

**Ryarsh Downs**                      **567300 158690**                      **26 October 2001**                      **TM/01/02768/FL**

Proposal:                      Change of use from sewage works to a mixed use of agriculture and place of peace incorporating the conversion of a building to a 'haven' and extension to the dwelling on site and improvements to access.

Location:                      Former Ryarsh Sewage Works London Road Ryarsh West Malling Kent ME19 5AH

Applicant:                      The Holy Circle Trust

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**1. Description:**

- 1.1 The original application on this site (TM/01/02046/FL) was reported to the ASC2 on the 12 April 2000 with a recommendation to refuse the application on the basis that the proposal would result in the holding of large events, services or gatherings which would be difficult to restrict in terms of number of visitors. The figures for intensity of use then given by the applicant were a maximum of 20 persons in the haven and 50 persons in sanctum and only 1 group at a time, estimated at 12 vehicles per day. The impact of such events would have resulted in the intensification of the use of the existing access and would have created additional hazards to traffic onto a secondary road. Also, the holding of large events within the MGB was considered to be inappropriate development, as it would harm the openness of the MGB. Prior to Members considering the application, the applicant withdrew it.
- 1.2 A revised application, reflecting on the points raised in the earlier Recommendation of refusal, was last considered by this Area Committee in March 2002. It was resolved to permit the application subject to a number of conditions and also subject to a S106 legal Agreement which was to be targeted at ensuring that the scale of use was commensurate with the concept of a "place of quiet contemplation".
- 1.3 The applicant did not immediately sign the legal agreement and the application has therefore been in abeyance for a number of years.
- 1.4 Recently, the applicant indicated that he would wish to now sign the legal agreement subject to a number of variations from the detail negotiated by Officers in the context of the 2002 resolution and also to a variation of suggested condition 5. An environmental sustainability appraisal has now also been submitted together with supporting justification for the numbers of visitors proposed.
- 1.5 This proposal is for the change of use of the former Ryarsh Sewage Works to a mixed use of agriculture and a "place of peace" and informal recreation open to the general public by appointment. No entrance fees are to be charged.

- 1.6 The applicant has submitted extensive supporting evidence, which elaborates on the very latest ideas as to the use and activities of the site. The opening times will vary depending on the time of the year, (i.e. limited to daylight hours). Broadly it is intended that no more than 60 persons and/or 15 motor cars should be on site at any one time.
- 1.7 An existing concrete structure with a corrugated roof is to be re-used as a “haven” for quiet contemplation. This involves a new clay tiled roof with a steeper pitch, the addition of glazed doors and glazed gables and the addition of 4 arched windows between new stock brick buttresses to the flanks.
- 1.8 The proposal also involves extending an existing dwelling house on the site by approximately 15% in footprint, which will include external toilets for visitors. A site supervisor will occupy this dwelling. The remains of the concentric ring sewage treatment filter beds are to be re-used as a sanctum and a water garden. The proposal also involves the creation of formal gardens, allotments and a meadow for grazing. The contours of the land are proposed to be changed significantly, with a bank behind the “haven” being no more than 1.5m high, with existing boundary trees and bushes retained. The height of the top edge of the concentric rings will be no more than 0.5m above ground level.
- 1.9 The proposal also includes improvements to the access, by widening the access onto the A20 and providing passing bays along the access road to the site. The installation of an entrance gate is also shown 8m from the edge of the carriageway.

## **2. The Site:**

- 2.1 The application site lies within the MGB, outside the rural settlement confines of Ryarsh and is designated on the Proposals Map of the TMBLP as damaged land in need of restoration. The site lies to the north of the A20 and is served by a track just to the east of the office called St Walstans. The first element of the track before it turns 90 degrees is also a public bridleway (PROW MR154). The main part of the site lies at the eastern end of the track and is approximately rectangular and covers nearly 6 acres (about 2 hectares). The site contains two buildings, one of which has a lawful planning use for residential. Little of the original sewage works remains, although the two large concentric ring settlement beds still remain in-situ, but are no longer in a serviceable condition.
- 2.2 Since the last consideration of this case the Secretary of State has approved the residential redevelopment of Leybourne Grange involving a new access road to the A20. That road crosses the line of the current access track to the site and the access will be accommodated in the new road design.

