

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. residential units with ancillary home offices, together 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 Members may recall this application has previously been reported to Area 2 Planning Committee on a number of occasions, most recently on 27 October 2010. At that meeting the Committee resolved to defer consideration for legal advice on potential reasons for refusal. Those potential reasons, reflecting the concerns of the Committee, can be summarised as follows:
1. Unsatisfactory residential environment due to noise and disturbance from uses and users of the recreation ground, Scout building etc.
 2. Corresponding constraints upon further use and enhancement of facilities at Stone House Field as a result of the presence of dwellings (putting a community facility at risk).
 3. Conflict arising from combined use of a narrow access road for residential and recreational uses.
- 1.2 A confidential (Part 2) report from the Legal Services Partnership Manager appears elsewhere on this Agenda, to advise of the legal implications of refusing planning permission on these grounds.
- 1.3 I have not included the previous reports as Annexes to this report due to the length of the reports involved. However these can be viewed on the Council's website or, alternatively, if Members wish to have a copy of these reports they can be provided on an individual basis.
- 1.4 Subsequent to the previous meeting, I have received further information in respect of the complaints received by Platt Parish Council about use of the sports/recreation facilities. These are addressed in paragraph 3.3 below.

2. Consultees:

2.1 DHH: The Environmental Protection Team would make the following comments in respect of potential reasons for refusal 1 and 3:

The recreational facility is existing and therefore from an Environmental Protection (EP) perspective we are considering the impact of the existing facility on the proposed dwellings.

PPG 24 Annex 3:1994 considers the potential impact of a proposed recreational facility on the neighbourhood.

PPG17:2006 – ‘Planning for Open Space, Sport and Recreation’ recommends that local authorities should undertake a robust assessment of existing and future needs of communities in considering an application for new open spaces and recreational facilities.

Both PPG 24 and PPG 17 require planning authorities to consider the impact and need for a proposed new recreational facility, which is not the situation under consideration here.

The EP Team has not received any complaints regarding noise from the occupants of the existing residential dwelling adjacent to the proposed dwellings nor existing residents adjacent to the recreation ground. The proposed dwellings are to be located no closer to the recreational facilities than existing dwellings.

It is acknowledged that there have been emails forwarded from the Clerk to Platt Parish Council, detailing complaints that have been made to the Parish Council about the recreation ground since 2005. All these emails are regarding issues over which the EP Team has no jurisdiction or [which] have occurred on a one-off basis.

As previously stated the use of the recreation ground, Scout Hut and children’s play ground is unlikely to result in noise disturbance at the proposed residential properties at a level any greater than already occurs at existing residential properties, hence I do not think there are justifiable reasons to refuse the application on noise grounds.

In respect of potential reason for refusal 3, whilst there is the potential for conflict to arise between the residents of the proposed dwellings and users of the recreation ground, the future ‘residential’ usage of the track is not anticipated to exceed the current levels of usage generated from it being a commercial livery stable.

3. Determining Issues:

3.1 Given that detailed discussion of the issues and planning policies in respect of this application has been set out at some length in the previous Committee reports, it is not my intention to rehearse those issues here. I shall instead focus on the potential reasons for refusal identified at the 27 October meeting, considerations

that arise directly from those potential reasons for refusal, and the further information that has emerged since the previous meeting.

- 3.2 Subsequent to the last Committee meeting, a request was made to Platt Parish Council to provide details of the complaints they had received in respect of the playing fields, which they have referred to on a number of occasions. Details of these complaints have now been submitted for consideration.
- 3.3 These complaints, which date back to 2005, have been assessed. They principally relate to complaints about anti-social behaviour and vandalism, rather than noise levels *per se*. A number of the complaints relate to swearing at football matches, but not the level of noise generated by the use. In fact there are no complaints which specifically relate to noise arising from the use of the playing fields. Consequently the complaints identified by the Parish Council do not raise any further issues in respect of noise that lead me to change the recommendation that planning permission be granted. DHH has also confirmed that the use of the recreation ground, Scout Hut and children's play ground is unlikely to result in noise disturbance at a level, at the proposed residential properties, that would result in the noise being assessed as being at a level higher than that already experienced at existing residential properties. Hence I remain of the view that there are no justifiable reasons to refuse the application on noise grounds.
- 3.4 I turn now to additional considerations that may have a bearing on the identified potential reasons for refusal. Further guidance on recreational uses and noise is identified in PPG17: Planning for Open Space, Sport and Recreation and PPG24: Planning and Noise.
- 3.5 PPG17 deals with development within open spaces and identifies the need to ensure that any proposed development is sensitive to the local context. It states:

Local authorities should:

