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**Borough Green**  
Borough Green And  
Long Mill

**560797 156494 20 August 2014**

**(A) TM/14/02861/FL**  
**(B) TM/14/02877/FL**

Proposal:

(A) Application to vary condition 4 of planning permission TM/11/03518/FL (Proposed change of use of buildings from offices to health and fitness spa with proposed extensions and new roofs) to allow use of the bar and dining facilities to remain open until 12.30am Monday to Friday and at weekends / Bank Holidays; and

(B) Retrospective application to retain infill of rear courtyard area on two floors providing kitchen, food preparation area and cold store

Location:

Basted House ('Reynolds Retreat') Harrison Road Borough Green Sevenoaks Kent TN15 8PB

Applicant:

The Reynolds Group Ltd

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## 1. Description (A&B):

1.1 There are two separate applications being reported to Committee for determination for this site. These are referred to as application (A) TM/14/02861/FL and application (B) TM/14/02877/FL. Both applications are further described as follows:

### **(A) TM/14/02861/FL:**

1.2 This Section 73 application seeks to vary the terms of condition (4) attached to planning permission TM/11/03518/FL which first established the principle of the conversion and extension of Basted House to form a health and fitness spa. Condition 4 of that permission currently limits the hours of use of the building as follows: "*The premises shall not be used for business outside the hours of 06:30 and 23:00 hours Mondays – Fridays and the hours of 08:00 and 21:00 hours on Saturdays, Sundays and Bank Holidays*".

1.3 The application proposes to extend these opening hours to remain open until 00:30 hours (12:30am) Monday to Friday and at weekends, Public and Bank Holidays. It is stated that the extended opening hours would allow spa members the opportunity to use the leisure facilities in the evening and still have time to change and have a drink or meal afterwards in the bar and restaurant facilities. It is intended that the spa's leisure facilities will close at 22:00 hours, with the bar and restaurant remaining open, as required, until the later time of 00:30 hours (12:30am).

**(B) TM/14/02877/FL:**

- 1.4 This application is retrospective and proposes the retention of a two storey courtyard infill extension to the rear (south) of the main building which provides kitchen, food preparation and a cold store area to serve the premises. This extension has been fully constructed and has been kitted out internally with the kitchen and cold store facilities.
- 1.5 The application details that this infill extension was required because, after engaging the services of a specialist commercial kitchen design company, they advised that the area originally identified for such facilities would be inadequate. As the plans for the health and fitness spa have evolved, it became clear to the applicant that the space originally proposed for the kitchen was not sufficient to provide the necessary food preparation and storage facilities required to support the spa's catering options.
- 1.6 The infill extension has an internal area of approximately 79 sq. metres, split between ground and first floor. The extension comprises brick and rendered elevations, sitting below a plain tiled roof and incorporating uPVC white glazing. Its external materials are consistent with those used in the main building. The cold store is finished externally in white powder coated aluminium sheeting elevations and a grey sheet clad roof.

**2. Reason for reporting to Committee (A&B):**

- 2.1 At the request of Councillors Sue Murray and Mike Taylor owing to the proposals attracting local concerns on noise and disturbance from headlights and engine noise.

**3. The Site (A&B):**

- 3.1 Basted House comprises a series of linked buildings, predominantly two storeys in height, with further accommodation in the roof and associated extensive grounds. The site itself extends to some 6.15ha and is accessed via a tree lined private avenue with access points leading from Harrison Road and Quarry Hill Road. The site includes protected trees and woodland, including an area of Ancient Woodland and part of the Bourne Valley Local Wildlife Site.
- 3.2 To the east of the site access from Harrison Road is a telephone exchange, with a Scout hut located just to the south of this. The access from Quarry Hill Road runs between a doctor's surgery (to the north) and an office building (to the south) before joining the access from Harrison Road.
- 3.3 The application site is located within the Metropolitan Green Belt and open countryside.

3.4 Basted House was formally occupied by Circle Housing (Russet Homes) before it relocated to Kings Hill in 2013. The site was sold to the Reynolds Group Ltd in September 2012 which, following successfully obtaining planning permission to convert and extend the building into a health and fitness spa (TM/11/03518/FL), has been carrying out building works associated with the conversion and extension. The premises, now known as *Reynolds Retreat*, are set to open as a members' health and fitness spa from the 25 October 2014.

**4. Planning History (A&B):**

TM/61/10370/OLD Grant with conditions 4 August 1961

Additions to existing offices.

TM/68/10364/OLD Grant with conditions 23 August 1968

Temporary office building, for Amalgamated Roadstone Corp Ltd.

