

**Aylesford** (A) 573030 158964 11 September 2012 (A) TM/12/01762/FL  
Aylesford (B) 573030 158964 11 September 2012 (B) TM/12/01763/LB

Proposal: (A) Conversion of property to 8 self-contained residential units, together with removal of rear additions of roof enclosure to enclosed loading area, additional floor added to rear building and internal and external alterations.  
(B) Listed Building Application: Removal of add-ons at rear of listed building, removal of roof enclosure to enclosed loading area, conversion of existing to residential, additional floor added to rear building as part of re-modelling

Location: Aylesford Business Centre 17 High Street Aylesford Kent  
ME20 7AX

Applicant: Aylesford Business Centre

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### **1. Description:**

- 1.1 Full planning permission is sought for the conversion of the existing buildings on the site into 8 residential units. This includes 1 x 3 bedroom house, 1 x 3 bedroom maisonette, 3 x 2 bedroom maisonettes, 1 x 1 bedroom maisonette and 2 x 1 bedroom flats.
- 1.2 The development also proposes internal and external alterations to the buildings in order to subdivide them into the individual residential units. The largest change would be to the building to the rear of the site which faces onto the river where it is proposed to increase the height of the building by constructing a pitched roof in order to allow for the creation of two flats within the roof space. In addition, the building along with the first floor of a building to the front of the site would be clad in weatherboarding. A residential garden area would be provided to the rear of the site to serve the development.

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

- 2.1 The application is being reported to the Planning Committee at the request of the Ward Member, Cllr Balcombe.

### **3. The Site:**

- 3.1 The application site is an existing commercial site which has a lawful B2 (general industrial) use and comprises several buildings of various age set in a courtyard layout. The oldest buildings on the site front onto the High Street and are Grade II Listed. The whole site is located within a Conservation Area and situated within flood zones 2 and 3. A culvert runs underneath the buildings on the site and links to the River Medway which sits to the southern side.



TM/82/10638/LBC Grant 5 February 1982

Listed Building Application for provision of external steel fire escape and two emergency exit doors.

TM/82/10652/FUL grant with conditions 5 February 1982

External steel fire escape and two emergency exits.

TM/96/01221/FL Grant With Conditions 14 October 1996

change of use of premises from A1 retail to A3 use as a cream tea shop

TM/97/01454/LB Grant With Conditions 24 October 1997

Listed Building Application: Installation of two internal doors

TM/97/01472/FL Grant With Conditions 24 October 1997

change of use of ground floor building from retail, office and storage to osteopathic practice

TM/08/02608/TNCA No Objection 9 October 2008

Removal of trees either side of boundary wall at rear of 17 High Street Aylesford

## **5. Consultees:**

- 5.1 Aylesford PC: Raise no objection to the principle of the conversion to residential, however, are concerned with regard to the number of dwellings with no additional car parking facilities provided. In addition, they are concerned that the plans refer to ground floor bedrooms when the flooding report recommends on sleeping accommodation on the ground floor.
- 5.2 Society for the Protection of Ancient Buildings: Raise no objection to the principle of the proposed development, however, raise considerable concern with regard to the loss of historic features within the seventeenth century cottage.
- 5.3 Ancient Monuments Society: Raise concern with regard to the loss of planform and the loss of historic features within the building
- 5.4 English Heritage: No comment other than to state that the application should be determined in accordance with national and local policy guidance.

5.5 KCC (Highways):

- The proposed residential and existing B2 uses both require the provision of 10 off road car parking spaces none of which are currently available on the site
- The car parks which serve the village are a short walk from the site but there is no guarantee spaces will be available for use by the site. If there is insufficient space, residents parking is likely to occur on the street

5.6 Environment Agency: Originally raised objection to the application but upon submission of additional supplementary information withdrew their objection and suggested conditions in order to address any flood related issues.

5.7 Private Reps: 34/0X/21R/0S + site notice and press notice:

- Lack of parking.
- Loss of commercial / business premises which would mean that Aylesford would no longer have the opportunity to have a viable retail hub.
- Flood Risk
- Potential impact on the culvert which runs under the site and the resulting flood risk to Aylesford.
- Development is too intensive.
- The development would overlook the neighbouring properties.
- The development would result in a loss of outlook from neighbouring properties.
- The contamination survey is incorrect as a recent EA survey found evidence of contamination and levels of Total Organic Carbon. The development does not respect the setting of Listed Buildings or the Conservation Area.
- The development would be out of keeping with the appearance of the locality.
- The development of the site could have historical and ecological repercussions.
- Concern the applicant has not proved that the business use is unviable.
- Concern that objects will be dropped from the windows into the neighbouring gardens- should the window open over the neighbour's land?

