

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 15 September 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 Items withdrawn from the Agenda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. Date of Adjourned Meeting - 22 September 2016

Continued Over/:

Issued on 7 September 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. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
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11. Presentation of Petitions (if any)
12. Report of the Head of Planning and Development - Deferred Item 10
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19. 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.

BACKGROUND DOCUMENTS: The background documents for the items on the agenda are to be found on the respective planning files for each application and on the files for those applications referred to in the history section of each report. Background documents are available for inspection during normal office hours at the Maidstone Borough Council Gateway Reception, King Street, Maidstone, Kent ME15 6JQ.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 25 AUGUST 2016

Present: **Councillor Perry (Chairman) and
Councillors Boughton, Brice, M Burton, Cox, English,
Harwood, Hastie, Hemsley, Munford, Powell and
Prendergast**

Also Present: **Councillors Garten, Naghi and Newton**

115. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Clark, Round and Mrs Stockell.

116. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Brice for Councillor Round
Councillor M Burton for Councillor Mrs Stockell

117. NOTIFICATION OF VISITING MEMBERS

Councillor Garten indicated his wish to speak on the report of the Head of Planning and Development relating to application 15/503232.

Councillor Naghi indicated his wish to speak on the report of the Head of Planning and Development relating to application 16/501604.

Councillor Newton indicated his wish to speak on the report of the Head of Planning and Development relating to application 16/503775.

118. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

119. URGENT ITEMS

The Chairman said that, in his opinion, the update reports of the Head of Planning and Development should be taken as urgent items as they contained further information relating to applications/matters to be considered at the meeting.

120. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Boughton said that, with regard to the report of the Head of Planning and Development relating to application 16/503775, he had previously campaigned against housing development in the area. However, he had not expressed a view on this particular application, and intended to speak and vote when it was discussed.

121. DISCLOSURES OF LOBBYING

All Members except Councillors Brice and M Burton stated that they had been lobbied on the report of the Head of Planning and Development relating to application 16/501604.

All Members except Councillors Boughton, Brice, M Burton and Hemsley stated that they had been lobbied on the report of the Head of Planning and Development relating to application 15/503232.

All Members stated that they had been lobbied on the report of the Head of Planning and Development relating to application 16/503775.

There were no disclosures of lobbying on the report of the Head of Planning and Development relating to application 15/506851.

122. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

123. MINUTES OF THE MEETING HELD ON 4 AUGUST 2016

RESOLVED: That the Minutes of the meeting held on 4 August 2016 be approved as a correct record and signed.

124. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 4 AUGUST 2016

MINUTE 105 - 15/510179 - OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR REDEVELOPMENT WITH UP TO 65 DWELLINGS AND ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS, CAR AND CYCLE PARKING, STREET AND EXTERNAL LIGHTING, MAIN SERVICES, BIN STORES AND OTHER ANCILLARY DEVELOPMENT - 5 TONBRIDGE ROAD, MAIDSTONE, KENT

The Committee considered the urgent update report of the Head of Planning and Development. It was noted that:

At the meeting of the Committee held on 4 August 2016, it was agreed that subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure a number of financial contributions, the Head of Planning and Development be given

delegated powers to grant outline permission in respect of application 15/510179 subject to conditions and informatives.

Following the Committee meeting it was noted that the contribution relating to community learning, whilst in line with the original recommendation, should have been *per dwelling*. The Head of term should read (amendment shown in italics):

- A financial contribution of £30.70 *per dwelling* towards community learning facilities; specifically towards portable equipment for the new adult learners in Maidstone.

The financial contribution to the NHS had been defined as an absolute figure of £55,296.00. Following discussions with the agent and due to the nature of the application being in outline and for *up to 65 dwellings*, it was recommended that this absolute figure be amended to refer to a contribution *per dwelling*. This would amend the Head of term to read as follows:

- A financial contribution to NHS Property Services to be calculated per dwelling as set out below to secure improvements to local surgery premises at The Vine Practice or Lockmeadow Clinic or The College Practice:

1-bed dwelling:	£504
2-bed dwelling:	£720
3-bed dwelling:	£1,008
4-bed dwelling:	£1,260
5+-bed dwelling:	£1,728

RESOLVED: That the above-mentioned amendments to the Heads of Terms of the proposed S106 legal agreement in relation to application 15/510179 be approved.

125. PRESENTATION OF PETITIONS

There were no petitions.

126. DEFERRED ITEMS

14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT

The Principal Planning Officer advised Members that negotiations were still on-going. It was hoped to report the application back to the Committee within the next couple of cycles.

15/503223 – PART RETROSPECTIVE - CHANGE OF USE AND REBUILDING OF FORMER CATTLE SHED TO PROVIDE TOURIST ACCOMMODATION - BLETCHENDEN MANOR FARM, BLETCHENDEN ROAD, HEADCORN, KENT

The Principal Planning Officer advised Members that further information had been received and put out to consultation. The results of the consultation exercise were being considered, and it was hoped to report the application back to the next meeting of the Committee or the meeting after that.

127. 16/501604 - CHANGE OF USE AND EXTENSIONS TO MIXED COMMERCIAL PREMISES OF 3-5 BREWER STREET BUILDINGS INTO C1 USE (SPA HOTEL) TOGETHER WITH PARTIAL DEMOLITION OF NO.126A AND EXPANSION INTO LAND AND BUILDINGS OF ST FRANCIS OF ASSISI. ERECTION OF A SINGLE STOREY EXTENSION TO ST FRANCIS CHURCH SCHOOL - 3 - 5 BREWER STREET AND ST FRANCIS CHURCH SCHOOL, MAIDSTONE, KENT

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Since no Members wished to speak against the application, Mr O’Quigley, the applicant, and Councillor Naghi (Visiting Member), withdrew their right to address the Committee.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report as amended by the urgent update reports.

Voting: 12 – For 0 – Against 0 – Abstentions

128. 15/506851 - CONVERSION OF 3 STABLES, FEED ROOM AND HAY BARN INTO A 2 BEDROOM ANNEXE, ERECTION OF A SHED AND DEMOLITION OF OLD GARAGE BUILDING AT 2 COLDHARBOUR COTTAGES (PART RETROSPECTIVE) - 2 COLDHARBOUR COTTAGES, COLDHARBOUR ROAD, LENHAM, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

129. 15/503232 - PROPOSED CONVERSION OF FIVE GROUND FLOOR GARAGES INTO A SELF CONTAINED TWO BEDROOM DWELLING ALONG WITH EXTERNAL ALTERATIONS TO THE FRONT AND SIDE OF THE BUILDING. THE INTRODUCTION OF A BIN STORE - 21 EYHORNE STREET, HOLLINGBOURNE, KENT

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Mr Hoad, an objector, Councillor Bennett of Hollingbourne Parish Council (against) and Councillor Garten (Visiting Member) addressed the meeting.

