

APPLICATION: MA/13/2143 Date: 9 December 2013 Received: 6 January 2014

APPLICANT: Mr Glen Obee, Motorline

LOCATION: LAND ON CORNER OF CUXTON ROAD AND, BIRCHOLT ROAD,
MAIDSTONE, KENT

PARISH: Boughton Monchelsea

PROPOSAL: Provision of new car dealership involving erection of car showroom with ancillary 11 bay workshop including MOT facilities, valeting, vehicle display and parking facilities as shown on drawing nos. P0001, P0100, P0101, P0102, P0150, P0170, P0172, and P0175 received on 12th December 2013, and P0010A and P0011A received on 9th April 2014.

AGENDA DATE: 1st May 2014

CASE OFFICER: Richard Timms

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

- The Council owns the land.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: R18(iii), ED2(iv), ENV6
- Government Policy: National Planning Policy Framework (2012), National Planning Practice Guidance (2014)

2. HISTORY

Most Relevant:

MA/08/0337 Demolition of existing buildings and creation of two new vehicular crossovers – APPROVED WITH CONDITIONS

MA/06/1855 Change of use to mixed B1/D1 uses, revised parking layout and formation of new site access – APPROVED WITH CONDITIONS

3. CONSULTATIONS

3.1 **Boughton Monchelsea Paris Council:** No objections

- 3.2 **MBC Environmental Health Manager:** No objections
- 3.3 **Environment Agency:** no objections subject to conditions regarding contaminated land and surface water drainage.
- 3.4 **Kent Highways:** No objections subject to conditions securing parking, loading and turning facilities; use of a bound surface; maintenance of accesses; and sustainable travel statement.

4. REPRESENTATIONS

- 4.1 **Councillor Moriarty:** Requests a contribution of £50k towards improvements works to Heather House community centre.

5. CONSIDERATIONS

5.1 Introduction

- 5.1.1 This is an application for the provision of new car dealership involving erection of car showroom with ancillary 11 bay workshop including MOT facilities, valeting, vehicle display and parking facilities at land on the corner of Cuxton Road and Bircholt Road, Parkwood Industrial Estate, Maidstone.

5.2 Site Description

- 5.2.1 The application site is a derelict parcel of land on a corner plot at the junction of Cuxton Road and Bircholt Road within the Parkwood Industrial Estate. There are no buildings on the site and it is currently enclosed by hoardings. The site has a 100m frontage to Cuxton Road and 40m frontage to Bircholt Road. There is a warehouse to the south, commercial units to the west and car sales premises to the north and east.
- 5.2.3 The site is within the defined urban area and the estate is designated for employment/car showrooms under policies ED2 and R18 of the Local Plan.

5.3 Proposal

- 5.3.1 Permission is sought to develop the site as a car dealership. This would involve the erection of a two storey building towards the east side of the site. It would have a rectangular footprint 42m x 29m and would be flat roofed with a height of 6.8m. It would provide for 1330m² of floorspace. The building would house a showroom, customer lounge, sales areas/rooms, 10 bay workshop, MOT bay, valeting bay, and parts store on the ground floor, and offices and stores on part

of the first floor. A detached valet building is proposed to the west of the main building measuring 15m x 7.5m, with a flat roof height of 5.2m. There would be a secure cycle and motorcycle shelter adjacent. The main building would be glazed on the east side, and for parts of the north and south elevation. Otherwise it would have horizontal metal cladding as would the smaller building.

5.3.2 The remainder of the site would be used for car display parking and customer parking on the east side, and staff, used car and service parking on the west side. Two access points off Cuxton Road would be provided. Landscaping would be proposed along the entire north and east road frontages consisting of a 0.8m strip with larger areas at the main entrance and corners. Trees are proposed along both frontages. Hoop bollards would also be provided along the frontages to secure the site.

5.4 Principle of Development

5.4.1 The site falls within an area designated for employment under policy ED2 and car sales and showrooms under policy R18 of the Local Plan. Policy R18 allows for such uses subject to there being a substantial element of B2 floorspace, there being no harm to residential amenity, and that access, parking and highways issues are acceptable. The proposal is also in line with the National Planning Policy Framework (NPPF) which seeks to promote sustainable economic growth.