- (i) avoid any erosion of recreational function and maintain or enhance the character of open spaces;*
- (ii) ensure that open spaces do not suffer from increased overlooking, traffic flows or other encroachment;*
- (iii) protect and enhance those parts of the rights of way network that might benefit open space; and*
- (iv) consider the impact of any development on biodiversity and nature conservation.*

- 3.6 It is not considered that the proposed development fails any of the criteria identified in PPG17. The proposed development is sensitive to its location due to its rural design. It does not involve any erosion of the recreational function or the character of the open space as it is the re-use of existing rural buildings within their own separate curtilage. Therefore, there is no erosion of the amount of land

on Stone House Field with a recreational use. The proposed residential use also results in minimal changes to the exterior of the buildings and a very limited level of first floor accommodation. Consequently, overlooking is minimised and fairly limited, as is the impact on the character of the open space. In terms of any increase in traffic, this is also unlikely to be equal to the traffic that could be generated by the former commercial livery use (that comprised up to 11 stables), as traffic from residential uses is normally estimated to be in the range of 8 movements per dwelling day.

- 3.7 PPG24 suggests adopting a balanced approach in relation to noise from sports facilities. It states:

Local planning authorities should consider carefully in each case whether proposals for new noise sensitive development would be incompatible with existing activities. Such development should not normally be permitted in areas which are or are expected to become, subject to unacceptably high levels of noise. When determining planning applications for development which will be exposed to an existing noise source, local planning authorities should consider both the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future.

- 3.8 PPG24 goes on to identify that the local planning authority will have to take account of how frequently the noise will be generated and how disturbing it will be, and balance the enjoyment of the participants against such disturbance to other people.
- 3.9 This guidance is helpful in assessing the current proposed development. However, as has previously been identified, it is not considered that there is any evidence of noise disturbance arising from the use of the playing fields such as to warrant a refusal of planning permission. This is due to both the level and frequency of the noise, which is at such an infrequent and low level that it does not result in an unacceptable impact on residential amenity. Thus there is no substantive evidence that the use of the playing fields is currently a problem. This is substantiated by the fact that no noise complaints from existing residential properties (some of which are closer to the potential sources of noise than the proposed development) have been received by DHH (which is the expected recipient if noise levels/frequency were a current problem suffered by nearby residents of Stone House Field) and such complaints as have been identified by the Parish Council relate to issues of a different nature.
- 3.10 In terms of the guidance in PPG24, my recommendation has been carefully considered in all respects. The proposed conversion is a noise sensitive development being introduced into an area which experiences some noise. However, as has already been identified, this noise source is limited, and is at a level and frequency which is unlikely to result in any detrimental impact on residential amenities. For these reasons, neither the existing nor proposed

residential use of the current application site is incompatible with the existing recreational activities. It is unlikely to result in noise complaints or a significant detrimental impact on residential amenity. Furthermore the development of two further dwellings on the site is not introducing a new use into the locality. The recreational site as a whole is already surrounded by residential properties and the application site already has an existing dwelling. It is therefore considered that two further dwellings are unlikely to make a significant difference to the likelihood of noise complaints or result in a restriction on the use of the playing field in the future.

- 3.11 Therefore in respect of the potential grounds of refusal 1 and 2, there is no evidence to support those grounds of refusal in my view.
- 3.12 In respect of the third potential ground of refusal, this has largely been dealt with in previous Committee reports. It is considered that the use of site for residential proposes is unlikely to result in an increase in traffic from the site compared to that which could previously have taken place in connection with a livery use comprising 11 stables. In fact the traffic levels are likely to be reduced compared to this commercial use. For these reasons, in my opinion, there will be no increase in traffic using the access road and there can be no highway or public safety reason for refusal related to the use of the access road for this proposed development.
- 3.13 For all the above reasons and those set out in previous reports, I am of the opinion that the proposed development is acceptable in this location. Having assessed the proposal further against guidance in PPG17 and PPG24, I am of the opinion that the proposed development complies with all the relevant planning guidance and policies in respect of such a proposal and therefore my recommendation for approval remains, because I am unable to identify any sustainable grounds to justify a refusal for the proposed conversion.

4. Recommendation:

- 4.1 **Grant Planning Permission** in accordance with the following submitted details: Site Plan 1531-GA-300 D dated 02.09.2010, Location Plan dated 02.09.2010, Photographs dated 04.08.2010, Email dated 04.08.2010, Letter dated 02.09.2010, 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, 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 building 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 Class 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 not result in visits by non-resident staff or customers and 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.

16. No development shall take place until details of refuse and recycling storage and collection arrangements 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.

Informatives

- 1 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.
- 2 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.
- 3 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