
West Malling West Malling And Leybourne	567331 158065	14 March 2014	TM/14/00842/FL
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Proposal:	Removal of 3no. agricultural buildings and replace with a new single storey building comprising two office units with associated parking (resubmission of TM/13/02416/FL)
Location:	Appledene Farm Norman Road West Malling Kent
Applicant:	Mrs Jeannett Bellamy

1. Description:

1.1 The application seeks planning permission for the following:

- Demolition of 3 existing dilapidated agricultural buildings (in various states of repair).
- Construction of a single storey building comprising two office units.
- The formation of a new access to Norman Road.
- Provision of hard surfacing to provide a new internal access road and parking area.
- Provision of landscaping and boundary treatments.

1.2 The new building is to be located within the north-eastern section of the site, providing an 'H' shaped footprint and designed with hipped roofs. The building is to measure 14.6m x 8.34m, with an eaves height of 2.4m and ridge height of 3.7m. It is to be inset a minimum of 3m from the eastern boundary. The building will provide two identical office units, each with an internal floor area of 40.2m², but with a shared entrance and lobby.

1.3 External materials of the building are to consist of horizontal dark stained timber weatherboarding to walls, blue/black slates to the roof, dark stained timber barge boards and fascias, timber window frames and black round UPVC down pipes and guttering.

1.4 A new vehicle access is to be created on the northeast side of Norman Road, opposite the terraced dwellings of 155-165 Norman Road. A section of established high hedgerow is to be removed to provide the new access, which will consist of 6m by 6m hedged splays. Timber "five bar" gates are proposed at the entrance to the site, set back 6m from the edge of the highway. The internal access road is to be about 5m wide and winds to the east to a car parking area for 7 cars. It extends further along the south-eastern boundary at a width of 3m to another parking area providing two disabled spaces positioned in front of the office building.

1.5 Hedgerows along the southeast boundaries are to be retained with new hedgerows proposed for the new northeast and northwest boundaries situated inside 1.1m high timber post and rail fencing.

2. Reason for reporting to Committee:

2.1 The applicant is a Borough Councillor and objections have been received.

3. The Site:

3.1 The application site is located on the northeast side of Norman Road, about 120m to the northwest of Alma Road, in West Malling. The site is part of a disused apple orchard and is in a relatively unkempt state being covered mostly with grass, ferns and other undergrowth. A few apple trees are still evident within the northern part of the site. The frontage to Norman Road and the southeast and northeast boundaries of the site are aligned with high thick scrubby hedgerows. The site is relatively flat. Three dilapidated rusted corrugated iron buildings are situated on the site. The southern-most building (Building 1) has a dome shape and is relatively intact. Building 2, further to northeast, is derelict consisting of mainly a timber frame with some rusted corrugated iron cladding. Building 3, located a further 14m to the north, is also a timber framed and corrugated iron structure that has partially collapsed. Access to the site is currently via a right of way over the land to the southeast which is understood to belong to the adjacent Country Way Gunshop. Access is obtained through existing steel mesh gates positioned close to Norman Road, through the grassed/car park area of the adjacent property and then through gates at the southern corner of the site.

3.2 The site is within the MGB and the designated countryside. A large Walnut Tree which is covered by a Tree Preservation Order (TPO) is situated centrally on the site. The site is also subject to an Article 4 Direction which removes permitted development rights under Class A of Part 5 (Caravan Sites), Class B of Part 6 (Agricultural Buildings) and Class A of Part 9 (Repairs to Unadopted Streets and Private Ways) of the General Permitted Development Order.

3.3 Former orchard land and open countryside lie to the north, northeast and west of the application site. The Country Way Gunshop lies immediately to the east of the site, with the detached dwelling of No.164 Norman Road lying to the west beyond the adjoining field that is also under the ownership of the applicant. A group of grade II listed cottages (147-165 Norman Road) lie immediately opposite the site to the southwest. The southern side of Norman Road also consists of detached and semi-detached dwellings.

4. Planning History:

TM/13/02416/FL Application Withdrawn 4 March 2014

Removal of 3 no. agricultural buildings and replace with a new single storey building comprising two office units with associated parking

5. Consultees:

5.1 PC: The Parish Council objects to this proposal as it is considered inappropriate development. Members objected principally on highways grounds. Norman Road already experiences major problems with traffic volume and speed so it was felt that it was not acceptable to exacerbate this existing problem. Access would be difficult, and in many instances dangerous, particularly for construction traffic. Members expressed concern about the impact on access to the Village Hall opposite this site. Members had already objected to the earlier application commenting that there was plenty of office accommodation available in West Malling so it was felt to be spurious to attempt to justify this proposal on the grounds that additional office space was needed. The major ground for objection was that this proposal is development of an office in the Green Belt whereas there is a presumption against offices within the Green Belt. Members were aware of significant concerns about the possible future use of the site and that there was considerable local opposition to the proposal.

