

MC/18/3599

Date Received: 18 December 2018

Location: 486 Lower Rainham Road Rainham Gillingham Kent

Proposal: Change of use from residential (Class C3) to office (Class B1(a))

Applicant Mr & Mrs Wilson

Agent Miss Emily Hadden  
Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
ME14 3EN

Ward: Rainham North Ward

Case Officer: Katherine Parkin

Contact Number: 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 20th March 2019.**

**Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The office (Class B1(a)) use hereby permitted shall be carried out in accordance with the following approved plans:

Drawings entitled Existing/Proposed Ground/First Floor Plans received on 18 December 2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The use hereby permitted shall only operate between the hours of 9:00 am to 5:00 pm Monday to Friday inclusive and at no time on Saturday, Sunday and Bank/Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 No materials, plant or other equipment of any description shall be stored in the open other than in areas and to such heights as have been approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality in accordance with Policy BNE1 of the Medway Local Plan 2003.

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

### **Proposal**

This is a full application for the change of use from residential (Class C3) to office (Class B1(a)).

The existing property is a detached two-storey dwelling with a detached garage and a large driveway and garden.

The proposal is for a change of use only. The proposed conversion of the dwelling will not require any external or internal alterations to the building. The existing rooms will become office spaces. Access and parking will remain as existing.

The proposed office space will accommodate 4-5 full-time administrative employees, and 1 part-time employee working 1-2 days per week (up to 6 employees in total) to provide everyday management and support in tasks such as finance, marketing and transport. The administrative activities relate to the Bespoke Brick Company Ltd, which is a local business that provides clay-facing bricks and brick slips to a variety of sectors in the building industry. The office is, currently based in the Medway City Estate. The proposed office will be more easily accessible and local to the employees.

The proposed office hours are 9am to 5pm Monday to Friday.

### **Relevant Planning History**

MC/08/1979	Conservation area consent for demolition of detached garage, lean to and outbuilding Decision Approved with conditions Decided 30/01/2009
MC/08/1715	Construction of a detached double garage to rear (demolition of existing detached garage) Decision Approval with conditions Decided 30/01/2009

MC/08/1719

Construction of single storey rear extension (demolition of existing lean-to and outbuilding) – resubmission of MC/08/0298  
Decision Approved with conditions  
Decided 23/01/2009

## **Representations**

The application has been advertised on site, in the press, and by individual neighbour notification to the owners and occupiers of neighbouring properties.

**Four** letters of representation have been received from neighbouring properties, objecting on the following grounds:

- Removal of an existing housing asset from the market.
- The claim that housing stock should be sacrificed to provide business space because authorities cannot provide adequate purpose-built commercial sites cannot be allowed to set a precedent for such development.
- Access to the site is narrow and due to alternate single track traffic directional working, is difficult and dangerous.
- Increase in traffic and vehicle movements to and from the site.
- On-road parking may worsen, which already restricts access for neighbours.
- Whilst there is sympathy for those facing traffic problems in getting to their workplace, it should not follow that businesses should make use of residential areas for business use.
- Lower Rainham Road is at a standstill at rush hour; staff would be unlikely to access the site any quicker than the Medway City Estate.
- Invasion of privacy of neighbouring properties.
- The large garden and outbuilding could be used for further development/storage of materials.
- Other businesses in the area support local income and provide services to local people; this proposal does neither, and challenges the peaceful environment of the area.
- If the property is used at the weekends it is likely to disturb the peacefulness of the area.
- The outbuilding (to be used as a dining and communal area) could be noisy.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 (NPPF) and are considered to conform.

## **Planning Appraisal**

### *Principle*

The main issue in the consideration of this proposal is whether the change of use from residential to business use is acceptable.

Overall, the NPPF seeks to pursue sustainable development in a positive way through a presumption in favour of such development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11).

In assessing the acceptability of the proposal against the policies within the NPPF, there are a number of relevant paragraphs. In building a strong and competitive economy, planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 80 places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The NPPF also supports a prosperous economy in rural areas, such as Lower Rainham. Paragraph 83 sets out that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, including through the conversion of existing buildings.

The proposed change of use relates to a successful local business; the Bespoke Brick Company Ltd has a samples depot in Higham and a product showroom in Upnor, with its administrative activities currently based in the Medway City Estate. The supporting Planning Statement asserts that Medway City Estate site is no longer suitable for these activities due to increasing traffic delays for staff, and therefore the company is looking to re-locate to an area that is more easily accessible and local to their employees. The proposed change of use of the property would be considered to be in line with paragraphs 80 and 83 of the NPPF, as it would support this local business and its particular needs through the conversion of the application building. There are also services and facilities in the village that are likely to benefit from the re-location of the proposed office and its staff.

Turning to the Local Plan, the policy most applicable to the consideration of this proposal is Policy BNE26, which relates to business development in rural settlements. Such development will only be permitted when it is small in scale, appropriate to the size of the settlement and without detriment to the amenity, character or setting of the village. The proposal involves the change of use of one property within Lower Rainham village to office space for up to 6 employees. It is therefore considered to be appropriate in scale and size to Lower Rainham, which also contains a small number of other similar small-scale businesses.

