

Shipbourne Borough Green And Long Mill	558318 151100	4 October 2007	TM/06/03861/FL
Proposal:	Change of use and conversion of redundant agricultural buildings to holiday let use and car port		
Location:	Tinley Lodge Hildenborough Road Shipbourne Tonbridge Kent TN11 9QB		
Applicant:	Insite Development Ltd		

1. Description:

- 1.1 Members will recall that this application was deferred from the August meeting of APC 2 for Members of the Committee to undertake a site inspection and for the applicant to provide further information regarding the structural integrity of the buildings. The Members' site inspection was held on the 23 August 2007.
- 1.2 A copy of my August report, and associated supplementary report, are attached as Annexes.
- 1.3 Following the August meeting, the applicant has provided a Structural Appraisal report on the two application buildings. An amended site location plan, incorporating land to the rear of the proposed carport, an amended site layout plan, and amended carport elevation plan have also been provided by the applicant. All additional information received has been circulated for consultation, and any comments received will be reported in the supplementary report.

2. The Site:

- 2.1 Tinley Lodge Farm lies approximately $\frac{3}{4}$ mile south-west of Shipbourne, 3 miles north of central Tonbridge. The application site comprises a disused agricultural storage building, fronting directly onto the private access road, and an open sided brick barn to the rear.
- 2.2 The application site is located within the Metropolitan Green Belt. A TPO does exist on the site, however no significant trees are located in the immediate vicinity of the existing buildings and sealed areas.
- 2.3 The SLA designation which existed under the Tonbridge and Malling Borough Local Plan 1998 has not been carried over to the Tonbridge and Malling Borough Core Strategy 2007 and is, therefore, no longer applicable.

3. Planning History:

- 3.1 No relevant planning history.

4. Consultees:

- 4.1 Any additional comments received on the Structural Appraisal and amended plans provided by the applicant will be included in the supplementary report.

5. Determining Issues:

- 5.1 The determining issues are set out in my previous main and supplementary reports to the APC 2 meeting in August 2007. However, as a result of Members' debate at that meeting, further information was requested regarding the structural integrity of the application buildings and their suitability for conversion. A number of issues were also raised at the Members' site inspection, as follows: access to the car port / parking area via the private amenity area at the rear of the barn; construction traffic; conditioning the doors shown on the eastern elevation to be non-opening in response to concerns that the covenant on the land immediately in front of the building only allows users of this building to pass and re-pass, not to stop vehicles for loading, etc.
- 5.2 The applicant's Structural Appraisal has recommended the removal of the northern bay of the proposed three bay carport due to structural damage; the applicant has provided an amended elevation plan of the carport showing the reduction to a two bay building. I consider that the removal of the unsound bay does not significantly alter the overall appearance or function of the building.
- 5.3 The Structural Appraisal concludes that the roof, enclosing walls and floor of the main building appear to be in a sound and satisfactory structural condition and will require very little additional repair or strengthening work. It is concluded that the basic structure is capable of being converted without the need for extensive alteration, rebuilding or reconstruction. Other points raised in the Structural Appraisal, and confirmed by Council's Chief Building Control Officer, include the need to meet the thermal insulation requirements under Building Regulations and the need for further investigation of the foundations of the main building to ascertain their size and depth etc, particularly given that increased loading in the form of a first floor will occur. Although these issues largely fall under the control of Building Regulations, they are relevant planning considerations in this case in terms of ensuring that the conversion of the existing building is approached in a way that ensures this is achieved without the need for substantial rebuilding. Accordingly, I consider it appropriate to place a condition requiring further investigation and reporting on the foundations and method of strengthening if required, and the submission of such information to the Council for prior approval. Further details on thermal insulation and its impact on the proposed cladding of the building can also be required via condition.
- 5.4 With regard to the possibility of preventing access into the building along its east elevation, through the removal of the proposed doors, it is noted that the issue arises from a private covenant that is itself not a material planning consideration. However, consultations have raised concerns about the potential for blocking of

vehicle access to adjoining sites off the private access lane, as well as potential safety issues for visitors to the holiday let; and the applicant has indicated that they would be happy to accept a condition requiring the doors as shown on the eastern elevation to be non-opening apertures.

