

Platt **561760 156960** **18 February 2010** **TM/09/03177/FL**
Borough Green And
Long Mill

Proposal: Conversion of existing commercial livery stable block and associated outbuildings into 2 no. live/work residential units (dwellinghouses) with associated parking and landscaping works and removal of condition 1 of planning permission TM/09/00313/FL (use of stable building only for purposes incidental to the residential occupation of Stone House Farm)

Location: Stone House Farm Stables Long Mill Lane Platt Sevenoaks Kent TN15 8LH

Applicant: Mr M Cheale

1. Description:

- 1.1 This application was deferred from the meeting of the Area 2 Planning Committee on 23 June 2010 for a Members' Site Inspection, scheduled to take place on 3 August 2010. A copy of my report and the supplementary report to the previous meeting are attached as an annex.
- 1.2 Condition 1 of planning permission TM/09/00313/FL required that the stable building be used only for purposes incidental to the residential occupation of Stone House Farm. When the current application was debated at the previous meeting of this Committee, I was asked to clarify the background to this condition.
- 1.3 In 2000, when the original application was submitted and permitted to change the use of an agricultural building into a dwelling (now Stone House Farm), the principle of converting a rural agricultural building into a residential use was acceptable at that time in the same way it is acceptable in principle today in accordance with planning policies for conversion of rural buildings in the MGB and outside the settlement boundary. The original permission, TM/00/02602/FL, for the conversion of a barn into the existing dwelling of Stone House Farm was therefore permitted because it complied with adopted planning policies for residential conversions of agricultural buildings.
- 1.4 Condition 5 imposed on TM/01/02847/FL aimed to ensure that the use of the dwelling should only be occupied in association with the existing adjoining commercial livery in the stables. The condition stated:

"The occupation of the dwelling shall be limited to a person solely or mainly employed in the operation of the commercial livery operating from the site permitted by TM/91/01004/FL or a dependent of such a person residing with him or her.

Reason: The dwelling is in extreme proximity to a commercial livery and planning permission would not be granted for an independent dwelling in the interests of amenity. “

- 1.5 This condition was therefore imposed to ensure that the dwelling should only be occupied in connection with the operation of the livery stables. This condition was imposed to protect the amenities of potential occupiers from activities associated with the livery stables and to avoid a situation in which they were operated independently of the dwelling. It is only the juxtaposition of the converted dwelling with the livery stables that necessitated the condition for common occupation/operation in the interests of amenity. This planning permission was later amended under ref TM/01/02847/FL but the condition was re-imposed for the same reasons.
- 1.6 In 2009, the applicant submitted under ref TM/09/00313/FL for a cessation of the use of the livery stables on a commercial basis and therefore applied for them to be ancillary to the domestic use (either outbuilding or private stables). This necessitated a revision of the relevant occupancy condition on TM/01/02847/FL. It was therefore re-phrased as condition 1 as follows:

“The stable building within the application site shall be used only for purposes incidental to the residential occupation of the host dwelling at Stone House Farm and any stabling of horses shall be the private stabling of horses owned by the occupants of the dwelling the subject of this planning permission and not for commercial stabling or in connection with a riding school/livery.

Reason: In the interest of the residential amenity of the occupiers of the dwelling, the subject of this application”.

- 1.7 Consequently, if planning permission were to be granted for the outbuildings/stables to become houses as proposed in this application, they would inevitably no longer be ancillary. Therefore, the need for condition 1 no longer exists and that is why this application includes the related removal of that condition.
- 1.8 It is the protection of residential amenity that has always been the underlying justification for a condition linking the occupation of Stone House Farm with the use of the stable building. There has never been an agricultural occupancy condition imposed on the existing dwelling. In conclusion, therefore, if Members are minded to permit the buildings to be converted into two dwellings, residential amenity concerns of the type that led to the “linking” condition in the first place would no longer be an issue and the consequential removal of this condition would therefore also be acceptable.
- 1.9 Any issues arising from the Members’ Site Inspection shall be reported in a Supplementary Report.

