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<b>West Malling</b> West Malling And Leybourne	<b>567801</b> <b>157548</b>	<b>21 October 2015</b>	<b>TM/15/03389/FL</b>
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Proposal:	Proposed conversion of St Mary's Church Centre building to 3No. residential units, including extensions and alterations; demolition of the former air raid shelter and toilets and construction of a new two storey detached dwelling, vehicular access and car parking
Location:	Church Centre Churchfields West Malling Kent ME19 6RJ
Applicant:	St Mary's Church P.C.C.

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## **1. Description:**

- 1.1 The application proposes to redevelop the St Mary's Church Centre site comprising the change of use and extension and alteration of the main building to form 3 dwellings and the construction of an additional detached two storey dwelling at the rear of the site. The existing former air-raid shelter and toilet block are to be demolished. A new vehicle access and drive with associated engineering works is proposed as well as car parking for the 4 dwellings.
- 1.2 The main Church Centre building is to be retained, extended and converted to three 3-bedroom dwellings with associated courtyard gardens. Two 2-storey gable extensions are to be added to Dwellings 2 and 3, with front and rear 2-storey extensions added to Dwelling 1.
- 1.3 The new two storey detached dwelling is to be located at the rear and provides a general footprint of 11m x 11m, an eaves height of 4.7m and ridge height of 8.6m. It is to be inset 1m from the southern boundary, 8m from the eastern boundary and 20m from the western boundary. No external materials have been specified at this stage.
- 1.4 A new 1.2m high brick wall with railings is also proposed for the front boundary of the site.
- 1.5 A new vehicle access to Churchfields 4.3m wide is proposed on the western side of the frontage with a driveway following the western boundary.
- 1.6 A car parking area is proposed within the southwest corner of the site providing 11 spaces in total; 2 spaces for the 3 bedroom dwellings, 3 spaces for the 4 bedroom detached house and 2 visitor spaces.
- 1.7 Amended plans were submitted on 11 February 2016 replacing the original submission for a pair of semi-detached dwellings at the rear with a single detached dwelling. This reduced the number of dwellings proposed from 5 to 4.

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

- 2.1 The application has been called in to Committee by Councillor Shrubsole due to local concern.

**3. The Site:**

- 3.1 The application site is situated at the south-eastern end of Churchfields, within the settlement confines of West Malling and the West Malling Conservation Area (CA). The site is occupied by a large ragstone building, known as the Church Centre, which is positioned within the front half of the site. A flat roofed former air-raid building and toilets are attached to the perimeter wall within the southeast corner of the site. The majority of the southern half of the site is tarmacked. The south, east and west boundaries are enclosed by 2-2.5m high ragstone walls. A wire mesh fence aligns the front boundary. There is no vehicular access to the site. The finished level of the site is relatively flat but the surrounding ground level slopes generously up from west to east and so the site has been heavily retained on the west side.
- 3.2 The applicant has noted that the building dates back to 1854 where it was used as an infant/junior school up until 1975. A private pre-school was the site's main tenant from 1975 up to 2014. The premises have been vacant since. The building is not a Listed Building and is not considered to be curtilage listed.
- 3.3 St Mary's Church is a Grade II\* Listed building and lies about 50m to the east with the church graveyard/grounds adjoining the site to the east and also extends to the north of the site beyond the pedestrian walkway that extends from Churchfields past the Church to the High Street. The terraced dwellings of Nos.1-5 Churchfields lie to the northwest with the aged person's units of St Mary's Court to the west. A field and the grounds of Douces Manor lie to the south.

**4. Planning History (relevant):**

TM/40/10007/OLD grant with conditions 3 July 1940

Air Radio Shelter to C of E School and Infants School.

TM/50/10463/OLD grant with conditions 9 September 1950

Improvements and additions to sanitary accommodation.

TM/52/10342/OLD grant with conditions 20 June 1952

Outline Application for Change of User and Dwelling House to Cloaks/Staffroom.