TM/68/10550/OLD Grant with conditions 11 December 1968

Erection of a temporary office building, for Fluostatic Ltd.

TM/70/10386/OLD Grant with conditions 13 August 1970

Prefabricated timber building for use as office, for A.R.C. (South Eastern) Ltd.

TM/73/10646/OLD Grant with conditions 21 May 1973

Change of use from residential to office accommodation.

TM/77/10204/FUL Grant with conditions 30 December 1977

Extension to offices.

TM/78/10076/FUL Grant with conditions 12 September 1978

Extension to existing offices.

TM/78/10858/FUL Grant with conditions 6 February 1978

Construction of car park.

TM/83/10295/FUL Grant with conditions 25 July 1983

Two storey extension to existing offices.

TM/87/11418/FUL Grant with conditions 30 January 1987

Two storey extension to office.

TM/95/00068/FL Grant with conditions 23 June 1995

Extension to existing offices and erection of new tractor shed adjacent to existing storage buildings

TM/99/01128/FL Grant With Conditions 2 August 1999

Construction of new entrance lobby and alterations to elevations on the West wing

TM/11/03518/FL Approved 26 April 2012

Proposed change of use of buildings from offices to health and fitness spa with proposed extensions and new roofs

TM/13/01189/RD Approved 5 August 2013

Details of materials, scheme of traffic direction, use of outbuildings, parking layout, hard landscaping, landscaping and boundary treatment, scheme for management of woodland and surface water drainage pursuant to conditions 2, 5, 6, 7, 8, 9, 11 and 12 on planning permission TM/11/02518/FL (Proposed change of use of buildings from offices to health and fitness spa with proposed extensions and new roofs)

## 5. Consultees:

### (A) TM/14/02861/FL:

- 5.1 PC: This is not an urban environment but predominantly a rural residential area. Whilst not licensed, Potters Mede Sports Pavilion, at the other end of our village has a 23:00 hours limitation and the village hall in the heart of the village retail centre has a 24:00 hours limit. We strongly support therefore, the concerns of many residents about disturbance to them by noise and traffic in the early hours of the morning and therefore request a 23:00 hours limit for operations and functions under the terms of the licence.
- 5.2 KCC (Highways): No objections.
- 5.3 Private Reps: 40/0X/9R/0S. The application was also advertised by way of a site notice. The following concerns have been expressed:

- To allow the premises to sell alcohol until 00:30 is far too late. Noise arising from cars (etc.) departing could be a nuisance to surrounding residential properties;
- The property is in the country not in an urban environment;
- Disturbances have already been experienced throughout the current building works – such disturbances would occur late into the evening with the proposed opening times;
- The proposals (together with application TM/14/02877/FL) clearly represent a major proliferation of the proposed uses for these premises with the obvious inference that facilities for large weddings and other events will be on offer;
- Concerned that the premises is becoming more like a bar and restaurant business and not a health and fitness spa it originally purported to be;
- The recent Licence application refers to a seating capacity of 150 in the bar, restaurant and terrace, a small conference room for 50 people and for the premises to be open to the public from 06:30 – 01:00 hours. Whatever the function, it appears that well in excess of 120 guests plus staff could be accommodated. This could result in up to 100 vehicle movements at 00:30/01:00 hours on any/all nights of the week with the resulting disturbance of nearby residents;
- Other facilities in the village (i.e. Potters Mede and the village hall) are licensed until 23:00 hours and I see no reason to allow this premises to be treated any differently;
- The commercial profit making objectives of the applicants business should not override the interests of residents some of whom have been living here peacefully for a long time; and
- Concerned that the proposals will negatively impact on the vitality and viability of the village centre as this type of use should be directed to within the village centre itself.

**(B) TM/14/02877/FL:**

5.4 PC: No observations.

5.5 KCC (Highways): No objections to this proposal which adds an additional 80 sq. metres of floorspace to the building.

5.6 Private Reps: 40/0X/3R/0S. The application was also advertised by way of a site notice. The following concerns have been expressed:

- Concerned that extending the catering footprint changes the purpose of the building and will cause an increased disturbance to surrounding residential properties;
- Objectionable that the applicant's appear to have flouted the planning regulations by knowingly commencing building work without planning permission; and
- Similar concerns to those listed for application TM/14/02861/FL above (i.e. that the proposals represent a general proliferation of the spirit of the original planning consent).

## **6. Determining Issues:**

6.1 In considering applications it is necessary to determine them in accordance with the Development Plan unless other material factors indicate otherwise. In this instance, the principle of the conversion and extension of Basted House as a health and fitness spa was established under previous consent TM/11/03518/FL. Building works are well underway to complete this development and it is understood that the premises is due to open to members at the end of October 2014.