### 3. Planning History:

TM/01/02046/FL      Application Withdrawn      7 August 2001

Change of use from a sewage works to a mixed use of agriculture and place of peace incorporating the conversion of a building into a "haven" and extension to the dwelling on site.

TM/98/01094/FL      Application Withdrawn      12 April 2000

Change of use from a sewage works to a mixed use of agriculture and place of peace and extension of the dwelling.

TM/95/1097/LDCE      Certifies      9 November 1995

Lawful development certificate for existing use: residential use (re-submission).

TM/95/00804/WAS      Refuse      27 October 1995

Proposed levelling and restoration of site.

TM/95/00271/MIN      Withdrawn      5 April 1995

Use of former Sewage Works as a civic amenity site.

TM/93/1554/LDCE      Refuse      29 April 1994

Application for Certificate of Lawfulness of Existing Use - use of former pumphouse as single dwelling with vehicular access and site cartilage.

TM/93/00972/OA      Withdrawn      24 May 1993

Outline application for erection of 1 no. detached dwelling and garage.

### 4. Consultees:

- 4.1 PC: Amazed that the officers felt able to recommend this original application equally that Members subsequently endorsed the officer recommendation. I appreciate the only grounds of objection are on planning issues only but would have anticipated there were more than adequate grounds for refusal as set out in my letter dated the 18th November 2001. The other point is of course since the date of the original application approval had been granted for Leybourne Grange

and effectively in the circumstances described above we can recognise the start of infill. Equally volumes of traffic have significantly increased in what is a poorly and dangerously sighted access. I respectfully suggest these issues should be introduced into your negotiations. I further note that the matter will be referred back to Members and would note we will be strenuously continuing our objection. The matter was discussed at last night's Parish Council Meeting and all members voiced their total objection to the proposed use particularly in light of the history of the applicant which of course is not a consideration from your viewpoint. I appreciate you can only deal as you think fit and in the light of your remit, but in the interests of Ryarsh Village and the adjoining area build into the 106 agreement as much protection to us as you are able

#### 4.2 Previous PC objections are reproduced below

- Conflicts with policies MGB3 of the KSP 1996 and P3/10 of the TMBLP 1998;
- The proposed extension to the dwellinghouse is not modest;
- Concern that the proposed site will be used as a leisure park;
- Concern that the proposal includes a garden/small holding;
- Concern re. the potential retail element of selling produce;
- Increase in traffic movements;
- Question the appointment system;
- The proposed landscaping will not restore the site;
- The number of visitors and staff on the site will exceed those suggested by the applicant;
- The applicant has an alternative agenda to that indicated in their supporting statements.

4.3 DHH: (on revisions) My concerns relate both to the proposed extension in hours of use from 18.00 to "daylight hours" and the proposed increase in the maximum numbers of attendees. Whilst the ethos of the proposal remains the creation of a haven and place of peace, these amendments could significantly increase the impact of the use. However, I understand that: "St Walstans", the property closest to the existing entrance to the application site, is now in commercial use and there will be a new access to the application site as part of the Leybourne Grange development. In these circumstances, and having regard to the spatial separation between the application site and the nearest noise sensitive development and the other conditions controlling the use of the site, I feel that the amendments are, on balance, acceptable.

