
Snodland Snodland West	569408 162075	17 October 2006	TM/06/01861/FL
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Proposal:	Conversion of existing barn to dwelling
Location:	Barn Adjacent Coxs Cottages Paddlesworth Road Snodland Kent ME6 5DP
Applicant:	Berkeley Homes (South East London)

1. Description:

1.1 Members will recall that this application was considered at the Area 3 Planning Committee meeting on 14th December 2006. The application was deferred for a Members Site Inspection, which was held on 4 January 2007 at 8.30am.

2. Determining Issues:

2.1 Members raised several queries about the application, some of which, whilst important to the tenant of the barn and the Undertaker, are not directly material planning considerations and can have only very limited effect in the decision making process.

2.2 The applicants' agents have been contacted about a possible alternative site for the storage of the Undertakers' vehicles, the terms of the agricultural tenancy and notice to quit arrangements. The tenant of the barn can be given notice to quit at any time and that the applicants intend to serve notice once the outcome of the application was known. The owners of the barn could have served notice to quit prior to submitting the application so that the barn was vacant at the time of submission. The owners do however appreciate the situation regarding the Undertakers business and are trying to be as flexible as possible. Alternative arrangements for the storage of the Undertakers' vehicles would be a private matter between the Undertaker and the owner of the barn and are not a reason for withholding planning permission.

2.3 The applicant has pointed out that at the site visit the two wings of the building contained some small pieces of agricultural machinery. It is indicated that this is a recent occurrence and that earlier last year these areas were being used for the storage of old junk including a small boat and an old car. Two photos have been submitted which the owner believes substantiate this non-agricultural use.

2.4 The proposed recreation land adjacent to the application site is to be transferred from Holborough Valley development to the Town Council via the Borough Council. This is the subject of a legal undertaking connected to the planning permission granted by the Secretary of State after the 3 sites Inquiry. There is also a landscaping condition attached to that permission covering boundary treatment. The recreational use of the land to the west of the site was permitted through the 3 sites Inquiry and if permission is granted for the conversion the prospective

owners of Coxs Barn would purchase in the knowledge of the use of this land and any associated impacts.

- 2.5 The boundary line of the proposed dwelling would extend from the south west corner of the Cox Cottage site at an angle to the west side of the barn and running parallel with part of the rear of the barn before turning towards Paddlesworth Road. This arrangement would prevent access to the field to the west. An alternative field access is available further along Paddlesworth Road. Details of the boundary treatment between the proposed house and the barn would require further consideration and can be covered by a condition. Of course the barn adjoins an existing dwelling - Cox's Cottage.

3. Recommendation:

- 3.1 **Grant Consent** 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 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 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, E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

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 elevation(s) of the building 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 amenity and privacy of adjoining property.

- 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 shall be constructed in the roof 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 amenity and privacy of adjoining property.

- 7 Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

- 8 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.

- 9 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 for use in connection with both the dwelling hereby approved and the existing neighbouring dwelling at Coxs Cottage.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 10 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. (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.

- 11 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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.

- 12 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 suitably qualified or otherwise responsible 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.

Prior to the first occupation of the development hereby permitted (or, where the approved scheme provides for remediation and development to be phased, the occupation of the relevant phase of the development):

(c) the approved remediation scheme shall be fully implemented (either in relation to the development as a whole or the relevant phase, as appropriate), 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.

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 Chief Solicitor, 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 With regard to works within the limits of the highway, the applicant is asked to consult The Highways Manager, Kent Highways, Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.
- 3 Surface water from the site shall be dealt with on site and not discharged onto the public highway.

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