Re-consultation following receipt of amended plans and additional information:

5.8 PC: Raise no objections.

5.9 Private Reps: 34/0X/8R/0S:

- The poor maintenance of the existing building being the reason the commercial units will not let.
- The car parking situation has changed in the village since 2009 when the applicant originally discussed the scheme.
- The revised plans do not address the original objections.
- The affordable housing provision has not been fully addressed.
- No pre-assessment code for sustainable homes report has been submitted.
- The development would not meet building regulations requirements.
- No ecology survey has been provided.
- Commercial and incentives for new business should be the only consideration for the site.
- Concern with regard to security to neighbouring residential properties due to the loss of the commercial elements.
- Concern that Aylesford is becoming a commuter belt.

## **6. Determining Issues:**

6.1 NPPF along with policy CP1 of the LDF Core Strategy (2007) and policy CC1 of the MDEDPD (2010) place sustainability at the heart of decision making, ensuring that new development does not cause irrevocable harm to the environment and balancing this against the need to support a strong, competitive economy and protect the social welfare of existing and future residents.

6.2 One of the key policy objectives of the NPPF is to secure economic growth in order to create jobs and prosperity. The planning system's role in this is to encourage rather than act as an impediment to sustainable growth. Whilst this is the case, paragraph 22 of the NPPF advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. "*Applications for alternative uses of land or buildings should be treated on their merits having regard to market signals.*"

- 6.3 The Council has no specific policy relating to the preservation and retention of commercial sites within Aylesford village. Policy CP13 of the Local Development Framework Core Strategy allows for minor residential development within the confines of Aylesford village providing the development is appropriate to the scale and character of the settlement. Further, as the application is effectively for a change of use of existing buildings, development should ensure that overall trip generation is projected to be lower than that associated with the former use or there is to be significant improvement to the appearance, character and functioning of the settlement.

### **Principle of the Proposed Development**

- 6.4 The property is currently split into many small individual units which generally have permission for a B1 (business)/B2 (general industrial) use and have no restrictions in hours of use. The supporting letter with the application states that the commercial use is unable to compete with existing business cores outside of the village and that there is a lack of demand for small commercial units and a lack of local support. Since the submission of the application, the legal position has changed in that the change of use to residential units for the current B1 units can take place without the Council's approval. Moreover any B2 unit of 235m<sup>2</sup> or less can change to B1 and thus onwards to residential without the Council's approval (there are certain caveats that are covered by the investigations carried-out in respect of traffic/flood impacts which occurred when the planning application for change of use in respect of all industrial units was under consideration). In essence, therefore, the principle of the re-use for residential is established.
- 6.5 Moreover, to the south of the village is a large commercial/industrial centre which offers modern units and large open space for modern business uses. The application property is a series of buildings which have been converted into a number of small offices. The site is constrained in terms of its size, the fact that some of the buildings on the site are listed which limits its ability to be adapted for a modern commercial use, and the fact that there is no off road car parking provision. This means that there is a limited scope to bring the whole site into a viable commercial use. The development would allow for the most intensive use of the site in order to ensure the most efficient use of the land.
- 6.6 In light of the provision of other commercial units within close proximity to the village and the fact that the development would allow for the most efficient use of the land within the village, it would be unreasonable to protect the land for employment purposes in perpetuity. The use of the land for residential would therefore be acceptable in principle.

### **Visual Amenity**

- 6.7 Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 require high quality design which

reflects the local distinctiveness of the area and respect the site and its surroundings in terms of materials, siting, character and appearance.