### **(A) TM/14/02861/FL:**

6.2 In considering the application to extend the opening hours of the premises (TM/14/02861/FL) the key planning considerations include the amenity impacts of the proposed later opening hours, specifically the potential for late-night activities to affect surrounding residential properties through increased noise and disturbance from vehicles and patrons.

6.3 The original application to use the premises as a health and fitness spa included a condition requiring a scheme of traffic direction to ensure that users of the premises (including staff, members of the premises, visitors, deliveries, etc.) enter and exit the site via Quarry Hill Road as opposed to via Harrison Road. Details of the scheme of traffic management, including appropriate signage, was approved by the LPA in 2013 (TM/13/01189/RD) and is required to be implemented ahead of the first opening of the health and fitness spa. That scheme includes off-site signage, including signage on Quarry Hill Road advising users of the fitness spa to continue ahead (as opposed to turn left into Harrison Road). It also includes exit signage within the site requesting that vehicles leaving the site turn left towards Quarry Hill Road (as opposed to continuing ahead to Harrison Road). There is no intention to revise this arrangement.

- 6.4 In addition to the approved signage, the applicant has recently installed a chain barrier (with exit signage attached) across the exit road leading towards Harrison Road to require drivers to exit the site via the link to the Quarry Hill Road roundabout. The applicant has stated that, since the premises are a members' only facility, in any event it is anticipated that users will soon become accustomed to the entry/exit routes/arrangements.
- 6.5 Furthermore, the applicant considers that as the Quarry Hill Road roundabout also provides access to the A25 via the link road (non-residential) which joins the roundabout junction of the A25 and A227 to the west of Borough Green, it provides easy access to the road network, particularly for members travelling from Sevenoaks and Tonbridge; two general locations from where the applicant expects to generate a significant number of fitness club/spa members.
- 6.6 In terms of the potential for increased noise nuisance from the extended opening hours, it is important to consider the locations and relevant distances to the nearest residential properties surrounding Basted House (Reynolds Retreat) and its grounds. These are: Rose Cottage (90m to the south-west of Basted House); No's 14-38 Crowhurst Road (approx. 55m to the east of the private entrance/exit driveway); and No's 1-15 Harrison Road (approx. 15m north of the access road leading to/from the site in Harrison Road). In this instance, the latter mentioned properties along Harrison Road should not be affected by vehicles entering/leaving the premises in light of the scheme of traffic management described above.
- 6.7 The applicant has recently obtained a Premises Licence (14/01003/PREM) for the facility which covers: films (indoors); recorded music (indoors); performance of dance (indoors); supply of alcohol (sales); and opening hours. The Licence permits the opening of the premises until 00:30 hours Monday – Sunday (including Public and Bank Holidays) and until 01:30 hours on New Year's Eve. Whilst the roles of the Council as both Planning and Licencing Authorities are fundamentally different, it is important to note the presence of a Premises Licence which now exists. Furthermore, a condition attached to the Premises Licence requires that all amplified music should be contained within the buildings and be inaudible at the site boundary. However, the existence of the Licence of the terms set out above does not oblige the Council as Local Planning Authority to follow that decision as the considerations are different owing to separate legislation.
- 6.8 The proposed extended use of the premises (until 00:30 hours) relates to the internal use of the building; specifically the bar, restaurant and conference room. The applicant has stated that the health and fitness spa facilities would close at 22:00 hours, however the extra time will allow members to use the bar and restaurant facilities within the building.
- 6.9 It is noted that a number of internal alterations have been made to the layout of rooms/spaces within the building from those set out in the original planning application. Internal alterations, for example putting a greater emphasis on making

the most of panoramic views from the first floor rear rooms as bar/restaurant spaces, have been determined by the applicant as works have progressed. These internal changes have also avoided the need to artificially divide the now proposed restaurant/bar spaces into a series of smaller spaces, which would have been necessary if it were to be used as treatment rooms. The treatment rooms which were originally proposed for the first floor are now located within the roof space above the swimming pool in purpose built new accommodation which does not require natural daylight and panoramic views to the rear (south) of the property.