- 4.4 The standard land contamination condition is still pertinent for the proposed development. However, current guidance and practice requires not only soil investigation but also controlled water risk assessment. The developer should also be aware that he will need to produce a desk study and site reconnaissance survey report and a site investigation report that will need to include controlled water risk assessment, a remediation strategy report and a verification report.
- 4.5 (Previous comments ): No objections subject to:
- Restricting the use to 10:00-18:00 on any day;
  - Prohibiting amplified music/announcements.
- 4.6 DL: no comment on revisions.
- 4.7 (Previous comments) Landscape: If this is considered to be a permissible use of this location a fully comprehensive landscape scheme should be required.
- 4.8 PROW: Any further issues relating to MR154 should be referred for comment to the WK PROW Office.
- 4.9 KCC (Highways). The amendment is to increase the maximum number of visitors from 2 to 8 per day up to a maximum of 60 at any one time that I assume includes any associated staff. The LPA considered that the historical use of the site as a sewage works had been abandoned and therefore there was no historical or potential traffic generation to off set against the likely traffic generation from the proposal. In my view there may still be an historical or potential traffic generation associated with the site, at least possibly as agricultural land. However, as a consultee and taking direction from the LPA the exiting traffic generation could be considered as being nil. Therefore any proposed use will represent an increase in traffic generation. Previously the applicant had self imposed a limit of between 2 to 8 visitors per day that was not of concern. The applicant is suggesting an increase in the number of visitors to a maximum of 60 persons at any one time. However, in the same breadth it is stated that the usage is likely to be at a lower level of 10 to 20 visitors per day. This does make assessing traffic generation a little indeterminate. The quoted lower figure raises no concerns. With the higher figure it is assumed that visitors using this facility are likely to stay on site for sometime that could, in certain instances, extend to the opening times of the site. Some visitors may arrive early and stay to the end. The turnover of visitors, and therefore traffic is unlikely to be regular and often. With visitors unlikely to arrive all at the same time I find the highway issues acceptable. Visitors will arrive by appointment. Therefore traffic movements associated with the operation of the site can be controlled and are likely, in general, to be outside of the usually accepted peak times when the roads are at their busiest. On this basis although this proposal will increase traffic generation it is unlikely to be detrimental to highway safety or unacceptably increase the risk of accidents. With the proposed potential increase in people visiting the site I do not see it unreasonable to request that the applicant

submit a Travel Plan identifying the initiatives to be promoted to reduce the reliance on the car and what monitoring procedures are to be employed. I would also require that a day to day diary of attendance be provided and kept available for scrutiny at all times. In a letter dated 17 January 2002 the applicant states that 'no coaches or mini buses will be allowed on the site' However, in the current letter dated 20 January 2007 one of the reasons for allowing the higher numbers is to cater for the likes of 'school visits'. My experience tells me that school visits usually mean the use of a bus or coach. I would raise concerns as I am not convinced that a large coach or bus can safely negotiate the access drive or turn around to be able to leave the site in a forward direction. Certainly the passing bays proposed on the access drive are insufficient to accommodate such a vehicle. No coach/bus parking or on site turning are identified. The applicant is to clarify this matter. Should the Leybourne Grange southern access come to pass then it could be beneficial to consider an option to negotiate a re route of the access into the site via this road and close off the existing access road save for it serving the residents who need it and accommodate a public footpath that runs along part of it

4.10 Previous comments from CE(BS): The applicant has now submitted further information on the operation of the site. Subject to the self-imposed restrictions, as detailed in the applicant's letter dated the 17 January 2002 being conditioned, I would raise no objections.

4.11 Private Reps: (10/OX/0S/1R). One objection states that the applicants do not have consent from the current landowner to construct the passing places. The access road is single track and is a bridleway so unsuitable to cope with the traffic levels proposed and there is poor access to the A20, particularly as there is a roundabout proposed a few metres away. The road currently has minimal use, perhaps 4-6 times a day. The Holy Circle Trust has very little income according to the Central Register of Charities.

4.12 Four letters previously received objected on the following grounds:

- The existing access is inadequate and does not include any passing bays;
- Concern over the extent of traffic movements to the site;
- The gate is too close to the highway and will result in traffic hazards on the public highway;
- The site is contaminated;
- Consider the site to be abandoned;
- Controlling number of visitors cannot be enforced;
- Concern that the applicant will hold weddings and pet funerals.

4.13 A8 (Site Notice): One letter was previously received objecting on the following ground:

- Questions the applicant's background and history of his behaviour and dealings with the public.