RESOLVED: That consideration of this application be deferred to the next meeting of the Committee to obtain information on how the development will be constructed bearing in mind the narrowness of the access.

Voting: 10 – For 2 – Against 0 – Abstentions

130. 16/503775 - RESIDENTIAL DEVELOPMENT OF 271 DWELLINGS INCLUDING 30% AFFORDABLE HOUSING, ACCESS AND ASSOCIATED INFRASTRUCTURE (RE-SUBMISSION OF 14/506264/FULL) - LAND AT BICKNOR FARM, SUTTON ROAD, LANGLEY, KENT

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Ms Lamb, for the applicant, and Councillor Newton (Visiting Member) addressed the meeting.

It was moved by Councillor Harwood, seconded by Councillor English, that subject to the prior completion of a S106 legal agreement, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report, as amended by the second urgent update report, with the amendment of the Head of Term of the proposed S106 legal agreement relating to the establishment of a "development monitoring committee" to include Councillor Harwood as a member of the Committee and an amended condition 9 regarding the incorporation into the landscaping scheme of native trees and shrubs with downy leaves which are effective in capturing particulate pollutants from the atmosphere.

An amendment was moved by Councillor Prendergast, seconded by Councillor Powell, that the application be deferred for updated Air Quality Assessments based on the cumulative impact of this and other developments coming forward along the A274 Sutton Road. When put to the vote, the amendment was lost.

In accordance with Council Procedure Rule 21.4, three Members of the Committee requested that a named vote be taken on the original motion.

The voting was as follows:

FOR	AGAINST	ABSTAINED
Councillor M Burton	Councillor Boughton	Councillor Brice
Councillor Cox	Councillor Powell	
Councillor English	Councillor Prendergast	
Councillor Harwood		
Councillor Hastie		
Councillor Hemsley		
Councillor Munford		
Councillor Perry		

RESOLVED: That subject to the prior completion of a S106 legal agreement, the precise details to be negotiated and agreed by the Head of Planning and Development in consultation with the Head of Legal Partnership, to secure the following:

- The provision of 30% affordable residential units within the application site; the tenure split to be 38% shared ownership (31 units) and 62% social rented (50 units);
- A financial contribution of £798,095.00, as calculated in Appendix A to the first urgent update report of the Head of Planning and Development, towards improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road to be secured prior to commencement of development, subject to final amendments to be negotiated between the Head of Planning and Development acting under delegated powers and developers;
- A financial contribution of £365,850.00, as calculated in Appendix A to the first urgent update report of the Head of Planning and Development, towards the subsidy required to enable the improvement of the bus service on routes 12 and 82 out to Bicknor Farm and into the land south of Sutton Road development with the prioritisation of high quality bus services serving Headcorn Railway Station, Bearsted Railway Station and the Cornwallis Academy with Real Time Information, Fast Track etc., subject to final amendments to be negotiated between the Head of Planning and Development acting under delegated powers and developers;
- A financial contribution of £609,893.00 towards the land acquisition costs for provision of a new school at Langley Park and £903,000.00 towards construction costs;
- A financial contribution of £37,313.99 towards the community facility being delivered as part of the new school at Langley Park;
- A financial contribution of £532,725.00 towards the construction of a phase of extending the Cornwallis Academy, Maidstone;
- A financial contribution of £13,013.42 towards libraries to address the demand from the development for additional book stock;

- A financial contribution of £108,400.00 towards the improvement, maintenance, refurbishment and replacement of off-site facilities for play equipment and play areas, ground works, outdoor sports provision and pavilion facilities at Senacre Recreation Ground;
- A financial contribution of £224,892.00 for the NHS to upgrade surgeries as required at the Wallis Avenue Surgery, Orchard Surgery Langley, Mote Medical Practice and Northumberland Court Surgery;
- Annual monitoring and reporting of the effect of displaced traffic on highway routes surrounding the site ("rat-running" monitoring);
- A financial contribution towards suitable mitigation measures to combat any significant adverse traffic flow conditions as may be established by the monitoring exercise to be conducted;
- The establishment of a "development monitoring committee" to be responsible for the review of all aspects of the development, including design, phasing, quality etc., with such members to include an Officer of the Borough Council, Ward Member(s), Councillor Harwood, representatives of the appropriate Parish Council(s) and a representative of the developers; and
- A financial contribution towards the setting up and running of this "development monitoring committee",

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report, as amended by the second urgent update report, with the amendment of condition 9 as follows:

Condition 9 (Landscaping) (amended)

No development shall commence until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of landscaping which shall include indications of all existing trees and hedgerows on the land and details of those to be retained, together with details of enhancement, boundary strengthening, buffer zone planting and measures for their protection in the course of the development and programme for maintenance. The submitted details shall include, inter alia, the following using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines:

- i) Means of protection from strimmer and mower damage;
- ii) Details of tree planting pits for street trees, including root guidance systems to avoid disruption of surfaces and services;
- iii) Use of a minimum of nursery standard size trees of appropriate native species for street tree planting within the development and at turning heads;

- iv) A mix of scrub and grassland meadow to the 15 metre buffer between the development and the ancient woodland;
- v) Details of tree planting to create a strong boundary treatment to the immediate north of the site to create a landscape corridor between Bicknor Wood and Belts Wood; and
- vi) The incorporation of native trees and shrubs with downy leaves which are effective in capturing particulate pollutants from the atmosphere.

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 external appearance to the development.

Voting: 8 – For 3 – Against 1 – Abstention

131. S106 CONTRIBUTIONS

The Committee considered a schedule setting out details of S106 contributions held by the Council on behalf of infrastructure providers. The schedule included details of schemes to be funded by S106 contributions and spend by dates.

It was noted that the Council was in a robust position in terms of the monitoring of spend dates and the timing and implementation of schemes going forward.

In response to questions, the Officers undertook to check whether it would be possible to keep Ward Members informed of projects to be funded by S106 contributions and to update the Staplehurst Ward Members direct regarding the Surrenden Road play area scheme associated with application 07/0629 (Parisfield).

RESOLVED: That the schedule setting out details of S106 contributions held by the Council on behalf of infrastructure providers and the progress of schemes to be funded by 106 contributions be noted and that the Officers be thanked for their work on updating the information.

132. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting.

RESOLVED: That the report be noted.

133. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

134. DURATION OF MEETING

6.00 p.m. to 7.45 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

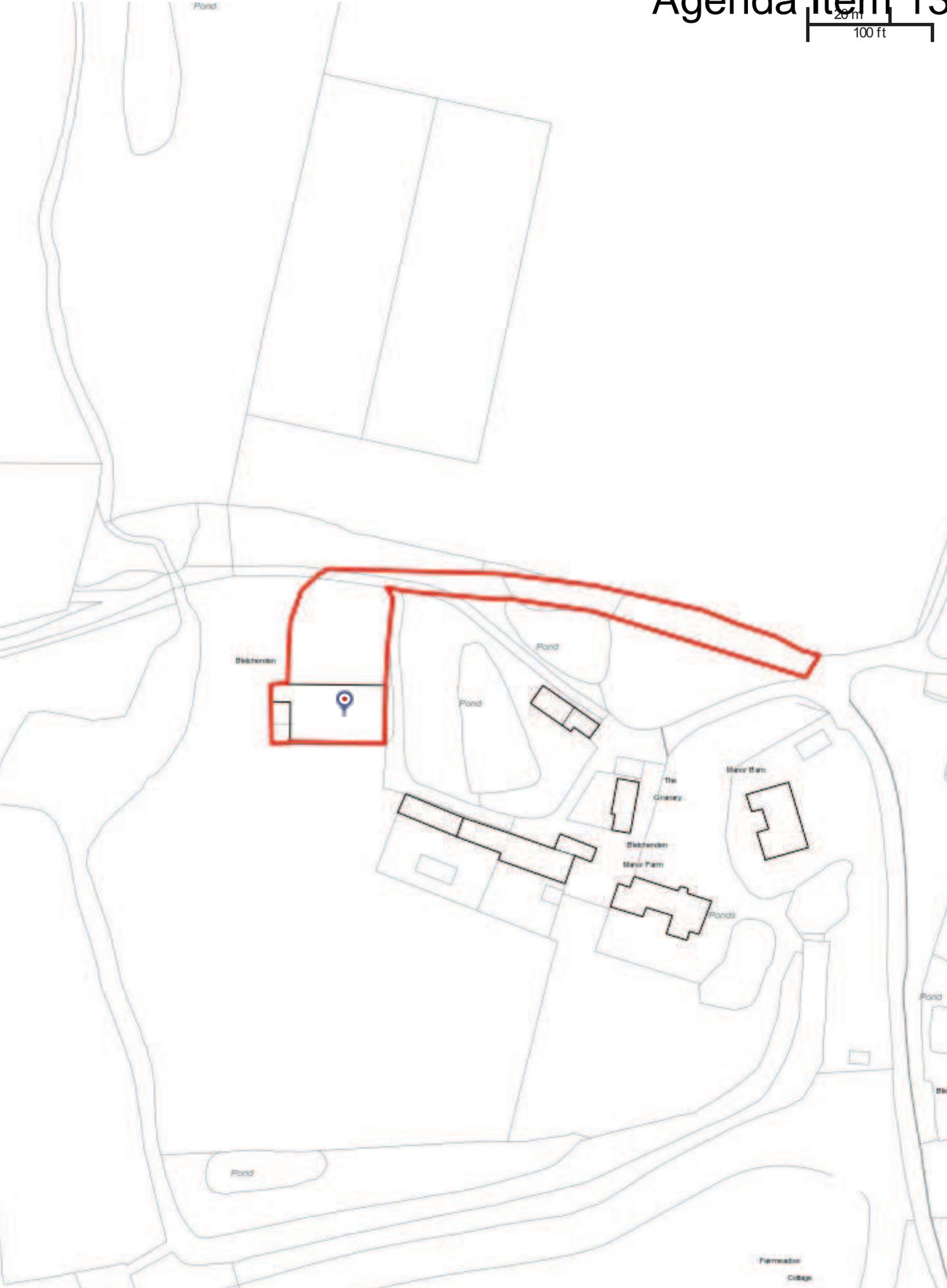
15 SEPTEMBER 2016

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEM

The following application stands deferred from a previous meeting of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation. The other deferred items are included on the agenda for this meeting.

APPLICATION	DATE DEFERRED
<u>14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT</u> Deferred to enable the Officers to negotiate movement of the signage to locations that are less visually intrusive.	14 January 2016



15/503223 - Bletchenden Manor Farm
Scale: 1:1250
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REPORT SUMMARY

REFERENCE NO - 15/503223/FULL		
APPLICATION PROPOSAL		
Part retrospective - Change of use and rebuilding of former cattle shed to provide tourist accommodation and construction of flood defence bund		
ADDRESS Bletchenden Manor Farm, Bletchenden Road, Headcorn, Kent, TN27 9JB		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
The proposed development, subject to imposition of the recommended conditions, is considered to comply with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000) and there are no overriding material planning considerations justifying the refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE		
The recommendation is contrary to the views of Headcorn Parish Council.		
WARD Headcorn	PARISH/TOWN Headcorn	COUNCIL APPLICANT Mr J Hart And Mrs F Wright AGENT Savills
DECISION DUE DATE 24/06/15	PUBLICITY EXPIRY DATE 24/06/15	OFFICER SITE VISIT DATE 14/05/2015

1.0 MAIN REPORT

- 1.01 This application was deferred for consideration by the Planning Committee on the 2nd June 2016 to enable (a) further investigation of the flood evacuation plan, including seeking confirmation from the Environment Agency as to whether the initial warning/informing system is possible as the occupants would be holidaymakers and (b) to seek further information on details of the private flood defence system. The Committee report is attached as **APPENDIX 1**.
- 1.02 In response the applicant has submitted the following additional details to address concerns relating to safe access and egress to the site: The key points are set out below:
- A dedicated landline to be installed just to receive flood warnings from the EA though an additional and more sophisticated, site specific warning system can also be installed.
 - This system is produced by Findlay Irvine, a company used by LA's and airports.
 - System provides cumulative warnings to computers and mobile devices as well as a continual video of the river to a screen in the building, with the river being over 0.5 miles away.
 - Will provide several hours notice of a flood and thus plenty of time for occupants to evacuate the building in accordance with the evacuation plan which will be provided to the occupants.

- The building will be constructed in a water tight fashion to safeguard any occupants that may be within the building.
- A back up generator will provide power enabling occupants to stay in the building until the water subsides.
- There will be no internal damage and no burden on the rescue services as there will no risk to life.
- A sewerage treatment plant will be installed in association with the EA being a a sealed system with one way valves discharging potable water.
- All rainwater from the roof will be collected for recycling and a pump installed to discharge any excess water over the bund.
- Several hundred hedging plants and over a hundred trees have been planted which will assist in removal of water from the ground to the air through translocation.

1.03 The detailed flood warning and evacuation plan submitted by the applicants is attached as **APPENDIX 2** to this report.

1.04 A plan of the original bund survey has also been submitted with an additional bund shown. The applicant advises that the objectors FRA show the bund failing to meet the EA height for about one third of its length. By constructing an additional bund to an AOD of 20.50 this will provide the requisite protection. The bund will be constructed from imported clay topped by soil planted with a native species mix.

