

3. Planning History:

TM/72/11264/OLD Grant with conditions 21 December 1972

Vehicular access

TM/03/02170/FL Refuse 10 September 2003

Detached chalet bungalow and double garage

TM/05/02180/FL Refuse 19 September 2005

Chalet bungalow in existing garden

4. Consultees:

4.1 PC – Ryarsh PC: Objection.

- The property is located at the end of a series of residential properties and the proposed change of use would create a dangerous precedent for the future.
- These properties collectively are situated within the green belt and the proposed use is totally incompatible and non-sympathetic with the location.
- It is stressed that no external works are proposed, only internal changes. In view of the fact the property is presently a house it is highly unlikely these alterations are able to satisfy disabled requirements in the workplace and similarly, without major changes, fulfill health and safety requirements.
- Of greatest concern, whilst the application stresses it is unlikely there will be much increase in vehicular movement, at this point the A20 London Road is a very fast stretch of highway with limited visibility. Equally the immediate proximity of Sandy Lane itself exacerbates the danger. This concern has been consistently expressed on previous planning applications within the vicinity. A second in/out access for the same reasons is totally unacceptable.
- It is noted that the company are sales and marketing which in itself is likely to be a traffic generator despite the words of comfort in the application document.
- Concern has already been expressed by a number of local residents.
- The proposals provide for security lighting which particularly in winter months with short days is certain to be a major nuisance to adjoining occupiers and in itself be a major light polluter.

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- There are many small vacant established use units within the area better suited for this operation particularly in terms of access and traffic generation.
- 4.2 KCC (Highways): No objection. The submitted plans show proposals to change the use of the existing residential house to business use as offices. Details suggest some 126 sqm of office floor space, which could attract a requirement for 6/7 parking spaces; whilst it is proposed to use the existing garage for storage attached to the office use. The existing dwelling provides four bedrooms, which would equate to three parking spaces to meet the full parking provision and can easily be provided.
- 4.3 The proposed changes will provide office and ancillary use that could require 4 / 5 additional parking spaces a total of up to 8 spaces, which can also be provided. Four new parking spaces are shown accessed via the existing entrance and proposed new driveway, whilst other parking can be provided on the existing rear hardstanding. In this instance the additional traffic that may be generated is likely to be acceptable.
- 4.4 The plans show changes that create an in / out facility using the existing entrance along with another access that has been little used. Usually the provision of this type of arrangement raises concerns as it requires policing to ensure that the accesses are used as proposed. It may need some supporting lineage and signage to highlight the routing. However, both accesses are capable of accommodating two-way traffic and should a vehicle misuse an access there is adequate room for vehicles to pass. The site also benefits from a wide verge fronting. I am of the opinion that the opening up of the disused vehicle access is not necessary as the existing entrance is more than adequate to serve the site. A suitable width of the new concrete road could provide manoeuvring room for the proposed parking bays. However, the proposals as submitted are acceptable in highway terms. I would support the proposal.
- 4.5 DHH: No objection.
- 4.6 Private reps: 10/0X/2R/0S + Art 8. Two letters of objection received raising the following points:
- Totally opposed to the proposed change of use from residential to B1 offices as we believe that such a development, if it is allowed to go ahead, will have a significant negative effect not only on our property but upon the whole of the street scene and the local environment. The whole residential ambience of the local environment will change to that of a car park area and a refuse storage area. Concern that the area is changing to one big business park.
 - Light pollution from the car park area and proposed security lighting, with a 6pm closing time would mean bright security lighting in winter from 4pm which will be visually intrusive. The proposed PIR controlled lighting will be triggered

by existing trees and bushes continually. Currently there is no street lighting in this area and we have little or no light pollution at all.

- The property is not intended to be occupied at night / weekends which is a security concern. Either the property becomes a target for opportunists or we have alarms going off during the night/weekends.
- Impaired outlook currently from a residential property with extensive gardens to a business use, car park and refuse area.
- Concern over increase in traffic.
- The proposed exit is situated less than 20m from the turning into Sandy Lane, and has the brow of the hill 20m the other way.
- The proposed exit is situated directly opposite the turning point in the road where, when turning into our property from the West Malling direction, you have to stop and wait to cross over the carriage way into our driveway. This is already very dangerous for anyone turning into properties on our side of the road and is just below the brow of the hill. There have been a number of accidents here due to the speed of vehicles on that stretch of road and the brow of the hill. We have to reverse out of our drive which, with an exit being opposite, is likely to cause problems between the various parties.
- Noise levels will increase with both the increase in traffic visiting the site and the general level of business operations. The storage areas at the rear of the property are to be used by the company which will increase noise with people moving between the house and storage areas.
- A number of small business parks exist in the area, believe the company could find other more suitable premises without having to convert a residential property.
- Concern over the loss of another substantial family home, when houses in the West Malling area are highly sort after.
- Concern that if planning permission granted, there is significant scope for industrial expansion or further development that will dominate the residential use of the area.
- Concern that use of site by a sales and marketing company will mean vans and cars visiting the site for 'sales'. Likelihood of business expanding and increased visitors to the site.
- Intensification of use and traffic which will be significant on an already fast and dangerous piece of road.