**5. Determining Issues:**

- 5.1 The main issues to be considered are whether the proposed use, bearing in mind the latest suggestions of scale of use, can still be considered to be appropriate development in the Green Belt, whether the latest proposal will detract from the amenity of the locality and whether the latest proposal would create a highway hazard or harm to residential amenities.
- 5.2 The site lies within the MGB, where there is a general presumption against development as defined in PPG2, and this is reflected in policy SS2 of the KMSP 2006. The proposed mixed use of agriculture and informal recreation/place of peace falls broadly within the definition of what might be described as appropriate development within the MGB, as it allows opportunities for access (albeit by appointment and restricted numbers) to the open countryside. In particular, agricultural re-use may take place without any need for the Council's approval, therefore, the only issue relates to the "place of peace" and informal recreational use of the land.
- 5.3 The applicant has provided supporting statements that no events or services will take place and that the previous proposed uses of poetry readings, small scale theatre, art displays, religious services and music recitals are no longer proposed.
- 5.4 The applicant originally indicated that the numbers of persons on the site, including staff and visitors was to be between 2 to 8 persons per day. However, it is now stated that this figure would not be adequate to secure funding and so have sought to increase these figures to 15 cars parked in the designated car park at any one time and a maximum of 60 visitors to the site at any one time. The applicant has said that he anticipates visitor rates to be more likely in the order of 10-20 visitors per day but clearly it is the worst case scenario that needs to be assessed in the determination of this application, that is the total number of cars and vehicles will be much greater than envisaged in the previous consideration of this application if there is a high turnover of vehicles and visitors.
- 5.5 The opening hours are also proposed to increase, as the applicant feels that these should reflect those of public parks which are considered to be a similar character of use. This will mean that, particularly in the summer months, the hours of use will extend later into the evening than previously proposed (i.e. until after 21.00hrs in mid summer compared to 18.00 hrs previously proposed).

- 5.6 However, given the stated intention to only have informal recreational use of the site, I consider that the proposal may still be classed as appropriate development in the MGB.
- 5.7 Policy P3/10 of the TMBLP has designated the site as damaged land, where restoration to a use appropriate to the Green Belt through appropriate measures such as re-contouring is acceptable. The applicant is intending to restore this site and has provided certain details relating to the recontouring of the site, although further details will be required to be submitted, this can be covered by the condition and a section 106 Agreement. As mentioned above, I consider the proposed mixed use of the site to be an appropriate use for the MGB, therefore this proposal complies with policy P3/10 of the TMBLP 1998.
- 5.8 In terms of the proposed building works, the proposed extension to the lawful dwellinghouse on the site will increase the footprint by 15% and introduce a shallow pitched roof. The proposed extension is to facilitate the provision of an external toilet for visitors. Also an office, is proposed to be used by a supervisor who will reside in the dwelling to provide site security. The proposed extensions are relatively minor and do not significantly affect the character of the site or the building, therefore, the proposed alterations can be classed as a modest extension and are not disproportionate to the original dwellinghouse, in line with policies SS2 and HP5 of the KMSP 2006 and P6/10 of the TMBLP 1998.
- 5.9 The applicant is also proposing to increase the height of a former storage building and convert it to a "haven". Policies SS8 of the KMSP 2006 and P6/14 of the TMBLP allow for the conversion of rural buildings to recreational uses. The proposal will enhance the appearance of this existing building by removing the existing steel corrugated roof and replacing with plain clay tiles. The use of this more sympathetic roof covering however will result in a higher ridgeline, due to the minimum pitch at which clay tiles can be installed. On the basis that the building is capable of conversion without major reconstruction (if not some additional works), I remain of the view that the improvement in appearance can, on balance, be supported.
- 5.10 When the use was proposed to be restricted to only 2-8 persons per day including staff, the (then) CE(BS) did not consider the associated traffic movements to be hazardous or that the use of the access would be so demonstrably harmful to highway safety as to justify a refusal. Nor was the proposed judged use be prejudicial to the "safeguarded" highway access to Leybourne Grange identified under policy P5/1(b) of the TMBLP 1998. The applicant is still intending to widen the existing access onto London Road and provide passing bays along the access road. The CE(BS) raised no objection subject to a imposition of a number of conditions restricting the scale and nature of the use of the access to that stated in the applicant's letter dated the 17 January 2002.