2.0 LOCAL REPRESENTATIONS

2.01 Further reconsultations were carried out in connection with the details submitted above and 5 objections received which are summarised below:

- Development proposed in an area that has flooded at least 3 times in the last 3 years and proposal continues to be contrary to the NPPF as a result.
- Erection of a 2.5 metre bund is uneconomic and unsustainable while delivery of fill to construct the bund by HGV's would be a source of highway danger while damage the approach road.
- Bund will increase risk of flooding to nearby Listed Building while proposal will decrease capacity of the area to absorb water thereby increasing flood risk in the area.
- The erection of the bund is an acceptance that the existing flood defences are inadequate while increasing flood risk to other properties.
- Flood warning and evacuation plans make no mention of safe refuge while the detailed action list is unlikely to be carried out or read by someone only occupying the building as a holiday let.
- The proposed bund fails to take into account the impact of climate change while requiring planning permission in its own right.
- The bund is contrary to the provisions of policy ENV45 of the adopted local plan.
- The construction of the bund would affect archaeological artefacts while affecting local wildlife.
- An incorrect ownership certificate has been issued.
- The EA response fails to assess the impact of the bund on flood risk generally in the area.

3.0 CONSULTATIONS:

3.01 **EA:** Satisfied the details showing construction of an embankment around the proposed dwelling means it can be protected against internal flooding and is now able to remove its objection subject to full details of the new embankment being provided.

Still have concerns relating to safe access, flood warning and evacuation plans but are unable to comment further advising that the Council should consult its own emergency planning team on these details.

Regarding confirmation as to whether the initial warning/informing system is possible as the occupants would be holidaymakers, advise the building is in the Flood Warning Area for the River Beult so the service is available for registration to River Beult from Bethersden and Pluckley to Stile Bridge.

In connection with flood warning and evacuation measures prefer to have the person in residence registered with the EA flood warning service. However as in the case of caravan parks an owner/warden would need to be fully registered with a backup person to ensure this information is passed on to the 'occupier' without delay.

Concerns were raised separately by objectors regarding the impact of the proposed bund on local flood risk to which the EA responded as follows:

Following review of the submitted details it was noted the proposed new bund will be built very close to the property. In this situation believe any flood displacement will have negligible impact on flood levels in this area.

Further stressed that where it believed a development to be unsafe and/or will cause displacement of flood water do not hesitate in submitting evidence to the LPA. However where EA believes the risk is managed it provides appropriate technical advice which in this case involved recommending a condition to ensure the new bund be constructed in a manner to secure its intended function.

Reiterate the EA is unable to comment on the adequacy of emergency plans.

4.0 APPRAISAL

- 4.01 To reiterate the outstanding matters requiring to be to be addressed by Members are (a) further investigation of the flood evacuation plan, including seeking confirmation from the Environment Agency as to whether the initial warning/informing system is possible as the occupants would be holidaymakers and (b) to seek further information on details of the private flood defence system.
- 4.02 **Point (a):** The flood evacuation plan submitted by the applicants and attached as **APPENDIX 2** to this report sets out the evacuation measures. It makes the specific point that a copy of the plan will sent to tenant prior to occupation for their signature while a further copy will be maintained at the property.
- 4.03 Regarding whether the proposed warning systems are affected by the property being in holiday use the EA's response makes clear that while it would prefer to have an occupant registered on its flood warning system measures could be put in place to make sure short stay occupants are also aware of flood warning and evacuation procedure.
- 4.04 **Point (b):** Details submitted to address this show a range of measures which have now been extended to include the construction of an internal flood defence bund. This flood defence bund would be in addition to the existing bund. The applicants have advised the new bund will be about 1 metre in height to line through with the height of the existing flood defence bund.

- 4.05 Members are reminded of the existing flood defence measures, both existing and proposed as part of this application and which are set out in detail in the report attached as **APPENDIX 1**.
- 4.06 Specific objection has been raised to the proposed bund, it being contended that it will increase flood risk in the area. However the response of the EA makes clear it does not accept the proposed bund will increase flood risk in the locality in the event of the existing bund being overtopped.
- 4.07 It should be stressed that flooding issues are addressed in detail in the report attached as **APPENDIX 1**. It was concluded that taking into account the site history the current proposal represents a material improvement in addressing flood risk compared to what was previously approved for this site.

Other matters:

- 4.08 Concern has been raised regarding the visual impact of the proposed bund which is considered will be contrary to policy ENV45 of the adopted local plan while also adversely affecting local wildlife and archaeology. In addition its construction will require substantial HGV movements which will be unacceptable in environmental terms.
- 4.09 Regarding whether the bund fails the tests of policy ENV45 of the adopted local plan the policy requirement is that no fences, walls or other structures associated with the use of the building or definition of its curtilage will be permitted that would harm the visual amenity of the countryside. The bund will have low height and profile and once planted is unlikely to represent a perceptible feature in the landscape. As such given it is a flood protection measure required in connection with the use of the premises for tourist accommodation it is considered ancillary development falling within the restrictions set out in policy ENV45.
- 4.10 Measures to safeguard wildlife have already been set out in the report attached as **APPENDIX 1**. Given (a) the narrow width and low height of the bund and (b) following planting it will become a wildlife habitat in its own right, subject to a detailed investigation of the bund route before work commences, to identify and to secure the removal of any protected species which may be affected, it is considered the bund will not have any material impact on local wildlife or habitats.
- 4.11 Archaeology is already set out to be addressed by a watching brief condition and any excavation works required to implement the bund will be covered by this condition.
- 4.12 Regarding HGV movements to bring material onto the site to construct the bund, Members are reminded that vehicle movements required to implement a planning is not normally a material planning consideration. It is normally only post development impacts that can be taken into account. Consequently once the bund is constructed traffic generation in connection with its continued presence will be minimal to non-existent. It is nevertheless recommended that an informative be appended to any permission that may be granted reminding the applicants of their duty in carrying out the development.
- 4.13 A more important consideration is the provenance of any imported material, which will have to be clean uncontaminated fill while site access for construction vehicles will also need to be identified to ensure the interests of wildlife is safeguarded. These matters can both be addressed by condition.

4.14 The validity of the ownership certificate accompanying the application has also been challenged. This matter has already been looked into where it was concluded that the red outline defining the application site should extend to the public highway. In so doing this involved land not in the applicant's direct ownership or control. However an appropriate certificate has been served along with evidence that the necessary publicity procedures were undertaken.

5.0 CONCLUSIONS

5.01 It is considered the additional information and clarification provided addresses Members outstanding concerns. In the circumstances it is considered the balance of issues continue to fall in favour of the proposal and that planning permission should be granted as a consequence.

