor of Raglan House.

4.2 Proposal

- 4.2.1 Permission is sought for two separate changes of use. One is for the change the use of Unit B11 of Powerhub (some 240m²) from a dance studio (D2 use) to B1, B2 or B8 use and the second is to change the use of the first floor of Raglan House (some 190m²) from B1 use to a dance studio (D2 use). Essentially permission is sought to relocate the dance studio to the first floor of Raglan House. No external changes are proposed with only internal works required.

4.3 Principle of Development

- 4.3.1 Policy ED2 of the Local Plan designates the site for B1 and B2 uses and seeks to retain employment sites. The objective of policy ED2 as outlined in the explanatory text is,

"in order to maintain a variety of accommodation available in the Local Plan area, and to reduce the pressures for additional allocations on fresh land that would arise if they were redeveloped for other uses."

- 4.3.2 Clearly, the proposed D2 use in Raglan House would not comply with this policy and as such I consider the proposal to be a departure from the Development Plan. However, the application would involve the relocation of a permitted D2 use within this designated area and on this basis I consider there would be no significant loss of employment floorspace. I am also mindful that government guidance in PPS4 and policies within the South East Plan promote a flexible approach to economic development, which this D2 use would be classed as.
- 4.3.3 The change of use of Unit B11 of the Powerhub building from D2 use to B1, B2 or B8 would largely comply with the sites Local Plan designation. I do not consider any B8 use of the unit, which would not strictly comply with policy ED2, would be objectionable as it would still provide some employment.

4.3.4 I consider a condition is necessary to require the existing D2 use to cease if the proposed use within Raglan House is implemented due to the conflict with the Local Plan designation.

4.4 Other Matters

4.4.1 The nearest residential properties are at 'Waterside Gate' some 60m to the north with the railway line and embankment between and some 110m to the west at 'Claire House' on Buckland Road. I do not consider there are any serious implications for the residential amenity of the Waterside Gate properties from any noise and disturbance due to the distance and shield created by the embankment. I consider the distance to Claire House is sufficient such that residential amenity would not be harmfully affected. There is a large parking area on the north side of the railway which is currently used so there are no highway safety issues. No external changes are proposed so there are no implications for visual amenity.

5. CONCLUSION

5.1.1 Whilst the proposed change of the first floor of Raglan House to a D2 use does not comply with the Local Plan, because it simply involves a relocation of an existing use within this designated area, I consider this is sufficient grounds to allow the development. No harm or overall loss of employment floorspace would result from an approval of the development and I therefore recommend permission subject to the following conditions.

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. Within 3 months of the implementation of this permission, the use of Unit B11 of the 'Powerhub' building (as shown on drawing nos. TBH/2 and TBH/3) for D2 use, shall permanently cease;

Reason: The justification for this permission is due to the relocation of an existing D2 use within this designated employment area and as such the continued D2 use of Unit B11 would be contrary to policy ED2 of the Maidstone Borough-Wide Local Plan 2000.

3. No activity in connection with the D2 use hereby permitted shall be carried out outside the hours of 9am to 10pm Mondays to Saturdays and 10am to 6pm on Sundays;

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers in accordance with policy NRM10 of the South East Plan 2009 and PPS1.

The proposed development is not in accordance with policy ED2 of the Maidstone Borough-Wide Local Plan 2000. However, the development represents the relocation of an existing D2 use within a designated employment area so there would be no unacceptable loss of employment floorspace. Subject to the conditions stated, this is considered to represent circumstances that can outweigh the existing policies in the Development Plan and there are no overriding material considerations to indicate a refusal of planning consent.