

AGENDA

ADJOURNED PLANNING COMMITTEE MEETING



Date: Thursday 3 November 2016

Time: 6.00 p.m.

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Boughton, Clark, Cox, English,
Harwood, Hastie, Hemsley, Munford,
Perry (Chairman), Powell,
Prendergast, Round and Mrs Stockell

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting

Continued Over/:

Issued on 28 October 2016

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

Alison Broom

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

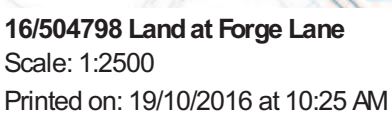
6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. 16/504798 - Land At Forge Lane, Bredhurst, Kent 1 - 23
10. 16/505695 - 1 Fancy Row, Thurnham Lane, Thurnham, Kent 24 - 33
11. 16/505930 - Land At Hawthorn Place, Greenway Forstal, Harrietsham, Kent 34 - 43
12. Chairman's Announcements

PLEASE NOTE

The order in which items are taken at the meeting may be subject to change.

The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

For full details of all papers relevant to the applications on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection by appointment during normal office hours at the Maidstone Borough Council Reception, The Mall, Maidstone, Kent.



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REFERENCE NO - 16/504798/FULL		
APPLICATION PROPOSAL The construction of six detached dwellings and associated parking, access and landscape works alongside the conversion of the existing barn to provide a community use on the land at Forge Lane.		
ADDRESS Land At Forge Lane Bredhurst Kent		
RECOMMENDATION		
SUMMARY OF REASONS FOR REFUSAL Whilst the application has positive aspects mainly involving reuse of a building for community purposes and in isolation is acceptable on amenity, heritage, design, highway and ecology terms, this does not set aside the visual harm caused by the development in relation to the character of the site. The site makes positive contribution to the setting of the village, assists in maintaining the rural character of the area, landscape quality of the AONB and SLA while also fulfilling a strategic gap function in containing the further outward spread of built development. The proposed development by harming these interests, therefore fails to meet the environmental function of sustainable development. As such in the absence of any demonstrable housing need the proposal represents the unjustified incursion of built development into adjoining countryside which helps to define and maintain the character and setting of Bredhurst at this point while being harmful to the landscape quality and setting of the AONB and SLA and compromising the function of the strategic gap in containing the outward spread of settlements. The proposal is therefore contrary to the provisions of policies ENV28, ENV31, ENV33 and ENV34 of the adopted local plan, policy SP17 of the emerging local plan and does not constitute sustainable development in accordance with the provisions of the NPPF.		
REASON FOR REFERRAL TO COMMITTEE Bredhurst Parish Council wants the application to be considered by the Planning Committee should the officer recommendation be one of refusal.		
WARD Boxley	PARISH/TOWN COUNCIL Bredhurst	APPLICANT Classicus Estates AGENT DHA Planning
DECISION DUE DATE 11/08/16	PUBLICITY EXPIRY DATE 12/10/16	OFFICER SITE VISIT DATE 24/06/16

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.01 The application site is irregularly shaped with part fronting directly onto Forge Lane between Forge Lodge to the west and The Old Post Office to the east. This part of the site is currently used for parking with an existing single storey barn sited at right angles to and set slightly back from Forge Lane.
- 1.02 The site then extends in a north westerly direction before opening out into a broadly rectangular area in which are a number of TPO trees with Green Court, a Grade II Listed Building abutting the south east site boundary with Condor House, a detached

property abutting the site to the north. The eastern site boundary is defined by a access track.

- 1.03 The part of the site directly fronting Forge Lane lies within the settlement of Bredhurst but the main, broadly rectangular, part of the site extends beyond the village boundary into adjoining countryside.
- 1.04 In a wider context Bredhurst is identified as a settlement but both it and the adjoining countryside are located within a Special Landscape Area (SLA), the North Downs AONB and forms part of a strategic gap. Almost abutting and to the north west of Bredhurst is the M2 motorway.

2.0 PROPOSAL

- 2.01 Detailed planning permission is being sought for a proposal having the following elements to it. The first element involves the retention and refurbishment of the single storey barn set just back from Forge Lane, the installation of a wc and kitchen and the use of the building as a community storage facility and an occasional meeting place for the parish council. Three parking spaces and a turning area in close proximity are assigned for use by this facility.
- 2.02 The second element of the proposal is the development of the rectangular area to the north with 6 no: 5 bedroom detached dwellings with two properties having detached garages with the remainder all having attached/integral garages. All dwellings have on site parking for at least two cars.
- 2.03 The development is laid out in an informal manner served by a private drive leading onto a turning head. The houses are all of a traditional pitched roofed design with the exterior clad with timber weatherboarding or clay tiles
- 2.04 The remaining parts of the proposal include the provision of an approximately 8 metre wide landscape buffer along the northern boundary of Green Court, the adjoining Grade II Listed Building with the erection of a 2.1 metre high brick/flint wall which will run along the down the whole western boundary of Green Court where it abuts the application site. Finally the existing access onto Forge Lane will be retained and widened at the point where it meets Forge Lane.
- 2.05 The applicants advise the views of the Parish Council and the occupants of Green Court were sought and taken into account in the preparation of the application.
- 2.06 The applicants also advise the previous owner removed a number of trees from the site but the remaining trees have been assessed and have been incorporated into the layout concept of the proposal.
- 2.07 The application has been accompanied by an arboricultural report, tree survey protection and removal plans, an ecological appraisal, reptile and bat surveys, sustainability and transport statements.

3.0 RELEVANT PLANNING HISTORY

- 3.01 The site is affected by a Maidstone TPO No: 4 of 1977.
- 3.02 Though the application site has no planning history relevant to this application the applicant has drawn attention to the following nearby planning applications the siting of which is shown on plan attached as **APPENDIX1**.

Land North At Blind Lane Bredhurst:

16/501012/FULL: Erection of 3 x pairs of semi-detached dwellings with associated landscaping, access and parking. (Resubmission of 15/506472/FULL): **REFUSED** 27th May 2015 on the grounds that the proposal would consolidate existing development, result in protrusion into the countryside and urbanisation of this edge of village site which would be harmful to the character, appearance and openness of the countryside which is designated as an ANOB, Special Landscape Area and Strategic Gap. -**APPEAL PENDING**

3 Blind Lane Bredhurst:

15/505317/OUT: Outline (Appearance, landscaping, layout and scale not reserved) - Demolition of existing buildings and construction of four detached chalet bungalows – **APPROVED**- 4 February 2016

Land At Blind Lane Bredhurst:

14/504584/FULL: Demolition of existing stable and erection of new 3 bedroom dwelling. **APPROVED** 30 March 2015

Forge Lodge, Forge Lane, Bredhurst:

10/1385: Outline application for the erection of four, three bedroom semi-detached dwellings with all matters reserved – **REFUSED – APPEAL DISMISSED 5th October 2011.**

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV31, ENV33, ENV34, ENV44, H27, T13,
Maidstone Borough Council (Submission Version) Draft Local Plan: SS1, SP17, DM1, DM2, DM4, DM12, DM34

The application site lies partly within the settlement of Bredhurst though the main part of the application site where the housing is proposed lies outside the settlement and within the countryside. That part of the development falling within Bredhurst is specifically subject to policy H27 of the adopted local plan seeking to ensure that new residential development is only minor in scale. However both Bredhurst and the adjoining countryside form part of a strategic gap, lie within the Kent Downs AONB and the North Downs Special landscape area.

The application site is therefore subject to the policy ENV28 relating to countryside protection, ENV31 seeking to prevent development that would compromise the function of the strategic gap aimed at maintaining separation between built up areas and policies ENV33 and 34 where landscape protection will be take precedence over other planning considerations.

The Council has recently finished its Regulation 19 consultation on the submission version of the draft Local Plan and representations from that consultation are currently being assessed. The emerging plan is a material consideration given the latest position on a demonstrable 5 year supply of housing land. Policies which were

seen to restrict the supply of housing land can now be given significantly greater weight when considering planning applications by virtue of the progress of the Local Plan through the adoption process with it being at its examination in public stage.

5.0 LOCAL REPRESENTATIONS

5.01 22 properties notified of the development – 6 objections received which are summarised as follows:

- Will result in loss of privacy to adjoining houses.
- The new access road will result in harm to the free flow of traffic and highway safety while construction traffic will also harm highway safety.
- in the locality while there is insufficient parking for the proposed community building.
- Site has already seen substantial tree loss and no further loss should be permitted.
- Will result in harm to wildlife and loss of habitat.
- While additional housing required in Bredhurst this should be affordable starter homes not the large expensive houses proposed.
- No need for new housing in the locality.
 - Insufficient local schooling and other community provision to meet likely demand.
- Question why village needs another hall/meeting place as there is an existing village hall and school hall both of which are available for hire by local people.

5.02 The following comments have been received supporting the proposal.

5.03 Bredhurst Woodland Action Group:

- The housing cannot be seen from Forge Lane so will have little impact on local residents but could benefit from the proposed meeting room.
- Existing meeting hall provision in Bredhurst too large, costly and often fully booked making its use inappropriate for smaller groups on a tight budget.
- Would like hall to be centrally heated with additional access points though consider 3 parking spaces to be insufficient.

5.04 In addition two supporting comments which are summarised below:

- Sought to minimise impact on Green Court by new screen wall and additional planting therefore safeguarding character and setting of the Listed Building.
- The proposed dwelling are spaciouly laid out and in character with the area and will not result in any material traffic impacts.
- Will provide good quality housing at a time of shortage and will enhance village.
- Reuse of the existing barn for community use while maintain the existing building beneficial to local people and character of the area.
- Consider proposal to be well thought out, sympathetic to the locality and Bredhurst in general.
- Will be a good use for land that left derelict and unmaintained for a considerable period.

