

APPLICATION: MA/13/1474 Date: 15 August 2013 Received: 22 August 2013

APPLICANT: Ms Lorna Thwaite, Accommodation Yes Ltd

LOCATION: 12, TONBRIDGE ROAD, MAIDSTONE, KENT, ME16 8RP

PARISH: Maidstone

PROPOSAL: Change of use of office building to create 9no. residential units, including addition of single and two storey rear extensions

AGENDA DATE: 10th April 2014

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.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ED2 T13.
- Government Policy: National Planning Policy Framework, National Planning Practice Guidance.

2. HISTORY

None relevant.

3. CONSULTATIONS

- 3.1 Kent County Council Highways Engineer: The Kent Design Guide Interim Guidance Note 3 recommends a maximum of one parking space per one bedroomed unit. As this is a maximum standard, she raises no objection. She recommends that the minimum standard for cycle parking is met (1 space per flat).
- 3.2 Parking Services: Site is outside the residents parking zone, so no impact on long stay parking.
- 3.3 Environmental Health Manager: No objections. Recommends conditions regarding noise and air quality, and informatives.

4. REPRESENTATIONS

4.1 None received to date.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 This application relates to a semi-detached, office building, of Victorian design. It is constructed of brick under a tiled roof, with a small flat roofed rear extension.

5.1.2 The site is located upon the northern side of Tonbridge Road, amidst mainly commercial surroundings, with some residential uses within the wider vicinity.

5.1.3 The site falls within an area which is designated for Class B1 office use within the Local Plan.

5.2 Proposal

5.2.1 Planning Permission is sought for the change of use of the site from office use to use as nine residential units. This includes the erection of two storey and single storey rear extensions.

5.2.2 Accommodation would comprise six, one bedroomed flats and three bedsits. There would be four flats upon the ground floor – two within the existing building and two within a rear extension. Upon the first floor there would be one flat and two bedsits, with part of the bedsit accommodation being located within the proposed first floor section of the rear extension. Two further units, one flat and one bedsit, would be provided upon the existing second floor.

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. The proposed use is not an employment use. Although the premises are stated to have been vacant since October 2012, the applicant has confirmed that she has not marketed it for office use. The proposal does not, therefore, accord with the Development Plan and it has been advertised as a Departure from the Development Plan.

5.3.2 In this particular case, there are a number of factors which have led me to the conclusion that there should be no objection to the loss of the employment use of this site.

- 5.3.3 Firstly, permitted development rights which came into force in May 2013, would allow the building to be converted to residential use without the need for full planning permission. Full planning permission is only required because extensions to the building are proposed and the existing class B1 office use could therefore be lost without the need for full planning permission. This fallback position is a very strong material consideration.
- 5.3.4 Secondly, the proposal would bring back into active use premises which have been vacant for around 18 months. This is not a modern office building and has relatively limited parking. It is not considered to be of especially high quality in terms of the office stock within the Borough. Nos 14-16 were converted to flats circa 2002 as well as No20 which was granted planning permission in 2012. There is also a current prior notification application at No6 for conversion to residential. This history supports the argument that this type of building is not, in this location, especially desirable for office use.
- 5.3.5 I therefore consider the loss of the employment use in this case to be acceptable.
- 5.3.6 The National Planning Policy Framework recognises that residential development can play an important role in ensuring the vitality of town centres (paragraph 23). Paragraph 49 states that: "Housing applications should be considered in the context of the presumption in favour of sustainable development".
- 5.3.7 This site occupies a very sustainable location. It is only approximately 200m from a railway station and a bus stop. It is also within easy walking distance of the town centre, with its wide range of shops, employment opportunities and facilities. The site is therefore well located to provide a sustainable form of development.
- 5.3.8 It is noted also that as at April 2013, the Council could not demonstrate a five year housing supply. The provision of these 9 units would contribute towards the housing land supply. The development would also contribute towards the housing mix, as advocated by paragraph 50 of the National Planning Policy Framework, as the applicant has confirmed that it is her intention to provide housing for vulnerable females.
- 5.3.9 Importantly, paragraph 51 of the National Planning Policy Framework states that local planning authorities should normally approve planning applications for change to residential use from class B use classes where there are no strong economic reasons to resist the change of use and there is an identified housing need in the area. This application lies in a sustainable location and there are no strong economic reasons to resist the change of use and there is currently

understood to be no five-year housing supply. The principle is therefore considered acceptable.

5.4 Visual Impact

- 5.4.1 There are no significant adverse visual changes proposed. In general, the form and character of the existing building would be retained with no changes proposed to the front elevation. Flat roofed additions are proposed to the rear, but these would not be prominent in the public realm. The two storey extension would not be of excessive depth and the single storey extension would be of low height and in keeping with similar extension to the attached property.
- 5.4.2 I conclude that the proposal would preserve the character and appearance of the streetscene and locality.

5.5 Residential Amenity

- 5.5.1 Although fairly substantial additions are proposed to the rear, it is not considered that these would result in any significant harm to residential amenity. The only residential property in close proximity to the site is the flats adjacent to the west at number 14/16 (properties to the north and east are commercial). Number 14 already has a two storey rear extension with a mainly solid section of wall facing the site and there is high close boarded fencing along the common boundary. A gap of around 2.6m would remain between the buildings, the majority of the extension would be of low height, being single storey with a flat roof and it would be located to the north west elevation, which would limit its impact upon light and overshadowing. It is therefore concluded that the impact upon light and outlook would be acceptable.
- 5.5.2 In terms of privacy, no new side openings are proposed above ground floor level and there is high close boarded fencing along the side boundary with no. 14. There is a difference in land levels between no.s 14 and 12 and this slightly offsets the windows of the properties, plus the planning history records indicate that there are no bedroom windows to the side elevation of no.14 facing the site. I note that no objections have been received from the occupiers of flats at no. 14. It is further noted that these properties were originally constructed for residential purposes and have previously functioned as such alongside one another.

