

Mereworth **566082 153732** **6 January 2009** **TM/08/03758/FL**
(Mereworth)
Hadlow, Mereworth And
West Peckham

Proposal: Replacement of all buildings on site with one new single storey office building
Location: Land East Of St Lawrence Church The Street Mereworth Maidstone Kent
Applicant: Avenue Building Company

1. Description:

- 1.1 The application is for the erection of a single storey office building on the site. All the existing buildings and structures on the site would be demolished and replaced by this building. The proposed building is to be weatherboarded with a slate roof and full height glazing to the front and rear gable elevations. A number of windows are proposed to the elevations and roof lights to the side roof slopes. The proposed building would be used as an office/administration building for the Avenue Building Company and has a reception, storage areas and staff facilities.
- 1.2 The existing access arrangements would be retained and the car parking area repositioned, extended and improved. A refuse store is proposed to the front of the site. New boundary fencing and landscaping is also proposed. It is stated that the remainder of the site would be tided up and left as grassland and wild flowers.
- 1.3 A case seeking to demonstrate “very special circumstances” and other supporting information has been submitted with the application. These documents explain why the building is being proposed in its current form and describe the benefits of this building in terms of its impact on the landscape and Metropolitan Green Belt compared to the existing buildings on the site, as well as setting out the needs of the applicant company.
- 1.4 The floorspace of the existing buildings is 335.7 square metres (with the omission of Building B) whereas the proposed floorspace is 336 square metres.
- 1.5 The ridge height of the main existing building is 4.54m with the proposed being 4.8 m and the existing eaves height is 2.2 m whereas the proposed eaves height would be 2.4 m. (The existing building heights are calculated on the basis of Building C, the existing buildings on the site are all of varying heights and a number of these are lower or have flat roofs.)

2. Reason for reporting to Committee:

- 2.1 Called in by Cllr Anderson due to local interest.

TM/08/00292/FL Undetermined

Change of use of existing store building to be used as a place of worship, including changes to elevations and new roof

5. Consultees:

5.1 PC: No objection as long as no more car parking places than are currently available and commercial use only.

5.2 Kent Highways: No objections in respect of highway matters subject to certain conditions being attached to any permission granted.

The proposal will provide parking that more than meets the requirements of KVPS. The applicant is reminded that parking bays are to be a minimum of 2.5m (width) x 5.0m (length). Disabled bay 3.6 (width) x 5.5m (length). Conditions regarding parking space provision and provision of turning area are required.

5.3 DHH: As per design and access statement, the proposed development is to use the same building footprint, reconfigure the building and use it as one building for commercial purposes. To safeguard the situation in the event that significant deposits of made ground or indicators of potential contamination are discovered during development I recommend that any permission be subject to a contamination condition.

5.4 Campaign to Protect Rural England: This site has permission obtained on appeal in 2004 for the conversion of the existing farm buildings to offices in their current locations. Following that appeal the present applicant has submitted a succession of planning applications to demolish the existing buildings and erect either a two-storey house, or two-storey office building, or most recently a place of worship in one of the buildings. Permission was refused for the two-storey buildings. This is the fifth application and CPRE is concerned that the applicant keeps changing his mind about his intentions for the use of the site.

CPRE agrees that the current proposal to replace the existing buildings with one building of a similar floor space, to the combined total floor space of the existing buildings, is less obtrusive than previous proposals for two-storey buildings. Nevertheless, the fact that the applicant states that Avenue Building Company Ltd has outgrown the only habitable building on the site is not, in CPRE's view, a justifiable planning reason to construct a larger building as proposed. What might the situation be when the company, or a successor company, outgrows the proposed building and wishes to enlarge it again.

The Inspector in the 2004 appeal emphasised that the alterations and refurbishments of the existing buildings, while improving the appearance of the buildings, would ensure that their rural agricultural character is retained. The proposed large single building is at variance with the Inspectors wish to maintain

rural agricultural character. The glazing, reaching into the apex of gables, described in the Application as providing an exciting working environment certainly has no agricultural building precedent.

