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<b>Ightham</b> Ightham	<b>559370 156807</b>	<b>29.03.2005</b>	<b>TM/05/00999/FL</b>
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Proposal:	Change of use from B1 (offices) to D1 (place of worship) and widening of access road and associated works
Location:	Chapel Farm Ightham Bypass Ightham Sevenoaks Kent
Applicant:	D1 Properties

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## **1. Description:**

- 1.1 It is proposed to convert a B1 building of 169 sqm (1819 sq ft) to a place of worship. It will comprise a meeting room of 91 sqm (980 sq ft) for up to 80 persons and 3 ancillary rooms. An existing garage type store is to be demolished.
- 1.2 An illustrative plan has been submitted showing how car parking (22 spaces) and a cycle parking area can be provided along parts of the access road (where widened) and generally on the site of the existing concrete hardstanding.
- 1.3 The access to the A25 (Ightham By-pass) is to be widened at its entrance.
- 1.4 The agent has submitted a supporting statement with main points summarised below:
  - Will be used solely as a place of worship.
  - Will be used only on Sundays and two weekday evenings.
  - It will reduce the number and type of vehicles (e.g. commercial or HGVs) visiting the site.
  - The congregation is made up of families sharing private cars.
  - The access will be improved as required by KCC.
  - Demolition of detached store and planting of additional woodland will improve the openness and visual appearance of the site.

## **2. The Site:**

- 2.1 The site is in the MGB, AONB and ALLI.
- 2.2 The application site is 0.44ha (1.1 acre). It comprises a winding concrete access track approx. 3.5m wide leading to a lower level. At the lower level is a small area of concrete parking area (approx. 15m by 15m) and one flat roofed building (historically used as part office and part workshop) and an adjoining storage building.

- 2.3 A stream runs to the rear of the building and consequently part of the site is within a flood plain and a water gathering area. A TPO covers part of the site, principally the line of Poplar trees that flanks most of the access track.
- 2.4 The sole vehicular access is from a layby to the south-east side of the A25 (Ightham By-pass) which has a 60mph speed limit at this point. The access is to the north of the Oldbury Lane junction where the A25 bends away.

### **3. Planning History:**

- 3.1 TM/03/03027/FL Approved 27.10.2003  
Variation of condition (iv) of TM/87/1700 (change of use of existing store to office and erection of new store) to enable the offices to be occupied independently from the main workshop.
- 3.2 TM/02/02451/FL Approved 12.02.2003  
Change of use and conversion of single storey workshop building to dwelling.
- 3.3 TM/87/1700 Approved 22.01.1988  
Change of use of existing store to office and erection of new store.
- 3.4 TM/85/1219 Planning Application Not Required 30.09.1985  
Change of use of premises from Class X (warehousing) to Class III (light industrial).
- 3.5 MK/4/69/533 Refused; Appeal Dismissed 13.12.1971  
The change of use of premises from agricultural stores to storage of builders' materials, and the completion of building works to extend the existing building and subsequent use as a builders' stores.
- 3.6 MK/4/67/654 Refused 21.02.1968  
Change of use from agricultural storage to storage of builders' materials.

### **4. Consultees:**

- 4.1 KCC (Highways): Summarised as follows: Existing office floor area 192sq m, KCCVPS could attract up to a maximum of 9 to 10 car parking spaces. As a place of worship, current KCCVPS assesses the parking requirement based on 80 members in the congregation and therefore it could attract in the order of 16 spaces. However, the emerging KCCVPS standards would look for parking to be provided on the basis of 1 space per 7 seats or 10sq m. This equates to between 9 to 11 parking spaces, a reduction. If it is assessed as a place of assembly and leisure, 22 spaces would be appropriate, of which 4 spaces adjacent to the building should be disabled parking. The parking along the access road should have bays of 6.0m long. There should be a passing areas 12m long. 4 spaces can be provided on the bend as shown with the remaining parking up to the gate removed. This would provide a total of 18 spaces that I find appropriate. The bays

and passing area should be formally marked out. Improvements to the access road will be to a minimum width of 5.5m. This will allow for a vehicle to be parked, permit passing traffic and accommodate pedestrians. The applicant states that the facility will only be used on Sundays and two weekday evenings. Therefore the traffic associated with this proposal will not coincide with the usual peak times. The site currently has a Class B1 office use that I understand has unrestricted use of hours. This office use will undoubtedly result in traffic movements during the peak times that may include HGVs making deliveries. This proposal will result in a less frequent use of the site than the current use with the likely result in a reduction in traffic movements during the peak times and on a general weekly basis. Support the application subject to the above recommendation on parking and the access road being taken on board and the stated periods of operation. Conditions suggested for parking space provision, detail of car park and provision of turning area.

- 4.2 Revised details: The applicant has submitted a plan number 525-03D showing a revised parking layout showing the provision of 22 spaces that I would find acceptable. The passing area indicated on the plan will need to be safeguarded with road markings to ensure that the passing area is available at all times. The parking will need to be managed, as it is human nature to try and park as close to the building as possible particularly during inclement weather.
- 4.3 PC: Concern at the small turning area, limited parking and the potential hazard of traffic leaving and entering the A25 Ightham By-Pass.
- 4.4 Private Reps + Art 8 Site notice (10/0X/0R/0S). No responses received.