6.0 RECOMMENDATION: – GRANT PLANNING PERMISSION subject to the following conditions:

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

Reason: In 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 approved commences joinery details of the proposed windows and doors shall be submitted for prior approval in writing by the Local Planning Authority. The details shall specify materials and finishes and include large scale plans at a scale of either 1:20 or 1:50 showing long and cross profiles of the mullions, transoms and cills. Work shall only be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason: In the interests of visual amenity.

(3) The development shall not commence until written details and samples of all external materials to be used for permeable surface materials, access ways, parking and turning areas have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials.

Reason: In the interests of visual amenity.

(4) Details of fencing, walling and other boundary treatments shall be submitted for prior approval in writing by the Local Planning Authority. The approved details shall be in place before first occupation of the development hereby permitted and retained as such at all times thereafter.

Reason: In the interests of visual amenity.

(5) Following (a) occupation of the building and (b) construction of the flood attenuation bund hereby approved native species landscaping schemes shall be submitted for prior approval in by the Local Planning Authority. The approved schemes which shall be implemented in the first available planting season. The approved scheme shall show existing trees and hedgerows to be retained, and specify the areas of new planting, the type, size and density of any planting along with long term management details of the landscaping scheme. Any planting becoming dead, dying or diseased within 5 years of planting shall be

replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity.

(6) Any trees/hedgerows to be retained within the application site and affected by the proposed development must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations' before work commences on site. Any barriers and/or ground protection must be in place before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

(7) No external lighting whatsoever shall be installed without first obtaining the prior approval in writing of the Local Planning Authority. Lighting shall only be installed in accordance with the approved details and retained as such at all times thereafter.

Reason: To safeguard the nighttime rural environment and in the interests of wildlife protection.

(8) Bat mitigation measures shall be carried out in accordance with the details set out in the Bat Survey dated October 2009.

Reason: In the interests of wildlife.

(9) Prior to first occupation of the development hereby approved details of the provision of bat boxes shall be submitted for prior approval in writing by the Local Planning Authority. The approved bat boxes shall be installed within 1 month of first occupation of the building and retained as such at all times thereafter.

Reason: In the interests of wildlife.

(10) Prior to first occupation of the development hereby approved or construction of the flood attenuation bund including on-site routing of HGV's to construct the bund, the proposed mitigation measures relating to great crested newts and reptiles set out in extended phase 1 ecology report and method statement for vegetation removal and management for reptiles by Hone Ecology dated the 29th September 2015 shall be implemented and maintained in accordance with the submitted details.

Reason: In the interests of wildlife.

(11) The building hereby permitted shall only be used for holiday accommodation and shall not be occupied for this purpose for more than 28 days as a single letting. There shall be no consecutive lettings beyond 28 days to the same person(s), family or group and a written record of all lettings shall be kept and made available for inspection by the Local Planning Authority on 5 working days notice being given.

Reason: To prevent the creation of a permanent residential use in the countryside in the interests of amenity.

(12) The development hereby permitted shall not commence until the following details to deal with the risks associated with contamination of the site have first been submitted to and approved in writing by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of amenity and public safety.

(13) Prior to first occupation of the development hereby approved the flood risk management methods shall be implemented in accordance with the details set out in paragraphs 7.01-7.16 (inc) of the flood risk assessment carried out by Monson dated the 5th November 2015, with these measures maintained as such at all times thereafter. In addition the building shall only be occupied in accordance with the flood warning and evacuation plan received on the 6th July 2016.

Reason: In the interests of flood protection.

(14) No sleeping accommodation shall be provided on the ground floor of the building hereby permitted.

Reason: In the interests of flood protection .

(15) The slab level of the building hereby permitted shall be 400mm above the existing ground level and there shall be no changes to existing ground levels within any part of the site.

Reason: In the interests of flood protection and to maintain flood storage capacity.

(16) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with

a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure features of archaeological interest are properly examined and recorded.

(17) Before the development hereby approved commences details of surface and waste water disposal shall be submitted for the prior approval in writing of the local planning authority. The development shall only be carried out in accordance with the approved details which shall be maintained as such at all times thereafter.

Reason: In the interests of flood and pollution prevention.

(19) Prior to first occupation of the development hereby approved a void shall be provided at the base of the new building, with the void in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The void shall be retained in accordance with the approved details for the lifetime of the development.

Reason: In the interests of flood protection .

(20) The building hereby approved shall not be occupied full details of the new flood attenuation bund shown on drawing received on the 6th July 2016 have been submitted for prior approval in writing and shall include details of the embankment material, crest height and drainage arrangements for the area within the bunded area. The embankment shall be constructed in accordance with approved details before first occupation of the building hereby approved and shall be retained as such at all times thereafter.

Reason: In the interests of flood protection.

(21) The development hereby permitted shall be carried out in accordance with the following approved plans being drawing nos: 0-08/92/001 A being the existing cattle shed layout and appearance plans, block plan at a scale of 1:1000 and proposed elevation plan received on the 29th April 2015, proposed layout plan received the 10th April 2015 and 1:1250 block plan received the 10th April 2015 and plan received on the 6th July 2016 showing bund position and levels.

Reason: To ensure the quality of the development is maintained in the interests of visual amenity.

INFORMATIVES:

Construction

As the development involves demolition and / or construction the development should be carried out in accordance with the Mid Kent Environmental Code of Development Practice.

Asbestos

The applicant is advised that adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any

redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Fuel, Oil and Chemical Storage

All precautions must be taken to avoid discharges and spills to the ground both during and after construction.

Waste

Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. The Waste (England and Wales) Regulations 2011
- ii. Hazardous Waste (England and Wales) Regulations 2005
- iii. Pollution Prevention and Control Regulations (England and Wales) 2000
- iv. Environmental Permitting (England and Wales) Regulations 2010

Duty of care:

You are reminded of the duty of care in carrying out this development in particular when gaining HGV access to the site.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a 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:

Following clarification and amendment of the submitted details the application was acceptable.

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.

REPORT SUMMARY

REFERENCE NO - 15/503223/FULL		
APPLICATION PROPOSAL		
Part retrospective - Change of use and rebuilding of former cattle shed to provide tourist accommodation.		
ADDRESS Bletchenden Manor Farm, Bletchenden Road, Headcorn, Kent, TN27 9JB		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
The proposed development, subject to imposition of the recommended conditions, is considered to comply with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000) and there are no overriding material planning considerations justifying the refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE		
The recommendation is contrary to the views of Headcorn Parish Council.		
WARD Headcorn	PARISH/TOWN Headcorn	COUNCIL
		APPLICANT Mr J Hart And Mrs F Wright AGENT Savills
DECISION DUE DATE 24/06/15	PUBLICITY EXPIRY DATE 24/06/15	OFFICER SITE VISIT DATE 14/05/2015

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site was formerly occupied by two buildings which have now been demolished. The application site is sited over 60 metres to the east of Bletchenden Manor Farm and The Granary which are both Grade II Listed Buildings.
- 1.02 The site has access off a private lane which is a northern continuation of Bletchenden Lane that also serves a number of houses. Public footpath KH602 runs along the north site boundary with fields beyond to the north.
- 1.03 The application site falls within an area at risk of flooding (Flood Zone 3). There is a bund around approximately 2-3m in height in the west part of the site which forms part of privately maintained flood defences.
- 1.04 In a wider context the application site lies within open countryside and within a Special Landscape Area.