- 6.8 The site is located in the historic core of Aylesford village and backs onto the River Medway; the building on the frontage to the site is Grade II Listed. In light of this, the site is sensitive to change and any new development needs to respect the historic context of the site and its prominent position in the conservation area and wider landscape.
- 6.9 The development largely proposes the conversion of existing buildings on the site in order to provide the 8 flats. There is a small lean to extension to the rear of the Listed Building which sits on the frontage and a large profile steel roof canopy within the courtyard to be removed at the time of conversion. These contribute little to the overall appearance of the site and their removal would improve the appearance of the buildings within the site. As such, their loss would not result in harm being caused to the visual amenity of the locality.
- 6.10 Significant negotiations have taken place with regard to the design of the proposed development in order to seek to conserve the most historic parts of the site and to ensure that the development enhances the appearance of the Conservation Area. The Listed Building on the road frontage would be retained and refurbished with minimal external alterations in order to retain the attractive historic street frontage.
- 6.11 The existing building to the rear of the site is a two storey flat roof brick structure which is visible from the public realm to the rear. The building is slightly screened by trees which are located within the amenity land which softens views from the southern side of the site. The building sits amongst a mix of modern and more historic additions to the rear elevations of buildings that front onto Aylesford High Street and forms part of the hotchpotch of styles within the village confines.
- 6.12 The development would add a pitched roof to the existing flat roof building in order to allow for the formation of two flats within the roof space. This development would increase the bulk and prominence of the building from public views. However, the existing building does not make a positive contribution to the character and appearance of the locality and, therefore, alterations to it are not unacceptable in principle.
- 6.13 The proposed development seeks to retain the simple plan-form of the building and introduce a pitched roof with dormers above. Two first and second floor bay window features would be installed in order to add visual articulation to the rear elevation of the building which would enhance its overall appearance. The building is proposed to have a flat roof. However, this would be largely hidden by the pitched roof constructions surrounding it, a condition could be imposed to require ridge and eaves details. The development would improve the appearance of the site from the rear and from the river frontage by altering the appearance of the existing unattractive flat roof existing building. The mixture in the style and design

of buildings within the site would be maintained which would also allow for the organic development of the site to be appreciated. This is an important feature of the site and adds to the character of the conservation area.

- 6.14 In light of this, the development would conserve the character of the conservation area, improving the appearance of the building to the rear and ensuring that the setting and appearance of the Listed Building would be enhanced. No harm would therefore be caused to the visual amenity of the locality. Indeed I would go as far as to say that the not insubstantial amount of change embodied in this proposal represents a significant overall betterment in the visual appearance of this site.

### **Impact upon Character and Appearance of the Listed Building**

- 6.15 The building on the frontage to the site is Grade II Listed, the development proposes the conversion of the building in order to provide residential accommodation. In addition, a small lean-to extension is to be removed to improve access into the property. The rear addition is a small lean-to which is of little historic merit and has been tacked onto the rear of the building, interfering with access to an historic doorway. Its removal would therefore have no adverse impact upon the plan-form or historic character of the historic building.
- 6.16 There are walls to be removed internally at both ground floor and first floor level. The development would not alter the plan-form of the building but would remove parts of modern internal partitions in order to create habitable accommodation . The external appearance of the building is to remain the same which would allow the building to retain its original historic character and appearance. No harm would therefore be caused to the designated heritage asset.

### **Residential Amenity**

- 6.17 The application site is currently a commercial property surrounded by neighbouring properties of a mixed use. To the eastern side is No. 13 which is a residential dwelling, to the west is the Little Gem Public House and to the north (on the frontage of the site) is No. 15 which is used as a financial advisors.
- 6.18 The application property has existing windows which overlook both neighbouring properties. The only new windows proposed to the side elevations of the buildings are two to the western side which would be located at the end of the garden area of No. 21 (The Little Gem). These windows would therefore not result in an unacceptable level of overlooking to the neighbouring properties.
- 6.19 The building to the rear of the site is proposed to be increased in height in order to allow for the provision of accommodation within the roof space. There is an existing two storey building on the boundary which measures 6.5m in height. The development proposes to increase the height of the building to 9m. As the building is located at the end of the garden of the neighbouring properties, the roof is



proposed to be hipped and does not sit directly in line with the rear elevation of either neighbours the increase in height would not result in an adverse impact being caused to their residential amenity through loss of light to them.

- 6.20 The site currently has a lawful B1/B2 use and is unrestricted in terms of hours of use. If the units were used in this lawful manner, the noise and disturbance associated with the B2 use would cause significant impact upon the residential amenity of the neighbouring properties, possibly during the night time period. The proposed residential use would therefore represent a quieter use which would reduce the impact upon the neighbouring residential properties from noise, especially as there is no parking to be provided on the site which would limit the noise impact from comings and goings to and from the property.