6.0 CONSULTATIONS

6.01 **Bredhurst Parish Council:** Supports application as it is keeping with the village and will be well screened causing little impact on the street scene. Parking has been well thought out and the preservation of the barn for community use is to be desired. If the application is to be approved request that the access junction be carefully considered as this could be a point of difficulty for traffic.

- 6.02 In response to a residents concern the Council took no action when tree felling took place at the end of last August the Parish Council on investigation concluded no TPO trees had been felled nor was a felling licence necessary. Furthermore it was agreed that closer consultation would be carried out with MBC and an Ecology Survey would be carried out.

- 6.03 **Kent Highways:** Parking provision for the houses is in accordance with parking standards while no crashes have occurred within close proximity of the site in the last 10 years. In addition, projected traffic levels are not considered prohibitive while improvement to the access will allow for acceptable visibility given site location and local speed limit.

Concerned regarding waste collection vehicle entering and leaving the site and therefore require an additional passing place preferably just opposite the entrance to the community car park building. Also consider that community car park should provide one more space for a disable person along with cycle parking provision. Subject to the outstanding matters above being addressed raise **NO OBJECTION** though conditions addressing impact of construction traffic and personnel parking, to secure on-site parking and turning and provision and maintenance of the proposed access are appended to any planning permission that may be granted.

- 6.04 **Environment Agency:** No objection

- 6.05 **Southern Water:** No objection subject to a condition requiring details of waste and surface water disposal.

- 6.06 **EHO:** The site is in a rural area just over 100 metres from the M2. Consider traffic noise is unlikely to be a significant problem while the scale of the development and its location means that neither an air quality assessment or air quality emissions reduction condition is not justified.

The historic use of the site for agricultural purposes and proposed conversion of the barn means it is appropriate to attach a contaminated land condition to any permission granted. Also parts of the barn being demolished/converted should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.

- 6.07 **MBC Heritage:** The site lies behind the Grade II listed Green Court, an 18th Century house with later additions, known as Green Farm until the early 20th Century. Vehicular access to the main development site would be gained alongside the south western boundary of the Green Court curtilage on land which seems to have fallen within its curtilage prior to the 1970s (prior to the listing of the house in 1984).

The land to the rear also seems to have originally formed part of the old Green Farm, being shown as an orchard on OS maps prior to 1908 – by the 1930s some of this orchard had been cleared and the land possibly incorporated into Green Court's garden.

The main development site is already well-screened by trees from Green Court, although there are small glimpses through. The application includes provision for the enhancement of this screening by the provision of a 5-8 metre wide landscape buffer.

Consider the proposed houses in themselves will have little impact on the setting of the listed building. However, the formation of the access road will result in some tree

loss which may impact on the setting of Green Court; in addition, an ash tree and a group of two ashes and a sycamore (all graded B in the tree survey) within the grounds of Green Court will lie very close to the proposed new 2.1 metre high brick and flint wall which is to be built to screen the access road from the listed building and it is unclear how this wall will impact on the health of these trees.

Have no objection in principle to such a wall there is no elevational detail given of it – brick and flint are mentioned in the Design and Access Statement and at one point it also mentions flint panels. Do not consider that a brick wall with flint panels would be appropriate to the context as this is not a vernacular tradition but redolent more of a modern suburban character. Therefore consider more detail of this wall's design are needed together with an assessment of its potential impact on the trees.

In response to the above concerns further details were submitted to which the following response was received:

Subject to the Landscape Officer being satisfied regarding the impact of the proposals on trees **NO OBJECTION** on heritage grounds subject to conditions relating to materials, landscaping and tree protection measures as specified by the landscape Officer.

6.08 **Natural England:** No objection

6.09 **KCC Ecology:** In connection with bats require confirmation all trees within the proposed development were assessed for use by roosting bats.

Need to provide up to date photos of site as in its former condition it clearly provided a habitat for reptiles along with additional information to show how the site can be cleared to avoid injuring or killing reptiles.

In response to the above the bat survey confirms the bat potential of the trees was fully considered and satisfied no additional information is required.

Submitted photographs demonstrate the vegetation within the proposed development site is re-establishing so eventually suitable habitat for protected/notable species will be present (if no works are carried out). Based on current site photos and results of the reptile surveys accept there is no requirement for additional ecology surveys to be carried out prior to determination.

If planning permission is granted a condition should be imposed requiring an updated ecology survey. The ecological survey(s) and details of any mitigation strategies (if required) must be submitted prior to works commencing.

7.0 **BACKGROUND PAPERS AND PLANS**

The development proposals are shown in the planning statement, arboricultural report dated the 17th May 2016 and accompanying tree protection, tree removal and tree survey plans, Ecological Appraisal reptile and bat surveys, sustainability statement, transport technical note, design and access statement and drawing nos:

16/10/01, 02 D, 03 C, 04, 05, 06B, 07B, 08B, 09B, 10B, 11B and CGI Aerial View drawing nos. 16/10/12 and 14.

8.0 APPRAISAL

Principle of Development

- 8.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000 and policies contained with the submission version of the draft local plan.
- 8.02 As the proposal affects land falling within an AONB the Local Planning Authority must first screen the application to assess whether it should have been accompanied by an EIA.
- 8.03 The proposal does not fall within the categories of development where an EIA is normally required but given the sensitive nature of AONB's higher level tests must be applied.
- 8.04 The main consideration is impact on the wider landscape. In assessing this, the small scale of the development and its localised visual impact means there is no justification for the application to be accompanied by an EIA. It should be stressed that just because the impact of the proposal is insufficient to trigger the need for an EIA does not imply its impact on the landscape character and setting of the AONB is acceptable and is a matter that will be assessed later in this report.
- 8.05 The proposal has two main elements to it being (a) the development of the rear part of the application site for 6 detached houses and (b) the restoration and reuse of the former agricultural building for community purposes.
- 8.06 Dealing with the housing element of the proposal first, this is sited outside the settlement of Bredhurst within open countryside falling within an SLA, an AONB and a Strategic gap. The proposal is therefore specifically subject to policies ENV28 relating to countryside protection, ENV31 seeking to prevent development that would compromise the function of the strategic gap aimed at maintaining separation between built up areas and policies ENV33 and 34 where landscape protection will be take precedence over other planning considerations.
- 8.07 Policy states ENV 28 states that:
- "In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*
- (1) that which is reasonably necessary for the purposes of agriculture and forestry; or*
(2) the winning of minerals; or
(3) open air recreation and ancillary buildings providing operational uses only; or
(4) the provision of public or institutional uses for which a rural location is justified; or
(5) such other exceptions as indicated by policies elsewhere in this plan."
- 8.08 In addition the Council considers itself now capable of demonstrating a 5 year supply of housing land as set out below and thus weight can be given to policy ENV28. Also due to the advanced stage of the emerging plan, weight can also be attached to

policy SP17 of the submission version of the draft local plan (policy SP17) seeking to control development in the countryside apart from certain exceptions. It is relevant to point out that the site lies outside the settlement development boundary in both the adopted and emerging plan. Though policy SP17 is more detailed than policy ENV28 it essentially replicates the key development restraints provisions of policy ENV28.

8.09 None of the exceptions against the general policy of restraint set out in policy ENV28 of the adopted local plan and policy SP17 apply to this application which therefore represents a departure from the Development Plan. In such circumstances it falls to consider whether there are any overriding material considerations justifying a decision not in accordance with the Development Plan and whether granting planning permission would result in unacceptable demonstrable harm incapable of being acceptably mitigated.

8.10 Another key material consideration is the National Planning Policy Framework (NPPF) particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

'identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;'

8.11 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.

8.12 The new Local Plan has advanced and was submitted to the Secretary of State for examination on the 20 May 2016. Examination is now taking place. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure and allows the Council to demonstrate a 5 year supply of deliverable housing sites.

8.13 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with the NPPF paragraph 47, a 5% buffer was applied to the OAN. The

monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.

- 8.14 A five-year supply of housing land is a significant factor and paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as policy ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. However, policy ENV28, given the housing supply position, can now be considered up to date while policy SP17 should also be given great weight for the same reason.
- 8.15 Despite this, the presumption in favour of sustainable development identified in paragraph 14 of the NPPF still means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole
- 8.16 Turning to the retention and refurbishment of the single storey barn set just back from Forge Lane and the use of the building as a community storage facility and an occasional meeting place for the parish council, the need for this additional facility appears to be based on providing a lower tier of community provision not already catered for by existing provision. The Parish Council, a local amenity body and some local residents all point to the community benefits of having this additional provision.
- 8.17 No objection is identified to this community facility on principle as policy ENV44 of the adopted local states the reuse and adaptation of existing rural buildings for commercial, industrial, sport, recreation or tourism uses will be permitted subject to certain criteria being met.
- 8.18 It should be borne in mind the community facility, though forming part of the development package should be dealt with on its own merits. It should not be taken as a significant factor weighing in favour of the wider development as no evidence has been submitted to demonstrate the need for the community facility is overriding or that its provision is part of financial package dependent on the housing to secure its delivery.

Sustainability:

- 8.19 The presumption in favour of sustainable development set out in the NPPF means a key assessment is whether the proposed housing can be considered to be sustainable. The application site immediately abuts Bredhurst and the applicants stress its sustainable siting close to the heart of the settlement with the nearest public house, school, garage and village hall all sited within 150 metres of the application site. It is agreed the site represents a sustainable location in siting terms only as there are 3 roles of sustainable development being economic, social and environmental.
- 8.20 The housing area of the application site has been largely cleared of trees and the poor condition of the site has been referred to. However the condition of land does not normally represent a significant factor in favour of development given the message it could send out to landowners to let land become neglected as a means of securing development. Nevertheless it must be acknowledged the site represents an inward looking and self-contained area screened from Forge Lane and nearby public vantage points. However invisibility is another argument which could be repeated too often as a factor in support of what would otherwise be considered as unacceptable

development in the countryside. It is evident, even in its current form that the site has rural characteristics whereas the proposed development would bring wholly new built mass to the site along with associated domestic paraphernalia.