2.0 PROPOSAL

- 2.01 Planning permission was granted under ref: MA/09/0943 for the change of use of buildings on the application site to provide tourist accommodation.
- 2.02 In the course of carrying out the conversion works and due to the condition of the building it became necessary for the building to be demolished. Foundations have since been constructed and low brick courses laid in relation to a replacement building but work has now ceased pending the outcome of this planning application.
- 2.03 Permission is therefore sought as part of the current planning application to rebuild and use the buildings for tourist accommodation exactly as that which was approved under planning permission ref: MA/09/0943.
- 2.04 The application has been accompanied by updated Flood Risk (FRA) and ecological assessments.

3.0 RELEVANT PLANNING HISTORY:

- 3.01 10/2070: Conversion of redundant stable and cattle shed to 2no. separate dwellings – REFUSED-05/05/2011 on the grounds that retention of the cattle shed building for residential purposes contrary to policy ENV45 of the Maidstone Borough-Wide Local Plan 2000 in that this building is not of sufficient architectural or historic interest to merit a redevelopment to residential use.
- 3.02 MA/09/0943: Change of use and conversion of cattle sheds and stables for tourist accommodation – APPROVED- 11/01/2010

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF 2012)
National Planning Practice Guidance (NPPG 2014)
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13,
Maidstone Borough Council Draft Local Plan: SS1, DM1, DM2, DM3, DM35

- 4.01 The application site lies outside any defined settlement and in open countryside forming part of an Special Landscape Area as defined in the Maidstone Borough-Wide Local Plan 2000. As such it is subject to policies ENV28 and ENV34 of the adopted local plan.
- 4.02 Following consideration of comments made as a result of recent consultation, the Council submitted the draft Local Plan (Regulation 19) for examination on the 20 May 2016. The emerging plan is a material consideration and can, however, be given some weight when considering planning applications by virtue of its progress through the stages in the adoption process.
- 4.03 Regarding the Headcorn Neighbourhood Plan (NP), it is out for Regulation 16 consultation for 6 weeks which started on the 15 January 2016. As such some weight should be afforded to the plan. In connection with the current proposal policy HNP3 relates to water management and flood risk and amongst other things seeks to discourage development taking place within flood zones 2 and 3.
- 4.04 Policy HNP19 relates to tourism while policy HNP23 refers to small businesses.

- 4.05 Reference has also been made to policy HNP33 relating to building new dwellings in the countryside.

5.0 LOCAL REPRESENTATIONS

- 5.01 A site notice was displayed at the site on the 14th May 2015.

- 5.02 6 neighbouring properties notified- 7 objections have been received which are summarised below:

- Application incorrect – cannot be a conversion as building no longer exists to convert while footprint of new building larger than demolished cattle shed.
- Proposal represents a new building in the countryside rather than a conversion. As such cannot be considered under policies relating to conversion of existing buildings within the countryside.
- Contend that building was deliberately demolished in order to obtain a new purpose built dwelling within the countryside.
- Site falls within curtilage of LB therefore Listed Building Consent will be required.
- Enforcement action should be taken to secure reinstatement of Listed Building that has been demolished.
- Harm rural character of area, character of an historic farmstead and Low Weald SLA.
- Development in area at risk of flooding making it unsuitable for any form of residential use.
- Proposal will increase flood risk to which nearby houses are exposed to by overwhelming local flood defences and if planning permission is granted local residents will claim damages against the Council.
- Use of access road which is also a public footpath will increase traffic flow resulting in harm to the free flow of traffic and highway safety.
- Site access not owned by applicant but by residents in Bletchenden Road.
- Does not accept that planning permission ref: MA/09/0943 was started within 3 years. As such the planning permission has expired and fresh planning permission should have been obtained.
- As wildlife surveys were carried out some time ago they are no longer valid and new surveys should be undertaken.
- Contend that the area is already extremely well served by tourist accommodation and this development is therefore unnecessary.
- Does not meet tests for sustainable development as it will serve no economic or social role, destroy an existing historic environment and harm wildlife while contrary to provisions of NPPF in seeking to avoid isolated new dwelling in the countryside.
- Contrary to the provisions of the Headcorn Neighbourhood Plan.

- 5.03 3 supporting representations received which are summarised below:

- Occupant of Bletchenden Manor Barn states that as the nearest neighbour to proposal there is no objection to the proposal as long as design and materials are appropriate to this rural setting. Concerns are expressed that normal planning procedures have not been followed, that the footprint of the proposed building is larger and that proposal could result in local flood defence being overwhelmed.
- Welcome work that improves appearance of the site subject to historic character of the area not being compromised.
- Have farmed area for over 100 years and support proposals that can be seen to benefit the rural economy.

- Site has been left too long in an unsightly state and subject to the proposal including measures for local wildlife in addition to hedge planting that has been carried out considers that proposal will benefit the local area.
- 5.04 In addition to the above the following summarised representations have been received from Bletchenden residents:
- Initial conversion allowed on the basis that the building was Listed and therefore needed to be retained. As it has now been demolished represents the construction of a new dwelling in the countryside contrary to the NPPF.
 - Site lies in area at risk of flooding and further development will increase flood risk in the area.
 - Will harm heritage character of the area.
 - Unless new wildlife surveys undertaken cannot be sure that the proposal will not harm wildlife.
 - Highway harm to users to users of public footpath and local residents.
 - Applicant has no right to gain access to site on route shown.
 - Contrary to provisions of policy HNP33 of neighbourhood plan.
 - Will result in the need for additional sewage treatment plants discharging into local watercourses increasing flood risk.
 - Not justified in tourist terms, will provide no community benefit while resulting in harm to the character of the countryside.
 - Failure to ensure the proposal pays sufficient regard to wildlife needs could place any decision at the risk of judicial review.
- 5.05 In addition residents in Bletchenden have commissioned their own Flood Risk Study and its key conclusions are summarised below:
- As Bletchenden is located entirely within Flood Zone 3 it is necessary to apply a sequential test for any new standalone development and the requirement is to show there are no other reasonable available sites within the area at a lower risk of flooding.
 - If the sequential test is met there is also the requirement to pass an Exception Test.
 - As part of this test a site specific flood risk assessment must be submitted which demonstrates the development will be safe for its lifetime taking into account the future users without increasing flood risk elsewhere and where possible reducing flood risk overall.
 - Bletchenden lies within a functional floodplain (zone 3B) and more vulnerable development such as new housing should not be permitted within zone 3B.
 - Due to predicted flood depths and recent actual flood events it is not considered appropriate flood mitigation including provision of safe escape routes could be implemented for new development in any part of Bletchenden.
 - Any new structure could causes a significant loss of flood storage capacity with limited option for any compensatory provision due to the flat low lying topography of the area.
 - In summary Bletchenden is not a suitable location in flood risk terms for new development.