5.2 KCC (Highways): It is noted that the initial part of the access proposed is generously proportioned and it is accepted that, bearing in mind the width of Norman Road at this point and the likelihood of on street parking on the southern side, this is to allow deliveries to be undertaken. The access design also allows for suitable emerging inter-visibility with through traffic. I confirm that the car parking proposed for a development of this scale is within County standards and on behalf of the Highway Authority I have no objection to this proposal.

Should this application be approved it is considered that, due to the restricted nature of the road and the site, a construction management plan should be provided for approval prior to commencement.

5.3 Private Reps: 21/0X/0S/21R + site notice. The objections have raised the following concerns:

- The proposed commercial use would not be compatible with the rural and residential area along Norman Road.
- The development will result in significant additional traffic movements, large commercial vehicles accessing the site and increased congestion in the area.
- The new access would result in a reduction in on-street parking and would be a hazard to vehicles and pedestrian safety.

- Additional traffic pressure on Sandy Lane and Fartherwell Lane will result.
- Noise from additional traffic and light pollution from the office use will affect the amenity and living conditions of nearby residents.
- The development will impact on the character and rural feel of this part of West Malling.
- A nearby habitat of turtle doves will be affected.
- The visual appearance and character of the site will be damaged as a result of the removal of part of the front hedge and formation of a new access.
- A street light located within the new access has not been shown and will require removal.
- The setting of the grade II listed terraced cottages would be affected.
- A loss of Green Belt land would result.
- The proposed office building is not in keeping with the surrounding area.
- No hours of use of the offices have been proposed.
- There is sufficient office accommodation in the area.
- The new access will lead to additional surface water on the highway.
- The development will conflict with the pattern of development in the area and would set a precedent for other new commercial buildings in the area.
- The development may impact on wildlife and habitats and no ecological report has been submitted.
- The proposed building would be materially larger than the existing agricultural buildings.

6. Determining Issues:

- 6.1 The main issues are whether the proposed scheme would be “inappropriate development” in the MGB, and whether it would impact on the visual amenity and character of the area, the setting of the adjacent listed terraced cottages, neighbouring amenity or highway safety in the area.
- 6.2 The application site is in the MGB and therefore Section 9 of the NPPF applies. Paragraph 89 within this Section advises that the construction of new buildings should be regarded as inappropriate in the MGB. However, there are exceptions and one of these includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- 6.3 The proposed new building will replace three existing former agricultural buildings. These existing buildings provide a total footprint area of 108m² and a total volume of about 240m³. The proposed new office building has been reduced in size to now provide a footprint area of 108m²; the same area as the three agricultural

buildings it is to replace. However, the total volume of the new building is to be about 320m³, which would, in my view, be materially larger than the buildings it replaces. Also, the new building would not be in the same use as the existing buildings. Accordingly, the proposed development would be “inappropriate development”. Paragraphs 87 and 88 of the NPPF advise that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations.”

6.4 The applicant has put forward the following as “very special circumstances”, which are outlined in the submitted planning statement:

- Agricultural use of the site would be unviable and access for tractors would be difficult.
- The Development Plan allows replacement agricultural buildings.
- The development will result in benefits to the local economy.
- The scheme is well designed and will enhance the character of the area.

6.5 The development would result in three dilapidated and unattractive rusted corrugated iron buildings being removed from the site. They will be replaced by a single low profile building. The building provides the same footprint as the existing buildings (combined) and, although its volume would be greater than the combined existing buildings, I do not consider that this increased volume would be substantial given the overall size of the building. The building is also of a discreet hipped roof design and provides external materials that would complement the rural area. The building is to be positioned further from the road than the existing buildings. However, the consolidation of the three buildings into one and its position not too far from the adjacent gun shop building would minimise its harm on openness of the MGB, in my view.

6.6 The development also consists of a new vehicular access to Norman Road and an internal access road and car parking area that is to be hard surfaced with gravel. These aspects of the development would have some additional impact on the MGB. I am of the view that the access and hard surfacing proposed would materially affect the external appearance of the site. However, proposals to provide rural style boundary treatments, hedging a group of trees within the front of the site, provision of the protected walnut tree as a feature within the car park and landscaping around the car parking area would provide substantial visual softening of the site around these hard surfaced area. I am satisfied that such landscaping and boundary treatments, details of which will be required to be approved by the local planning authority, would minimise any harm from the new access and hard surfacing relating to the internal access road and car parking areas.