- 8.21 As such, development of the site as proposed could be seen as eroding the rural character the area and the contribution the application site makes in defining a defensible boundary to this part of Bredhurst. If the application was approved it would therefore represent an undesirable and unjustified encroachment of development into the adjoining countryside to the detriment of the character and setting of Bredhurst given the Council's position on a 5 year supply of housing land set out below.
- 8.22 The Council now considers itself to be in a position to demonstrate a five year housing land supply and as such the normal restraints against residential development in the countryside now apply as the adopted Local Plan is no longer out of date. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on existing service centres and on land within or adjoining existing settlements. Though this site abuts an existing settlement the proposal nevertheless could still fail to qualify as sustainable development if it was concluded it did not equally balance all the relevant economic, social and environmental considerations applicable to this application.
- 8.23 The proposal can therefore only be considered as sustainable development if on detailed assessment it can be seen to balance the impacts on the rural character of the locality and landscape quality of the AONB and SLA, impact on the function of the strategic gap, heritage, design and layout considerations, impact on residential amenity, highways and ecology considerations.

Impact on rural character AONB, SLA and function of the Strategic gap:

- 8.24 Both aerial photographs and site assessment make clear the part of the site to be developed for housing has an inward looking and enclosed character severed from open countryside by existing development on its western, southern and northern boundary. There is some visual connectivity with open countryside to the east but the presence of a track acts to significantly diminish any impression of seamless continuity. It could therefore be argued the application site represents an anachronistic wedge of countryside intruding into a more built up setting such that its development would not result in any significant loss to the countryside. However such an argument fails to acknowledge the significance the area has in defining and providing an open setting to this part of Bredhurst which would be completely lost were the site to be developed in the manner proposed and the settlement of Bredhurst extended further east into this area.
- 8.25 By implication it therefore follows the application site also makes a positive landscape contribution both to the rural character and landscape quality of the AONB and SLA while also fulfilling a strategic gap function in containing the further outward spread of built development. It should be noted that the NPPF at paragraph 115 states great weight should be given to conserving landscape and scenic beauty in, amongst other things, AONB's which have the highest status of protection in relation to landscape and scenic beauty.
- 8.26 The development of the application site, by harming these interests, therefore also fails to meet the environmental function of sustainable development. As such in the

absence of any demonstrable housing need the proposal represents the unjustified incursion of built development into adjoining countryside helping to define and maintain the character and setting of Bredhurst at this point. It will also be harmful to the rural character and landscape quality and setting of the AONB and SLA while compromising the function of the strategic gap in containing the outward spread of settlements. The proposal is therefore contrary to the provisions of policies ENV28, ENV31, ENV33 and ENV34 of the adopted local plan, policy SP17 of the emerging local plan while not constituting sustainable development by failing to meet the environmental provisions of the NPPF.

- 8.27 Members attention is also drawn to the application at Forge Lodge, Forge Lane, submitted under ref: 10/1385 being an outline application for the erection of four, three bedroom semi-detached dwellings with all matters reserved which was refused and dismissed on appeal. This site immediately abuts the application site to the west and is identified on the plan attached as **APPENDIX 1**. Taking into account the nature of this development, its siting outside the settlement boundary and that the policy background against which this application was assessed remains substantially the same as the current application, it is considered it represents a material consideration in the determination of this application.

- 8.28 This appeal decision (attached at **APPENDIX 2**) concluded, amongst other things, that, the development was not sustainable and the intensified use of the access would have a harmful effect on highway safety. However it is considered the comments made on the impact on the countryside are most relevant to this application. At paragraphs 7 and 8 the Inspector states

“ I acknowledge that the proposed development would not have a wider impact in terms of its visibility and would meet all other policy guidance in relation to its design and relationship with its neighbours. I have had regard to the mature trees on site and agree with the findings of the tree survey insofar as the majority would not be harmed and would provide an effective buffer between the new development and other Forge lane properties. I have also had regard to the age of the Local Plan (2000) but these policies are ‘saved policies’ and are consistent with national and regional policies and are not weakened as a consequence....” and

“ Therefore I conclude that the proposed development would have a harmful effect on the character and appearance of the area, having regard to policies for the countryside...”

- 8.29 It is considered the above appeal decision lends significant weight to the countryside and landscape objections set out above in connection with the current application.

Heritage Considerations:

- 8.30 The site lies behind the Grade II listed Green Court, an 18th Century house with later additions. The main part of the development site is already well-screened by trees from Green Court with the additional provision of a 5-8 metre wide landscape buffer providing further screening to this property.
- 8.31 The MBC's heritage advisor therefore considers the proposed houses will have little impact on the setting of the listed building. However concerns relating to the formation of the access road resulting in some tree loss which may impact on the setting of Green Court are noted while trees sited close to the proposed new 2.1 metre high brick and flint wall to be built to screen the access road from the listed building may be affected.

- 8.32 Concerns were also raised regarding the appearance of the wall on the grounds that a brick wall with flint panels would be inappropriate not being a vernacular tradition but more reflecting of a modern suburban character. However following the submission of further details of the wall's design along with an assessment of its potential impact on trees, the MBC Heritage advisor now finds the proposal acceptable.
- 8.33 In the circumstances it is considered the proposal has no material impact on the character and setting of Green Court and no objection is therefore identified to the proposal on heritage grounds.

Design, Layout and Landscaping

- 8.34 The submitted details show an inward looking and self-contained development served off a central cul- de-sac. The proposed houses are of a traditional hipped roof design using traditional materials. Turning to the site layout, all houses have reasonable spacing between units along with private amenity areas of sufficient size and reasonable internal privacy.
- 8.35 As such when looking at the housing element of the proposal in isolation from other matters there are no inherent design and layout objections to what is being proposed and in an appropriate context could prove acceptable. Nevertheless for the reasons already amplified above this is not considered to be an appropriate site for new housing given the harm identified which would occur irrespective of the design quality of the proposed development.
- 8.36 The layout of that part of the site to be for community purposes is also considered acceptable.
- 8.37 **Landscaping:** The application is accompanied by an arboricultural report and tree survey plan showing existing trees including those subject to TPO's along with a tree removal plan. The site survey identifies 40 individual trees and seventeen groups of trees remaining on the site. The TPO for the site also protects trees in the adjacent Green Court. This TPO, dating from 1977, refers to a number of trees which are no longer present on the site but given the age of the TPO this is not surprising. The Arboricultural report advises that due to lack of site management a number of trees are self sown specimens of poor form and limited significance while some of the older more established trees are now in poor condition.
- 8.38 All high value trees are to be retained while 32 out of 37 trees of moderate value are also to be retained. Two trees the subject of the 1977 TPO are to be felled both being in poor condition. A protected lime tree close to the road is being dominated by a prominent TPO beech tree while an Atlas Cedar situated more centrally in the site has suffered such extensive storm damage that any remedial pruning would harm its appearance to an unacceptable degree.
- 8.39 Though loss of TPO trees is regrettable given the number of trees still remaining and proposed substantial tree screen along the boundary with Green Court (more than compensating for any tree loss) it is considered an acceptable balance has been struck in maintaining tree cover while enabling development of the site were the fundamental objections to development of the site on other grounds be absent.
- 8.40 However MBC landscape comments are still awaited and will be reported to Members as an update.

Residential amenity

- 8.41 For the reasons set out above it is considered the proposed development achieves an acceptable residential environment for future residents.
- 8.42 Regarding any impact on properties overlooking and abutting the site, concerns have been raised regarding loss of outlook and privacy. There are 4 properties directly abutting the site being Forge Lodge to the west, The Old Post Office and Green Court to the east and Condor House to the north.
- 8.43 Dealing first with the impact of the proposed community use of the former agricultural building set back from Forge Lane, the area to the east of this building is already used for car parking. As such there is already some noise and disturbance arising from this activity. Subject to appropriate controls over the hours and days of use of the community building (along with appropriate sound attenuation measures) it is not considered its use is likely to result in any harm to the aural or visual amenity of either the Old Post Office or Green Court particularly given construction of the proposed 2.1 metre boundary wall proposed along the south west boundary of Green Court where it abuts the application site. The outlook of Green Court is further safeguarded by the proposed tree screen proposed abutting its northern boundary.
- 8.44 Turning to Forge Lodge, fronting Forge Lane and abutting the application site to the west, this property has been extended by a two story side addition erected under application ref: MA/05/1745. This addition is essentially single aspect with 1st floor windows only serving bathrooms facing towards the application site. Consequently though Forge Lodge will abut the small parking area proposed to serve the community use, the bulk of the approved addition will effectively act as a sound attenuation and visual barrier to use of the car park. The remaining concern in relation to Forge Lodge is the siting of the house on plot 1 a short distance to the north east. However given the orientation of the house on plot 1, boundary screening and siting of the two storey flank addition to Forge Lodge, it is considered the outlook, amenity and privacy of Forge Lodge will not be materially affected.
- 8.45 The remaining affected property is Condor House abutting the northern boundary of the application site. Though units 3,4 and 5 are close to or almost abut the common boundary, given the orientation of Condor House, retention of existing trees and design of the proposed units and subject to any 1st floor windows on the northern flank of unit 4 being obscure glazed, no material harm is identified to the outlook, privacy or amenity of Condor House.