6.0 CONSULTATIONS

- 6.01 **Headcorn Parish Council:** Objects to the proposal and wishes to see it refused on the following grounds:

- Development contrary to policy HNP33 of the neighbourhood plan that seeks to prevent new houses being built in the countryside.
 - That the size, layout and design of the building makes it appear more as a private house rather than being intended for tourist accommodation.
 - Site falls within a flood zone.
- 6.02 Also expressed concerns regarding the FRA, rights of way, the ecology survey and impact on heritage character of the area.
- 6.03 **Weald of Kent Protection Society:** Objects on the following grounds:
- As the original building collapsed there is no longer any building to convert and proposal therefore represents construction of a new building in the countryside.
 - Though the cattle shed apparently had no heritage value the site is located in a conservation area while the farmstead is a listed building.
 - Though the farmstead is in poor state it was previously identified as one of the most important examples of an intact farmstead typifying Wealden heritage and culture and as a result the buildings should be repaired.
 - Site lies within a flood zone.
 - Access to the site does not lie within the ownership or control of the applicant.
- 6.04 **MBC Heritage:** Following the collapse of the original building this is no longer a conversion but a new build. The collapsed building was of no historic or architectural value so there is no argument in favour of its re-building on these grounds. However the proposed reinstated building will have no significant impact on the setting of nearby listed buildings.
- 6.05 **Natural England:** No comments
- 6.06 **KCC PROW:** No objections
- 6.07 **KCC Archaeology:** The application site is considered to be the possible site of a medieval moated manor complex which became a fairly extensive post medieval farm. The medieval residence may have been surrounded by a moat of which the current ponds could be remnants. Some of the current buildings are Listed Buildings but there are other outbuilding which may be post medieval or earlier and are key parts of the historic complex. Of particular note for this application is that the 1st Ed OS map seems to indicate a possible outbuilding just to the north of the cattle shed.
- Remains associated with the medieval and post medieval use of the site may be revealed during groundworks, including the foundations of the small building identifiable on the 1st Ed OS map just north of the cattle shed. As such recommend a condition to secure a watching brief.
- 6.08 **KCC Biodiversity Officer:** The applicant has confirmed that all ground works have been completed i.e there is no requirement for foundations etc. to be dug while the vegetation on the site has been regularly mown. As such it is not considered the works will result in loss of suitable terrestrial habitat for Great Crested Newts (GCN) or reptiles and as such do not consider there is a requirement to carry out an updated ecological survey or a trapping exercise prior to works recommencing.

However as fencing has been damaged there is potential for individual newts/reptiles to be present and there is a need for precautionary mitigation to be implemented prior to works recommencing. In addition there is construction material present within the site which may be used by the occasional resting newt/reptile. Suggest these

areas moved by hand on to pallets and if any GCN/Reptile are found the applicant must contact their ecologist for advice. In addition the existing exclusion fence should be repaired as soon as possible.

6.09 **KCC Highway Services:** No objection

6.10 **Environment Agency:** Notwithstanding submission of the amended flood risk assessment (FRA) maintain objection to the proposal for the following reasons:

- Primary reason given for objecting to the earlier application MA/09/0943 was the lack of safe access for occupiers under flood conditions. This was based on the understanding that occupiers would be able to remain in the property as the conversion would itself be protected against internal flooding, despite it being within an area at high risk to flooding (Flood Zone 3).
- The current application appears to show a building with sleeping accommodation on the ground floor. No information has been provided to confirm the new dwelling will be safe from internal flooding and therefore, occupants could be placed at risk.
- The applicant states the site is protected by a private flood defence scheme constructed in partnership with the Environment Agency. This is not the case and the Environment Agency is unable to verify the integrity of the defence, or the standard of protection it is designed to offer.
- The flood event of December 2013 was of not particularly significant magnitude at this location when compared to the 100yr return period extent and so because the site has not flooded in recent years, does not mean this can be attributed to the local flood defence scheme.
- Unable to confirm the property is protected against flooding, either from the River Beult or local watercourses.
- No information has been provided to confirm the proposed development has greater flood protection than the scheme proposed in 2009 to which objection was raised.
- Unable to confirm the proposed dwelling will be safe against internal flooding, irrespective of whether it is to be used for permanent or holiday accommodation.
- Occupiers will not have safe access under flood conditions.

6.11 Having assessed further information submitted in connection with the Flood Risk Assessment the following issues remain:

- The report does not include a topographic survey of the existing flood defence bund giving only an approximate level of the bund. As such the Environment Agency are unable to verify whether the bund has a continual height above that of the design flood level and on this basis the objection based on flood risk is maintained.
- The remaining queries regarding access ramps and non return valves have been dealt with satisfactorily.
- Maintain previous statement that safe egress from the property in a flood cannot be improved upon. Even with the presence of the flood bund residents would still have to move through over 250m of flood water at a depth of at least 0.5m to a point on Bletchenden Road.
- Note photographs submitted by an objector showing flooding in 2013. Unfortunately cannot ascertain precisely where this flooding is unless clarified by the objector.

- A bund crest height of 20.35mOD would be sufficient provided the applicant can demonstrate this was the continuous height around the entire bund. To date confirmation the bund crest is a minimum of 20.35mOD along the entire bund has not been provided. Therefore remain unable to confirm the site will be protected against flooding from a number of return periods up to and including the 1% Annual Exceedance Event plus a 20% increase in climate change.
- Understand a significant part of the flood embankment is on 3rd party land and so applicant cannot guarantee the embankment will be maintained along its entire length to an appropriate standard for the lifetime of the development.
- Access from Waterman Quarter is restricted during flood conditions, which the Council should consider in terms of safe access and egress.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 The development proposals are shown on drawing numbers: 0-08/92/001 A being the existing cattle shed layout and appearance plans, block plan at a scale of 1:1000 and proposed elevation plan received on the 29th April 2015, proposed layout plan received the 10th April 2015 and 1:1250 block plan received the 10th April 2015.
- 7.02 The application is supported by a Planning Statement, Design and Access Statement, Bat Survey dated October 2009 by thompson ecology, flood risk assessment by Monson dated the 5th November 2015, Ecological Scoping Survey and Great Crested Newt and General Amphibian Survey by Kent Wildlife Trust dated April and September 2009, extended phase 1 ecology report and method statement for vegetation removal and management for reptiles by Hone Ecology dated the 29th September 2015

8.0 APPRAISAL

- 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. As the site lies within open countryside forming part of a Special Landscape Area (SLA) the proposal is specifically subject to policies ENV28 and ENV34 of the adopted local plan. 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.”*

- 8.02 Subsection 5 above refers to exceptions to policy ENV28 indicated by other policies in the adopted plan. In this case policy ENV44 relating to the reuse of existing rural buildings for other uses including tourism is also relevant.