5.6 Highways

- 5.6.1 There is no vehicular access existing or proposed to the site frontage onto Tonbridge Road. Vehicular access is gained via an existing private road off of Terrace Road. Two car parking spaces are proposed to be retained.

- 5.6.2 The Kent Design Guide Interim Guidance Note 3 recommends a maximum of 1 space per 1 bedroom unit in town centre/edge of town locations such as the site. As this is a maximum standard, the Kent Highway Services Engineer confirms that she raises no objection to the application.
- 5.6.3 Parking upon Tonbridge Road is considered unlikely to occur, due to the fast moving nature and volume of the traffic thereon. This is however, a very sustainable, urban location, where other modes of transport could easily be used. The site lies only approximately 200m from a mainline railway station (servicing London) and a bus stop. It is also within a feasible walking distance of Maidstone town centre (approximately 0.7miles), with its wide range of shops and services. A grocery shop lies only approximately 200m from the site.
- 5.6.4 The Kent Design Guide Interim Guidance Note 3 does recommend one cycle space per flat. Initially only two spaces were shown in total, however, amendments have been sought and agreed and a revised drawing now shows the nine spaces required for the development.
- 5.6.5 It is therefore concluded that there are no significant highways issues arising from the development.

5.7 Landscaping

- 5.7.1 No important trees would be lost by this proposal. There are a couple of trees/shrubs along the boundary with no. 14, but these are of poor quality and form and are not worthy of protection.
- 5.7.2 A small outdoor amenity area of around 7m x 3m would be provided, which would help to provide a satisfactory living environment, but given the amount of hardsurfacing already on site and the limited opportunities to provide landscaping which would have a material impact upon visual amenity, a landscaping condition is not considered necessary in this particular case.

5.8 Other Matters

- 5.8.1 There are no significant ecological issues, due to the character of the site, being almost wholly hardsurfaced and in a built up, urban environment.
- 5.8.2 The site lies upon a busy arterial route and would experience traffic noise. It is also located within the Maidstone Town Air Quality Management Area. The Environmental Health Manager has been consulted and is satisfied that these issues are likely to be able to be addressed by conditions to provide appropriate mitigation following the relevant surveys. As the building is not unusually constrained (for example, it is not listed, so the use of double glazing would be acceptable), this is considered an appropriate conclusion and I therefore

recommend the conditions suggested by the Environmental Health Manager to deal with these issues, in order to provide a satisfactory living environment.

6. CONCLUSION

- 6.1 The proposal would provide sustainable residential development, with no significant adverse highways, visual or residential amenity issues. The loss of the existing employment use is not objectionable and in this case a Departure from the Development Plan is therefore considered justified. 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 materials to be used in the construction of the external surfaces of the walls of the development hereby permitted shall match those used in the existing building unless otherwise agreed in writing by the Local Planning Authority;

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

3. The development hereby permitted shall be carried out in accordance with the following approved plans:
drawing no.s TR1317.00, TR1317.06, TR1317.07, TR1317.08, TR1317.09, TR1317.10, TR1317.11, TR1317.12 and TR1317.16 received on 23/08/13 and TR1317.14 Rev A received on 12/03/14.

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

4. No development shall take place until:

An acoustic survey, to identify the noise environment of the site, has been carried out.

Where habitable rooms will be exposed to unacceptable noise levels (in accordance with BS 8233), mitigation should include a scheme of acoustic

protection sufficient to ensure internal noise levels (LAeqT) no greater than 30 dB in bedrooms and living rooms with windows closed. Where the internal noise levels (LAeq,T) will exceed 35 dB in bedrooms (night-time) and 45dB in living rooms (daytime) with windows open, the scheme of acoustic protection should incorporate appropriate acoustically screened mechanical ventilation.

Within gardens and amenity areas, the daytime 07.00-23.00 hours level of noise should not exceed 55dB (LAeq) free field. This excludes front gardens;

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter.

Reason: In order to provide a satisfactory living environment.

5. The development shall not be commenced until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:

- 1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.

- 2) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development.

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter.

Reason: In order to provide a satisfactory living environment.

6. To safeguard the enjoyment of their properties by adjoining residential occupiers and the amenity of the surrounding area the developer must provide evidence that the development conforms with Approved Document E Building Regulations 2003 'Resistance to the Passage of Sound' to the LPA. Details of the relevant building control authority shall also be provided to the LPA.

Reason: In order to provide a satisfactory living environment.

Informatives set out below

Asbestos:

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.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Working Practices:

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 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 EHM regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

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

Storage of waste and recyclable materials:

Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager.

Site Waste Management Plan:

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.

The proposed development, subject to the conditions stated, is considered not to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) however there is an overriding material consideration to indicate an approval of planning consent being that the proposal is considered to comply with the National Planning Policy Framework. It would secure a sustainable housing development without significant harm to the economy, visual or residential amenity.