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<b>Offham</b>	<b>566028 158032</b>	<b>(A) 09.06.2006</b>	<b>(A) TM/06/01938/FL</b>
Downs		<b>(B) 13.06.2006</b>	<b>(B) TM/06/01939/LB</b>

Proposal: (A) Change of use for conversion, alteration and partial rebuilding for a day care centre for autistic children  
(B) Listed Building Application: The partial rebuilding of demolished stable block and renovation of remainder of use as a day care centre for autistic children

Location: Former Barn At Church Farm Church Road Offham West  
Malling Kent

Applicant: Laurence J Betts Ltd

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## **1. Description:**

(A) TM/06/01938/FL:

- 1.1 The proposal seeks planning permission for the change of use of the existing building, involving the conversion of the existing building, alterations and rebuilding of the remainder of the building.
- 1.2 This application follows from the partial collapse of the original building when works were commenced to implement an earlier planning permission to convert the building to a D1 use. The partial collapse of this building has meant that the applicant can no longer implement the existing planning permission and has had to submit a fresh planning permission to reconstruct the collapsed part of the building.
- 1.3 The applicant proposes to re-use the materials from the collapsed building.

(B) TM/06/01939/LB:

- 1.4 The proposal seeks Listed Building Consent for the partial rebuilding of the collapsed stable block and the renovation of the remainder for use as a day care centre.
- 1.5 The applicant proposed to re-use the materials from the collapsed building.

## **2. The Site:**

- 2.1 The site lies within a cluster of buildings to the north of the main settlement of Offham. The building is within the curtilage of a Grade II Listed Building and attached to the remains of a former Grade II\* Listed barn and churchyard wall. The site is situated within the MGB and within a Conservation Area.

**3. Planning History:**

- 3.1 TM/05/04226/LB Approved 10.03.2006  
Listed Building Application: Renovation and conversion of The Old Stable Block.
- 3.2 TM/05/04128/FL Approved 10.03.2006  
Conversion and renovation of stable block to D1 use – non residential day care centre.
- 3.3 TM/05/02218/LB Approved 07.09.2005  
Listed Building Application: Alterations to building within curtilage of listed building.
- 3.4 TM/03/02710/FL Approved 07.10.2003  
Conversion of outbuildings to B1 use (revised application to that approved under ref: TM/02/01722/FL).
- 3.5 TM/02/01722/FL Approved 21.08.2002  
Conversion of outbuildings to B1 use.
- 3.6 TM/96/00085/FL Approved 13.03.1996  
Permission for part change of use to blacksmiths workshop (B2).
- 3.7 TM/92/0195 Approved 28.08.1992  
Permission for change of use to B1 business.

**4. Consultees:**

(A) TM/06/01938/FL:

- 4.1 PC: Further to receiving the application for the change of use for conversion, alteration and partial rebuilding for a day care centre for autistic children, Offham Parish Council considered the application at its Planning Sub-Committee Meeting on the 20 June 2006. Bearing in mind that this application is the direct result of the unfortunate collapse of part of the building we have no objection to the principle of the now part conversion and part rebuild. However, we do query the issue of the number of car parking spaces now shown on drawing 6964/E/03/C.
- 4.2 Bearing in mind that the applicant is under considerable pressure to resume work as quickly as possible in order to try to achieve project completion without impacting on occupation by the Quest School, whilst we would not wish to delay proceedings in any way we do feel it is important to raise with you the issue of car parking.
- 4.3 As you will be aware we have always been concerned about the number of car parking spaces bearing in mind the high staff to children ratio at the school. According to our file records the drawing approved on the 10<sup>th</sup> March 2006 was drawing 6964/E/03/A submitted to you on the 30<sup>th</sup> January by Cluttons. This plan addressed some of the issues we had raised in relation to the original application

and identified a total of 6 car parking spaces, including one disabled, and four additional spaces for dropping off. Unfortunately drawing 6964/E/03/C reduces the number of permanent spaces by one and has deleted all four of the additional dropping off spaces.

