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**Report of 9 January 2008**

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**Kings Hill**                              **567541 155315**    **19 November 2007**    **TM/07/03998/FL**  
Kings Hill

Proposal:                              Change of use from Class A1 Retail Services to A2 Professional Services  
Location:                              17 Queen Street Kings Hill West Malling Kent ME19 4DA  
Applicant:                              Liberty Property Trust

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**1. Description:**

- 1.1 Planning permission is sought for the change of use of a ground floor unit at 17 Queen Street from A1 (Retail) to A2 (Professional Services). The unit is within the Central Area of Kings Hill, known as Liberty Square.
- 1.2 The unit has not been let for any purpose since its completion several years ago.
- 1.3 The agent has acknowledged that this application is for an existing company which uses two of the first floor units in Liberty Square. Acorn Land and Strategic Property Division is the intended user.

**2. The Site:**

- 2.1 The site is located at ground floor level with the main entrance on Queen Street and a secondary entrance on to the pedestrian walk way through Liberty Square.
- 2.2 There are no designated parking spaces for individual units, as parking is provided to the west of Liberty Square, in Queen Street and in a temporary car park off Queen Street.

**3. Planning History:**

TM/02/01849/FL      Grant with conditions                  14 October 2002

Provision of additional 2018 sq m Class A1 retail units and 595 sq m Class D1 medical services unit.

TM/02/01850/RM      Grant    14 October 2002

Details of Class A1, A2 and A3 retail services units and B1 business units pursuant to planning ref. TM/89/1655.

TM/02/03569/ORM    ORM approved                                  22 January 2003

Minor amendment of planning permission TM/02/1850/RM (details of Class A1, A2 and A3 retail services units and B1 business units pursuant to planning ref. TM/89/1655) being amendment of footprint and the removal of two pitched roofs.

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TM/03/02601/FL Grant With Conditions 30 September 2003

(a) Access to doctors surgery and (b) Square adjacent to control tower.

TM/04/01661/ORM ORM approved 5 July 2004

Minor amendment to reserved matters approval TM/02/1850/RM (details of Class A1, A2 and A3 retail services units and B1 business units pursuant to planning ref. TM/89/1655) involving minor elevational alterations and increase in floorspace.

TM/04/01664/ORM ORM approved 5 July 2004

Minor amendment of planning permission TM/02/01849/FL (provision of additional 2018 sq m Class A1 retail units and 595 sq m Class D1 medical services unit) involving minor changes to floorspace and elevational treatment.

#### 4. Consultees:

- 4.1 PC: Raised the following objections; They strongly object to the loss of a possible retail outlet when a range of trades and retail options are badly needed. There are two existing estate agents already in the retail centre and a third would be disproportionate to the size of Kings Hill. More services are needed to support the existing retail centre e.g. a Post Office.
- 4.2 KCC (Highways) The parking requirements are similar for both uses. Therefore on balance I would raise no objections.
- 4.3 Private Reps (10/3X/1S/115R)

One letter of support, two letters raising no objection and 114 letters of objection have been received at this time. Any further representation received will be reported in the supplementary report. Due to the extent of representations received the comments raised are summarised below.

- Liberty Square should be kept as prime retail. Change of Use to A2 would devalue the appeal of the area.
- There are many office sites available already but the area struggles for good retail outlets.
- There are already two estate agents in Kings Hill. Liberty Square needs quality shopping units.
- Been a resident for 12 years and have been waiting for the retail development promised to appear. We now enjoy a range of shops (albeit limited) and excellent restaurants but the atmosphere is gradually being eroded away by sterile, staid units.