## **5. Determining Issues:**

- 5.1 The main issues in this application relate to the acceptability of the change of use and associated parking in a rural area, the effect of works in relation to protected trees and the highway safety implications with regard to the access to a Classified Road.
- 5.2 In terms of the MGB and the AONB, the change of use of the building is acceptable in principle as the associated works (widening of access and increase in parking) are relatively minor in scale and would not require works that would amount to major reconstruction of the building. The change of use would therefore comply with PPG2 and strategic and local rural planning policies in my opinion.
- 5.3 The original application included widening of most of the access track in order to allow for parallel parking. This was problematic as it would have resulted in works close to the trunks of a row of protected Poplar trees. The agent has since submitted an illustrative revised parking layout that shows there is scope to provide adequate parking at the lower part of the site. Accordingly, I no longer consider that there will be a conflict with protected trees as a result of this proposal.

- 5.4 Parking requirements for this use are given as between 16-22 spaces. I am of the view that the relatively isolated location of this site is such that the higher figure is required. I consider that 22 parking spaces can be provided on the site without undue harm to the openness or landscape character of the locality. A condition is suggested to ensure that an acceptable parking layout can be provided that meets the requirements of KCC with regard to turning, the number and size of spaces and the provision of emergency access. Cycle parking provision also needs to be conditioned.
- 5.5 Members will note that the PC objects to the proposal due to their view that the access to the A25 is unsafe. However, KCC (Highways) does not consider that there is an objection to the use of the access subject to widening of the access to 5.5m and bearing in mind existing use rights.
- 5.6 It is the case that this particular use may well create more intensive vehicular use of the access at certain times (ie before and after services/meetings) and that right turns into and out of the site are relatively awkward due to the poorer visibility along the A25 to the SW. However, KCC (Highways) advises that the more intensive use will be during off-peak times. The reduction in the use of the access at other times of the working week due to the cessation of the lawful B1 use is considered by KCC (Highways) to be an overall benefit and I concur with this assessment.
- 5.7 I do not agree with the agent that a site of this size would attract a significant number of HGVs as the building is restricted to B1 (office and light industry) and it is not a warehouse. Therefore, I place limited weight on the agent's argued benefit from the displacement of HGVs from the site. On the other hand, it is the case that as a commercial building, the site could attract visitors in delivery vehicles that are not familiar with the location or access of the site. Over time, this would not tend to be the case with the use now proposed.
- 5.8 I am therefore of the view that this proposal is worthy of support subject to restrictions on the scale and character of use to that specified in the application. Members will note that I suggest a condition restricting the use to that of a Place of Worship. This would require other uses within the same use class (D1: Non-Residential Institutions) to be the subject of a planning application to be judged on its individual merits. I am of the view that while the particular low key use as a Place of Worship as detailed in the supporting statement (particularly the limited hours and off-peak nature of the use) is acceptable, this would not necessarily be the case with other Class D1 uses.

**6. Recommendation:**

6.1 **Grant Planning Permission** as detailed by planning statement date stamped 29.03.2005 and drawings 525-01A; 01B; 02B; 03D; 04B; 05C subject to the following conditions:

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2 No development shall take place until details and samples of all materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details. (D001)

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3 The premises shall be used for a place of worship and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order). (T006)

Reason: To accord with the terms of the application and in the interests of highway safety.

4 The use hereby permitted shall not commence until details of the hours of use in relation to Sundays and two weekday evenings have been submitted to and approved by the Local Planning Authority, and the premises shall not be used at any other times for services or meetings of more than 20 persons without the prior approval in writing from the Local Planning Authority.

Reason: To accord with the terms of the application and in the interests of highway safety.

5 Development shall not begin until details of the improvements to the junction between the service road and the highway have been approved by the Local Planning Authority and the building shall not be occupied for the use hereby permitted until that junction has been amended in accordance with the approved details. (H015\*)

Reason: To ensure the safe and free flow of traffic.

6 Notwithstanding the parking layout shown on drawing 525-03D, the use shall not be commenced, nor the premises occupied, until a cycle parking area and 22 vehicle parking spaces (of which 4 shall be for disabled persons) with associated

turning area in accordance with the adopted Kent County Council Vehicle Parking Standards have been provided on site in accordance with details to be submitted for the approval of the Local Planning Authority. The turning area and spaces shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude access to the reserved parking areas.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 7 No materials, plant or other equipment of any description shall be kept or stored in the open other than in areas and to such heights as may be approved in writing beforehand by the Local Planning Authority. (I006)

Reason: To avoid obstruction of vehicle parking/manoeuvring areas and to ensure the character and appearance of the development and the locality is not significantly harmed.

- 8 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. The boundary treatment shall be installed as approved and retained thereafter. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. (L003\*)

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 9 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

- (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
- (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
- (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority. (L005)

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

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