Highways

- 8.43 Concerns have been raised that the proposal will result in harm to the free flow of traffic and highway safety to local roads. However Kent Highways advise that parking provision for the houses accords with its parking standards while no crashes have occurred within close proximity of the site in the last 10 years. In addition, projected traffic levels are not considered prohibitive while improvement to the access will allow for acceptable visibility given site location and local speed limits.
- 8.46 Kent Highways outstanding concerns regarding waste collection vehicles entering and leaving the site requiring an additional passing place preferably just opposite the entrance to the community car park building can be addressed by condition as there appears to be sufficient space to carry out alignment changes to access road without

adversely affecting trees to east. The enlargement of the car park to accommodate 4 cars along with cycle parking provision can also both be addressed by condition.

- 8.47 In the circumstances no objection is identified to the proposal on highway grounds.

Ecology

- 8.48 The application site was formerly well treed and even in its cleared condition still has potential as a wildlife habitat. The Ecological Appraisal submitted with the application considered in the absence of natural ponds being nearby there was little potential for Great Crested Newts, though there was evidence of reptiles along with bats and badgers visiting or roosting at the site. It was concluded the site had no potential to support hazel dormice due to lack of connectivity with suitable woodlands though the site has moderate potential to support both hedgehog and stag beetle populations.

- 8.49 In order to secure wildlife enhancements and encourage bio diversity the following measures are proposed:

- Hedgehog nesting boxes and 12cm square gaps under any new fencing to allow hedgehogs access onto all garden areas.
- Ready-made bird boxes (sparrow terrace timber boxes or house martin nests for instance or mix of open-fronted and hole-nesting boxes and constructed from woodcrete).
- Bat roosting spaces within the new buildings or installation of ready-made bat boxes.
- Provision of log piles for invertebrates (including stag beetles²³), reptiles and amphibians.
- Tree / shrub/ hedgerow planting (native species to be used only).
- Use of grass-free tapestry lawns.
- Creation of drought-resistant wildflower garden to attract invertebrates and reduce need for water.
- Creation of a wildlife pond.
- Integration of Sustainable Urban Drainage Systems (SUDS).
- Use of grid mesh system (or Ground Reinforcement Grids) with topsoil and seeding with a wildflower species mix, to car parking areas and new access drives to retain some vegetation as well as drainage.
- Integration of a rain garden and planting of community orchards.
- Spring flowering bulbs and plugs of nectar rich flowering plants should be embedded into amenity grassland to increase the biodiversity and amenity value of the grassland and to provide early sources of nectar for insects.

- 8.50 It is considered the above make appropriate provision for wildlife in accordance with the provisions of the NPPF.

Other Matters

- 8.51 The Housing Standards Review by the Government has resulted in the withdrawal of the Code for Sustainable Homes and introducing a system of optional Building Regulations on water and access, and a new national space standard ("the new national technical standards"). This system complements the existing set of Building Regulations which are mandatory. This does not preclude renewable or low-carbon sources of energy within new development which is considered intrinsic to high design standards and sustainable development in accordance with the provisions of the NPPF.

- 8.52 Such measures contribute towards achieving the NPPF's key sustainability aim, support the transition to a low carbon future while encouraging the use of renewable sources being one of the core planning principles of the NPPF. A condition should therefore be imposed on how renewable energy will be incorporated into the proposal.
- 8.53 There is also a requirement that surface water drainage be dealt with via a SUDS in order to attenuate water run off on sustainability and flood prevention grounds and is a matter that can also be dealt with by condition.
- 8.54 The applicant has referred to applications for housing in the locality which are considered comparable with the current proposal. However application ref 16/501012/FULL for the erection of 3 x pairs of semi-detached dwellings with associated landscaping, access and parking is the subject of an appeal the outcome of which is awaited.
- 8.55 Application 15/505317/OUT for the demolition of existing buildings and construction of four detached chalet bungalows principally involved removal of an existing vehicle repair use and its associated buildings and therefore was seen as securing an environmental upgrade.
- 8.56 In connection with application 14/504584/FULL for the demolition of an existing stable and erection of new 3 bedroom dwelling, in this case no material harm was identified to the AONB while the proposal was considered to represent a sustainable and high quality design. Furthermore given the acknowledged housing shortfall at the time when the decision made all represented factors that, on balance, were considered to weigh in favour of the proposal.
- 8.57 The applicants also refer to the application made under ref: 14/502973 in connection with land to the west of Ham Lane for the erection of 82 new residential dwellings together with access onto Ham Lane, internal roads, parking, landscaping and ancillary works on land at Ham Lane. The application was allowed on appeal. In relation to the need to demonstrate a 5 year housing supply the applicants wish attention drawn to the following comments of the inspector where at paragraph 57 he stated that:

Notwithstanding the Council's assertion post-Inquiry that it is now able to demonstrate a five-year housing land supply, as the authority's up-to-date full objectively assessed housing needs have yet to be formally demonstrated, tested and endorsed through the thoroughness and robustness of the local plan process, I cannot be satisfied that a five-year housing land supply exists. Accordingly, I consider that paragraphs 49 and 14 are engaged.

- 8.58 Though this decision was made in June 2016 as was made clear earlier in this report the Council now considers itself in a position to demonstrate it has a 5 year supply of land.
- 8.59 It is therefore considered that none of the above represent considerations that weigh in favour of overcoming objections to the development of the site that have been identified.

9.0 CONCLUSIONS

- 9.01 Though the application has positive aspects with reuse of a building for community purposes while in isolation being acceptable in terms of amenity, heritage, design

and layout, highway and ecology this does not set aside the harm to the character of the area and the positive contribution the application site makes in maintaining the rural character of the area, landscape quality of the AONB and SLA while also fulfilling a strategic gap function in containing the further outward spread of built development. The existence of the appeal decision relating to the adjoining site should also be taken into account.

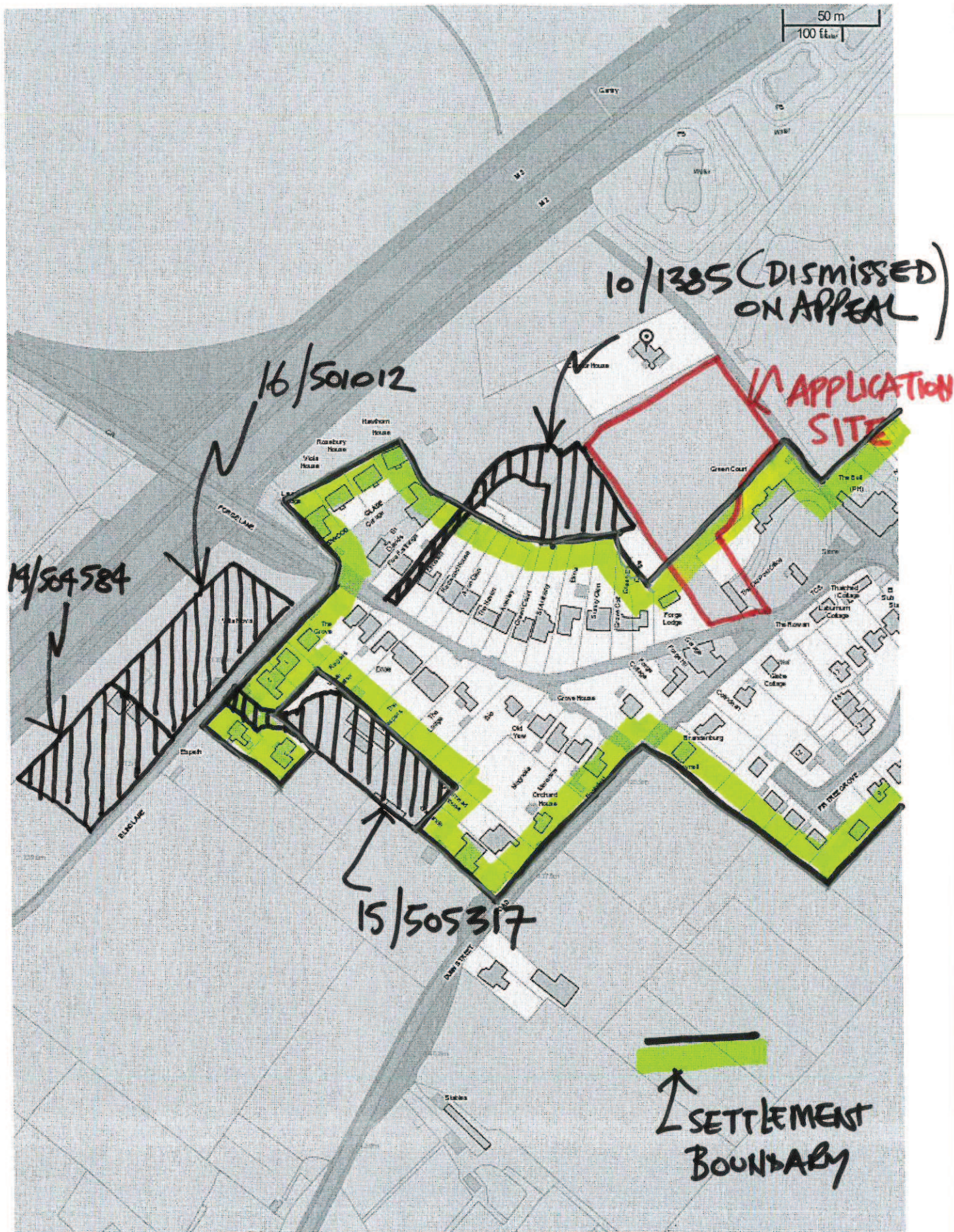
- 9.02 The proposed development by harming these interests, therefore fails to meet the environmental function of sustainable development. As such in the absence of any demonstrable housing need the proposal represents the unjustified incursion of built development into adjoining countryside helping to define and maintain the character and setting of Bredhurst at this point while being harmful to the landscape quality and setting of the AONB and SLA and compromising the function of the strategic gap in containing the outward spread of settlements. The proposal is therefore contrary to the provisions of policies ENV28, ENV31, ENV33 and ENV34 of the adopted local plan, policy SP17 of the emerging local plan while not constituting sustainable in accordance with the provisions of the NPPF.
- 9.03 As such it is considered the balance of issues fall in favour of refusing planning permission for the development.