Policy H2 of the Local Plan seeks the retention of housing. This proposal would result in the loss of an existing residential dwelling. Whilst Policy H2 resists such development, it must be considered that the proposed change of use is on a very small scale, in the form of only one dwelling. As set out in the NPPF, the sustainable growth and expansion of business in rural areas should be supported. Policy BNE26 is also supportive of such development, subject to its scale (which is considered appropriate), and impact on the character of the area and amenities, which will be examined further below. In this case, the loss of one dwelling does not provide a clear reason for refusing this development, when the advantages of supporting a local business such as this are more beneficial.

## *Design and Conservation*

Development Plan policy places considerable emphasis on the importance of achieving high quality buildings and places. Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development. Paragraph 127 adds that developments should add to the overall quality of the area, be visually attractive, and sympathetic to local character, including the surrounding built environment and landscape setting.

Local Plan Policy BNE1 seeks to ensure that the design of development is appropriate in relation to the character, appearance and functioning of the surrounding area.

The building in question is not listed, but does sit within the designated Lower Rainham Conservation Area. Therefore Policies BNE12 and BNE14 of the Local Plan are relevant, which seek to ensure that development achieves a high quality of design that will preserve and enhance the area's historic or architectural character or appearance. Paragraph 192 of the NPPF also gives considerable weight to the desirability of sustaining and enhancing the significance of heritage assets.

As discussed above, Local Plan Policy BNE26 also states that business development will only be permitted when there are no detrimental impacts on the character or setting of the village.

This application does not propose any internal or external alterations to the building. The proposal is for the change of use of the building only, with minor alterations to furniture in existing rooms to accommodate the proposed office use. As there are no external alterations proposed it is considered that the proposal will not be visually harmful to the Conservation Area or wider street scene. On this basis, the proposed development is considered acceptable with regards to the design and conservation requirements of the NPPF and Policies BNE1, BNE12, BNE14 and BNE26 of the Local Plan.

## *Amenity*

Paragraph 127(f) of the NPPF asserts that achieving well-designed places should include creating a high standard of amenity for existing and future users. According to Local Plan Policy BNE2, all development should secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

As discussed above, Local Plan Policy BNE26 also states that business development will only be permitted when there are no detrimental impacts on amenity.

The application building is detached and therefore separated from neighbouring properties, with ample space for off-street parking. In terms of the impact on privacy, noise and general disturbance for neighbouring properties, the use of the site as an office for up to 6 employees is unlikely to create a level of activity, noise or disturbance, or loss of privacy significantly over and above what could potentially be experienced

by the existing four bedroom dwelling. Indeed, as an office with the associated working hours, there is likely to be less disturbance and privacy impact overall, as the property would not be occupied in the evenings at unsociable hours or at weekends. To support this point, no concerns have been raised from an environmental protection perspective. The proposed operating hours can be controlled by condition to protect amenity.

Thus, it is considered that the proposed change of use would not result in any significant harm to the amenities of neighbours by reason of loss of privacy, or excessive noise, disturbance, or activity levels.

Concerns have been raised by neighbours relating to the potential for storage of materials within the garden. A condition can be imposed on any planning permission to control such development. As an office and without permitted development rights, planning permission would be required for any extensions.

In summary, it is considered that the proposed change of use will not harm the amenities of neighbouring properties to any significant degree. Therefore the proposal is in accordance with Policies BNE2 and BNE26 of the Local Plan and paragraph 127(f) of the NPPF.

### *Highways*

The proposal would meet the parking standards for a business use (one space per 30m<sup>2</sup> GFA), with more than 5 spaces available. There would also be sufficient space for cycle storage.

In addition, the proposal would not significantly increase the risk to highway safety.

The parking and traffic generated by the proposed use is therefore also unlikely to have a significant impact on the amenity of existing residents.

Accordingly, there is no objection in transport terms with regard to paragraph 109 of the NPPF, and Policies T1 and T13 of the Local Plan, as the proposal is unlikely to have a significant impact on parking or highway safety in the immediate area.

### *Local Finance Considerations*

There are no local finance considerations.

## **Conclusions and Reasons for Approval**

It is considered that the proposed change of use of the application property from residential to business is acceptable in principle on the basis that it is of an appropriate scale and size for Lower Rainham village, and is satisfactory in terms of the impact on the character of the area and on neighbouring amenities. There are also likely to be no adverse effects on parking or highway safety. As such the proposal is considered to be in accordance with the provisions set out in paragraphs 11, 80, 83, 109, 124, 127 and 192 of the National Planning Policy Framework 2019, and the Medway Local

Plan 2003, including Policies BNE1, BNE2, BNE12, BNE14, BNE26, T1 and T13. Therefore the application is recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to the officer's recommendation.

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## **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>