- 6.7 It has been mentioned that the development will benefit the local economy. Paragraphs 18 and 19 of the NPPF support sustainable economic growth on which significant weight should be placed. Paragraph 28 also supports new development that would contribute to a strong rural economy. I acknowledge that the development is to be located relatively close to the centre of the settlement and would provide some benefit to the local and domestic economies by way of providing office accommodation and promoting local employment.
- 6.8 I have therefore concluded that the proposed development would provide a substantial overall improvement to the appearance and visual amenity of the site and would provide a benefit to the local economy by bringing back into economic use land which is no longer viable for its current lawful use, and that these factors amount to very special circumstances that would clearly outweigh the harm that the development's inappropriateness would have on the MGB.
- 6.9 The new building is to be modest in its height and scale, appearing as a relatively low profile building within the landscape. In my view, the building would not be overly visible from Norman Road or from the adjacent gun shop due to its substantial distance from the highway and the established hedgerows that will screen the site. The large protected Walnut Tree which is situated in front of the building will also assist in screening the building. Although relatively modern in design, I consider the simple design and the use of dark stained weatherboard wall cladding, roofing slates and dark stained timber windows would be complementary to the surrounding rural area.
- 6.10 The new vehicle access is to be sited opposite the listed cottages which removes part of an established hedgerow adjacent to the edge of the highway and replaces it with large 6m x 6m splays. These splays would be situated either side of a 5m wide access providing a total opening of 17m. New trees are to be planted to the southeast of the access and low shrubs providing a hedging along the vision splays. The large splays to the new vehicle access would be slightly at odds with the established hedgerows that have historically run up to the edge of the highway. However, the new hedgerows proposed along the splays and the trees to be planted to the east side of the access would adequately maintain the prevailing hedgerow aesthetic that characterises this side of Norman Road. I am therefore satisfied that the new access proposed would not result in a harmful impact on the character of the lane or local area.
- 6.11 The new access point will also be situated opposite the listed terraced cottages but, with the landscaping and timber 5-bar gates proposed, I do not consider that this new access would harm the setting of these listed buildings. Similarly, the proposed office building and parking are to be a substantial distance away from the listed dwellings and so would not harm their setting.

- 6.12 The access road and car parking areas provide generous hard surfaced areas within the site that are to be surfaced with gravel with timber edging. This would provide a material visual change to the land. However, the splayed entrance access is to be established with hedging and a group of trees are to be planted within the front of the site on the east side of the entrance. Rural fencing and hedging is to enclose the new boundaries of the site and additional landscaping is proposed around the gravelled areas. These landscaping proposals would substantially soften the hard surfaced areas proposed and would adequately preserve the rural appearance of this northern side of Norman Road, in my view, particularly in light of the generous amount of hard surfacing existing within the front forecourt area and down the eastern side of the gun store.
- 6.13 To define the new curtilage to the site, new 1.1m high post and rail fencing will align the northeast and northwest boundaries with hedges being planted inside the fencing. A further length of post and rail fencing is to be provided along the western side of the access road with gates opening out to the adjoining open field that is in the same ownership as the applicant. I consider these boundary treatments to be appropriately rural and would therefore be acceptable.
- 6.14 I am therefore satisfied that the development would provide a layout, building design and associated access and parking, with landscaping, that would satisfactorily complement the appearance of the site and would not result in harm to the street-scene along Norman Road or the character of the area and would improve the visual quality of the site as it currently exists. The development would therefore accord with policies CP24 of the TMBCS and SQ1 of the MDEDPD and paragraphs 129 and 131 of the NPPF.
- 6.15 In respect to highway matters, the highway authority (KCC Highways and Transportation) has reviewed the proposal and raises no objection. It has been advised that the access proposed is of a width that is appropriate given the width of Norman Road and the likelihood of on-street car parking on the southwest side of the road, and it has been designed to allow for suitable emerging inter-visibility with through traffic. In light of this, I do not consider that any impact on highway safety as a result of the development would be severe. The proposal therefore accords with SQ8 of the MDEDPD and paragraph 32 of the NPPF.
- 6.16 A large Walnut Tree is situated in the centre of the site which is protected by a TPO. An Arboricultural Report (ref.SA/836/14) prepared by Sylvan Arb has been submitted. It has been shown that the proposed car parking areas are positioned to minimise encroachment within the crown spread of the tree and also shows tree protection fencing to be provided during construction. I am satisfied that the development will provide adequate protection to the protected Walnut Tree.
- 6.17 The submitted planning statement suggests that various types of waste have been dumped on the site which could have caused contamination. The condition of the site indicates that this may be the case and several representations also suggest

that the dumping of waste has occurred on the site over the past years. Without knowing the full extent or composition of this waste it is considered necessary to require a site investigation to be undertaken prior to any development commencing on the site. This can be secured by condition on any permission granted.