5.4.2 The proposals provide workshops over half of the ground floor and valeting areas which the applicant considers to be light industrial (B1 use). Nonetheless, they provide for additional employment beyond car sales and meet the aim of policy ED2 for the estate, which is for B1 and B2 uses. I therefore consider the principle of the development is acceptable and the main issues are visual impact, residential amenity, and highways issues.

5.5 Visual Impact

5.5.1 The site is vacant and has been for some time. Subject to agreeing appropriate cladding, the proposals would introduce a good quality modern commercial building at the site. Landscaping would be provided along the external boundaries of the site with tree planting, which would improve the local environment. Overall, I consider the visual impact of the development would be acceptable and positive.

5.6 Residential Amenity

5.6.1 The nearest houses are 50m to the west at Cuxton Close with a commercial building between. I do not consider any noise from the use of the development

would result in harm to the amenity of these properties in the context of the existing commercial area. I also note that no objections have been raised by the Environmental Health Manager.

5.7 Highways

5.7.1 Kent Highways originally raised concerns regarding the level of parking for staff but following discussions and an increase in staff parking, they are satisfied with the levels proposed which are 29 spaces for cars sales and servicing customers; 22 for staff; 28 for used cars display; 27 for stock cars storage; and 9 for demonstrator cars display (total of 115). I consider this level of parking is acceptable and will attach a condition requiring a sustainable travel plan. Kent Highways have raised no objections to the access points, or the impact of traffic on the local highway network.

5.8 Other Matters

5.8.1 The site overlies a principle aquifer and a preliminary phase 1 contamination investigation has been carried out. The Environment Agency has raised no objections subject to a condition requiring further details and remediation if contamination not previously identified is found during works. They also recommend a condition outlining that no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. Such conditions are attached.

5.8.2 Councillor Moriarty has asked whether a contribution of £50k towards improvement works to the 'Heather House' community centre can be sought. I have advised him that there are strict tests for financial contributions on planning applications under the CIL Regulations 2010. They must be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. In this case, the proposal is for a commercial development, which would place no burden upon local community facilities such as the community centre. As such, financial contributions to the community centre would not be necessary, related to the proposed development or reasonable, and would not pass the CIL Regulations.

6. CONCLUSION

6.1 The proposals would provide for a form of development that accords with the Local Plan. The proposals would make use of a site that has been vacant for a number of years providing employment, and would improve the appearance of

the site. There would be no harm to local amenity, and there are no highway objections. I therefore recommend permission subject to the following conditions.

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 shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) 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.

3. The development shall not commence until details of any external lighting to be installed at the site, whether free-standing or attached to buildings or other structures within the site and including measures to prevent light spillage, have been submitted to and approved by the local planning authority. Any external lighting shall thereafter be installed in accordance with the subsequently approved details and maintained thereafter.

Reason: In the interests of visual amenity and reducing light pollution.

4. No development shall take place until specific details of the landscaping have been submitted to and approved in writing by the Local Planning Authority including 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;

Reason: No such details have been submitted and to ensure a satisfactory appearance to the site.

5. Prior to the first occupation of any part of the development hereby permitted, a Sustainable Travel Statement, which shall include measures and incentives to

encourage staff and visitors to the site to travel by sustainable modes of transport in order to reduce the number of single occupancy car trips and reduce the demand for parking, shall be submitted to and approved by the local planning authority in consultation with the highway authority. It shall include measures for its implementation, monitoring and subsequent enforcement and shall be implemented in accordance with the details of the plan upon first occupation of any part of the development.

Reason: In the interests of sustainable travel.

6. The approved details of the vehicle and cycle parking/turning, and vehicle loading/un-loading areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

7. The development shall achieve at least a Good BREEAM rating. The building(s) shall not be occupied until at least a Good BREEAM rating has been certified.

Reason: To ensure a sustainable and energy efficient form of development.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To protect the underlying groundwater from the risk of pollution.

9. 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.

10. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To protect the underlying groundwater from the risk of pollution.

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

Drawing nos. P0001, P0100, P0101, P0102, P0150, P0170, P0172, and P0175 received on 12th December 2013, and P0010A and P0011A received on 9th April 2014.

Reason: For the purposes of clarity and in the interest of highway safety and visual amenity.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.