RECOMMENDATION: REFUSE

In the absence of meeting any demonstrable housing need or other overriding justification, the proposal represents the unjustified incursion of development into adjoining countryside which in its current undeveloped form helps to define and maintain the character and setting of Bredhurst at this point. As such the proposal is harmful to the rural character of the area, landscape quality and setting of the AONB and SLA while compromising the function of the strategic gap in containing the outward spread of settlements. The proposal is therefore contrary to the provisions of policies ENV28, ENV31, ENV33 and ENV34 of the adopted local plan and policy SP17 of the emerging local plan while not constituting sustainable development in accordance with the provisions of the NPPF.

Case Officer: Graham Parkinson

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



Appeal Decision

Site visit made on 5 October 2011

by **R W Moon BSC MCD MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 October 2011

Appeal Ref: APP/U2235/A/11/2153337

Forge Lodge, Forge Lane, Bredhurst, Gillingham, Kent, ME7 3JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Jason-Carter against the decision of Maidstone Borough Council.
- The application Ref MA/10/1385, dated 23 September 2010, was refused by notice dated 8 February 2011.
- The development proposed is the construction of 2 No. pairs of 3-bedroom semi-detached dwellings with associated off-road car parking and waste storage.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved for future approval.

Main Issues

3. I consider the main issues in this appeal to be:
 - a) the effect of the proposed development on the character and appearance of the area, having regard to policies for the countryside; and,
 - b) whether the proposal would result in an acceptable form of development bearing in mind the principles of sustainable development; and
 - c) the impact of the proposed development on highway safety.

Reasons

Effect of the Countryside

4. The appeal site comprises the major part of the rear garden area of Forge Lodge and is situated outside the defined village boundaries as defined in the Maidstone Local Plan Proposals Map. The appeal site has been the subject of an earlier refusal of planning permission (Ref MA/05/0262) for 3 dwellings with an access to the side of Forge Lodge. This was dismissed on appeal in 2005 (Ref:

APP/U2235/A/05/1182924) on the grounds that the proposal was contrary to policies to protect the countryside and would be development in an unsustainable location. The site is contained behind the long rear gardens of dwellings that front onto Forge Lane and mature woodland to the east and north. To the west, permission for a single dwelling outside the village boundaries and the granting of a Lawful Development Certificate (LDC) for a builders yard have changed the physical and land use characteristics of the area. This much is in favour of the appellant.

5. The thrust of Policy ENV28 of the Maidstone Borough-Wide Local Plan (LP) is to prevent harm to the character and appearance of the countryside by only allowing a limited type of development which needs a countryside location. This proposal is not within that category of development. The supporting text indicates that the countryside includes all land outside the defined development boundaries. This is supported by LP Policy ENV31 which seeks to prevent the expansion of any settlement like Bredhurst in the strategic gap between the Medway towns, the Malling urban areas and Maidstone. A third constraint is LP Policy ENV33 which is restrictive to development in Areas of Outstanding Natural Beauty (AONB). These 3 policies and Policies CC1, CC3 and CC6 in The South East Plan (SEP) all support the aims of Government guidance for the control of development in the countryside in *Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)*.
6. I consider that these policies are both long standing and fundamental to the control of development in the area. The decision of the Council in respect of the new dwelling outside the village boundary and the inaction against the builders yard activity before the LDC was granted on appeal have weakened the Council's case. The permission for an additional dwelling off the access road shown as Redwood Glade would occupy part of the area the subject of the LDC but was described by the Council as being within the village envelope. On the evidence provided this was clearly not the case and appeared to have been dealt with inconsistently with the present proposal, at least on that basis. However, I do not consider that a further extension into the countryside and the larger scale of development of the present scheme is appropriate. I attach limited weight to the different character of the Redwood Glade development from the appeal proposal as advanced by the Council. On the other hand I do not consider that the changes in the area involved are sufficiently powerful to outweigh the very important development plan policies which apply in the area.
7. I acknowledge that the proposed development would not have a wider impact in terms of its visibility and would meet all other policy guidance in relation to its design and relationship with its neighbours. I have had regard to the mature trees on the site and agree with the findings of the Tree Survey insofar as the majority would not be harmed and would provide an effective buffer between the new development and other Forge Lane properties. I have also had regard to the age of the Local Plan (2000) but these policies are 'saved policies' and are consistent with national and regional policies and are not weakened as a consequence. Any changes to the settlement boundaries should be in the context of the Local Development Framework unless circumstances dictate otherwise.
8. Therefore, I conclude that the proposed development would have a harmful effect on the character and appearance of the area, having regard to policies

for the countryside and would be in conflict with LP Policies ENV28, ENV31 and ENV33 and SEP Policies CC1, CC3 and CC6.

Sustainable Development

9. The previous Inspector considered this issue in his decision in 2005 referred to above in paragraph 4 and concluded that as Bredhurst was a small community that offers a very limited range of services and facilities and that the future occupiers of the appeal dwellings would be very car dependent for their normal economic and social needs. On the evidence of my site visit and the information provided I see no reason to disagree with this conclusion.
10. It is clear from paragraph 8 of PPS7 that the aim for new housing should be to promote more sustainable patterns of development and make use of previously developed land and focus most additional housing in rural areas on existing towns and identified service centres. The guidance does not rule out other housing in villages but focus should be on providing some new housing to meet identified local need. The proposed development does not conform with this guidance. Nor would it conform with guidance in *Planning Policy Guidance Note:13: Transport (PPG13)* which has the objectives of promoting more sustainable transport choices, promoting accessibility to services and facilities and reducing the need to travel, especially by car.
11. I conclude that the proposal would result in an unacceptable form of development bearing in mind the principles of sustainable development and would be in conflict with PPS7 and PPG13 and SEP Policies CC1 and CC6 which aim to secure sustainable communities and conserve valuable assets such as the countryside.

Access

12. The proposed access differs from the one which formed part of the 2005 proposal which ran alongside Forge Lodge. It would utilise an unmade track which provides access to five other properties including one which involves the parking of large commercial vehicles plus another access to the builders yard. The exact boundaries of the track are not clearly defined on site but on my site visit they were measured as being between 4.00 and 4.80m apart, the hardcore track being narrower than 4.00m. The track emerges onto Forge Lane with inadequate sight lines to the east but better to the west but not at 2.40m back from the carriageway where a low brick wall would obstruct visibility for drivers of cars. The visibility improves at 2.00 m back and I accept that the conditions at this access are replicated at many of the existing dwellings along Forge Lane but it fails to meet the published criteria in the *Manual for Streets*.
13. Forge Lane has a 20mph speed restriction to the west of the proposed access as well as traffic calming measures, including a speed hump between this access and Redwood Glade. That access has worse sightlines to the west than the proposed one but it is not clear if this is as a result of the position of the highway boundary or overgrown vegetation. The same applies on the opposite side of Forge Lane where Blind Lane emerges. These facts are in the appellant's favour as traffic speeds should be slower but due to land ownership the appellant is unable to either widen the track or improve the sight lines. The length of the track is likely to involve the meeting of vehicles entering and

leaving the site. The Council estimates that there would be between 24 to 32 vehicle movements per day via this access which would be a material intensification of its use. I accept that existing uses operate given the deficiencies of the access but an intensification of the use of the track would increase the risk of vehicles having to stop suddenly on Forge Lane to allow another vehicle to exit. Reversing onto Forge Lane to allow for these movements would also have a harmful effect on highway safety.

14. The width of the paved track is insufficient to allow the convenient passing even of cars and at 4.0m needs to be considered as only suitable for one way traffic. Bearing in mind the facts as measured on the site visit, and that the land needed to improve the width of the access lies outside their ownership, I consider that it would be unsuitable for the extra demands which would be placed on it.

15. I have given substantial weight to the observations of the Highway Authority which is opposed to the development and conclude that the intensified use of the access would have a harmful effect on highway safety.



INSPECTOR

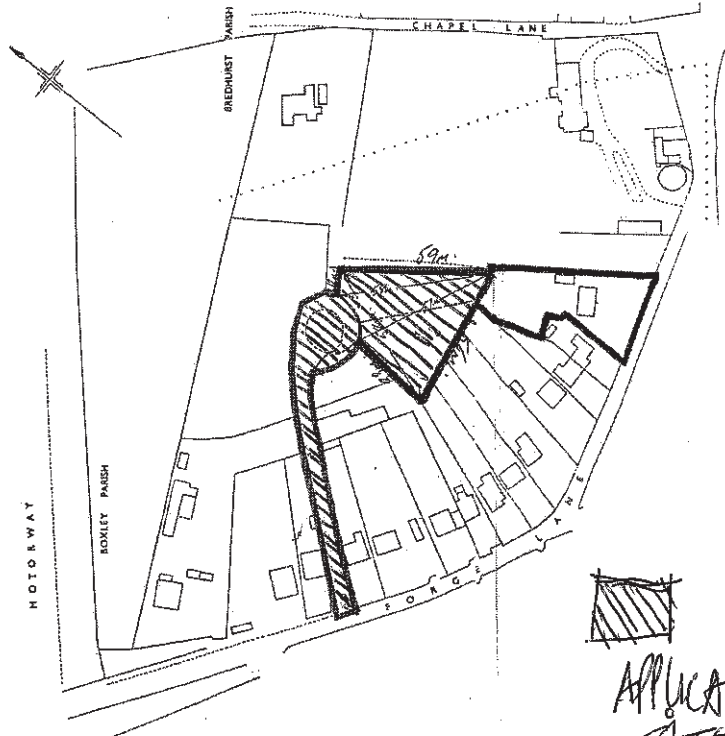
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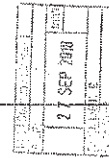
MAIDSTONE DISTRICT