- 4.4 Hopefully this is simply an administration error and the 5 car parking spaces can be reinstated in which case our objection will no longer stand. If the reduction in car parking spaces is intentional then we do have very serious concerns as to where additional cars will park/drop off children, bearing in mind that traffic flows and parking along Church Road is a very sensitive issue in Offham given the problems that occur at morning and afternoon school pick up/drop off times.
- 4.5 We understand that the majority of the existing roof tiles, timbers and various other materials have in fact been salvaged and are delighted that the intention is to re-use as much of the salvaged material as possible.
- 4.6 KCC (Highways): Views awaited.
- 4.7 DHH: The applicant will need to discuss potential food safety and health and safety provisions with the Food and Safety team.
- 4.8 Private Reps: Art 8 + 3/0S/0X/0R. No response received.

(B) TM/06/01939/LB:

- 4.9 PC: We understand that the majority of the existing roof tiles, timbers and various other materials have in fact been salvaged and are delighted that the intention is to re-use as much of the salvaged material as possible.
- 4.10 EH: No objections.

## **5. Determining Issues:**

(A) TM/06/01938/FL:

- 5.1 The site lies within the MGB, and outside of the confines of Offham, where policies SS2 and SS8 of the KMSP and P2/16 of the TMBLP 1998 apply. The extension of a building for such a use does not fall into any of the categories of appropriate development. Policy P6/14 of the TMBLP states that proposals for the reuse of existing rural buildings for commercial, industrial, recreation or tourist development will be permitted where the building is of a permanent, substantial and sound construction and capable of conversion without major or complete reconstruction.
- 5.2 Therefore, the development constitutes a departure from the development plan. Such development may only be permitted if it can be shown that there are very special circumstances or other material considerations such as to justify overriding

the normal policies. These Development Plan policies also reflect Government Guidance contained within PPG2.

- 5.3 The applicant has stated in their accompanying letter to the application that the rear boundary wall is to be rebuilt reusing the set aside ragstone, and will reuse the set aside roof trusses, rafters and the set aside peg tiles. The applicant has also stated that they wish to reuse the entire gable end which was dismantled in a single section.
- 5.4 Given the unusual circumstances relating to this application, in terms of the previous approval and that the applicant proposes to reuse the materials of the collapsed building, I am of the opinion that the proposal is acceptable and that there is sufficient justification to override the simple consideration of policies within the Development Plan. I believe that the overall balance of issues arising in this case amounts to very special circumstances, which justifies the development in the MGB.
- 5.5 In light of the above, on balance, I consider the proposal to be acceptable.

(B) TM/06/01939/LB:

- 5.6 The building is within the curtilage of a Grade II Listed Building and attached to the remains of a former Grade II\* Listed barn and churchyard wall.
- 5.7 The applicant has stated in their accompanying letter to the application that the rear boundary wall is to be rebuilt reusing the set aside ragstone, and will reuse the set aside roof trusses, rafters and the set aside peg tiles. The applicant has also stated that they wish to reuse the entire gable end which was dismantled in a single section.
- 5.8 On this basis, I am satisfied that the proposal will not harm the character or appearance of the Listed Building, and therefore consider the proposal to be acceptable.

## **6. Recommendation:**

(A) TM/06/01938/FL:

- 6.1 **Grant Planning Permission** as detailed in letters dated 07.06 2006 and 26.06. 2006 and plan nos. 6964/E/01, 6964/E/02, 6964/E/03D, 6964/E/04 and 6964/E/05B, 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 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 or 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 of vehicles is likely to lead to hazardous on-street parking.

- 3 No building shall be occupied until the area shown on the submitted plan as turning area 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 turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 4 The premises shall be used for a non residential day care centre and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: In the interests of amenity.

- 5 The school hours shall be 9.30am to 4.00pm Monday to Friday. The building shall not be used outside the hours of 7.30am to 6.00pm Monday to Fridays; 9:00am to 6:00pm Saturdays, nor at any time on Sundays or Bank Holidays.

Reason: In the interests of amenity.

(B) TM/06/01939/LB:

- 6.2 **Grant Listed Building Consent**, subject to the following conditions:

- 1 The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent. (Z023)

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 All materials used externally shall be those from the collapsed building, 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 existing building or visual amenity of the locality.

Contact: Glenda Egerton