TM/71/10564/OLD grant with conditions 25 May 1971

The change of use of Church of England Infants School to Church Hall.

TM/80/10487/OLD planning application not required 16 December 1980  
The provision of nursery school.

**5. Consultees:**

5.1 These comments generally relate to the 5 unit scheme originally submitted. No re-consultation has been carried out on the revised 4 unit scheme.

5.2 PC: The Parish supports the principle of converting the Church Centre to residential but objects to the number of houses proposed and have concerns with the design of the proposal and potential safety issues.

- The 2 new dwellings would overdevelop the site and would affect the CA
- The rooflights would affect privacy of neighbouring residents
- The bin store is inappropriately located
- The new access would affect pedestrian safety
- Turning into and out of the site is restricted
- Impact on residential amenity from headlights
- Loss of on-street parking
- The sloping driveway could lead to flooding issues
- A construction management plan should be required

5.3 KCC (H+T): In the context of the NPPF and previous/other potential uses of the site it is not considered that a proposal for a total of five units could be contested in terms of traffic generation. I write to confirm on behalf of the highway authority that I have no objection to this proposal subject to the following:

- I note from the Design and Access Statement that the hard surfacing areas will be well drained with gullies. It is considered that should this application be approved a condition should be included requiring details of this to be submitted for subsequent approval. I confirm that the gradient of the sloped access is acceptable.
- I also note reference to the removal of materials and it is considered that a construction management plan should also be submitted, once a contractor has been appointed, for approval prior to commencement of construction.

5.4 KCC (Heritage): The site of the application lies to the west of the historic core of West Malling, a medieval market town and possibly an early medieval settlement.

The site is adjacent to the grounds of St Mary's Church, an 11<sup>th</sup> Century church and a designated heritage asset (Grade II\*). There is some potential for medieval and later remains to survive on the site. The Church Centre itself was originally a 19<sup>th</sup> century National School building and it has been recognised as a building of local historic importance, representing part of the post medieval and Victorian development of the community at West Malling. The site also contains an air raid shelter. This too is of local heritage importance and is a reminder of the community needs during WWII. The conversion works should be sympathetic to the historic school character of the building and attempts should be made to ensure this heritage is accessible, through appropriate design and heritage interpretation. It would be preferable to retain the air raid shelter but if it is decided to demolish it, it should be recorded prior to demolition. I recommend conditions are placed on any forthcoming consent.

5.5 Private Reps: 49/2X/24R/23S + CA + site + press notice. 49 letters of representation have been received. The following concerns have been raised by the 24 objectors:

- The proposal overdevelops the site and the two new dwellings at the rear are not in keeping with the existing building and the character of the Conservation Area
- The vehicle access appears to be restricted and could affect pedestrian safety
- Impact on residential amenity from headlights of cars exiting the site
- The development will result in a reduction in on-street parking and an increase in traffic along Churchfields exacerbating the current traffic and parking problems
- Inadequate access for emergency vehicles
- The bin collection point close to the frontage would be highly visible to adjacent residents
- Construction works will cause significant disruptions to traffic and parking in Churchfields and local residential amenity
- The church centre is an important community facility that can provide for various groups and should be retained for the benefit of West Malling residents
- Overlooking concerns
- There may be geological issues with the site

The supporting comments for the 23 letters of support include the following:

- The church centre building is rarely used and is not sustainable in its current form
- The development retains a significant building in the Conservation Area and makes use of centrally located site for much needed residential use
- The new dwelling will not be visible from nearby properties
- The development will help mitigate traffic in Churchfields
- The church centre is no longer a financially viable building and is not fit for purpose

