

**Mereworth**                      **566082 153732**    **10 June 2008**                      **TM/08/00292/FL**  
**(Mereworth)**  
Hadlow, Mereworth And  
West Peckham

Proposal:                      Change of use of existing store building to be used as a place  
of worship, including changes to elevations and new roof  
Location:                      Land East Of St Lawrence Church The Street Mereworth  
Maidstone Kent  
Applicant:                      Avenue Building Company

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**1. Description:**

- 1.1 The application is for the change of use of one of the buildings on the site to be for use as a place of worship. In addition elevational changes are proposed and a new roof to make the building useable. Additional information regarding the anticipated nature of the proposed use has been provided since the application was originally submitted. It is proposed that the building would be used during the week only, for the use of community and faith groups. The building is very small and could only accommodate about 20 people therefore it is unlikely to be used by large groups.
- 1.2 The proposed changes to the elevations are the same as those approved under TM/03/01183/FL, for the refurbishment of the existing building and use as offices (Class B1) with provision of parking and service areas, which was allowed at appeal and has been part implemented.

**2. Reason for reporting to Committee:**

- 2.1 The site is controversial locally and also at the request of Cllr Anderson.

**3. The Site:**

- 3.1 The site forms part of a complex containing other buildings, hardstandings and open areas, and lies within the Metropolitan Green Belt and is situated adjacent to Mereworth Conservation Area. A Grade I Listed Building, St Lawrence Church, and its grounds are located adjacent to the western boundary of the complex. The Farmhouse and The Oast House lie immediately to the east and both properties are Grade II Listed Buildings in residential use. 115 The Street which lies to the north (opposite the site's frontage) is also a Grade II Listed Building.
- 3.2 The surrounding land falls in a southerly direction towards the A228 but does not feature any other significant physical characteristics. Following the recent removal of a small nut platt, the only vegetation of note is an area of scrub to the south and some mature trees and shrubs along the western boundary. The site and its surroundings are currently occupied by a group of small, single storey former agricultural buildings which are relatively low level structures of mixed designs and

materials. There are also extensive areas of concrete hardstanding within the complex. Vehicular access is obtained directly from The Street via a shared access with The Farmhouse and The Oast House.

#### 4. Planning History:

TM/57/10594/OLD Refuse 16 January 1957

Outline Application for 10 dwellings and accesses.

TM/03/01183/FL Refuse - Appeal Allowed 14 October 2003

Refurbishment of existing building including relocation of workshop and use as offices - land class B1- with provision of parking and service areas

TM/06/00149/FL Refuse 29 March 2006

Demolition of existing buildings and construction of one house and garage

TM/06/03907/FL Refuse – Appeal dismissed 8 February 2007

Demolition of existing office building, erection of new office buildings and associated outbuildings

TM/07/02257/OA Refuse – Appeal Pending 28 August 2007

Outline application for new detached dwelling and change of use

#### 5. Consultees:

5.1 PC: The Parish Council has examined this application and is concerned that there is minimal detail on the impact the proposals would have on the surrounding area. How often will the building be used for worship, how much noise will services generate, and how much extra traffic, including bus parking will result from worship use?

5.1.1 While the proposed change of use of the store building to a place of worship does not materially alter its appearance, the application is inconsistent with the application to build a house on the same site, to which the Council objected and which is now the subject of an appeal.

5.1.2 The Parish Council considers that there is no requirement for another building to be used as a place of worship when the parish church is situated next to the application site. The existing church and other buildings in the village, such as the sports pavilion and the village hall are available for use by worshippers.

5.1.3 The Parish Council opposes this application.

- 5.2 DHH: Although I still have concerns regarding the possible noise breakout from the site, if you are otherwise considering approving the application, I recommend a condition requiring noise emissions to not exceed 35dB(A) measured at the site boundary.
- 5.3 Kent Highways: Kent Vehicle Parking Standards could attract up to a maximum of 1 space per 5 seats for a place of worship. The submitted plan only identifies the size of the building with no seating arrangement shown. Therefore the 4 dedicated car parking spaces shown would equate a total of 20 seats. I require more information before making final comments.
- 5.3.1 Comments on details: The applicant has clarified that the facility is likely to cater for a maximum of 20 persons and therefore the parking to be provided accords with the requirements of KVPS. There is to be no structured use but used as and when required. The operation of the proposal is therefore likely to be low key. No clarification of the intermittent bus parking for worship use has been provided. This needs clarification.
- 5.4 Campaign to Protect Rural England: The building in question forms part of a group of small former agricultural buildings for which planning permission was gained on appeal in 2004 for conversion to offices of the same dimensions. This is the latest in a series of applications for permission to build either a large two-storey house or a large two-storey office building on the site, all of which have been refused. Concurrently with this application, the applicant is appealing to build a house.
- 5.4.1 While the proposed place of worship merely re-uses an existing shed, and the dimensions are the same as exist, with minor structural and visual changes, we are not convinced that there is any justification for a new place of worship on this site. The application states that the hours the building will be used are 8am to 6pm, on Mondays to Fridays, which tally with the office hours observed in the adjacent buildings. This presupposes no weekend use. The application also states that noise and music would be subject to religious services, which in itself is uninformative because such noise and music could be unobtrusive or alternatively disruptive to local residents, workers and weekday users of the St Lawrence's Church.
- 5.4.2 The application further proposed that four car parking spaces would be available for worship use and one larger space for intermittent bus parking for worship use. It does not indicate the extent of use, or the number of bus or other vehicle visits which are anticipated on a daily or weekly basis.
- 5.4.3 The application gives no evidence of there being a local need for additional worship use in this parish. The Anglican church to the west of the site, the sports pavilion north of The Street opposite the site entrance, and the village hall in Butchers Lane are all available, free of charge or for hire by appropriate users.

