

West Malling
West Malling and
Leybourne

567812 157849 17 May 2013

TM/13/01464/FL

Proposal: Erection of a conservatory
Location: Rotary House Norman Road West Malling Kent ME19 6RN
Applicant: Age Concern

1. Description:

- 1.1 The application proposes the construction of a conservatory within the front courtyard space of Rotary House, immediately behind the existing main vehicle entrance point. The proposed conservatory would be constructed from low level brickwork with white uPVC glazing and roof structure. The building would measure 4.9m in width x 6.2m in depth with an overall height of 3.3m to the roof ridge.
- 1.2 At present, Age Concern runs a Day Centre service at Rotary House with a Dementia Centre on a Wednesday and Friday. The applicant details that it has seen an increase in demand for these services, especially the dementia service, and predicts this increasing demand will continue over the coming years. The proposed conservatory would add much needed additional space to the existing premises allowing clients the extra room to relax and go out into an existing sensory garden (located on the front boundary of the site with Norman Road).
- 1.3 The applicant has detailed that it has access to 5 off street parking spaces (located just east of the Rotary House building adjacent to the vehicular access way into the Primary School/Cricket Club). These spaces are leased from Kent County Council (KCC) as landowner. An additional drop off and parking area exists within the application site, allowing at present for the parking and turning of several minibuses or private cars.
- 1.4 The existing Centre has up to 6 minibuses which it uses as part of its services. These typically travel out from the premises in the morning (leaving at around 9:15am and returning between 10-10:30am) to collect clients, and later departing at approximately 2:30pm, before the school run commences, to return clients to their homes and returning somewhere between 3:30-4:00pm. The applicant details that it works with the School to ensure that minibus movements are not timed to clash with School drop-off or pick-up times.
- 1.5 The application details that, during evenings and weekends, one of the Centre minibuses parks at Spade Works (Offham) with another at a driver's home. The remaining minibuses either park within the application site or within the 5 car parking spaces leased to Age Concern by KCC.

1.6 In terms of staff parking, the application details that staff parking is minimal owing to staff living within the local community and those staff which do drive themselves to the Centre are able to park on street in the near locality.

2. Reason for reporting to Committee:

2.1 This application is being reported to Committee given general public interest on the basis of the various issues associated with surrounding land uses and the balance which needs to be struck between the issues raised and the support for the Centre as an important local community facility.

3. The Site:

3.1 Rotary House is located on the northern side of Norman Road on a corner plot adjacent to the shared vehicular access route to West Malling Primary School and West Malling Cricket Club. It is a single storey building used as a Day Care Centre which provides support and services to older people throughout the rural parts of the Tonbridge and Malling Borough.

3.2 The application site is located outside the defined settlement confines of West Malling and within the Metropolitan Green Belt. The site is also located within the West Malling Conservation Area.

3.3 The building was first used as a temporary depot for a school library service through a series of temporary planning consents (references: MK/4/71/663, MK/4/72/807, MK/4/73/999 and TM/75/54). Permission was granted for a temporary 5 year period in 1985 (reference: TM/85/449) for a Day Care Centre for elderly persons welfare, which was subsequently extended in 1990 (reference: TM/90/493).

3.4 A permanent permission was subsequently granted for the Day Care Centre in 1996 (reference: TM/96/01298/FL). A condition on this planning permission specifically states that the use of the building shall not continue in the event that parking provision within the site becomes unavailable for that purpose (i.e. effectively removing Permitted Development Rights for the land within the site used as parking and turning space). Planning permission was also given for an extension to the western side of the building, totalling some additional 75 sq. metres in 1996 (reference: TM/96/01057/FL).

4. Planning History:

MK/4/71/663	Grant with conditions	29 December 1971
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Use of building for temporary depot for school library service.

MK/4/72/807 Grant with conditions 1 December 1972

Continued use of buildings for temporary depot for school library service.

MK/4/73/999 Grant with conditions 19 March 1974

The use of premises as depot for school library service.

TM/75/54 No Objection 21 January 1975

Continued use of former school kitchen for school library service.

TM/85/449 Grant With Conditions 19 June 1985

New vehicular access and Day Care Centre for elderly persons welfare for a temporary period of 5 years

TM/90/493 Grant With Conditions 31 July 1990

Renewal of permission TM/85/449 for vehicular access and Day Care Centre for elderly persons welfare

TM/95/50841/FL Grant With Conditions 10 October 1995

Extensions to existing Day Care Centre

TM/96/01057/FL Grant With Conditions 14 October 1996

Extension to existing Day Care Centre

TM/96/01298/FL Grant With Conditions 28 October 1996

Retention of existing Day Care Centre

TM/98/02129/ORM ORM approved 7 May 1999

Relocation of fire exit from the west elevation to the north elevation of the extension

TM/04/02762/TPOC Grant With Conditions 9 September 2004

Remove branch of one Sycamore growing close to roof and telephone cables; remove deadwood throughout the tree (TPO ref. 12.10.04)

Fell Sycamore with decay and die-back and replace on frontage with more suitable species