### **Parking**

- 6.21 There is no off road car parking proposed to serve the 8 residential units. Guidance from KCC Highways requires the provision of 10 off road car parking spaces to serve the proposed units. Neighbours have raised concern with regard to the lack of car parking to serve the new residential development in an area which already experiences significant parking issues due to the general lack of private car parking provision. As a result a large amount of residents use public car parks situated to the east of the village. Residents have stated that the Parish Council have carried out parking surveys to establish the parking requirements of the village and the current under provision. These surveys have not been provided to the Council and therefore cannot be given any weight in the determination of the application.
- 6.22 The situation described above must, however, be considered in light of the situation that the site is currently in a commercial use and therefore currently places demand on off road car parking. The applicant's agent states that the site is split into 13 units which have been in a B1/ B2 use. KCC Highways advise that the floor area within the existing units would result in a parking requirement of 10 spaces to serve the commercial uses. These spaces are not provided on the site but rather in the public car parks or on the public highway. The applicant's agent argues that KCC Highways calculations are an under estimate of current parking demand due to the fact that the property is split into individual units with small floor areas. They state that if the 13 units were all in a B2 use, 39 car parking spaces would be required to serve the property and if the units were all in a B1 use, 25 spaces would be required. The key point is, however, that even on KCC's calculations the parking requirement of the current uses and the proposed uses is equal – no parking detriment occurs because however the site is used there is a parking need which is not met on site and cannot be so.
- 6.23 The development would not, therefore, result in a net increase in demand for off road car parking provision and would result in a reduction in parking demand due to the number of units on the site. Demand for residential parking is higher during

the evening and night time period whereas the commercial use is more likely to place demand during the daytime. Whilst this is the case, the property has an unrestricted hours of use and as such parking demand would be both during the daytime and night time.

- 6.24 The proposed development would therefore not result in a net increase in demand for car parking provision and there would be no adverse impact caused to highway safety through vehicles needing to park on the public highway.

### **Flooding**

- 6.25 17 High Street is located within flood zones 2 and 3 due to its proximity to the River Medway. As part of the application process extensive time has been afforded to addressing the issues of flood risk on the site and within the locality. A culvert runs underneath the site which aids drainage of flood water from the High Street. The culvert had become silted due to lack of maintenance and recently has been largely been cleared by the owner of the site. There is also the proposal to repair the culvert which has been agreed with the EA which would also significantly improve its condition. The works which have been carried out along with the repair work should improve flood protection to the wider community by allowing any flood water to drain through the culvert from the High Street.
- 6.26 Concern has been raised from neighbouring properties with regard to the potential for the culvert system to not be maintained if in separate residential ownerships. The site is already in a private commercial use, albeit under one ownership. If the properties are provided a freehold it will be for future owners together to ensure that the culvert is maintained to prevent a reoccurrence of flood risk issues. The planning decision should not turn on the matter of legal obligation to maintain a culvert. Nevertheless, the EA will retain an enforcement power to ensure that works are carried out if a flood risk incident occurs as a result of the blocking of the culvert.
- 6.27 The development proposes a variety of measures in order to ensure that ground floor properties would not be adversely impacted by flood risk. These include flood restraint boarding at door openings, electrical wiring on drops from the ceiling terminating above the maximum tidal flood level, solid flooring and providing no sleeping accommodation on the ground floor. These measures would be sufficient in order to ensure there would not be undue flood risk caused to future occupants of the properties.
- 6.28 The EA originally objected to the application, they have now removed their objection and recommend a list of conditions which can be attached to a grant of planning permission.