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APPLICATION
SITE

MA 10/1385

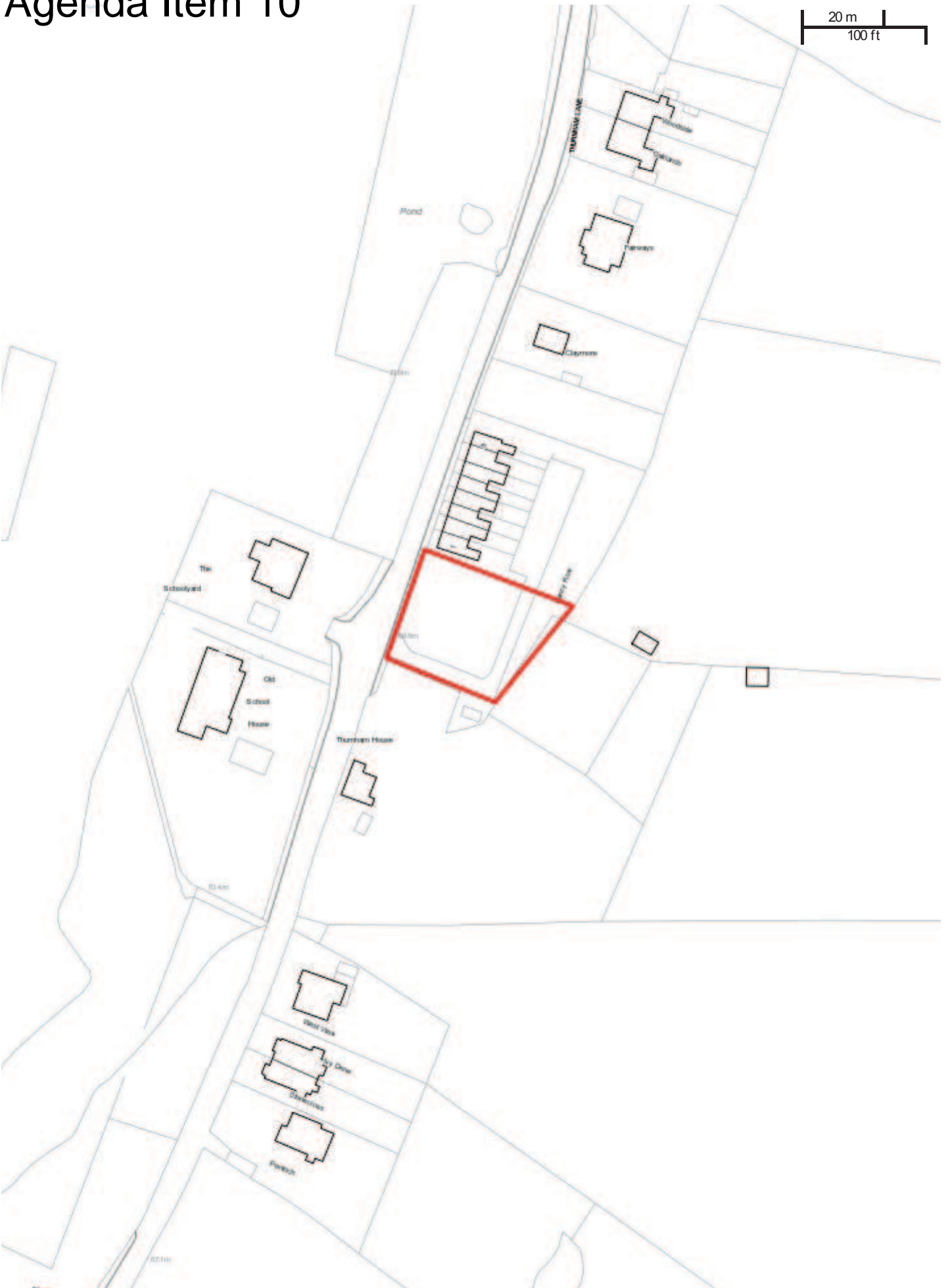


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Agenda Item 10



16/505695 1 Fancy Row

Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO - 16/505695/FULL		
APPLICATION PROPOSAL Erection of two semi-detached dwellings with garaging, parking, provision and landscaping works utilising existing highway access.		
ADDRESS - 1 Fancy Row Thurnham Lane Thurnham Kent ME14 4PL		
RECOMMENDATION - PERMIT		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is not in accordance with Development Plan policy. However, the proposal site benefits from an extant permission for 1 dwelling; the proposal would not appear significantly more visually harmful than the development already approved on site; there are no highway safety or residential amenity objections; and the site is considered to be in a sustainable location. I therefore recommend approval of the application on this basis.		
REASON FOR REFERRAL TO COMMITTEE - It is a Departure from the adopted Local Plan.		
WARD Detling And Thurnham	PARISH COUNCIL Thurnham	APPLICANT Mr R Bentley AGENT Consilium Town Planning Services Limited
DECISION DUE DATE 12/09/16	PUBLICITY EXPIRY DATE 14/10/16	OFFICER SITE VISIT DATE 29/07/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

- 15/509836 – Dwelling – Approved
 - MA/01/0411 – 2 dwellings – Refused
 - MA/87/0980 – Outline for dwelling – Refused
- Land at northern end of Fancy Row Cottages*
- 14/500927 – Dwelling – Refused (Allowed on appeal)

MAIN REPORT

1.0 Site description

- 1.01 The application site is located on the eastern side of Thurnham Lane and is some 470m to the north of Bearsted Green; it has a site area of approximately 0.05ha; and it is screened by a mature hedgerow along the southern boundary. Thurnham Lane has a semi-rural character with linear development along the eastern side comprising a group of terraced dwellings (Fancy Row) and then numerous detached and semi-detached dwellings. The application site is located at the southern end of the row cottages, on land between 1 Fancy Row and a detached dwelling known as 'Thurnham House'. There is an extant planning permission for 1 house on this site (15/509836).
- 1.02 The application site comprises the side garden of 1 Fancy row, which is an end of terrace property. Properties on Fancy Row have a shared access driveway which runs to the rear of the terrace leading off Thurnham Lane, providing car parking for each dwelling. This private driveway borders the application site to the east and to the south. For the purposes of the Development Plan the site is located in open countryside that falls within a Special Landscape Area and a Strategic Gap; and the site also falls within an Area of Archaeological Potential.

2.0 Relevant background

2.01 There is an extant planning permission for 1 house on this site (15/509836) and here is summary of the main differences between the extant scheme and what is proposed here:

- Approved dwelling and its detached garage would have footprint of approx. 125m² and this proposal's footprint measures approximately 164.5m², which is a modest increase of some 39.5m².
- Both schemes have similar depth of building and proposed scheme measures some 5m more in terms of width.
- Both schemes are the same height, although proposed scheme does have larger roof space.
- Proposed development will not have new access puncturing front boundary planting, making use of existing access to parking areas to rear.

2.02 In addition, on the northern side of the Fancy Row terrace, between 8 Fancy Row and 'Claymore', planning permission was recently allowed at appeal for the erection of a detached dwelling (reference 14/500927). Opposite the application site, on the western side of Thurnham Lane, is the 'Old School House' and the 'School Yard'. The School site has planning permission for a new detached dwelling on the site and conversion and enlargement of the Old School House to a single dwelling. This work (under MA/14/1265) is nearing completion.

3.0 Proposal

3.01 The proposal is for the erection of a pair of semi-detached (4-bed) houses with pedestrian access to the front and parking area to the rear (4 spaces), making use of the existing access road to the immediate south of the site.

3.02 The proposal would have a ridge height is some 9m from ground level and the eaves height some 5m; the proposal would be set back from the front of the row of cottages to the north; and it would be constructed from facing brick, plain concrete roof tiles and elements of tile hanging at first floor level. The proposal would have a barn-hipped style roof, a gable-end projecting element to the front, side chimneys, half dormer windows to the front, and a single storey element and dormer windows to the rear. The existing Laurel boundary hedge will be retained and a Beech hedge will be planted to the front.

4.0 Policy and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV31, ENV34
- National Planning Policy Framework
- National Planning Practice Guidance
- Submitted version Maidstone Local Plan: SP17, DM1, DM34

5.0 Consultations

5.01 **Thurnham Parish Council:** No representations made.

5.02 **KCC Biodiversity Officer:** Raised no objection under 15/509836.

5.03 **Landscape Officer:** Raises no objection.

5.04 **Environmental Health Officer:** Raises no objection.

5.05 KCC Highways: Raises no objection.

5.06 KCC Archaeology Officer: Does not wish to comment.

5.07 Neighbour representations: 5 representations received raising concerns over visual impact; principle is unacceptable; poor design; parking provision; highway safety; intensification of use of access; inadequate outdoor amenity space; disruption during construction; and lack of school places.

6.0 Relevant policy/guidance

6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

6.02 For the purposes of the Local Plan, the application site is in the designated countryside and a Special Landscape Area and so saved policies ENV28 and ENV34 of the adopted Local Plan are of relevance. The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan. Notwithstanding this, a material planning consideration in the determination of this application is the fact there is an extant permission for a dwelling on this site.

6.03 It should be noted again that the application site already benefits from an extant planning permission for a dwelling; and that in March 2015 (under reference 14/500927), the Planning Inspector allowed 1 detached house on land adjacent to 8 Fancy Row. These are material considerations in the determination of this application, and the Inspector (under 14/500927) determined that “...*the site is a sustainable one and considerable weight therefore arises in favour of the scheme*”. The proposal site is within walking distance of Bearsted with its train station and variety of shops and services and the so Council considers the site to be in a sustainable location; and this has been previously accepted by the Planning Inspector.