Bearing in mind the sensitivity of this location in the Metropolitan Green Belt, CPRE opposes the application.

5.5 Private Representations: 6/0X/0S/2R, Site and Press Notice. Two objections to the development have been received on the following grounds:

- This is another attempt to get planning permission on the site.
- The existing site is untidy and could easily be refurbished as offices.
- There is not a need for additional office space in the locality, existing units are un-let.
- Why does a building company need such a large office?
- The site is within the MGB and Conservation Area.
- There is limited justification for the new building.
- Development will affect the rural character and concern that the site will become overdeveloped.
- This development will lead to further development on the site.

6. Determining Issues:

6.1 The application proposes the demolition of the existing buildings and the erection of one single storey office building on the site. The site has a long planning history of applications for various different types of development. Most of these have been refused, except an appeal that was allowed for the renovation and conversion of the existing buildings on the site for offices and one building for storage purposes.

6.2 The key consideration in that appeal, and also in respect of this application, is the impact on the Metropolitan Green Belt in terms of its openness and visual amenities. In brief the Inspector concluded that the renovation and conversion of the existing buildings on the site would result in no greater impact on the MGB as their form would be largely unaffected by the proposed works.

6.3 However, the current proposal, unlike the previous appeal, involves the erection of a new building. The erection of new buildings in the Green Belt is inappropriate, under the terms of PPG2, unless it falls within a limited number of categories, none of which applies to the current proposal. It is therefore necessary for the applicant to demonstrate that very special circumstances exist, otherwise the

application should be refused. As explained in paragraph 1.3 above, the applicants have put forward a case seeking to demonstrate very special circumstances. Part of this case relates to the impact of the proposed building, relative to that of the existing, lawful, buildings.

- 6.4 The new single storey office building has been designed to have the same footprint as the cumulative footprint of the existing buildings on the site and therefore could be argued to be of a similar size to the existing structures. In terms of the height of the buildings, the existing buildings vary in height but Building C has a ridge height of 4.58 metres and an eaves height of 2.2 metres. This is obviously one of the larger buildings on the site and clearly has the highest ridge height, although it has a similar eaves height to the other existing buildings.
- 6.5 The ridge height of the proposed building would be 4.8 metres and would have an eaves height of 2.4 metres. Although taller than the existing buildings, it will be positioned in a more central position on the site and would be less “spread out” and would thus result in the buildings covering a smaller area of the site than the existing structures.
- 6.6 The development also needs to be assessed against policies that protect the MGB, in particular policies CP3 and CP14 of the TMBCS. Policy CP3 seeks to protect the MGB in line with guidance in PPG2: Green Belts and policy SS2 of the KMSP. Policy CP14 also controls development within the countryside and identifies where development may be considered acceptable. This policy allows for the limited expansion of an existing authorised employment use but, where this amounts to inappropriate development within the MGB it still needs to be justified by a case of very special circumstances.
- 6.7 In the light of all these factors, I believe it could reasonably be argued that the impact of the proposed development is less than the existing buildings because it covers a smaller site area and therefore concentrates development into a more confined space, thus reducing the sprawl of the existing buildings on the site and therefore reducing the visual impact on the MGB. Given the particular nature of this site and of the existing buildings, I consider that it would be reasonable to conclude that this overall beneficial impact of the MGB constitutes a sufficient case of very special circumstances to justify allowing this development.
- 6.8 I agree that the height of the proposed building exceeds that of the existing buildings however its design and appearance is fairly low key with a shallow pitched roof and the use of traditional materials, characteristic of a rural environment and therefore also complies with policy CP24 of the TMBCS.
- 6.9 The case of very special circumstances submitted by the applicants also identifies the employment benefits of the expansion of the business and the need to support the growth of a local business. This new building will increase the number of jobs (from 11 to 20 staff) and also allow the current business to expand.