- 5.11 KCC (Highways) has reassessed the application in the light of the revisions and has no objections in principle subject to the imposition of conditions similar to those previously suggested, plus conditions relating to seeking compliance with environmentally sustainable travel choices, and to prevent access by coaches other than minibuses unless the applicant can demonstrate acceptable access and on site turning can be achieved.
- 5.12 Since this matter was last assessed by this Committee, the Leybourne Grange major residential development has received planning permission from the Secretary of State. The Leybourne Grange development includes a southerly access to be constructed in the future that will pass close to the western boundary of the former sewage works and onto a new roundabout to be built onto the A20. English Partnerships now owns land needed to construct this new road, which includes part of the existing access track to the former sewage works. It is understood from the applicant that the Holy Circle Trust will be allowed access from this new road into their site, eliminating the need for the current access arrangements to continue thereafter.
- 5.13 Originally, local residents had concerns that a gate was proposed to be erected close to the A20 and may result in highway hazards due to cars standing on the public highway. However, the proposed gate is shown to be sited 8m from the back edge of the public highway, which is more than sufficient space for a vehicle to stand off the public highway whilst a gate is opened. The CE(BS) previously raised no objection to this element of the proposal. This remains an acceptable solution to security.
- 5.14 The proposed use of the existing access road which is also partly bridleway PROW MR154 raises concerns from local residents and the PC. The PROW Office raised no objection to the introduction of passing bays to overcome concern over mixed uses of the bridleway. The PROW Office previously also requested the provision of signage/notices warning motorists of the existence of the bridleway, and that the applicant should not erect any furniture on the PROW without the express consent of the PROW Office. Therefore whilst a gate at some point on the track would help to provide necessary security to the site and to help compliance with the suggested conditions and legal agreement, there may be potential conflict with the PROW if the gate were in the position shown on drawing 3588/005 and an informative is needed.
- 5.15 It is not entirely clear from Land Registry information available at the time of writing this report that the Holy Circle Trust does have the right it claims to have to widen all parts of the access track or to install an entrance gate as shown on drawing 3588/005. The information provided is that English Partnerships now owns part of the track and that the first section of the track including the junction to the A20 and the PROW is unregistered although a claim on the freehold title has been lodged by a Mr Nevill. Therefore if Members are minded to approve the revised proposal,

it would need to be the subject of an appropriately worded condition to make sure that the development does not proceed in the absence of implementation of the access improvements (i.e. widening/passing bays).

- 5.16 Another new factor since this matter was last considered by Members is the environmental sustainability of the location. The applicant has submitted a short appraisal on this matter. It is stated that West Malling has good train connections; a bus service to and from West Malling runs on the A20 within 100m of the site; it is within a 25 minute walk from the station and within a 15 minute walk from West Malling centre; it is within a 6 minute cycle ride from the station and within a 5 minute cycle ride from West Malling centre.
- 5.17 I am satisfied that bearing in mind the appropriateness of a rural location for this type of land use, this site scores relatively well in terms of accessibility by modes of transport other than the private car and therefore complies with the principles underlying PPG13 and PPS1.
- 5.18 In terms of the impact on the residential amenity of nearby dwellings, the nearest property is now used solely for offices under a planning permission granted in 2004 and the DHH does not object on grounds of adverse impact on residential amenity.
- 5.19 The DHH is satisfied that there is unlikely to be contamination from the previous uses (including the intervening unauthorised uses), which would affect the principle of the site's suitability for restoration to agriculture and/or recreational use. However, the requirements of site investigation etc have become more onerous due to the publication in November 2004 of PPS23 (Planning and Pollution Control).
- 5.20 I note the PC's and local residents' concerns regarding the moral status of the applicants and their alternative agenda. However, these are not material planning considerations and should not be considered as part of this application.
- 5.21 In light of the above considerations, I am satisfied on balance and subject to the suggested conditions and to the applicant entering into a Section 106 Agreement that the proposal is appropriate development in a relatively environmentally sustainable location; it will not detract from the visual amenity of the locality, and will not constitute a highway hazard or harm residential amenity. Therefore, on balance, I am able to recommend this proposal for approval.