**6. Determining Issues:**

- 6.1 The main issues are whether the loss of the Church Centre as a community facility would be acceptable in policy terms and whether the development would affect the character and visual amenity of the village, the setting of the nearby Grade II\* Listed Church, neighbouring residential amenity or highway safety.
- 6.2 Paragraph 28 of the NPPF advises that in order to promote a strong rural economy, local plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
- 6.3 Policy CP26(3)(c) of the TMBCS states that the loss of a community facility will only be permitted if the applicant has proved to the satisfaction of the Council that there is likely to be an absence of need or adequate support for the facility for the foreseeable future.
- 6.4 The applicant has submitted a supporting statement in respect to the loss of the community facility. It informs that the premises were used by a private pre-school as the main tenant from 1975 until 2014 and regularly for weekly or monthly sessions/meetings by a small number of community groups. The pre-school has since relocated to the West Malling Primary School and the premises are now no longer used by the Brownies or Guides. There are also now no regular bookings. It has been advised that the building would require significant investment to alter the internal space and bring it up to the standard of a modern day community facility.
- 6.5 In addition to this evidence of lack of established demand to tenant the premises, I am of the view that the site is poorly sited for use as a busy functioning community facility. It is situated at the end of a tight congested residential cul-de-sac with patrons needing to park on-street a substantial distance from the site in the surrounding residential streets, creating further parking pressures in the area.

- 6.6 I am therefore satisfied that for the foreseeable future there is likely to be an absence of need or adequate support for the facility. Accordingly, policy CP26 of the TMBCS has been satisfactorily addressed and the loss of the building as a community facility is deemed to be acceptable in this specific case.
- 6.7 Policy CP12 of the TMBCS identifies West Malling as a rural service centre where housing and employment development or redevelopment, conversions and changes of use will be permitted in principle.
- 6.8 Policies CP24 of the TMBCS and SQ1 of the MDEDPD also require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. It should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 6.9 The Church Centre building is an attractive historic ragstone building that is considered to contribute substantially to the character of the CA. The immediate built form to the northwest of the site comprises small terraced cottages along the northern side of Churchfields and St Mary's Court aged person's accommodation on the south side. This provides a varied plot and built form in the area. As a result, I am satisfied that the pattern of the proposed development with the creation of the new residential plots would not be at odds with the character and appearance of the CA.
- 6.10 The main Church Centre building is to be retained with rear extensions and a front extension added. The extensions have been designed to respect the form and character of the existing building and would, in my view, provide an improvement to the appearance and character of the building, subject to satisfactory materials being secured by condition. The building is to be converted into three dwellings, each providing living spaces at ground floor and 3 bedrooms at first floor level. I consider the dwelling layouts to be acceptable and the proposed private garden areas for each dwelling to be adequate. Overall, I consider the new residential units created from the existing building with the proposed extensions to be sympathetic in their form, design and layout.
- 6.11 The new detached dwelling is of a sympathetic design using traditional form elements, and is of a size and scale that would relate effectively with the existing building. The new building provides a ridge height about 0.7m lower than that of the main building and it is well separated from the main building and the boundaries of the site. No external materials have been detailed and these will need to be approved prior to commencement. The new building would be mostly hidden behind the main Church Centre building but would be readily visible from the Church grounds and the public footpath leading to the Church. However, I consider the design of the building to be of a high standard and complementary to the main building, and materials can be controlled so that the building visually

integrates with the main building, minimising its visual impact on the area. In order to ensure that any future alterations and extensions to the buildings are controlled and that any outbuildings are appropriate to their setting, I consider it necessary to remove Class A, B and E permitted development rights.