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- It looks very nice.
  - There are many estate agents in West Malling as well as the two existing agents in Kings Hill.
  - Maybe if the rents were cheaper and Liberty Square was better advertised in the surrounding area, more people would visit or set up businesses here.
  - Liberty Square was always designed to provide a varied collection of shops and facilities. Providing another estate agent reduces the facilities available to the local community.
  - Please do not take away the opportunity of developing retail establishments.
  - I see no reason why the use should be changed just to let a developer get a lease.
  - The units should be offered with start up rates packages to enable fledgling businesses to open up and have a sporting chance of making a profit in Kings Hill.
  - A better variety of shops and services would encourage more Kings Hill residents to spend their money here which would in turn increase the quality and diversity of shops etc available.
  - Liberty Square looks both unfinished and abandoned with all the empty units. If these units remain empty much longer, the few remaining businesses will leave too and will eventually lead to vandalism, graffiti etc and devalue Kings Hill as a whole.
  - Another estate agent is better than the empty units we presently have in Liberty Square. Competition is also beneficial in an open market to ensure service is good at a reasonable price.
  - Another estate agent would be disproportionate to the number of units present and will deprive Liberty Square of premises that will provide more tangible benefit to the residents of Kings Hill i.e. retail and shopping premises.
  - Liberty Square needs more retail facilities, not less.
  - We need to encourage people to shop locally and reduce their carbon footprint.
  - The lack of shops and eating places is already very bad resulting in a lack of community spirit. It seems the owners re. Liberty International have no concern for creating a community.

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- People access estate agent information via the web, Liberty Square needs premises which attract people to it.
  - We believe competition between agents should be encouraged and therefore do not object to another estate agent.
  - Liberty should get together with the residents and see what the residents want and need and how they can achieve this.
  - We desperately need some diversity in the retail shops. Liberty Square has little atmosphere and doesn't yet fit the billing of a village centre.
  - We were promised far more from Liberty for the community other than restaurants and estate agents. I and my family strongly object.
  - At present many Kings Hill residents shop away from the shopping centre since there is a lack of choice.
  - Liberty Square needs a good quality wine retailer, butchers etc. The quality grocers was the type of retailer we need, however they could not cope against Asda.
  - I firmly believe that any development or rental of these units could only enhance our community. I find it incredible that some residents would object to that.
  - Three estate agents which, together with the sales offices on the new builds, makes a disproportionate amount of representation of this industry. It will not attract new customers to the area and will not enhance the lives of those of us who are already residents – or do we not matter.
  - There has been no change in circumstance to warrant a change of use, the development is only three years old.
  - There will be an adverse effect on the economy of existing retail businesses as a professional services unit is unlikely to increase the foot fall to the area.
  - There will be a threat to the viability and vitality of the village centre. The fewer retail units there are, the more likely residents and potential shoppers will seek to shop in towns, villages and out of town stores which offer a one stop shop opportunity.
  - I have lived in Kings Hill for 10 years. Something is going seriously wrong with the Town Centre.

- It is impossible to buy a newspaper on a Sunday in Kings Hill until 10am when Asda opens. What the estate manager and the Council should be doing is encouraging the provision of small businesses to support the local community, not the opposite.
- I thought Liberty Square was going to be the heart of Kings Hill. Now it appears that Asda is the heart of Kings Hill.
- Another estate agent cannot, under any circumstances, be an asset to Liberty Square.

## **5. Determining Issues:**

- 5.1 The main issue in the determination of this application is the principle of the proposed change of use, and whether such a use would result in demonstrable harm to issues of acknowledged importance.
- 5.2 Saved policy P2/2(e) of the Tonbridge and Malling Borough Local Plan 1998 states that the central area of Kings Hill should be mixed use, incorporating business units and other support services, the provision of local shopping facilities of a scale adequate to meet the needs of the development, among other development such as education, community facilities and housing.
- 5.3 Liberty Square and Queen Street lie within the central area and accordingly, should deliver a mix of uses as set out above. As is clear from the planning history the central area permissions allow for a number of "town centre" uses – A1, A2, A3 and B1 – that is retail, professional services, restaurants and offices. An A2 use would fall within professional services and can therefore be accepted in principle.
- 5.4 I acknowledge that the residents and business community of Kings Hill wish to see a wider range of shops and services in the central area. However, the occupancy of a unit that has only ever been empty cannot be considered harmful to the vitality and viability of the centre. Moreover, it would, in planning terms, be an enhancement as it would fill a unit which has been vacant for several years, since originally built.
- 5.5 The intended tenants already occupy two units at first floor level, which they will still occupy, in addition to the proposed ground floor unit at 17 Queen Street. Their business has grown over the last few years and they wish to remain in the Liberty Square area. It also remains the case that the applicant enjoys an outstanding permission for the final block of central area buildings – this would possibly be used for retail use should the retail market emerge in the way that it hasn't since the vacant unit was built.