- 6.10 This type of business expansion is acceptable under policy CP14 and furthermore is encouraged in PPS7 that acknowledges the important of rural enterprises and small businesses. For this reason there is policy support for this proposal particularly as the nature of the accommodation to be provided is more amenable to business use than the existing range of buildings. However, the economic arguments put forward by the applicants are not “very special” in my view, in the context of the tests set out in PPG2.
- 6.11 In addition, due to the siting of the proposed building, the impact on the conservation area is limited. Again this is for similar reasons to those identified above in that the building is likely to have less visual impact than the existing buildings due to development covering a smaller area than the current buildings and the improved design of the proposed building. I am therefore of the opinion that the proposed building will not have a harmful impact on the character and appearance of the conservation area and it could be argued that the proposed scheme would enhance the overall appearance of the site and therefore also that of the conservation area adjacent to which it is situated. This accords with policy QL6 of the KMSP.
- 6.12 Furthermore the additional landscaping that is being proposed would further obscure and soften the impact on the proposed building on the landscape and conservation area, further improving the overall appearance of the site to the benefit of the locality generally and the visual amenities of the MGB.
- 6.13 Members may agree that the overall visual improvements justify the inappropriateness of the redevelopment scheme. I recognise that this site has a history of refusals and dismissed appeals for new buildings, for a variety of uses. These proposals were all for much larger buildings that did not reflect the scale of the existing, lawful buildings on the site. I believe that the same criticism could not be levelled at the current proposal.
- 6.14 The application is therefore recommended for approval as it is considered on balance to have a generally beneficial impact on the openness of the MGB and its visual amenities and is in accordance with other policies for development in rural locations.

7. Recommendation:

- 7.1 **Grant Planning Permission**, in accordance with the following submitted details: Details Proposal Attachments dated 24.12.2008, Design and Access Statement dated 24.12.2008, Location Plan Block + Site Plan dated 24.12.2008, Proposed Plans and Elevations dated 24.12.2008, subject to:

- Reference to the Secretary of State as a Departure from the Development Plan

- 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 This permission shall be an alternative to the following permission and shall not be exercised in addition thereto, or in combination therewith. (Permission granted on 24 November 2004 and under reference(s) TM/03/01183/FL.)

Reason: The exercise of more than one permission would result in an over intensive use of the land.

- 3 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.

- 4 No development shall take place until details of any joinery to be used have been submitted to and approved in writing 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 visual amenity of the locality.

- 5 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.

- 6 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment. 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. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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.

- 7 The business shall not be carried on outside the hours of 8.00 to 18.00 Mondays to Fridays and 8.00 to 16.00 Saturdays with no working on Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

- 8 If during development work, site significant deposits of made ground or indicators of potential contamination area discovered, the work shall cease immediately, and an investigation/remediation strategy shall be agreed with the Local Planning Authority and implemented by the developer.

Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought on site should be clean and soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

A closure report shall be submitted by the developer delineating the requirements identified above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

- 9 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.

- 10 No building shall be occupied until the area shown on the submitted plan as 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.

- 11 The premises shall be used for uses within Use Class B1 a (offices) and for no other purpose (including any other purpose in Class B1 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 and amenities of the immediate locality.

- 12 The existing buildings shown to be demolished, marked A – H on drawing number 100 Rev A received on 25.02.09, shall be demolished within one month of the first occupation of the new office building hereby permitted, if not demolished previously, and all arisings therefrom shall be removed from the site.

Reason: To prevent the erection of an additional building in an area where it would not normally be permitted.

- 13 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or the Town and Country (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. (I001)

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

- 14 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the any elevation of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

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

- 15 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the building without the prior written consent of the Local Planning Authority.

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

Informatives

- 1 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or contact Trevor Bowen, Principal Legal Officer, on 01732 876039 or by e-mail to trevor.bowen@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 2 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.
- 3 The Borough Council believes that there is an opportunity to create areas of native planting in this development. Plants for such areas should not only be of native species but also of local provenance. The use of plants of non-local provenance could harm the environment by introducing genetically alien material and reducing the variety and viability of other wildlife that the particular plant supports.

Contact: Lucinda Green