

APPLICATION: MA/13/1199 Date: 3 July 2013 Received: 25 July 2013

APPLICANT: Mrs Denise Elliott

LOCATION: 8, TONBRIDGE ROAD, MAIDSTONE, KENT, ME16 8RP

PARISH: Maidstone

PROPOSAL: Change of use of part of first floor and associated ground floor entrance area from storage use to leisure facilities (class D2) with associated alterations.

AGENDA DATE: 21st November 2013

CASE OFFICER: Louise Welsford

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

- it is a departure from the Development Plan and has been advertised as such.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ED2
- Government Policy: National Planning Policy Framework

2. HISTORY

Extensive history. The most relevant is:

MA/01/1310 Variation of condition 2 of permission MK/1/71/0592 to allow access onto Tonbridge Road - Approved

3. CONSULTATIONS

- 3.1 Kent County Council Highways Engineer: Does not expect the application to lead to any significant traffic generation and raises no objection.

Environmental Health Manager: Recommends a condition regarding opening hours and an informative that the use be carried out in a considerate manner.

4. REPRESENTATIONS

- 4.1 None received to date.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 This application relates to a commercial premises which is located to the edge of Maidstone Town Centre. It is located upon the northern side of Tonbridge Road, amidst mainly commercial surroundings, with some residential uses in the wider vicinity.
- 5.1.2 The ground floor is currently in use as a retail unit (The Bath Store), with storage facilities to the first floor. To the west of the building is a private car park, with access onto Tonbridge Road.

5.2 Proposal

- 5.2.1 Planning permission is sought for the change of use of part of the first floor and the associated ground floor entrance area from storage use to leisure use as a kick-boxing club. The existing use is stated to be Class B8 use and the proposed use Class D2. Some very minor external alterations to vent pipes and to the type of glazing (from clear to obscured) are proposed.

5.3 Principle of Development

- 5.3.1 The most relevant policy of the Local Plan is policy ED2. This policy designates the site as part of an economic development area for Class B1 use, and it states:

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

The proposed use is not an employment use and no marketing information has been provided. The proposal does not, therefore, accord with the Development Plan and it has been advertised as a departure from the Development Plan. It is therefore necessary to consider whether there are any material considerations which would indicate a contrary decision.

- 5.3.2 The National Planning Policy Framework is a strong material consideration. This document seeks to promote the vitality of main urban areas and to deliver appropriate community facilities. It states that decisions should plan positively for the provision of community facilities, including sports venues, and ensure an integrated approach to considering the location of housing, economic uses and community facilities.

- 5.3.3 In this case, the proposal would not result in the total loss of the storage use, but merely a reduction in floorspace, as around half of the first floor area would be retained in the storage use. Also, the specific designation within policy ED2 is for Class B1 and no Class B1 floorspace would be lost. Within the overall designated area, the loss of the proposed amount of floorspace from employment use would be relatively low.
- 5.3.4 Also, the proposal would accord with the National Planning Policy Framework in terms of securing a community leisure facility within a sustainable location. This is a site located upon a main arterial route, which can easily be accessed by a variety of methods of transport, including being within walking distance of a good number of residential properties who might utilise the facility. The proposal would contribute towards enhancing the vitality of the main urban area of Maidstone in my view, in line with the National Planning Policy Framework. It would not result in an undue concentration of similar uses.
- 5.3.5 It is concluded that the loss of the proposed level of storage floorspace is not an overriding justification to refuse permission for the proposed use in this sustainable location, which would enhance the vitality of the urban area and accord with the aims of the National Planning Policy Framework. The principle is therefore considered acceptable in this particular case.

5.4 Visual Impact

- 5.4.1 There are no significant visual changes to the character or appearance of the building.