- 6.12 The County Archaeologist has advised that the site is adjacent to the grounds of St Mary's Church, an 11<sup>th</sup> Century church and a designated heritage asset and that there is potential for medieval and later remains to be found on the site. It has also been acknowledged that the Church Centre is a 19<sup>th</sup> century National School building and it has been recognised as a building of local historic importance, representing part of the post medieval and Victorian development of the community at West Malling. The air raid shelter on the site is also considered to be of local heritage importance and a reminder of the community needs during WWII and although preferable that it be retained, if it is to be demolished then it should be recorded prior to demolition. I consider it necessary for the conditions recommended by the County Archaeologist to be imposed on any permission granted.
- 6.13 The development is well separated from the Grade II\* Listed building of St Mary's Church and the retention of the main building and the complementary design of the new dwelling would not affect the setting of the Listed Church, in my view. I acknowledge that the air-raid shelter provides a level of historic connection with WWI and to the site. However, the building is not listed and, given its low key nature and position within the CA, is not considered to contribute significantly to the character of the CA. Overall, I am of the view that the proposed development would make a positive contribution to the character of the local area which would outweigh the loss of the air-raid shelter.
- 6.14 A new front boundary wall is proposed. It provides a varying height between 1.2-2m and is to be constructed of brick with railings above. I consider this would provide a visual enhancement to the site. Due to its prominent position, details of the wall will be required by condition.
- 6.15 A bin collection area has been shown adjacent to the new vehicle access. This is acceptable as a point for collection only. However, to ensure that the bins are to be stored within each residential curtilage, a scheme for the storage of the refuse bins is required. A suitable condition to this effect can be added to any permission granted.
- 6.16 Accordingly, subject to conditions requiring a scheme of soft and hard landscaping and a scheme for the storage and screening of refuse, I am satisfied that the proposed development would not harm the character or appearance of the CA. The proposal would therefore satisfy policies CP12 and CP24 of the TMBCS and SQ1 of the MDEDPD. I am also satisfied that the development would accord with Part 7 (Requiring good design) and paragraphs 129 and 131 of the NPPF.

- 6.17 A new vehicle access to Churchfields is proposed, with a driveway running just inside the existing retaining wall along the western side boundary, leading to a communal car park at the rear. The new access will require some excavation of the land to enable the driveway to be graded up from the road frontage. The communal car park provides 11 spaces, including at least 2 car parking spaces for each of the dwellings, as well as 2 visitor spaces. This provision satisfies the Residential Parking Standards in the IGN3. The parking layout provides an aisle width of 5m that is less than the 6m recommended in the SPG4 Kent Vehicle Parking Standards. However, I am satisfied that sufficient space is provided to adequately manoeuvre cars into and out of the allocated spaces. Therefore, I consider the layout and relationship of the parking spaces to the dwellings to be acceptable.
- 6.18 The local highway authority (KCC H+T) has reviewed the scheme and has raised no objection. It has been advised that the gradient of the new access road is acceptable and that the access and parking arrangement would be adequate. However, it has been recommended that details of the drainage gullies for the hard surfacing be submitted for approval along with a construction management plan. Suitable conditions to this effect can be added to any permission granted.
- 6.19 The development would result in additional traffic movements along Churchfields but I do not consider that such movements from 4 additional dwellings would result in any severe harm to the highway network. I am also of the view that this impact would be less than that experienced as a result of drop-off and pick-up from the previous pre-school use.
- 6.20 The site fronts an adopted road and all built form is within a distance which is adequate for emergency service vehicles to attend the application site.
- 6.21 I am therefore satisfied that the development would not harm highway safety or result in any cumulative highway impacts that would be severe which is the relevant test required by the NPPF. The proposal would therefore satisfy policy SQ8 of the MDEDPD and paragraph 32 of the NPPF.
- 6.22 I consider that a suitable condition to mitigate against potential land contamination is necessary in this case to ensure that the land is suitable for residential use. The development would thus accord with paragraphs 120-121 of the NPPF.
- 6.23 The extensions to the existing building and the new dwelling are well set back from neighbouring properties and as a result the development would not be visually intrusive or result in any unacceptable loss of daylight or sunlight to neighbours. The front of the new detached dwelling is set well back from the western boundary and therefore any level of overlooking from the first floor windows would not be unacceptable. The upper level windows and rooflights facing north provide views over a public highway and therefore the level of overlooking of the dwellings beyond the highway would also not be unacceptable. The issue of light pollution from headlights of cars exiting the site has been raised. However, although some

impact can be envisaged I do not consider the gradient to be so great or the number of vehicles to be so great such that impact from headlights would cause demonstrable harm to adjacent residential occupiers. Accordingly, the development would not harm neighbouring residential amenities, in my view.