## **6. Recommendation:**

- 6.1 **Grant Planning Permission** as detailed by Survey dated 15.10.2001, Drawing 3588/005 passing bays dated 15.10.2001, Proposed Plans and Elevations 3588/003/A dated 15.10.2001, Proposed Plans and Elevations 3588/002 dated 15.10.2001, Location Plan 3588/LOC dated 15.10.2001, Letter Holy Circle Trust dated 15.10.2001, Supporting Statement Dakers Green Brett dated 15.10.2001,

Letter dated 18.01.2002, Letter dated 12.12.2006, Letter dated 03.01.2007  
Letter Hudgell and Partners dated 08.03.2007, Environment Sustainability Report  
8.08.2006 subject to :

- The applicant entering into a Section 106 Agreement covering the following terms:
- There shall be no general access to the site, other than by appointment only with the exception of the residents of the supervisor's dwelling, tradespeople, persons carrying out deliveries or persons solely visiting the supervisor's dwelling.
- A log book shall be kept and made available for the Local Planning Authority to inspect at any reasonable time recording details of all persons (including staff) attending the site with the exception of residents of the supervisor's dwelling, tradespeople, persons carrying out deliveries or persons solely visiting the supervisor's dwelling.
- There shall be no more than 15 cars in the designated parking area at any one time and no more than 60 persons on the site at any one time with the exception of the residents of the supervisor's dwelling, tradespeople, persons carrying out deliveries or persons solely visiting the supervisor's dwelling.
- No gatherings, services, displays, readings, theatres or any other type of event shall be held on the land except where incidental and ancillary to the residential enjoyment of the supervisor's dwelling.
- The parking of vehicles on the site shall be wholly restricted to the area shown for this purpose on drawing 3588/001A (or any subsequently approved amendment). The parking of vehicles on the site shall be wholly restricted to the area shown on drawing 3588/001A (or any subsequently approved amendment) except in relation to domestic (ie ancillary/incidental) parking within the curtilage of the supervisor's dwelling.
- Full details of the proposed restoration and recontouring works shall be submitted and approved prior to development commencing.
- the following conditions:
  - 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (Z013)

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall take place until details and samples of all materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details. (D001)

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

- 3 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, boundary treatment and recontouring works. The boundary treatment and recontouring works shall be carried out as approved prior to the first occupation of the buildings or the first use of the site as hereby permitted and both shall be so retained thereafter. 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. (L003\*)

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.

- 4 No development shall take place until details of the surfacing and draining of the public vehicle parking area and associated on site turning have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details before the first use of the site by the public. Thereafter the parking and turning areas 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. (P004\*)

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 5 The site shall only open to members of the public during the hours of daylight unless otherwise agreed in writing by the Local Planning Authority. (I003\*)

Reason: In the interests of the amenities of the Metropolitan Green Belt and highway safety.

- 6 No retail sales shall take place from the premises.

Reason: In the interests of the openness and amenities of the Metropolitan Green Belt and highway safety.

- 7 No tannoys, public announcement systems or amplified music shall be used within the application site.

Reason: In the interests of the amenities of the Metropolitan Green Belt.

- 8 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 Class B, of Part 4 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto. (R001\*)

Reason: In the interests of the openness and amenities of the Metropolitan Green Belt and highway safety.

- 9 The use of the site shall be restricted solely to the uses as set out in the statement received on the 15 October 2001 and letter dated the 17 January 2002.

Reason: In the interests of the residential amenity of the neighbouring properties, the openness of the Metropolitan Green Belt and highway safety, and because the Local Planning Authority considers the permitted use to be sui generis given the combination of a variety of uses of the site.

- 10 The use of the site hereby permitted shall not be commenced until the existing access has been widened and all passing bays constructed in accordance with the approved plans or in accordance with any amended plans first submitted to and approved by the Local Planning Authority.

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

- 11 No development shall take place until details of signage for warning motorists of the existence of the bridleway have been submitted to and approved by the Local Planning Authority, and the work has been carried out in strict accordance with those details and the said signs shall be retained at all times thereafter. (D008\*)

Reason: In the interest of the safety of pedestrian and bridleway users of PROW MR154.