- 6.18 The site is part of an orchard that has been inactive for many years. This land also forms part of a more continuous countryside area with intermittent vegetation and open fields where there is a possibility that protected species may be present. Bats may also be present within the dilapidated buildings. I therefore consider it necessary for an ecological survey report to be submitted for approval prior to any development, including demolition of the buildings, commencing on the site. This can be secured by condition.
- 6.19 I also consider that the matters of hours of use of the office units and surface water drainage can be dealt with by conditions. In respect to surface water drainage from the new access and driveway, I am of the view that suitable porous or permeable surfacing or a soakaway would be sufficient to minimise water entering the highway.
- 6.20 Replacement rural buildings are allowed under policy DC2 of the MDEDPD subject to satisfying criteria. I am of the opinion that the proposal would not result in a fragmented and unviable agricultural unit given the relatively small size of the land being severed from the main parcel of land. As outlined above, full account has been taken in respect to biodiversity in the area. The site is close to the settlement confines of West Malling and therefore is not in an isolated position in relation to infrastructure and services. The buildings to be demolished are of no architectural interest.
- 6.21 I note the comments made by neighbouring residents and the Parish Council, which relate primarily to the impact of the development on traffic and traffic noise, pedestrian safety, character of the area and visual amenity of Norman Road, openness of the Green Belt, wildlife and protected species and on the living conditions of nearby neighbours. However, having regard to the preceding assessment, there are no justifiable grounds to refuse the application for any of these reasons.
- 6.22 The matters of the Green Belt, character and visual amenity of the area, as well as protected species have been addressed in some detail in the report above. I acknowledge the widespread concern relating to traffic, parking and possible impact on pedestrian safety. Although additional traffic movements in the area can be expected, I do not consider that the size of the office or the likely number of coming and goings to the site associated with it, including staff, visitors and deliveries, would be significant. Additionally, as noted by the highway authority, the new access has been designed to provide appropriate access for such vehicles and visibility of pedestrians, taking into account the current environment

along Norman Road. The likely increase in traffic in this area would result in some additional noise from vehicles; however, I do not consider this would be substantially above that currently experienced such that it would demonstrably harm the living conditions of the occupants of the nearby cottages or other dwellings in the area. It was mentioned that a street light will need to be removed to accommodate the new access. The removal and/or relocation of this street light is a matter to be taken up with the highways authority. I am also of the view that construction traffic issues are not a planning matter material to this particular case as the site can adequately accommodate delivery volumes during the construction phase.

6.23 In light of the above, I consider that the proposed development, while not necessarily in accordance with all of the relevant provisions of the Development Plan and NPPF, brings a balance of beneficial changes in terms of the appearance of the area and potential benefits to the local economy such that approval is recommended.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details:

Planning Statement dated 05.03.2014, Design and Access Statement dated 05.03.2014, Arboricultural Survey SA/836/14 dated 05.03.2014, Location Plan 1120.LP C dated 05.03.2014, Existing Site Plan 1120.01 A dated 05.03.2014, Existing Plans and Elevations 1120.02 A dated 05.03.2014, Site Plan 1120.03 G dated 15.08.2014, Proposed Floor Plans 1120.04 D dated 15.08.2014, Proposed Elevations 1120.05 C dated 15.08.2014, and subject to 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 All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

3 No development, other than demolition of the existing buildings, shall take place until details of the finished floor level of the building in relation to the surrounding ground levels 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.

- 4 No development, other than demolition of the existing buildings, shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping, including the surfacing of the access road and parking areas, 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.

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.

- 5 The building shall not be occupied until the new vehicle access and the service road which provides access to the building have been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

- 6 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, 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 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.

- 7 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 and B of Part 41 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure that the development does not harm the character of the area or openness of the Green Belt.

- 8 No vehicles shall arrive, depart, be loaded or unloaded within the application site outside the hours of 7:30 to 18:30 Mondays to Saturdays, or at any time 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.

- 9 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.

- 10 No external lighting shall be installed on the site except in accordance with a scheme that has been submitted to and approved by the Local Planning Authority.

Reason: To protect the visual amenity of nearby residential occupiers and the rural landscape

- 11 The development shall be implemented in accordance with the Arboricultural Report (ref.SA/836/14) prepared by Sylvan Arb, hereby approved.

Reason: To ensure that the development does not harm the protected Walnut Tree and to preserve the appearance and character of the area.

- 12 The disposal of surface and foul water from the building shall be provided in accordance with the application details hereby approved, unless the Local Planning Authority gives written approval for any variation.

Reason: To ensure waste water from the development is appropriately disposed of in the interest of the local environment.

- 13 No development, including demolition of the existing buildings, shall take place until an ecological survey report relating to the site has been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved report.

Reason: To conserve the biodiversity of the area and protect protected species

14 No development, other than the demolition of any building, 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.

Reason: In the interests of amenity and public safety.

Contact: Mark Fewster