- 6.10 The relocation of the treatment rooms and the enlargement of the bar/restaurant and relaxation area has arisen as the refurbishment has evolved. The applicant details that more consideration has been given to the needs of its members and the interrelationship of spaces within the buildings and its surroundings. Having reviewed the works undertaken at the property, which I note have been undertaken using high quality materials/finishes, I am satisfied that they have not represented an overall material change in the use of the building from that originally granted planning permission. I am satisfied that the intention is that the building is primarily intended to be used as a members only health and fitness spa.
- 6.11 In terms of the potential for later evening uses of the building (until 00:30 hours) to affect nearby residential properties, the potential main impact will be any noise associated from patrons leaving the premises and vehicles leaving the site via the private access road. Subject to the continued use of the traffic management measures approved under the main application (i.e. to divert vehicles leaving the premises via Quarry Hill Road as opposed to along Harrison Road) I am satisfied that the properties on Harrison Road would not be adversely affected. Similarly, in light of owing to activities being undertaken with the building and the entrance on the front (north) side of Basted House, I am satisfied that there would be no unacceptable noise disturbance for Rose Cottage located south of the application site.
- 6.12 There are residential properties located on the corner of Crowhurst Road (specifically No's 14-38) which back onto the application site some 55m east of the private access road to/from Basted House. The private site access road at that part of the site is lined with mature protected trees, with the site boundary lined with further interspersed trees and boundary vegetation. Whilst I note that there are some interspersed views of these residential properties from the private site access road, given the distance, intervening vegetation and relatively low intensity of the use, I am satisfied that there are no overriding noise or amenity impacts of the later night use of the building (until 00:30 hours) which would warrant the refusal of planning permission in this instance.
- 6.13 In this context, it is noted that Basted House has been occupied by a number of varying uses over the years, most recently Russet Homes and prior to that Invicta Telecare, the latter being a call centre which operated 24hrs a day, seven days a week, with staff coming and going accordingly. Having discussed this with



colleagues in the Council's Environmental Protection Team, it is noted that there is no record of any complaints relating to noise from cars using the private access road being received during the period when the premises was used as a call centre on a 24/7 basis.

6.14 Having considered concerns raised regarding noise nuisance from car engines and associated light nuisance from headlights, again, owing to the distances involved and intervening vegetation, and that cars would be free flowing on this section of private access road (i.e. no need for revving engines, etc.), it would be hard to distinguish noise from vehicles on the private drive from vehicles passing on nearby roads for those properties nearest to the site in Crowhurst Road. I am also of the view that car headlights would not result in an unacceptable nuisance for the occupants of the nearest properties in Crowhurst Road owing to the orientation of the properties in relating to the direction of the private access road and the level of intervening vegetation and distance between the road and the residential properties.

6.15 Accordingly, based on the above assessment, I am satisfied that there are no overriding planning grounds to refuse planning permission for the extended opening hours of the premises until 00:30 hours seven days a week, including Bank and Public Holidays.

**(B) TM/14/02877/FL:**

6.16 The application site is located within the MGB and outside the built settlement confines (i.e. within the countryside). The NPPF makes it clear (in para. 89) that the construction of new buildings within the Green Belt should be regarded as inappropriate development, except for, *inter alia*:

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

6.17 In this context, the 'original' building means the building (or collection of buildings) which existed on the site in 1947. Since then, as demonstrated in the planning history provided above, the building has been extended significantly. At the time when the application for the conversion and extension of the building to form a health and fitness spa (TM/11/03518/FL) was considered, the extension to the building was concluded to represent a disproportionate addition over and above the size of the original building. That said, it was concluded that there was an overriding case of very special circumstances (VSCs) which was sufficient to set aside the presumption against the inappropriate development within the Green Belt.

6.18 In this instance, the proposed rear (south) courtyard infill extension seeks to retain approximately 80 sq. metres of floorspace which has already been constructed and fitted out internally. In view of the history of the site and the position established with the last application (TM/11/03518/FL) I am of the view that this

retrospective addition to the building, when taken cumulatively, represents inappropriate development within the Green Belt. The NPPF states (in para. 87) that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in VSCs. Furthermore, it stresses (in para. 88) that LPAs should ensure that substantial weight is given to any harm to the Green Belt. VSCs will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is therefore necessary to consider whether a case of VSCs exist in this case which would be sufficient to set aside the general presumption against inappropriate development.

- 6.19 The two storey infill extension is of a fairly limited size (approximately 80 sq. metres, spread across two floors) and is concealed discretely within the built confines/envelope of the building. In my view, the extension which has now been fully constructed does not result in any additional or overriding harm to the openness of the surrounding Green Belt owing to its location, design and scale. In my view, these represent a sufficient case of VSC to set aside the general presumption against inappropriate development.
- 6.20 In my view, the infill extension does not have any impact on surrounding residential amenity, owing to its scale and use. Furthermore, the extension does not result in any additional highway or parking impacts; something which the Highway Authority has confirmed in its response on this application.
- 6.21 The building has been constructed in external materials which match those of the main (host) property. The general form of the construction is also in keeping with the host property. I therefore consider the extension is acceptable in general design terms.
- 6.22 Accordingly, on the basis of the above assessment, I am satisfied that this retrospective extension to Basted House (Reynolds Retreat) is supportable in planning terms.