5. Consultees:

- 5.1 PC: Members object to this proposal because of the likely impact on parking which would be displaced. In particular, Members would not wish Age Concern minibuses manoeuvring in the access road. Members also commented on the choice of position of the proposed conservatory; they could not see that this would provide an enjoyable view for clients.
- 5.2 KCC Highways: Considers that the applicant should explore the opportunity for creating one additional vehicle parking space on land it leases from KCC (adjacent to the eastern side of Rotary House) as this would help address local concerns with parking. The main concern relates to foreseen difficulties which would result from the siting of the conservatory in relation to vehicle movements onto and off Norman Road. From the plans provided, it would appear that the proposed conservatory would extend flush to the adjoining building lines. This in my view will remove the current ability for manoeuvring in this area and the proposal will unduly give rise to problematic reversing onto or off Norman Road.
- 5.3 West Malling Primary School: Object to the proposals on the grounds of a loss of on-site parking which will only add to the car parking/traffic congestion problems down the shared driveway. If the development is approved, this will displace parking into the Age Concern reserved parking area (to the east of Rotary House). This area is already too small for minibus parking. Staff vehicles will also be displaced, resulting in increased parking pressure along the shared access road which will impact on visitors to the School, Cricket Ground and public open space. The proposals may also result in increased staff at the Centre, resulting in the need for more staff parking.
- 5.4 Private Reps (11/0X/3R/0S) + Press/Site Notice (CA). The following key points of objection have been raised:
- The location and design of the conservatory is at odds with the intended purpose (i.e. for residents of the Centre to enjoy an extra space to relax) – the conservatory would have limited outlook towards Norman Road;
 - The proposed site of the conservatory currently forms an important parking space for one of the Centre's minibuses. The Rotary House site is extremely constrained and the space within the site fully utilised for the parking of 3 minibuses in total. The loss of on-site parking for a minibus would therefore worsen the current situation and add to vehicular congestion in the locality;

- The Centre regularly causes traffic congestion and dangerous hazards for pedestrians – minibuses are regularly parking overhanging the pedestrian pavement along Norman Road; and
- The proposed conservatory roof extends above the height of the existing centre roof – this should be no higher than the existing building;

6. Determining Issues:

- 6.1 The application site lies within the Metropolitan Green Belt. The application must therefore be assessed in relation to National Green Belt Policy, as set out in the NPPF and TMBCS Policy CP3. The NPPF states (in paragraph 89) that the construction of new buildings is inappropriate development except for (*inter alia*) extensions or alterations which do not represent disproportionate additions over and above the size of the *original* building.
- 6.2 Whilst West Malling is defined as a Rural Service Centre within TMBCS Policy CP12, that designation does not extend to encapsulate the application site. Therefore, by definition, Rotary House is located within the countryside where TMBCS Policy CP14 applies. This policy states that an existing dwelling or an established employment site may be extended on an appropriate/limited basis (i.e. in terms of scale/bulk), although does not specifically cover community infrastructure such as this facility.
- 6.3 Rotary House is located within the West Malling Conservation Area and paragraph 137 of the NPPF states that opportunities for new development within the setting of heritage assets should enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution or better reveal the significance of the asset should be treated favourably. The statutory requirement to give special consideration as to whether a development proposal will preserve or enhance the character and appearance of a Conservation Area is furthermore set down in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.4 Policy SQ1 of the MDEDPD states that (*inter alia*) proposals for development will be required to reflect the character and local distinctiveness of the area including its historical and architectural interest as well as the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views. Policies CP1 and CP24 of the TMBCS also require the character and amenities of a locality to be safeguarded.
- 6.5 The key issues in terms of MGB and countryside are the visual impact and the impact on openness of the proposed single storey conservatory to the front (south) of Rotary House. Paragraph 17 of the NPPF requires protection of the Green Belt and recognition of the intrinsic character and beauty of the countryside. From an examination of the planning history of this site, the building has remained of a consistent footprint (approximately 200 sq. metres), with one extension of

approximately 75 sq. metres being added in 1996 (under application reference TM/96/01057/FL). I consider that the proposed conservatory, which would add a further 30 sq. metres of floorspace, would not be disproportionate to that of the original building; the cumulative total of the 1996 and current extensions would represent just over a 52% increase in the size of the building compared to the original 200 sq. metre footprint. In this case, I consider that the proposed conservatory is of a limited scale (approximately 30 sq. metres) and raises no significant openness issues owing to its specific siting, scale and appearance. I therefore consider that the development is appropriate in this instance and would not harm the wider openness of the Green Belt designation.