5.5 Residential Amenity

- 5.5.1 The proposal would not result in a significant loss of residential amenity for any neighbouring property, (including loss of privacy or noise and disturbance), due to the location, within generally commercial surroundings. Residential properties on Tonbridge Road are a good distance from the site. There are flats at number 3 London Road, but these are also well set away from the building. Fenestration would generally face towards commercial property.
- 5.5.2 Also, due to the location, between two main arterial routes, background noise, particularly during the day, is likely to be high. However, the Environmental Health Manager recommends a condition regarding opening times, when background levels of noise would typically be lower, and this is considered appropriate. The times given in the proposed condition vary from the hours shown on the application form. The application form shows 4pm – 10pm on weekdays and 10am-12 noon at weekends. The condition proposes 9am-10pm

weekdays and 10am-1pm on weekends and Bank Holidays. This is to allow greater flexibility to increase the viability of the use and the contribution it makes to achieving sustainable development and also use outside of those hours is not considered to result in significant harm, including to residential amenity. An informative is also proposed to encourage users to leave the facility in a considerate manner.

5.6 Highways

- 5.6.1 The application proposes the use of an existing access onto Tonbridge Road. 7 of the 30 spaces within a private car park immediately adjoining the subject building would be allocated for the use of the kick-boxing club.
- 5.6.2 I note that a condition in the planning history restricted the used of access onto Tonbridge Road to certain hours (9am to 5pm). The reason for the imposition of the condition was stated to be highway safety. This application proposes a closing time of 10pm on weekdays.
- 5.6.3 The Kent County Council Highways Engineer has been consulted and confirms that she has no objection to the application. She does not expect the application to lead to any significant traffic generation. The closing time of 10pm on weekdays would mean that traffic leaving the site would be likely to be emerging onto Tonbridge Road well after the peak time, with typically the highest volumes of traffic on Tonbridge Road being expected at different times to when the site traffic would be likely to be arriving and leaving, due to the nature of the use. This is an application for a proposed leisure club, with most users being likely to use the facility outside of working hours, whereas higher volumes of traffic on the road are likely to be associated with working patterns. And in any case, when higher levels of traffic are encountered, the expected volume of traffic from this use is considered likely to be able to emerge, as traffic on the road would be slowing down.
- 5.6.4 Also, the site lies in a sustainable, edge of Town Centre location, close to public transport services and within walking distance of a good number of residential properties. Given the sustainable location and the comments of the Highways Engineer, and the nature of the use as a leisure facility, there are not considered to be any significant highways implications from the expected volume and timing of traffic accessing the site.

5.7 Other Issues

- 5.7.1 In terms of anti-social behaviour from the car park being open at night, it is considered that the development would, to a certain degree, be self policing, as users of the club would be coming and going from the site car park. It is not considered to be a type of use or time of use which would be likely to result in significant anti-social behaviour issues which would justify a refusal.

6. CONCLUSION

- 6.1.1 The proposal would add to the vitality of the urban area and would secure a community facility in a sustainable location. The loss of the existing storage floorspace would not cause significant harm. It is considered that the proposal complies with the National Planning Policy Framework. Approval is recommended.

7. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

drawing no.s 1504/TRM/03, 1504/TRM/04 and 1504/TRM/05 and a Site location plan received on 04/07/13.

Reason: To ensure a satisfactory appearance to the development and to preserve residential amenity.

3. No activity in connection with the use hereby permitted shall be carried out outside the hours of 09.00 - 22.00 on Mondays to Fridays and 09.00 - 13.00 on Saturdays, Sundays, Bank and Public Holidays;

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

Informatives set out below

The applicant is encouraged to create a noise policy for patrons. This might include the following advice:

If music is played within the building, the volume should be kept to a reasonable level and all doors and windows should, where possible, be kept closed during this time.

Vehicle engines should not be run for any longer than necessary.

Patrons should leave quietly and avoid having extended conversations in the car park.

When arriving or leaving, the volume of motor vehicle music should be kept low in the vicinity of the site

Any air conditioning should be switched off when the building is unoccupied.

The proposed development, subject to the conditions stated, is not considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000). However, in this particular case, the development would increase the vitality of the main urban area and provide a sustainable community facility in line with the advice in the National Planning Policy Framework.