

Birling Downs **569109 160148** **03.04.2006** **TM/05/02198/FL**

Proposal: Additional staff accommodation to existing animal centre
Location: RSPCA Centre 199 Castle Way Leybourne West Malling Kent
 ME19 5HW
Applicant: RSPCA

1. Description:

1.1 The proposal seeks planning permission for additional staff accommodation for the existing animal centre. The proposal has been altered during the course of the application. The proposal was originally for a two-storey extension to the main building. This has been altered to a two-storey detached building located in a similar position. The proposed building would accommodate additional office space on the ground floor and habitable accommodation on the first floor, consisting of a living room, kitchen, bedroom and bathroom.

2. The Site:

2.1 The site is situated within the MGB, AONB and SLA. The site consists of a number of single storey and two storey buildings which are used by the RSPCA. The site is well screened from adjacent properties.

3. Planning History (selected):

- 3.1 TM/98/01287/FL Approved 22.09.1998
Addition of stores and stables buildings to existing animal centre together with other works.
- 3.2 TM/94/0437RM Approved 27.06.1994
Details of Reserved Matters for RSPCA Animal Centre A228 submitted pursuant to permission TM/93/0240.
- 3.3 TM/93/0240OA Approved 25.08.1993
Outline application for animal welfare facility.

4. Consultees:

- 4.1 PC: No objections.
- 4.2 DHH: No objections.
- 4.3 EA: No objections.
- 4.4 Private Reps: Art 8 Site and Press Notice + 3/1S/0X/0R. One letter of support received.

5. Determining Issues:

- 5.1 Policies MGB3 and RS5 of the KSP and P2/16 of the TMBLP seek to provide long term protection to the Green Belt and to the countryside generally. Policies ENV3 and ENV4 of the KSP and policies P3/5 and P3/6 of the TMBLP seek to provide long-term protection to the conservation and natural beauty of the landscape within the AONB and SLA over other planning considerations.
- 5.2 The justification for some residential accommodation in connection with the existing use was accepted at the time of the original planning application (TM/93/0240/OA), and based on the argument that it has some parallels with the functional tests applied to agricultural dwellings and similar arguments apply here. Therefore, whilst I consider that the proposal does not easily fall within the terms of appropriate development as set out in para 3.4 of PPG2, I am satisfied that the accommodation is directly related to a use which itself requires a rural location, and therefore it follows that the accommodation is also appropriate in this location.
- 5.3 The applicant has submitted a supporting statement with respect to the application. The centre was built in 1995/6 with residential accommodation for the Manager (3 Bed house) and the deputy manager (2 bedroom flat). This complied with the Animal Boarding Establishments Act 1963, which requires a competent person to be available at all times to supervise the care of the animals on the site.
- 5.4 Since this time Article 3 of the European Working Time Directive has been adopted by the RSPCA, which has imposed additional limitations through the introduction of minimum rest periods. This has brought about the need for a third member of staff. There is also a requirement that adequate accommodation is provided for staff fulfilling this role.
- 5.5 The proposal is also for additional office accommodation comprising an office for the home visits co-ordinator and the RSPCA inspector.
- 5.6 Given the very specific nature of the existing use, which is an acceptable use for a rural area, I am satisfied that the case put forward by the applicants demonstrates a justifiable requirement for this accommodation on the site.
- 5.7 The proposed new accommodation would be positioned in the area of the existing buildings, and is of a similar height and design to the existing buildings. I am of the opinion that it is of a scale that is justifiable for the requirements of the building. In light of the above, I am of the opinion that the proposal is in-keeping with the bulk and appearance of the existing buildings.
- 5.8 The site is situated within Flood Zone 3, which is a high risk zone. Flood Zone 3 refers to land where the indicative annual probability of flooding is 1 in 100 years or less from river sources. PPG25 (Development and flood risk) requires a sequential approach to be taken to permitting sites for development in descending order to the flood zones. However, PPG25 sets out appropriate planning

responses to development in each zone and states that in undeveloped and sparsely developed areas residential development is generally not suitable. Residential uses should be limited to job-related accommodation and should be provided with the appropriate minimum standard of flood defence and should not impede flood flows or result in a new loss of flood-plain storage.

- 5.9 The applicant has proposed that the finished floor level of the proposed building be raised 300mm above the level of the existing reception building. This would elevate the floor level some 600mm above the building that was affected by flooding in the past. In light of this, and the fact that it is proposed to position sleeping accommodation on the first floor I am of the opinion that the proposal is acceptable in this respect. The applicant has also provided details of the flood resistant construction methods and materials to be employed within the building design which would reduce the impact of flooding should the building become inundated.
- 5.10 The proposal will not result in any loss of amenity to residential properties, as the site is situated within large grounds and any residential properties are situated a significant distance from the proposed structure.
- 5.11 The proposal will not present any highway issues, given that the proposal will not involve employing any additional staff or visitors to the site.

6. Recommendation:

6.1 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 pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 All materials used externally shall match those of the existing building.

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

- 3 The finished floor level shall be set at a minimum of 300mm above the finished floor level of the existing reception building on the site.

Reason: To offer protection against the risk of flooding.

- 4 No ground floor sleeping accommodation shall be included within the proposed building.

Reason: To reduce the risk to life, should the site become flooded.

- 5 The occupation of the hereby approved residential accommodation associated with the Animal Welfare Centre shall be limited solely to persons employed by the RSPCA at this facility and their immediate family. The residential accommodation shall remain ancillary to the Animal Welfare centre and shall at no time be occupied as a separate hereditament.

Reason: The site of the residential accommodation is outside any area in which development would normally be permitted if it were not required for occupation by a person employed in association with the animal welfare facility.

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