- This is a substantial and imposing property where the visual impact proposed by the change of use will be significant with the intended car park and other changes.
- The part of London Road impacted by this development is a small community in its own right, with most families having young children. It is a peaceful and happy area, however, the fabric of the community will be severely impacted if this is allowed to proceed.

5. Determining Issues:

- 5.1 The site is located within the Metropolitan Green Belt where there is a presumption against inappropriate development. It is acknowledged in the local plan, strategic and national policy that the reuse of buildings for economic development in rural areas is acceptable in principle, subject to meeting the requirements of other relevant planning legislation. Therefore, the key issues relating to the proposal are whether the proposed change of use is acceptable under the relevant tiers of planning policy, and whether the proposal will be detrimental to the amenities of the area having regard specifically to visual impact and character, and traffic effects.
- 5.2 With regard to development in the Metropolitan Green Belt, PPG 2 sets out a general presumption against inappropriate development, which by definition is harmful to the Green Belt. PPG 2 also states that with suitable safeguards, the reuse of buildings should not prejudice the openness of Green Belts, since the buildings are already there. It goes on to state (paragraph 3.8) that the reuse of buildings is not inappropriate if:
- it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
 - strict control is exercised over the extension of re-used buildings, and over any associated use of land surrounding the building which might conflict with the openness of the Green Belt;
 - the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and
 - the form, bulk and general design of the buildings are in keeping with their surroundings.
- 5.3 Furthermore, PPG 2 states that if a proposal for the re-use of a building in the Green Belt does not meet the criteria in paragraph 3.8 (detailed above), or there are other specific and convincing planning reasons for refusal, the local planning authority should not reject the proposal without considering whether, by imposing reasonable conditions, any objections could be overcome.

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- 5.4 Policy SS2 of the KMSP 2006 also specifies a general presumption against inappropriate development in the Green Belt. Under policy P2/16 of the TMBLP development (in the Green Belt)... will not be permitted unless acceptable under the terms of other policies of this plan, or otherwise exceptionally justified.
- 5.5 The proposal does not involve any new external building works or changes to the site, other than increased hardstand areas and car parking within the site, and will therefore not have a materially greater impact on the openness of the Green Belt. The existing buildings are of permanent and substantial construction and in keeping with the character of the area. Accordingly, I consider that the proposal meets the policy requirements of PPG 2, specifically the criteria under paragraph 3.8 of that policy, and thus is not deemed to be inappropriate development in the Green Belt.
- 5.6 PPS 7: Sustainable Development in Rural Areas stipulates that the Government's policy is to support the re-use of appropriately located and suitable constructed existing buildings in the countryside where this would meet sustainable development objectives, and that the re-use for economic development purposes will usually be preferable.
- 5.7 EP7 of Kent and Medway Structure Plan 2006 makes provision for small scale business development (B1-B8) and service industries within, or adjoining, the built up area of Rural Service Centres or of larger villages that can provide a sustainable form of development, should be appropriate to the scale of the settlement and without detriment to its amenity, character or setting. No provision for business development will be made elsewhere in rural Kent except where:
- (i) it involves the re-use, adaption or redevelopment of an existing building, as covered by SS8(ii) or
 - (ii) it is required for the expansion of an established business and/or for the processing, storage, distribution or promotion and research concerning produce from Kent agriculture, horticulture or forestry.
- 5.8 As the proposal does not meet the requirements of EP7(ii) it must meet SS8(ii). Policy SS8(ii) of the Kent and Medway Structure Plan 2006 specifies that non-residential development in rural Kent other than at rural settlements should be the re-use, adaption or redevelopment of an existing rural building or institution, where the change is acceptable on environmental, traffic and other planning grounds.
- 5.9 All development supported within the terms of policy EP7 should have no unacceptably adverse impact on the local transport network, the environment of the Green Belt and will be subject to the restriction of subsequent expansion if in conflict with the policies of this plan.
- 5.10 At local plan level, Tonbridge and Malling Borough Local Plan policies support proposals for the reuse of existing rural buildings for business development. Policy P5/3 resists the loss of existing housing through change of use, particularly

at locations in proximity to and well served by public transport facilities, unless the existing building or its location are unsuited to continued residential development or the proposal involves new business or employment development.