6.04 The submitted version of the Local plan went to the Secretary of State for examination in May 2016 and formal examination is currently being undertaken. This Plan and its policies are considered to hold significant weight; and policy SP17 of this Plan seeks to restrict development in the countryside. Furthermore, the emerging Plan allows the Council to consider that it can demonstrate a 5 year supply of deliverable housing sites.

7.0 Visual Impact

7.01 The application site is bordered to the north, west and south by residential housing, and this part of Thurnham Lane is characterised by ribbon development. In my view the Beech hedge to be planted at the front and the retained Laurel hedge along the southern boundary of the site would help to screen and soften the development from short distance views; and whilst there may be long distance public views of the site, the development would be very much read in context with the existing residential development and would not appear dominant or visually incongruous within the landscape. The Landscape Officer also raises no objections subject to appropriate conditions requiring a landscaping scheme and Arboricultural Method Statement.

7.02 In terms of the extant permission for a dwelling on this site, it is my view that the footprint of this proposal is not too dissimilar to that of the approved detached dwelling and its detached garage; and the use of a parking area to the rear avoids the need to puncture a large gap in the front boundary hedge (as was approved for

access under 15/509836). In addition, the proposal takes elements from the previously approved house, such as its 9m ridge height; its barn-hipped front projecting element that has dropped its eaves down from the main house; and the half dormers to the front puncturing the eaves. The dormer windows, the front projection, the use of tile hanging at first floor level, the chimneys; and the 2-storey high bay window elements all help to articulate the frontage of the building which does maintain the set back from the road as previously approved. The use of appropriate materials and the safeguarding of boundary planting will be secured by way of condition. I therefore consider the scale and design of the proposal to be appropriate in this setting, where there are varying houstypes within the vicinity, and I am satisfied that whilst a larger building, it would not be significantly more visually harmful than the single dwelling that has already been approved in this setting and context. As a result, it is considered that this proposal would not adversely harm the character and appearance of the countryside hereabouts.

8.0 Residential Amenity

- 8.01 The proposal, given its 3m set back from the shared northern boundary; its orientation; and fenestration detail (with flank openings to be fixed shut and obscure glazed), would not have a detrimental impact upon the amenity of local residents. I am also satisfied that the proposal would provide acceptable living conditions for future occupants, in terms of internal living space and private outdoor amenity space. No objection is therefore raised in this respect.

9.0 Highway safety implications

- 9.01 The proposal would provide 2 off-road parking spaces for each property which is considered acceptable; there would be adequate turning provision within the site; the houses would make use of the existing access which serves the neighbouring row of cottages; and the Highways Authority did comment under 15/509836 that the access road does have a good crash history. I am therefore satisfied that this scheme for 2 houses would not have a detrimental impact upon highway safety and I raise no objection in this respect.

10.0 Other considerations

- 10.01 The applicant has submitted the same Preliminary Ecological Appraisal report that was submitted under 15/509836, which was undertaken in September 2015. This report is only a year old and consider its findings to still be relevant; and I am satisfied that there continues to be no requirement for additional specific species surveys to be carried out as part of the application. As under 15/509836, conditions will be imposed to ensure the development is carried out in accordance with the recommendations set out, and a scheme of biodiversity enhancements for the site is submitted to the local planning authority for approval.
- 10.02 The Environmental Health Officer raises no objection in terms of noise, air quality, land contamination and foul sewage disposal; and the issues raised by local residents have been addressed in the main body of this report.
- 10.03 Thurnham Parish Council has not commented on this application and the issues raised by local residents have been addressed in the main body of the report. I would add that a proposal for 2 dwellings is not expected to provide any community contributions including monies towards education; and any potential disturbance during construction is not a material planning consideration.

11.0 Conclusion

- 11.01 The proposal will not appear significantly more visually harmful than the development already approved on site; it is in a sustainable location as stated by the Planning Inspector; and it would not have an adverse impact upon the residential amenity of adjacent properties or upon highway safety. Therefore, notwithstanding the fact that the Council considers it is able to demonstrate a 5 year supply of housing and draft Local Plan policies attract significant weight, I consider it acceptable to depart from the Local Plan in this instance and recommend approval on this basis.

12.0 RECOMMENDATION –GRANT Subject to the following conditions:

CONDITIONS to include

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission:

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) Before the development hereby permitted is first occupied, all openings in the northern and southern elevations of the buildings shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To safeguard the privacy of residents.

- (3) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (4) No building works above ground level shall commence until written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E, F, G, H shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

- (6) No building works above ground level shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines and shall include:

- a) Details of new beech hedge to front boundary and rear boundary of gardens;
- b) Retention of Laurel hedge along southern boundary;
- c) Retention of Maple trees in north-western corner of site;
- d) Details of replacement native planting along western boundary of site.

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development.

- (7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development.

- (8) The development shall be undertaken in accordance with the recommendations set out in the approved Preliminary Ecological Appraisal, received on 25th November 2015.

Reason: To ensure appropriate mitigation and protection of species.

- (9) No building works above ground level shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of biodiversity enhancements for the site. The scheme shall be based on the recommendations of the Preliminary Ecological Appraisal received on 6th July 2016.

Reason: No such details have been submitted and to ensure appropriate mitigation and protection of species.

- (10) No building works above ground level shall commence until there has been submitted to and approved in writing by the Local Planning Authority an Arboricultural Method Statement in accordance with BS5837:2012, which shall include details on the root protection areas of all retained trees and details on method of root protection;

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development.

- (11) The development hereby permitted shall be carried out in accordance with the following approved plans; 26/34/01B, 03A and 04 A received 26/09/16; and 26/34/02B received 28/09/16;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

INFORMATIVES

- (1) Clearance and burning of rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.
- (2) Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- (3) Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- (4) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (5) Provision shall be made for construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- (6) Provision shall be made for parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- (7) Provision shall be made of wheel washing facilities prior to the commencement of work on site and for the duration of the construction.
- (8) The following recommendations should be considered (where applicable) when designing any lighting scheme:
 - a) Low pressure sodium lamps or high pressure sodium must be used instead of mercury OR metal halide lamps where glass glazing is preferred due to its UV infiltrations characteristics.
 - b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
 - c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
 - d) Lamps of greater than 2000 lumens (150W) must not be used.
 - e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
 - f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
 - g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.

- h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds.
- (9) Bats and Lighting in the UK - Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.

High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided. If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;

- Lamps of greater than 2000 lumens (150 W) must not be used;
- Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
- Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
- Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

Case Officer: Kathryn Altieri

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

Agenda Item 11



REPORT SUMMARY

REFERENCE NO - 16/505930/FULL		
APPLICATION PROPOSAL Retrospective application for change of use of land to use as a residential caravan site for 2 gypsy families, each with 2 caravans including no more than one static caravan for each family, erection of amenity building and laying of hardstanding.		
ADDRESS Land At Hawthorn Place, Greenway Forstal, Harrietsham, Kent, ME17 1LB		
RECOMMENDATION Approve with conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The development is not considered to be adversely visually harmful to the countryside; and there are no residential amenity or highway safety issues.		
REASON FOR REFERRAL TO COMMITTEE Recommendation is contrary to the views of Harrietsham Parish Council.		
WARD Harrietsham And Lenham	PARISH/TOWN COUNCIL Harrietsham	APPLICANT Mr Lee Austin AGENT Philip Brown Associates
DECISION DUE DATE 27/09/16	PUBLICITY EXPIRY DATE 05/09/2016	OFFICER SITE VISIT DATE 15/08/16
RELEVANT PLANNING HISTORY Adjoining sites to the south: 14/500696 - Remove conditions 1 and 2 of MA/07/2232 (change of use from agricultural land to residential for gypsy family and stationing of one mobile home and one touring caravan) with a condition which reads "The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (Department for communities and local guidance). Vary condition 3 to allow no more than 4 caravans (2 static and 2 touring caravans) to be stationed on the sites at anytime – Permitted 07/2232 - Change of use from agricultural to residential for gypsy family and stationing of one mobile home and one touring caravan – Allowed at Appeal. Permanent permission. Adjoining site to the west: 08/0417 - Change of use of land for the stationing of 4no. residential mobile homes for a gypsy family - refused Adjoining site to the east: 04/1679 - Change of use of land to allow stationing of 15 residential mobile homes (extension to Garden of England Park) – Refused		

MAIN REPORT

1.0 Site description

- 1.01 The site is located on the north side of Greenway Lane to the rear of an existing lawful gypsy traveller site known as Oakland Place which has (permanent) permission to station up to 4 caravans (no more than 2 static). The site is located in the countryside with arable fields to the north, east and west of the site. Further to

the east is the Garden of England caravan park. Further to the west is a residential property known as Mount Farm and a cluster of commercial units. The North Downs AONB is located further to the north of the site. The site is accessed via a shared (with the site to the front) entrance from Greenway Lane. A plan of the site is attached as appendix 1.

2.0 Proposal

- 2.01 This is a part retrospective application for the change of use of land to use as a residential caravan site for the stationing of 2 static caravans for occupation by gypsy traveller, 2 tourers and one amenity building and the laying of hardstanding.

The applicant has also shown additional (proposed) boundary landscaping along the northeast and southeast boundary. The mobile homes are occupied by George Nye, together with his daughter's family, Lee Austin and Rosie Nye and their young son.

At the time of my site visit there were two tourers on site. So it is proposed to bring two static caravans onto the site and erect a utility block.

3.0 Policy and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan (submission version): SP17, DM7, DM16
- DCLG - Planning Policy for Traveller Sites (August 2015)

4.0 Consultations

- 4.01 **Harrietsham Parish Council:** Wish to see the application refused and reported to Planning Committee for the following summarised reasons;

- Detrimental impact upon residential amenities and the visual impact of the development

- 4.02 **KCC Highways Officer:** Raises no objection.