5.6 In light of the above considerations, it is my opinion that the proposed change of use is acceptable in planning policy terms and would not result in undue harm to the central area. I therefore recommend approval.

**6. Recommendation:**

6.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 05.11.2007, Details SCHEDULE OF FLOOR AREA dated 05.11.2007, Letter dated 19.11.2007, Location Plan 7149 AL(03) 07 dated 19.11.2007, Block Plan 5869-AL(04)103 D dated 19.11.2007, Floor Plan R/100 dated 05.11.2007, subject to:

**Conditions / Reasons**

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.

Contact: Lucy Stainton

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**SUPPLEMENTARY REPORTS****AREA 2 PLANNING COMMITTEE****DATED 9 January 2008**

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**Kings Hill****TM/07/03998/FL**

Kings Hill

Change of use from Class A1 Retail Services to A2 Professional Services at 17 Queen Street Kings Hill West Malling Kent ME19 4DA for Liberty Property Trust

Private Reps: A further 21 responses from the residents of Kings Hill have been received since the main report went to print. This increases the overall responses to (10/3X/1S/136R). All 21 raise objections to the proposed change of use to A2. Most of the concerns raised have already been raised within the main report. However the following additional points (in summary) have been put forward:

- Kings Hill is successful from a business and residential point of view, now it should be the village centre's turn. Change of use should be opposed.
- To be honest, with the leases costing ridiculous prices on the empty concrete corridor of Liberty Square and the greed to invest only in money making enterprises here, Kings Hill might look inviting, with its neatly arranged landscaping and neat houses but it is really empty of any community spirit and the only place that can be called the heart of this place is Asda, as the one thing all the people here have in common is the need to eat.  
I have come to the conclusion that although it would be wonderful to see real shops and real activity in Liberty Square, it will never happen so although I object to the estate agent, I propose that all the units for lease become estate agents and then all the houses here can be sold.  
The council should act to save any dignity left in this area as it is becoming quite evident that, for many people this is just "toy town".
- I moved to Kings Hill to escape gangs of young persons roaming the streets in a dead town centre populated with estate agents and other shops that close 5.30pm, this is what is happening in Liberty Square, if another estate agent is permitted to open it will add nothing to the community feel required in Kings Hill.

The applicant has submitted the following statement in respect of the timescale for delivery of tenants for the existing vacant units and the construction of the next phase of Liberty Square:

*"We have agreed with Liberty Property Trust in the United States that once we have completed the leasing of the 1st Phase of retail development on Kings Hill then we can seek funding for construction of the 2nd Phase.*

*The timing of construction of further retail is therefore dependant on; when we complete the remaining leases on currently unoccupied space and on no further operators failing.*

*We are presently in advanced negotiations with operators for all of the remaining unoccupied space.”*

DPTL: The additional comments received are addressed within the main report. I do not consider that any of the comments alter the material planning considerations of the application.

The applicant has provided a current snap-shot of their progress with future tenants and the provision of the final built elements of the Central Area. I acknowledge this; however there are no planning issues raised within this statement which would alter the recommendation set out within the main report.

**RECOMMENDATION REMAINS UNCHANGED**

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