### **Planning Obligations**

- 6.29 The application site is located within the confines of a rural village where policy CP17 of the Tonbridge and Malling Borough Core Strategy requires the provision of 40% affordable housing on sites for the provision of 5 dwellings or more. The development proposes no affordable housing units. The applicant's agent has argued that in light of the considerable cost which will be incurred by the developer in ensuring adequate flood protection measures will be installed in the new dwellings, the repair works to be carried out to the culvert which runs below the site together with works to the Listed Building. The existing culvert is in a poor state and requires repair work in order to protect the village from flood risk. This has a significant community benefit by improving the flow of the stream and improving the stability of the culvert. The expense of this work is exacerbated due to the fragility of the timber framed Listed Building which sits above. The remedial works to the culvert would have no direct benefit in terms of reduction in the instance or extent of flooding to the site itself as it sits on top of the culvert.
- 6.30 The costs of the work which have a community benefit therefore need to be weighed against the requirement for the provision for affordable housing in line with the development plan policy. In this case, the benefits of the remedial work to the culvert outweigh the need for the provision of affordable housing in the locality.
- 6.31 The combination expenditure factors in this case leads me to conclude that an affordable housing contribution is not warranted in this case.

### **Other Material Planning Considerations**

- 6.32 The application was supported by a contamination report undertaken by a qualified and competent party which identifies that there is no risk of contamination at the site. The development would therefore not have an adverse impact through potential land contamination.
- 6.33 Neighbours have raised concern relating to the opening of windows over neighbouring land, this is a private civil issue and not a material planning consideration.
- 6.34 Bearing in mind the current legal position with regard to opportunities for re-use of buildings this particular proposal is worthy of support.

**7. Recommendation:**

(A) TM/12/01762/FL:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 06.06.2012, Report SITE INVESTIGATION dated 01.06.2012, Flood Risk Assessment dated 05.09.2012, Flood Risk Assessment APPENDICES dated 05.09.2012, Location Plan 11/1067/01 REV B dated 11.09.2012, Elevations 11/1067/02 REV A dated 01.06.2012, Drainage Layout 11/1067/10 dated 01.06.2012, Proposed Floor Plans 11/1067/05 D dated 09.05.2013, Proposed Plans 11/1064/06 E dated 16.05.2013, Proposed Roof Plan 11/1064/07 dated 16.05.2013, Letter dated 05.11.2012, 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C, D and E of Part 1 and Class A of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order to enable the Local Planning Authority to regulate and control further development within this site in the interests of the environment

- 3 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of 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: To ensure that the development does not harm the character of the existing building in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

- 4 The development hereby permitted shall not be commenced until such a time as a scheme to ensure the improvement and maintenance of the culvert that passes under the property has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timings/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To ensure the flood management of the site and off site is not compromised.

- 5 The development hereby approved shall be carried out in accordance with the details contained within the approved flood risk assessment by Thomas Mackay Environmental Solutions dated August 2012 and the letter from Geddes Walker Architects dated 5th November 2012 and shall not be altered unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of preventing flood risk to future residential occupants of the property.

- 6 Prior to the first occupation of the residential dwellings, the following flood resilience measures shall be carried out on the property:

- 1) Water proof render shall be added to the rear wall of the property to a height of 300mm from the base of the property
- 2) All air bricks shall be covered and fitted with passive closure devices.

Reason: To reduce the risk of flooding to the property and future residents.

**Informative:**

- 1 The Aylesford Stream is designated as a "main river". Under the terms of the Water Resources Act 1991 and associated bylaws, prior written consent from the Environment Agency is required for all works in, on, under, or over main river or within 8 metres from the top of the bank and/or within 15m of the tidal defence. This is termed Flood Defence Consent.

(B) TM/12/01763/LB:

- 7.2 **Grant Listed Building Consent** in accordance with the following submitted details: Letter dated 06.06.2012, Report SITE INVESTIGATION dated 01.06.2012, Flood Risk Assessment dated 05.09.2012, Flood Risk Assessment APPENDICES dated 05.09.2012, Location Plan 11/1067/01 REV B dated 11.09.2012, Elevations 11/1067/02 REV A dated 01.06.2012, Drainage Layout

11/1067/10 dated 01.06.2012, Proposed Floor Plans 11/1067/05 D dated 09.05.2013, Proposed Plans 11/1064/06 E dated 16.05.2013, Proposed Roof Plan 11/1064/07 dated 16.05.2013, Letter dated 05.11.2012, subject to:

1. The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. No development shall take place until written details and photographs of all materials to be used externally in the construction of the dwelling have been submitted to and approved by the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character of the existing building in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

3. 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 preserves the Listed Building and the features of special architectural or historic interest which it possesses and the requirements of paragraphs 131 and 132 of the National Planning Policy Framework (2012).

Contact: Kathryn Holland