

Transcript from an email (Headers and addresses removed) 

We are acting for an organisation that intends to use the barn/former oast on the Museum site as a therapy day care facility with opportunities for activities such as Yoga, Art, Painting, Craftwork and Gardening.

This Day Centre or "non residential education and training centre" is the same use class (Class D1 - Use Classes Order 2005) as the museum and, ordinarily planning permission would not be required. However the existing consent (ref TH/89/0341 granted 19/04/89) includes a condition that the permission is "personal" to the agricultural and rural life museum.

We would like to meet and discuss this with you, prior to submitting an application to revoke or vary this condition.

I have tried to call you but thought this email would be a quicker means of contact. Would be grateful if you could advise of availability for a meeting over the next couple of weeks

Regards

Colin Finlayson

The Barton Willmore Planning Partnership Eastern

Letter from Nicola Cole of Thanet District Council to Kenny Milne

Date Tuesday, June 19, 2007

Dear Mr Milne.

Pre-Application Proposal;

Change of use to rehabilitation centre for recovering addicts

Location: Minster Rural Life Museum. Bedlam Lane, Minster

I refer to your letter and enclosures dated 30th May 2007 regarding the above proposal.

As I have previously advised, planning permission would be required for the proposed change of use. Although both the existing and proposed uses fall within Use Class D1 of the Town & Country Planning (Use classes) Order 1985 (as amended), planning permission for the proposed change of use is required due to the attachment of a restrictive use condition on the original planning permission for the establishment of the museum in 1987 (reference F/TH/87/0501). This condition only allows use of the site (outlined in red on the attached plan) as an agricultural farm museum and for no other purpose, even if falling within the same use class.

The curtilage associated with the museum seems to have been extended (Possibly inadvertently) under a subsequent planning permission for the erection of an extension to the existing museum building, (reference F/TH/89/0902). This area is outlined in blue on the attached plan. However this later permission was also subject to a restrictive condition stating that *'the facilities hereby approved including this souvenir shop, shall be used only in association with Minster Agricultural Museum and for no other purpose unless otherwise agreed in writing'*. I have previously given you copies of the relevant decision notices.

From our site meeting, I am of the understanding that the area which you are proposing to use as a rehabilitation centre includes the areas annotated in red and blue on the attached plan, together with an area to the north (outlined in green). It would appear that the museum use has incrementally extended beyond the area covered by the 1987/1969 permissions into this area without the benefit of further planning permission. The use of this additional area (outlined in green) may now be exempt from enforcement (if it has operated continuously for 10 years or more) however I cannot give a binding view on this without an application for a Certificate of Lawful Use. If the area outlined in

green has not or cannot be established as museum land, then it would revert back to its previous lawful use, i.e. agricultural land.

In the absence of a site location plan I am unsure at the exact extent of the site to which you refer, and whether or not it includes the 'additional' piece of land to the north. However I can provide general comment on the principle of the proposed change of use, assuming it is contained within the area covered by the 1987/1989 permissions.

Principle of the Use: In planning policy terms, the site is located outside the village confines of Minster (Local Plan policy CC1 refers), but within Minster Conservation Area [Local Plan policies HE4-HE7 and Kent & Medway Structure Plan, (KMSP) policy QL6 refer) and adjacent to a Scheduled Ancient Monument. As my colleague Nick Dermott has advised, the existing barn on the site is a Grade II Listed Building (Local plan policy HE1 and KMSP policy QL8 refer). The site is also located within the Wantsum Flood Risk Area (Local plan policy EP10 refers) and the Wantsum North Shore Landscape Character Area (Local plan policy CC2. refers).

In terms of the principle of the use, Local Plan policy CC1 and KMSP policy EN1 seek to resist new development in the countryside unless there is a need for the development that overrides the need to protect the countryside. It is noted that you are not proposing to erect any new buildings on the site or to extend the existing buildings. In any way, and to this effect it is unlikely that the proposed use would be detrimental to the Landscape Character Area. However, policy CC1 also applies to the 'principle' of establishing new uses, particularly where proposed outside existing village confines, in terms of their implications for traffic generation and sustainable development.

KMSP policies SP1, TP1 & TP3 and Local Plan policies CG1 & TR1 aim to ensure that new development (including new use) is located within existing urban areas or village confines. Uses that are likely to generate travel demand outside existing settlement boundaries will be resisted unless there is an overriding justification to establish that a particular use can only be located in a particular location. For example a reasonable argument could be made to support the location of a rural life museum within the countryside adjacent to a rural village.

In this case should you wish to pursue this proposal through the submission of a planning application, it will be necessary for a robust justification to be presented which explains precisely why the use needs to be operated from this site as opposed to within an existing urban area or village. A description of any alternative sites that have been considered should be included as part of any formal planning application, together with an explanation of why they not considered to be suitable. Alternative sites within urban areas and village confines should be considered first as a priority. Only if all other

alternative sites within settlement confines have been fully explored should sites outside village confines be considered, i.e. a sequential approach to site selection.

It is noted from Barton Willmore's statement that the proposed location has been chosen to *'ensure an element of isolation....away from urban influences and temptations'* and that the *'association with the Abbey Convent and tranquil nature of the site'* is beneficial to the intended use. Whilst I can appreciate these requirements to a certain extent I would question why the use could not operate within an existing urban area with perhaps day trips/outings to rural areas to experience such tranquillity. You suggest this form of operation in your covering letter where on Wednesday afternoons and weekends *'offsite trips will be undertaken i.e. country walks'*. Alternatively, I would suggest that an equally tranquil setting could be achieved through location within the confines of an existing rural village.