**7. Recommendation:**

**(A) TM/14/02861/FL:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 13.10.2014, Design and Access Statement dated 20.08.2014, Location Plan RE/11/159.13 dated 20.08.2014, 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. The development shall be carried out in accordance with the details of external materials approved under consent reference TM/13/01189/RD dated 5 August 2014.

Reason: To ensure that the development does not harm the character of the existing building.

3. The premises shall be used as a health and fitness spa and for no other purpose (including any other purpose in Class D2 of the Town and Country Planning (Use Classes Order) 1987 as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: The proposal was determined on the basis of the information provided as part of the application, having regard to the impact of the use on the highway network.

4. The premises shall not be open for business outside the hours of 06.30 and 00:30 Mondays to Sundays, including Bank and Public Holidays.

Reason: The proposal was determined on the basis of the information provided as part of the application, having regard to the impact of the use on the highway network and the residential amenities of nearby local properties.

5. The development shall be carried out in accordance with the Scheme of Traffic Direction approved under consent reference TM/13/01189/RD dated 5 August 2014. The approved scheme shall be installed prior to the first use of the development hereby permitted, and maintained thereafter. Any signage which is damaged or removed shall be repaired or replaced within 1 month.

Reason: In the interests of protecting residential amenity.

6. The outbuildings located within the application site shall only be used in accordance with the details approved under consent reference TM/13/01189/RD dated 5 August 2014, unless otherwise agreed in writing with the Local Planning Authority.

Reason: The proposal was determined on the basis of the information provided as part of the application, having regard to the impact of the use on the highway network and the residential amenities of nearby local properties.

7. The development shall be carried out in accordance with the parking layout approved under consent reference TM/13/01189/RD dated 5 August 2014. The parking areas shall be maintained in accordance with the approved details thereafter, and no development, including that permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting that Order) shall be undertaken to preclude vehicular access to the approved parking areas.

Reason: The proposal was determined on the basis of the information provided as part of the application, having regard to the impact of the use on the highway network.

8. The development shall be carried out in accordance with the hard landscaping scheme approved under consent reference TM/13/01189/RD dated 5 August 2014. The hard landscaping shall be installed in accordance with the approved details prior to the first use of the building as permitted.

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).

9. The development shall be carried out in accordance with the scheme of landscaping and boundary treatment approved under consent reference TM/13/01189/RD dated 5 August 2014. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following first 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.

10. The development hereby approved shall be carried out in such a manner as to avoid damage to existing trees (including their root system) or other planting to be retained as part of the approved landscaping scheme (Condition 9) by observing the following:
  - (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority);
  - (b) No fires shall be lit within the spread of the branches of the trees;
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
  - (d) Any damage to trees shall be made good with a coating of fungicidal sealant;
  - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees; and

- (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character of the existing building.

11. The development shall be carried out in accordance with the scheme for the management of woodland within the site approved under consent reference TM/13/01189/RD dated 5 August 2014. The scheme of management shall be undertaken through-out the period of time that the building is used as a health and fitness spa, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that ancient woodland will be protected, and where possible, enhanced

12. The development shall be carried out in accordance with the scheme of surface water drainage as approved under consent reference TM/13/01189/RD dated 5 August 2014.

Reason: To prevent pollution of groundwater in the underlying principal aquifer, which is also within a Source Protection Zone 3 for the public water supply.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure any unforeseen contamination is dealt with appropriately and to ensure there are no unacceptable risks to groundwater within the underlying principal aquifers from historic contamination.

**Informatives:**

1. The applicant is advised to consider changing the formal address of Basted House (Reynolds Retreat) to Quarry Hill Road as opposed to Harrison Road. This is likely to assist users of the health and fitness spa enter/exit the premises via Quarry Hill Road.
2. The applicant is also advised to ensure that any marketing/website information (or similar) relating to the site address is clearly stated in accordance with the approved scheme of Traffic Direction (i.e. entry and exit to the premises via Quarry Hill Road).

**(B) TM/14/02877/FL:**

- 7.2 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 21.08.2014, Existing Plans and Elevations RE/11/159.11 dated 21.08.2014, Proposed Plans and Elevations RE/11/159.12 dated 21.08.2014, Location Plan RE/11/159.13 dated 21.08.2014, Letter dated 13.10.2014.

Contact: Julian Moat