2. Recommendation:

2.1 Grant Planning Permission in accordance with the following submitted details:

Email dated 18.02.2010, Letter dated 18.02.2010, Certificate B dated 18.02.2010, Notice dated 18.02.2010, Location Plan dated 18.02.2010, Email dated 24.03.2010, Letter dated 24.03.2010, Contaminated Land Assessment dated 24.03.2010, Details 01 dated 24.03.2010, Section 02 dated 15.04.2010, Letter dated 16.12.2009, Validation Checklist dated 17.12.2009, Survey Bat Survey Report dated 17.12.2009, Survey structural report dated 17.12.2009, Design and Access Statement dated 16.12.2009, Planning Statement dated 16.12.2009, Photograph dated 16.12.2009, Existing Plans and Elevations 1532-GA-100 dated 17.12.2009, Proposed Plans and Elevations 1532-GA-200 B dated 17.12.2009, Site Plan 1531-GA-300 C dated 17.12.2009, Elevations 1531-GA-400 dated 17.12.2009, 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. All materials used externally shall match those of the existing building.

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

3. No development shall take place until details of any joinery to be used, including conservation rooflights, have been submitted to and approved in writing 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 visual amenity of the locality.

4. No development shall take place until details of the Home Office/Study buildings roof have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in any of the elevations of the buildings other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of visual amenity and to retain the original character of the buildings.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings other than those shown on the approved plans shall be constructed in the roof of any of the buildings without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of the visual amenity and to retain the character of the original buildings.

7. 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 and E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of the visual amenity of the site and locality and to ensure the retention of the original character of the buildings.

8. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft 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.

9. The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

10. 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.

11. 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.

12. If during development work, site significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease immediately, and an investigation/remediation strategy shall be agreed in writing with the Local Planning Authority and implemented by the developer. Any Soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use. A closure report shall also be submitted by the developer to address the above and any other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

13. The use of the Home Office/Study hereby permitted shall be ancillary to the main dwelling and shall only be occupied in association with that dwelling.

Reason: The protection of the character and amenity of the locality and to control sub-division of the buildings.

14. Prior to the commencement of development, a scheme shall be submitted to the Local Planning Authority for approval to demonstrate that the development hereby approved will adopt and incorporate practicable and appropriate sustainable construction standards and techniques. The scheme shall take account of the need to minimise: waste generation; water and energy consumption; and the depletion of non-renewable resources. The scheme shall also have regard to the target for at least 10% of the energy consumption

requirements to be generated from decentralised and renewable/low carbon sources. The approved scheme shall be implemented prior to the first occupation of the building hereby approved, and retained thereafter.

Reason: To reduce the energy consumption and impact of new dwellings on the environment in accordance with sustainable development principles.

15. Before any works commence on site, arrangements for the management of construction traffic to and from the site (including hours of operation) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless any variation has been agreed by the Local Planning Authority in writing beforehand.

Reason: In the interests of safety of users of the recreational facilities adjoining.

Informatives

1. Tonbridge and Malling Borough Council operate a wheeled bin, boundary of property refuse collection service. In addition the Council also operates a fortnightly recycling box/bin service. This would require an area approximately twice the size of a wheeled bin per property. On the day of collection, the wheeled bin from each property should be placed on the shared entrance or boundary of the property at the nearest point to the adopted KCC highway. The Council reserves the right to designate the type of bin/container. The design of the development must have regard to the type of bin/container needed and the collection method.
2. The proposed development is within a road which does not have a formal street numbering and, if built, the new property/ies will require new name(s), which are required to be approved by the Borough Council, and post codes. To discuss suitable house names you are asked to write to the Legal Services Partnership Manager, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or contact Trevor Bowen, Principal Legal Officer, on 01732 876039 or by e-mail to trevor.bowen@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
3. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
4. You are advised that, in undertaking the works hereby approved, due regard should be had to the protection afforded to species under UK and EU legislation irrespective of the planning system and the developer should ensure that any activity they undertake on the application site must comply with the appropriate

wildlife legislation. Failure to do so may result in fines and, potentially, a custodial sentence. The applicant is recommended to seek further advice from Natural England, The Countryside Management Centre, Coldharbour Farm, Wye, Ashford, Kent, TN25 5DB.

Contact: Lucinda Green