It is noted that you intend to transport *'clients from their residential accommodation to the centre'* by mini bus to arrive by 9.30am. It is unclear whether clients and staff will travel from their homes to a pre-arranged pick up point within the District or whether they will be picked up individually. Similarly it is unclear whether clients will come from a wider area beyond District boundaries or will it serve the Thanet population only.

In the case of the former, unless travelling to a pre-arranged pick-up point within an urban area, it will require specific trips by private motor vehicles to collect clients and transport them to the site, beyond settlement confines. Whilst this approach will limit the number of individual vehicle trips generated by the site, the fact that the site is located outside village confines means that access to the site is limited to private transport. Furthermore, I would question the ability of the Local Planning Authority to enforce the ongoing commitment to use of a mini bus as the prime means of transport to the site. Additional individual trips are also likely to be generated by staff who will come and go from the site at different times.

Notwithstanding the above, the proposed use of the site has the benefit of providing a potentially viable use for an existing rural building of historic value. KMSP policy gives support to non-residential development in the countryside including the reuse, adaptation or redevelopment of an existing rural building. However support only exists where there is no adverse impact on the environment, traffic generation or other planning grounds. Similarly, Local Plan policy R5 supports the conversion of existing rural buildings where 1) their form, bulk and general design are in keeping with the character of the surrounding countryside, and 2) the proposed use is acceptable in terms of its impact on the immediate locality and the local highway network. As noted above, it is this latter 'criteria' that is likely to give rise to an objection against the proposed use of this site on the grounds of sustainability.

Comments from KCC Highway Services have been sought in respect of this pre-application enquiry, however to-date a response has not been forthcoming.

Flood Risk: As noted above the site lies within the Wantsum Flood Risk Area and is subject to the provisions of Local Plan policy EP10 and the advice contained within Planning Policy Statement 25: *Development & Flood Risk* (2006). The Environment Agency essentially aims to resist development in areas at risk from flooding. However it also recognises that, in some cases, development may sometimes have to be located in flood risk areas because of the nature of the use or lack of alternative sites. This approach is reflected in Local Plan policy EP10 which aims to resist development within the Wantsum Flood Risk Area unless it can be demonstrated that it is essential that the use/development is operated from this particular area, and that there is no alternative location outside the flood risk area.

However notwithstanding this, the Local Plan has identified the Wantsum area as one of the main areas for flooding within the District, and in view of its location away from the main population and service centres of the District, the Council considers that the application of the precautionary principle leads to a *'highly restrictive approach to development in this flood risk area'*. Accordingly, in the absence of extremely robust demonstrable justification for pursuing this location, it is likely that the Environment Agency may raise an objection against the proposed development on the grounds of flood risk.

Should you feel that you are able to provide such justification, which must be evidenced, it will be necessary to ensure through the submission of a Flood Risk Assessment that there is no loss of flood storage capacity, flood flows are not impeded, and the development is protected to an appropriate standard. In the consideration of any justification put forward, the Council will adopt a risk-based approach and a sequential test will be applied to assess whether the proposed development can be accepted in relation to the degree of flood risk.

Impact on the Listed Building and its setting: in the absence of detailed plans of your intended conversion, I am unable to comment in any detail on this matter. However I am aware that you have had discussions with my colleague Nick Dermott regarding the historic merits of the site. Any conversion works proposed must preserve and enhance the character and setting of the site within the Conservation Area, and must respect the historic integrity of the Listed Building. By reason of the Listed status of the main barn and boundary wall, and the relationship with the adjacent Scheduled Ancient Monument the views of English Heritage will be key to the consideration of any forthcoming application.

Notwithstanding the above advice, should you wish to pursue the proposal further, it would be necessary to apply for full planning permission. Listed Building Consent will also be required for any development affecting the listed building or its curtilage.

It will be necessary to provide the following additional information (5 copies of all documents are required to validate the application) in support of any forthcoming application.

- Completed application forms
- A Design & Access Statement
- Full plans and elevations of all existing and proposed structures
- Structural survey of the existing main building
- A block plan at a scale of 1:500
- Parking layout plan
- Travel Plan - to identify where staff members will come from, where clients will come from and by what mode. It should detail any measures which you would employ to reduce number of vehicle trips to the site.
- Photographic survey of existing building
- Arboriculture Survey: to identify all existing trees and any trees that you wish to remove
- Ecological survey: The site contains former agricultural buildings, ponds, and areas of natural vegetation. The characteristics are such that the potential presence of protected species (e.g. bats, barn owls, newts, slow worms etc.) should be explored by a suitably qualified person. The application will be subject to consultation with the Environment Agency and Natural England (formerly English Nature);
- Flood Risk Assessment

During our site meeting you mentioned that you were thinking of dredging the existing ponds within the site to mitigate an odour nuisance. As noted above there is a strong possibility that this environment provides a habitat for European Protected Species. To this effect you must contact Natural England (Natural England, Government Team (Eastern Area) Coldharbour Farm Wye Ashford, TN25 5DB; 01233 811210 or 01233 812520) prior to the commencement of any work, to the ponds or surrounding areas.

I hope the above is of assistance, however please note that this is Officer advice only and is given without prejudice to the consideration of any forthcoming planning application by the Head of Development Services or by Members of the Planning Committee.

Yours sincerely,

Nicola Cole Major

Development Planner