- 6.6 The proposed conservatory is of a general domestic appearance and would be relatively prominent within the Conservation Area street-scene of Norman Road, albeit the structure itself would be located within an existing alcove area within the front of the existing building. The Rotary House building itself is of no special architectural character or merit, being a flat roof single storey structure, finished externally with a mix of yellow stock bricks and timber cladding. Whilst the building itself is of no special character or appearance and does not contribute to the wider setting of the Conservation Area, this does not mean it is acceptable to add a further addition to the building which similarly would contribute little to the overall setting of the West Malling Conservation Area. In this instance, I consider that the proposed development fails the test of either preserving or enhancing the street-scene appearance of the Conservation Area.
- 6.7 I note that there is a number of competing land uses in the immediate vicinity to the application site which each cause some degree of highway nuisance to residents living in the locality. The close proximity of the existing Primary School, Age Concern Centre and Cricket Club/public open space in one small geographical area all compound the extent of these highway concerns to a large degree, more so than if a single one of these facilities were operating in this area in isolation.
- 6.8 The Age Concern Centre has existing space (within its boundary) to park up to three minibuses of an evening/weekend and to close the existing access gates once the buses are on the site. During day-time hours, minibuses are currently able to reverse into the front of the site from Norman Road to drop-off and pick-up clients – this either involves reversing straight back into the grounds (on the area where the conservatory would be located) or reversing around to the east towards the main Centre entrance doors. As noted by the Highway Authority, the addition of the proposed conservatory would remove the ability of minibuses to reverse straight into the grounds; instead they would only be able to reverse around to the eastern side of the vehicle entrance area. The addition of the conservatory would also remove any ability for minibuses to turn within the site. As noted in paragraph 3.4 above, at the time the Day Care Centre was given permanent planning permission in 1996 (under application TM/96/01298/FL) a planning condition was imposed which states that the use of the building shall not continue in the event

that parking provision within the site becomes unavailable for that purpose (i.e. effectively removing Permitted Development Rights for the land within the site used as parking and turning space).

- 6.9 The Centre currently leases 5 off-street parking spaces from KCC which are located adjacent to the eastern side of Rotary House along the first section of the shared access road into the nearby Primary School and Cricket Ground. These parking spaces are used by the applicant for either minibus or staff car parking during the daytime, evenings and weekends.
- 6.10 I agree with the advice received from KCC Highways that, should an additional minibus parking space be provided (within the land leased from KCC), this would help to alleviate localised highway concerns. Having explored this option with the applicant, I have been unable to secure any formal agreement due to the land being outside the direct control of the applicant. Therefore, the current application has to be considered on the basis of the current parking situation which effectively results in the loss of at least one parking space. I also concur with the advice received from KCC Highways in that the proposals would reduce the ability for vehicle manoeuvring within the application site. The addition of the proposed conservatory will therefore undoubtedly give rise to problematic reversing onto or off Norman Road.
- 6.11 As noted in paragraphs 1.2 and 3.1 above, the Centre delivers an important community facility which provides support and services to older people throughout the rural parts of the Tonbridge and Malling Borough. The applicant has detailed in support of its application that it has seen an increase in demand for the services currently offered at the Centre, especially in relation to the dementia service. The proposed conservatory is intended to add much needed additional space to the existing premises in order to cater for an increasing level of demand.
- 6.12 In reaching a decision on the development proposals put forward in this case, it is important that sufficient regard is given to the continued need for this existing community facility and how its expansion requirements can be realised to meet demand in the coming years. That need clearly needs to be balanced against other material considerations which exist in this case, namely visual impact on the Conservation Area and the impact on highway safety.
- 6.13 For the reasons discussed above, I consider that the proposals would not preserve or enhance the character and setting of the Conservation Area and therefore are, in principle, contrary to the advice contained in paragraph 137 of the NPPF, TMBCS Policies CP1 and CP24, MDE DPD Policy SQ1 and the statutory requirement set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.14 Similarly, for the reasons discussed above, the addition of a conservatory room on this already tight site is likely to lead to an increased level of highway related concerns, namely (i) the displacement of adequate manoeuvring space for

vehicles within the application site which would undoubtedly create problematic reversing onto or off Norman Road and (ii) the loss of one vehicle parking space within the site which could not be replaced elsewhere within the land directly controlled by the applicant and where there is already congestion and conflicting demands.

6.15 Whilst I acknowledge the importance of this existing community facility, I do not consider that this material consideration in itself is sufficient to outweigh the principal concerns raised relating to highway matters and in general street-scene design terms in the Conservation Area. I therefore recommend that permission be refused accordingly.

7. Recommendation:

7.1 **Refuse Planning Permission** for the following:

Reasons

1. The proposed conservatory to the front (south) elevation of Rotary House fails to preserve the character and appearance of the Conservation Area and would give rise to a detrimental street-scene impact, contrary to the advice contained in paragraph 137 of the National Planning Policy Framework 2012, Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document 2010 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The proposed conservatory would give rise to the displacement of an existing vehicle manoeuvring area within the application site which would result in problematic reversing onto or off Norman Road giving rise to highway safety concerns through conflicts between vehicles and pedestrians, contrary to Policy SQ8 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document 2010.
3. The proposed conservatory would result in the loss of one on-site vehicle parking space which could not be replaced elsewhere within the land directly controlled by the applicant and where there is already congestion and conflicting highway demands, contrary to Policy SQ8 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document 2010.

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