- 4.03 **Environmental Health Officer:** Raises no objection.

- 4.04 **Neighbour representations:** No representations have been received.

5.0 Principle of development

- 5.01 There are no saved Local Plan policies that relate directly to this type of development. Policy ENV28 of the MBWLP relates to development in the countryside stating that;

"Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers."

- 5.02 Policy ENV28 then outlines the types of development that can be permitted and this does not include gypsy and traveller development.

- 5.03 However, a key consideration in the determination of this application is central Government guidance contained with 'Planning Policy for Traveller Sites' (PPTS) amended in August 2015. This places an emphasis on the need to provide more

gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

- 5.04 Issues of need are dealt with below but in terms of broad principles Development Plan Policy and Central Government Guidance allows for gypsy sites to be located in the countryside as an exception to the general development restraint policies.
- 5.05 In addition, the submitted version of the Development plan went to the Secretary of State for examination in May 2016 and examination will follow in October/November this year. This Plan and its policies are considered to hold significant weight; and policy SP17 of this Plan seeks to restrict development in the countryside, whilst policy DM16 accepts this type of accommodation can be provided in the countryside provided certain criteria are met.

Need for Gypsy Sites

- 5.06 Although the emerging local plan is well advanced, there are not yet any adopted development plan policies relating to the provision of gypsy sites. Members are reminded that Local Authorities have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012. The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2021	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches
Total: Oct 2011 – March 2031	-	187 pitches

- 5.07 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the emerging Local Plan, and it is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be a degree lower as a result of the definition change. The current GTAA provides the best evidence of needs available at this point of time and the decision needs to be based on evidence at the time of the decision.

- 5.08 The target of 187 additional pitches is included in Policy SS1 of the Maidstone Borough Local Plan which itself was agreed by Full Council on 20th January 2016 and submitted to the Secretary of State on 20th May 2016.

Supply of Gypsy sites

- 5.09 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004).
- 5.10 Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net):
- 84 Permanent (non-personal)
 - 16 Permanent (personal)
 - 3 Temporary (non-personal)
 - 33 Temporary (personal)

- 5.11 Therefore a net total of 100 permanent pitches have been granted since 1st October 2011. A further 87 permanent pitches are needed by 2031 to meet the need identified in the GTAA.
- 5.12 The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The submission Draft Local Plan does allocate specific sites, and these are sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan. The Local Plan's adoption is currently timetabled for the latter half of 2017.
- 5.13 The PPTS directs that the lack of a 5 year supply of Gypsy pitches should be given weight in the consideration of granting a temporary consent. With the submission of the Local Plan, the council's position is that it can demonstrate a 5.6 year supply of G&T sites at the base date of 1st April 2016. In these circumstances, the PPTS direction to positively consider the granting of a temporary consent does not apply.

Gypsy Status

- 5.14 The Government has issued revisions on the national planning guidance for Gypsy & Traveller development contained in 'Planning Policy for Traveller Sites' (PTS). The revised guidance came into force on 31st August 2015, and the planning definition of 'gypsies & travellers' have been amended to exclude those who have ceased to travel permanently. The revised definition is as follows;

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

- 5.15 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition in terms of ceasing travel temporarily, the PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 5.16 The agent has confirmed that the applicant and his family continually travel to horse fairs around the country. Typically, they travel to Appleby and to Gloucestershire. George and Lee travel for the purpose of their living. The agent confirms the applicants are from a Roman Gypsy background and continue to travel for the purpose of making their living as roofers. It is therefore reasonable to say that the applicants have not ceased to travel permanently or temporarily; and their agent has confirmed they intend to continue to travel for work for the purposes of making a living. With the evidence submitted the council is satisfied that the applicants lead a nomadic habit of life and accept that they fall within the gypsy status definition for the purposes of planning.

Sustainability

- 5.17 Gypsy traveller sites will almost inevitably be located in countryside locations, and the site is located approximately 1km to the east of Harrietsham village. In my view, I do not consider the site to be so far removed from basic services and public

transport opportunities as to justify grounds to refuse this application in terms of being unsustainable. Additional pitches were recently approved on the adjoining site therefore this location has been accepted as being an appropriate location for a gypsy traveller site.

6.0 Visual Impact

- 6.01 Guidance in the PPTS states that local planning authorities should very strictly limit new traveller development in the countryside but goes on to state that where sites are in rural areas, considerations are that sites do not dominate the nearest settled community and do not place undue pressure on local infrastructure. No specific reference to landscape impact has been outlined however this is addressed in the NPPF and saved adopted Local Plan policy ENV28.
- 6.02 The access track is existing and the site is set back some 65m from Greenway Lane and is partially screened by the existing gypsy traveller site and associated landscaping / boundary treatment located to the front of the site. Glimpses of the site are possible from Greenway Lane and the applicant proposes to plant additional hedge and tree planting along the northeast and southeast boundary to supplement the existing planting. The additional planting would help to screen the site further and a suitable condition could be imposed to ensure the retention and enhancement of the boundary planting is safeguarded. Further, it is considered that the site is located a significant enough distance away for any public view to not appear dominant, nor would the site appear incongruous in this setting due to the location of the adjoining gypsy traveller site and the nearby Garden of England caravan park.
- 6.03 There is an existing gypsy traveller site located to the southwest of the site with planning permission to station 4 caravans (no more than 2 static). I do not consider that a further 4 caravans (2 static) and an amenity building in this location would unacceptably harm the character of the countryside through the overconcentration of caravans due to the existing and proposed boundary planting. The site would be viewed in the foreground of the adjoining gypsy traveller site and it is located a sufficient distance to the south of the AONB so as not to have a harmful impact on the setting of the AONB.
- 6.03 I am therefore satisfied that the development does not appear prominent or visually intrusive in the surrounding landscape and I consider an unrestricted permanent use of the site to be acceptable.

7.0 Residential Amenity

- 7.01 A residential use is not generally a noise generating use; and the nearest residential property would be more than 100m away. The siting of the caravans and proposed use of the site is not considered to give rise to any unacceptable amenity issue to the adjoining gypsy traveller site. Given this, I am satisfied that the proposal would not have a significant detrimental impact on the residential amenity of any neighbouring residence, in terms of general noise and disturbance and privacy.

8.0 Highway safety implications

- 8.01 The two pitches make use of the existing access; there is sufficient parking and turning facilities within the site; and the development does not lead to a significant increase in traffic generation or an unacceptable intensification of use of the access. I am therefore satisfied that the development would not result in a highway safety issue.

9.0 Other considerations

- 9.01 The proposal site is within Flood Zone 1; the site consists of an area of hardstanding (access track) and maintained grass areas; and no boundary planting will be removed as part of this development. I therefore raise no objections in terms of flood risk and it is considered unreasonable to request any further ecological information. Environmental health has raised no objections in terms of land contamination; air quality; noise; lighting and amenity. A condition is recommended to deal with foul and potable water for the site.
- 9.02 The issues raised by Harrietsham Parish Council have been addressed in the main body of this report and it is also considered that the development would not result in an over concentration of gypsies and travellers in the area.
- 9.03 In accordance with National planning policy, the issue of intentional unauthorised development is a material consideration in the determination of this retrospective application. In this instance it is not considered to be reason alone to refuse this application as the development is considered to be acceptable.

10.0 Conclusion

- 10.01 For the reasons set out, the development is not considered to be adversely visually harmful to the countryside; and there are no residential amenity or highway safety issues. So in weighing up the material planning issues/policies and policy support to allow accommodation for gypsies and travellers in the countryside subject to the detail of any application, I take the view that in this instance an unrestricted permanent permission should be granted for two pitches in this location.

11.0 RECOMMENDATION –GRANT Subject to the following conditions:

CONDITIONS

- (1) The site shall not be used as a caravan site by any persons other than gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015;
- Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.
- (2) No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be static caravans or mobile homes) shall be stationed on the site at any time;
- Reason: To safeguard the character and appearance of the countryside.
- (3) When the land ceases to be occupied the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto the land in connection with the use shall be removed. Within 3 months of that time the land shall be restored to its condition before the use commenced.
- Reason: To safeguard the character and appearance of the countryside.
- (4) Within three months of the date of the permission hereby granted a scheme of landscaping, using indigenous species which shall be in accordance with BS 5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' with indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development

and a programme for the approved scheme's implementation and long term management shall be submitted to and approved by the Local Planning Authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the following;

i) New native hedge / tree planting along the northeast and southeast boundary (as shown on the Site Layout Plan; received 11.07.2016);

Reason: To safeguard the character and appearance of the countryside.

- (5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following this approval; and any trees, hedges or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To safeguard the character and appearance of the countryside.

- (6) No commercial activities shall take place on the land, including the storage of materials, without the prior written consent of the Local Planning Authority;

Reason: To safeguard the character and appearance of the countryside.

- (7) Within three months of the date of this decision notice, details of the proposed method of foul sewage treatment, along with details regarding the provision of portable water and waste disposal, must be submitted to and approved in writing by the Local Planning Authority.

The submitted details should include the size of individual cess pits and/or septic tanks and/or other treatment systems and should show the exact location on site and details as to where the system will discharge to. The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority.

Reason: in the interests of health and safety and to prevent contamination.

- (8) The development hereby permitted shall be carried out in accordance with site location plan and site layout plan received 11.06.2016 and proposed elevation plan received on 2.08.2016.

Reason: To safeguard the character and appearance of the countryside.

INFORMATIVES

- (1) Provision should be made for the separate storage of recyclables from household waste. Advice on recycling can be obtained from the Environmental Services Manager

Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from Environmental Enforcement/Protection.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

The application was approved in a timely manner.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Case Officer: Andrew Jolly

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