- 12 The use of site for agriculture, informal recreation and a 'place or peace' shall not be occupied separate from the residential use of the dwellinghouse on the site (the lawfulness of which is established by TM/95/51097/LDCE).

Reason: In the interests of the residential amenity of the occupants of the dwellinghouse.

13 No development 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 use of the site 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. (N015\*)

14 No external lighting shall be erected within the site or on any building without the written consent of the Local Planning Authority.

Reason: In the interests of the visual amenity of the locality.

15 No development shall take place until a structural survey demonstrating that the conversion to the "Haven" will not involve major or complete reconstruction has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the conversion is carried out without major or complete reconstruction of the building.

- 16 The extent of residential curtilage of the supervisors dwelling shall limited to the area shown as “garden” on drawing 3588/001A. The curtilage shall be implemented and retained as approved thereafter.

Reason: To ensure a satisfactory form of development which is compatible with the character of the surrounding locality.

- 17 The public use of the site as a place of peace shall not be accessed by vehicles larger than 12 seater minibuses unless otherwise agreed in writing by the Local Planning Authority.

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

- 18 No development shall take place until a Travel Plan has been submitted to and approved by the Local Planning Authority. This shall include details of initiatives to be promoted to reduce the reliance on the car, monitoring procedures and method and timing of reporting the results of the monitoring to the Local Planning Authority.

Reason: To ensure the development meets environmental sustainability objectives.

Informative:

- 1 The applicant is advised that bridleway MR 154 traverses the site and the consent of the West Kent Public Rights of Way Office will be required for the erection of any furniture on this Public Right of Way.
- 2 The applicant is advised that the site investigations into the contamination of the site should take account of any contamination from dead and/or diseased animals left on the site.
- 3 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners. (Q040)

Contact: Marion Geary

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 18 April 2007

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Ryarsh  
Downs

TM/01/02768/FL

**Change of use from sewage works to a mixed use of agriculture and place of peace incorporating the conversion of a building to a 'haven' and extension to the dwelling on site and improvements to access at Former Ryarsh Sewage Works London Road Ryarsh West Malling Kent ME19 5AH for The Holy Circle Trust**

KCC (Highways) The environment sustainability and funding information raises no further comments.

Private Reps: One additional objection has been received commenting as follows:

- We were not consulted on LDCE but would have testified that the shed on the property was not in use as a dwelling.
- No obvious justification for considerable additional development in the Green Belt.
- The existing shelter is derelict but is to be considerably enlarged to form a 2 storey structure.
- The formal garden layout and artificial ponds etc is not appropriate levelling and recontouring.
- The site has been used for skip hire and there has been illegal burning, processing and dumping of materials on the land and on the bank of the stream.
- No decision should be made until there has been a comprehensive and independent investigation on the extent of any health and safety issues from site contamination and the treatment required to deal with it.
- Not convinced that the LPA would be able to prevent the Haven being converted to a dwelling.
- Still unclear as to the use and the need for the facilities.
- Not clear why the visitor numbers affects viability as there is no clear indication of how income will be generated. If the development is a charitable venture, then it makes no sense to argue that the number of visitors is important.
- Inaccuracy in plans as there are not 2 gates on the east boundary of the site.

DPTL: The proposed supervisors dwelling has a Certificate as a lawful dwelling and the extensions proposed are considered to be in line with Green Belt policy on the extension of existing dwellings plus there is a justification for an allowance for modest visitor WC facilities.

Development such as skip hire, materials dumping etc are County matters, being waste related. It is understood that enforcement action was taken by KCC in 1996 and there is a registered Enforcement Notice.

DHH suggests the standard land contamination condition is appropriate in this case.

The application is not for the Haven to become a dwelling. Any subsequent planning application would be considered on its merits in the light of national, strategic and local Green Belt policy at that time.

The applicant has submitted that whilst the venture is non-profit making, the charitable bodies which have offered grants to fund the development will only do so if there is a significant benefit to the public and it is this which has resulted in the proposed numbers of visitors being increased.

**MY RECOMMENDATION REMAINS UNCHANGED**

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