

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 and associated recontouring works

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

Applicant: The Holy Circle Trust

1. Description:

- 1.1 This application was deferred from the Area 2 Planning Committee meeting of 18 April 2007 for a Members' Site Inspection. This is due to take place on 11 May 2007.
- 1.2 The previous report and supplementary report is attached as an Annex.
- 1.3 Following the April meeting, the applicant has suggested a further revision to the proposed S106 legal agreement as follows:
 - 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 **and no more than 100 persons (or any subsequently approved maximum figure) on the site during the course of any one day**

2. Consultees:

- 2.1 Any further responses as a result of the additional information on total visitor numbers will be included in a supplementary report.

3. Determining Issues:

- 3.1 These are as previously reported.
- 3.2 In terms of the additional information from the applicant, I am of the view that the total maximum per day number suggested adequately deals with concerns expressed relating to the ramifications of a possible high turnover of visitors in terms of overall comings and goings associated with the site.
- 3.3 Members are advised that the proposed southerly access arrangement from the A20 to Leybourne Grange is still envisaged to be as previously approved by the Secretary of State. This includes a spur leading into the former Ryarsh Sewage Works. A plan will be displayed at the meeting for Members' information.

3.4 Suggested condition 10 has been modified to ensure that the widening works are carried out first in order to ensure that construction traffic is adequately catered for.

4. Recommendation:

4.1 **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, Environmental Sustainability Report 08.08.2006, Email dated 01.05.2007, subject to:

- The applicant entering into a Section 106 Agreement covering the following terms:
 1. 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.
 2. 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.
 3. 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 and no more than 100 persons (or any subsequently approved maximum figure) on the site during the course of any one day with the exception of the residents of the supervisor's dwelling, tradespeople, persons carrying out deliveries or persons solely visiting the supervisor's dwelling.
 4. 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.
 5. 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) except in relation to domestic (i.e. ancillary/incidental) parking within the curtilage of the supervisor's dwelling.

6. 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.

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 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.

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 development of the former Ryarsh Sewage Works 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 separately 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 supervisor's dwelling shall be 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.

Informatives

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.

Contact: Marion Geary