6.24 I note the comments made by the Parish Council and local residents. The key concerns raised relate to the loss of the community facility, the impact of the 2 additional dwellings at the rear on the character of the CA and the impact of the development on parking, traffic and pedestrian safety. The scheme has been reduced from 5 dwellings to 4 and the proposed detached dwelling to the rear is well designed and provides a satisfactory relationship with the existing building. The issues of the loss of the community facility and highway safety have been discussed in detail above and the scheme is considered to be acceptable in respect to these aspects. The effect of the construction phase was also a major concern from neighbours. A condition is to be imposed requiring a construction management plan to be submitted to the local planning authority for approval due to the very specific issues here. The issues of the bin storage and drainage of water of hard surfaced area have both been addressed by the suggested imposition of conditions. Any geological concerns are the responsibility of the developer.

6.25 In light of the above, I consider that the proposed development satisfactorily accords with the relevant provisions of the Development Plan and NPPF, and therefore approval is recommended.

## **7. Recommendation:**

7.1 **Grant Planning Permission** in accordance with the following submitted details: Email SUPPORTING INFORMATION received 17.12.2015, Letter received 21.10.2015, Design and Access Statement received 21.10.2015, Location Plan 1956/19 received 21.10.2015, Existing Plans and Elevations 1956/11 B received 21.10.2015, Proposed Floor Plans 1956/12 B received 21.10.2015, Proposed Elevations 1956/13 B received 21.10.2015, Section 1956/20 received 01.12.2015, Elevations 1956/21 received 01.12.2015, Cross Section 1956/22 received 01.12.2015, Email received 11.02.2016, Supporting Information received 11.02.2016, Block Plan 1956/10 D received 11.02.2016, Proposed Plans and Elevations 1956/18 C received 11.02.2016, Photographs received 15.02.2016, subject to the following:

### **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.

- 2 No development of the new house or the existing building to be converted shall take place until relevant 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 of the area or visual amenity of the locality.

- 3 No development of the new house or the existing building to be converted shall take place until details of any joinery, eaves and rainwater goods 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 site or visual amenity of the locality.

- 4 No development of the new house shall take place until a plan showing the proposed finished floor, eaves and ridge levels of the new detached dwelling in relation to the existing levels of the site and adjoining land has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

- 5 No dwelling shall be occupied until details of the front boundary wall and railings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area and visual amenity of the locality.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no development shall be carried out within Class A, B, D and E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure that any future enlargement of the dwellings does not have a harmful impact on the character or visual amenity of the area.

- 7 No dwelling shall be occupied until the area shown on the submitted layout as vehicle parking space for the dwellings 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 2015 (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 parking space.

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

- 8 No dwelling shall be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard 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.

- 9 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

- 10 Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 11 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of heritage interpretation in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the heritage significance of the site remains publicly accessible.

- 12 No dwelling shall be occupied until details of the drainage system to be installed for the disposal of surface water from the hard surfaced areas of the site have been submitted to and approved by the local planning authority. The works shall be carried out in accordance with the approved details.

Reason: To minimise surface water draining onto the highway.

- 13 Prior to commencement of the development, a construction management plan shall be submitted to and approved by the Local Planning Authority and complied with thereafter.

Reason: To ensure that the implementation of the development does not lead to hazardous road conditions.

- 14 No dwelling shall be occupied until details of a scheme for the storage and screening of refuse have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 15 No development, other than demolition of any building, removal of hardstanding, ground investigations or site survey works, shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Contact: Mark Fewster