5.4.4 The site is located in the Metropolitan Green Belt, situated in farmland, with open agricultural land to its south. While CPRE Kent respects the Inspector's decision to grant change of use from farm buildings to offices on this site, we see no justification in a further change to allow worship use. CPRE Kent objects to this proposal.

5.5 Private Representations: 4/0X/0S/3R, Site and Press Notice. Objections to the development have been received on the following grounds:

- Sharing a residential vehicular access with buses is not acceptable
- The submitted information is insufficient
- There is no evidence for the need for such a building
- There are several other public buildings in the village which are available for worship use
- There is no information on the frequency of the use, numbers of vehicle movements or level of noise and music.
- There is a church next door.

## **6. Determining Issues:**

6.1 The application proposes the refurbishment of the building and its change of use to a place of worship (Class D1). Although it is currently vacant, this former storage building has planning permission for change of use to offices (Class B1). The principle of refurbishment of the building was established at appeal and the Inspector concluded that the buildings were capable of being changed into an office use without a substantial change to their external appearance and consequently did not have any impact on the openness of the Metropolitan Green Belt. However a significant proportion of the landscaping on the complex as a whole and in particular the nut platts identified at the time of the appeal has now been removed.

6.2 As the principle of the external changes has been established, and the current proposals are the same as those approved at appeal in terms of the elevations and their treatment, it is the proposed use that remains to be considered in respect of this application.

6.3 It terms of the re-use of rural buildings that are capable of conversion in the Green Belt and the countryside such a change of use would comply with the relevant policies and in particular policies CP3 and CP14 of the Tonbridge and Malling Core Strategy, saved policy P6/14 of the Tonbridge and Malling Local Plan and policies SS2 and SS8 of the Kent and Medway Structure Plan.

- 6.4 The proposed use is as a place of worship for use between the hours of 8.00 - 18.00 Monday to Friday only. Due to this limited use and the fact that the size of the building restricts the use to 20 people it is unlikely that the level of general disturbance will be such as to result in a detrimental impact on residential or rural amenities. Although the likely level of noise and music generated within the building is unclear, this can be controlled by a condition restricting the level of audible noise at the site boundaries.
- 6.5 In terms of car parking, 4 spaces are being provided but 14 more are available on site on an ad-hoc basis. However, due to the proposed hours of use and the level of potential use of the building it is unlikely this will result in a highway safety issue, given the existing access and the existing car parking provision. Nevertheless, other uses within Class D1 may require a higher level of car parking provision and therefore I recommend that the use be restricted to a place of worship only by a condition removing the automatic right to change to other uses within the same Use Class. Notwithstanding the above, consideration also needs to be given to policy CP2 which relates to sustainable transport and new developments and the potential generation of additional trips. On this occasion the limited potential use and potential for provision of bus parking is considered to render the proposed use acceptable in terms of this policy.
- 6.6 The condition restricting alternative uses would also have the effect of controlling the potential noise and disturbance from the building and the use of the building for a higher intensity use within Class D1 which may not be acceptable in this sensitive location.
- 6.7 It seems to me that the proposed use is likely to be an intermittent use rather than an intensive use which makes the proposal difficult to object to on planning grounds as highway issues and environmental health issues could be adequately controlled by condition and the principle of reuse of the buildings on the site has already been established at appeal. In addition the Inspector also commented that there was no detrimental impact on the conservation area or the setting of the adjacent listed buildings and, given its limited scale and visual impact, this proposed change of use must also be considered to have a neutral effect in these respects.
- 6.8 Consequently the application is recommended for approval with appropriate conditions controlling the noise levels and detailed use of the building.

**7. Recommendation:**

- 7.1 **Grant Planning Permission**, in accordance with the following submitted details: Letter dated 31.01.2008, Letter dated 17.03.2008, Location Plan 07025 008/01 dated 17.03.2008, Site Plan 07025/SK008-2 dated 17.03.2008, Elevations 07025/SK008-3 dated 17.03.2008, Letter dated 10.06.2008, Design and Access Statement dated 10.06.2008, subject to:

**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. No development shall take place until details and samples of 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.

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 as 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).

Reason: The protection of the rural character of the locality and to be able to consider further any change of use of this building in the light of any impact on parking requirements and amenity.

4. The use of the building hereby approved shall not be used or operated outside the hours of 08.00am to 18.00pm Mondays to Fridays nor at any time on Saturdays, Sundays or Public and Bank Holidays.

Reason: In accordance with the use applied for and to protect the aural environment of nearby dwellings and the immediate locality.

5. Noise emissions from the site when used for singing and amplified music shall not exceed 35dB (A) at any time when measured at the site boundary.

Reason: In the interests of the amenities of nearby properties.

6. 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 and surfaced. 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.

### **Informatives**

1. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
2. For guidance on noise control schemes, the applicant is advised to contact the Director of Health & Housing, Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ. Tel: (01732) 844522.

Contact: Lucinda Green