- 5.11 The proposal is considered to be acceptable in terms of policy P6/14 as no additional buildings are proposed, the only changes to the site are increased hardstand areas within the fenced confines of the site, and it does not result in the fragmentation / severance of an agricultural land holding. As discussed in paragraph 5.5 above, the proposal is not considered to adversely affect the openness of the Green Belt.
- 5.12 With regard to the character and appearance of the area, and residential / rural amenity, the proposal is for office use which is a passive activity that will be contained within the existing buildings on the site. It is noted that the site is well screened by fencing and landscaping and that the increased hardstand areas will be largely screened from adjoining properties and the road. The proposal is likely to result in an increase in traffic movements to the site over what currently occurs, however it is noted that the proposed use is that of an office, not a sales / retail activity. Potential adverse effects on residential and rural amenity arising from noise will be limited to traffic noise. DHH have raised no concerns about the proposal. I note that four parking spaces are located adjacent to the nearest adjoining residential property, Fairview, however these spaces already exist on the site and are used in association with the existing residential use. Consultations have also raised concerns over the amenity effects of proposed security lighting within the site. No details of lighting have been provided in the application, with regard to number of lights and positioning. It is noted that a single security / floodlight already exists on the south east corner of the building. I consider that it is appropriate to place a condition on any planning permission granted, requiring the submission of lighting details to the Local Planning Authority for approval. I do not consider that the proposal will result in unacceptable effects on amenity resulting from noise or lighting/glare.
- 5.13 The above policies clearly provide, in principle, for the conversion of buildings for business development in rural areas / the Green Belt where no additional buildings are to be erected, and proposals do not result in adverse impacts on rural character and amenity. As discussed above, the proposal is deemed to meet these requirements. With regard to restricting opportunities for future expansion, conditions limiting business use to particular use classes and restriction of any future development on the site can be imposed on any planning permission granted.
- 5.14 A number of policies discussed above specify that development in the form of re-use of buildings and business development in rural areas / the Metropolitan Green Belt should not result in adverse highway impacts, nor any associated adverse effects on amenity. Consultations have also revealed concern about the traffic generation and safety impacts of the proposal.

- 5.15 KCC Highways have assessed the traffic components of the application and have stated that there is no objection to the proposal. The full parking provision is provided for on site with ample opportunity for additional parking on the hardstand area to the rear, and the additional traffic generation is deemed to be acceptable. It is acknowledged that while in / out access arrangements can be problematic, in this instance both accesses are capable of accommodating two-way traffic and should a vehicle misuse an access there is adequate room for vehicles to pass. It is noted that the second vehicle crossing to the site already exists. Furthermore, given the office activity proposed, the number of staff to be employed on the site and the small anticipated increase in traffic generation, it is anticipated that very little conflict will arise at the access points. Two conditions relating to parking space provision and the provision of a turning area are recommended.
- 5.16 Consultations did raise concerns that the proposal would set a precedent for further development on the site and within the Metropolitan Green Belt. As discussed above, I consider it appropriate to place conditions on any planning permission that would restrict use classes and any further development on the site. It must be remembered, however, that B1 uses are by definition seen as being acceptable in residential areas. The local concern that sales may take place directly from the site can be dealt with by the use of conditions. This would not be the right location for a sales facility even if the B1 use were to be accepted bringing with it support for a local business. On balance I believe that this outweighs the loss of a residential unit.
- 5.17 I consider that the proposal meets the relevant central government, strategic and local plan policy requirements. The proposal is not considered to result in any significant material changes to the Metropolitan Green Belt and rural / residential character of the area; or to result in any undue highways impacts or loss of amenity.

6. Recommendation:

- 6.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 22.01.2007, Site Plan dated 22.01.2007, Drawing SPH/210107/01 dated 22.01.2007, Floor Plans And Elevations SPH/240207/01 dated 27.02.2007, subject to compliance with 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. Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), the

layout of the development shall not be varied by means of sub-division or amalgamation of any units, nor by the insertion of additional floors, without the prior permission in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess the impact of such variation on parking and vehicle circulation in the interests of safe and free flow of traffic.

3. 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.

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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and Article 3 of the Town and Country Planning (Use Classes) Order 1987 (or any order amending, revoking and re-enacting those Orders), the application site shall not be used for any purpose other than as an office falling within use class B1(a) of the Town and Country Planning (Use Classes) Order 1987 with no direct sales element from the site.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of residential amenity and highway safety.

5. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it 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 or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

6. No building shall be occupied until the area shown on the submitted plan as a turning area has been provided, surfaced and drained. Thereafter it 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 vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

7. No external lighting/illumination shall be installed on the site until details of any lighting/illumination have been submitted to and approved by the Local Planning Authority.

Reason: To protect the environment of nearby dwellings.

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