- 5.5 The restriction of construction traffic is not a material planning consideration.
- 5.6 With regard to refuse collection, the applicant has stated that arrangements will be made for any refuse to be taken away from the site and disposed of. The exact method of disposal / collection is unknown; however, a condition requiring the submission of further details for Council's approval relating to the removal of refuse from the site may be appropriate.
- 5.7 The Tonbridge and Malling Borough Core Strategy was adopted on 25 September 2007. The development plan for the application site therefore now comprises the Regional Spatial Strategy for the South East (RPG9 as amended), the Kent and Medway Structure Plan 2006 (KMSP), the Tonbridge and Malling Borough Core Strategy 2007 (TMBCS) and the saved policies from the Tonbridge and Malling Borough Local Plan 1998 (TMBLP).
- 5.8 Policy P3/6 and the Special Landscape Area designation of the TMBLP 1998 has not been saved, and is not superseded by any policies within the TMBCS 2007. It is therefore, no longer relevant to this application.
- 5.9 Policy P2/16 (Countryside Protection) of the TMBLP 1998 has been saved. In relation to this application it is replaced by TMBCS 2007 policies CP3 and CP14. In keeping with PPG 2 and policy SS2 of the KMSP 2006, these policies all state that national Green Belt policy will apply and seek long term protection to rural areas. These issues were discussed in some detail in my report to the August meeting.

6. Recommendation:

- 6.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 13.06.2007, Desk Study Assessment CONTAMINATION dated 13.06.2007, Letter dated 12.02.2007, Ecological Survey dated 12.02.2007, Letter PLANNING STATEMENT dated 29.11.2006, Design and Access Statement dated 29.11.2006, Location Plan DHA/5639/01 A dated 29.11.2006, Site Plan DHA/5639/02 dated 29.11.2006, Floor Plans And Elevations DHA/5639/03 dated 29.11.2006, Floor Plans And Elevations DHA/5639/04 dated 29.11.2006, Site Plan DHA/5639/05 dated 29.11.2006, Floor Plans And Elevations DHA/5639/06 dated 29.11.2006, Floor Plans And Elevations DHA/5639/07 dated 29.11.2006, Email dated 04.01.2007, subject to compliance with 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 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), the layout of the development shall not be varied by means of sub-division or amalgamation of any units, nor by the insertion of additional floors, without the prior permission in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess the impact of the variation on amenity and parking and vehicle circulation in the interests of safe and free flow of traffic.

- 4 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. 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. 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: 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.

- 5 The premises shall be used for tourist/holiday accommodation and for no other purpose (including any other purpose in Class C3 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 accordance with planning policy and the application as submitted.

- 6 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 occupation of the development or any part of the development 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.

- 7 There shall be no external lighting or illumination of the site until details of any lighting/illumination to be used externally have been submitted to and approved by the Local Planning Authority, and the lighting/illumination shall be carried out in accordance with the approved details.

Reason: In the interest of the amenity of the area and to prevent nuisance to neighbours.

- 8 Prior to occupation of the building, the applicant shall submit to the Local Planning Authority for approval, details of the removal and disposal of refuse from the site.

Reason: In the interests of amenity and public safety.

- 9 The two doors on the eastern elevation of the main accommodation building, as identified on the plans, shall not provide access to the building and shall be non-opening. Access to the building shall only be obtained by the access points on the western elevation.

Reason: In the interests of amenity and safety.

- 10 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 Classes A, B, C, D or E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order that the Local Planning Authority may exercise control over any such development in the interests of rural and residential amenity.

- 11 No works for the conversion of the buildings to holiday let use shall be commenced until:

(a) a survey has been undertaken of the foundations supporting the existing agricultural storage building to ascertain their suitability for providing support to the building as proposed to be converted, and

(b) details of the findings of that survey, together with a specification of any works that may be necessary to strengthen the foundations and achieve the conversion to the proposed end use, without necessitating extensive rebuilding or reconstruction of the building, have been submitted to and approved by the Local Planning Authority.

The development shall be carried out in strict accordance with the specification of works so approved.

Reason: To ensure compliance with saved policy P6/15 of the Tonbridge and Malling Borough Local Plan.

- 12 No works for the conversion of the buildings to holiday let use shall be commenced until details have been submitted to and approved by the Local Planning Authority of the means by which the fabric of the agricultural storage building will be adapted to achieve the requisite level of thermal insulation under the Building Regulations, in a way that avoids the need for extensive rebuilding or reconstruction of the building. The development shall be carried out in strict accordance with the details so approved.

Reason: To ensure compliance with saved policy P6/15 of the Tonbridge and Malling Borough Local Plan.

Informatives

1. Should any bats be found at any stage during the works, all work must stop immediately and advice be sought from Natural England. All personnel working on site must be made aware of this advice and be provided with Natural England's telephone number. Natural England: 01233 812525.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. Failure to do so may result in fines and, potentially, a custodial sentence.
3. In order for access to be gained to the site, vehicles will have to travel over Public Footpath MT17a and Public Bridleway MT49. The applicant should be made aware that the County Council has a controlling interest in ensuring that MT17a and MT49 are maintained to a level suitable for their public users. Any maintenance to the higher level required for vehicular access would be the responsibility of the landowner.
4. The applicant is advised that a Public Right of Way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width of the path at any time. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across the Public Rights of Way without the express consent of the Highways Authority.

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