- 8.03 Policy ENV34 relating to SLA's essentially requires that the protection and conservation of land quality will take precedence over other planning considerations.
- 8.04 The key issues in relation to this proposal are considered to be (a) principle (b) impact on rural character of the area and the Special Landscape Area (SLA) (c) impact on adjoining properties (d) heritage considerations (e) flooding (f) wildlife and habitat and (g) highways.

Principle

- 8.05 Paragraph 28 of the NPPF is relevant in considering the provision of tourist accommodation on the application site. The NPPF seeks to secure a prosperous rural economy and amongst other things, states that local planning authorities should:
- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;
- 8.06 Planning permission was granted under ref: MA/09/0943 to convert the buildings previously located on the application site into tourist accommodation. This decision established the principle of tourist accommodation on this land. The main issues to be considered as part of the current planning application are whether there has been any material change in the planning policy background or other circumstances since planning permission was originally granted under ref: MA/09/0943 that would justify a different outcome.
- 8.07 Planning permission under ref: MA/09/0943 was granted under the provisions of policy ENV44 of the adopted local plan; this policy relates to the reuse or adaptation of existing rural buildings for, amongst other things, tourism uses. One of the ten criteria set out in policy ENV44 is that the building should be in situ and of permanent, substantial and sound construction which is capable of conversion without major or complete reconstruction.
- 8.08 The applicant advises that in the course of implementing the permission ref: MA/09/0943, the cattle shed partially collapsed and as a result had to be completely demolished. Rebuilding commenced with foundations and low walls being constructed, but on being advised that planning permission was required to replace the building this work ceased.
- 8.09 Dealing first with replacing the previous building. The building has only been recently demolished with the Council having records both of its size and location. In this context it would be extremely difficult for the Council to substantiate any meaningful objection to a replacement building of the same or similar location, appearance, bulk and massing to that which was previously located on the site. The replacement building currently proposed has been designed to be of a similar appearance, bulk and massing and in a similar location to the previous building on the application site

- 8.10 Regarding whether the proposal can be seen to comply with policy ENV44 of the adopted local plan the normal policy requirement is, amongst other things, that the building should be in situ and of permanent, substantial and sound construction capable of conversion without major or complete reconstruction. Clearly this does not apply to the current proposal but given the special circumstances justifying a replacement building it is considered appropriate to apply the other criteria set out in policy ENV44 in assessing the proposal. These criteria are discussed in the following sections of this report. Subject to the assessment of this other criteria in ENV44 and given the clear support for new business in rural areas including tourism in the NPPF, the principle of a well-designed new buildings used for tourist purposes on the application is considered acceptable.

Impact on rural character of the area and Special Landscape Area

- 8.11 Policy ENV44 states that the reuse or adaptation of rural buildings for tourism use will be permitted where the building is of a form, bulk and general design that is in keeping with its rural surroundings. The policy states that any alterations proposed as part of the conversion should be in keeping with the rural character of the building in terms of detailed design and materials.
- 8.12 In size, design and siting terms the proposed building reflects that permitted under application ref: MA/09/0943 and which would have been the building currently occupying the site but for the circumstances set out above. As such it is considered the impact of the proposed building raises no new issues in relation to its impact on the rural character of the area and the Special Landscape Area.
- 8.13 Policy ENV44 states that no new fences, walls or other structures associated with the use of the building or the definition of its curtilage or any sub-division should be erected if they would harm the visual amenity of the countryside. A planning condition is recommended (condition 4) that seeks the submission of details of any fencing or walls for approval. It is considered that this condition will ensure that no structures are erected that would harm visual amenity in line with policy ENV44.

Impact on adjoining properties

- 8.14 Policy ENV44 states that tourism uses will be permitted subject to the proposed use not harming the local environment or the amenities of local residents through the creation of noise, dust, smoke, fumes, grit, vibration or any form of water, soil or air pollution. The principle of a tourism use has previously been established and it remains the case that the intended use will meet these criteria and is unlikely to have any impact on adjoining properties in this manner.
- 8.15 In accordance with policy ENV44, the proposed use does not involve any commercial, industrial, sport or recreational activity or storage of raw materials or finished goods outside the building and the amenity of future occupants would not be harmed by the proximity of farm uses or buildings.
- 8.16 As the separation distance to adjoining properties is maintained there continues to be no objection to the proposal based on any material harm to the outlook or amenity of nearby properties.

Heritage Considerations

- 8.17 Concern has been raised that the building represented a curtilage Listed Building and as such Listed Building Consent should have been obtained before demolition took

place. However the MBC heritage advisor has confirmed that as the building did not fall within the acknowledged curtilages of the nearby Listed Buildings, it was not listed, nor had any merit as a heritage asset in its own right.

- 8.18 Turning to the impact of the new building on the character and setting of nearby listed buildings. As there is no material change in size, design and siting terms compared to that approved under application ref: MA/09/0943, the impact remains unchanged. In the circumstances no objection is raised and this view is supported by the MBC Heritage Advisor.

Flooding

- 8.19 When planning permission MA/09/0943 was approved the impact of flooding was assessed in detail including the sites location in an area at risk of flooding (zone 3). At the time the Environment Agency stated it was obliged to object due to uncertainty regarding the availability of safe dry access and/or egress during a flooding event.
- 8.20 The wider Little Bletchenden area is subject to a privately funded flood prevention scheme. This scheme involves diversion ditches and bunds with one way valves and a series of pumps surrounding the application site and nearby properties.
- 8.21 In considering the earlier planning application it appreciated by the Environment Agency that the site benefitted from privately maintained defences but it was not clear to them how efficient they would be during a flooding event. The proposal was classed as 'minor development' within the former PPS25 (now superseded by the NPPF) and as a result not subject to sequential or exception tests.
- 8.22 Planning permission was granted for the earlier application despite the Environment Agency's concerns for the following reasons; the Environment Agency objections were restricted to safe access/egress from the site, no evidence was available to show that safe access/egress would not be possible and the site had not flooded since the new flood defences were put in place. No planning conditions relating to flood attenuation were attached to the earlier granted planning permission.
- 8.23 Given the sites location in an area at risk of flooding, a flood risk assessment has been submitted in support of the current planning application setting out the following flood risk management measures:
- A clay bund has been constructed around the properties at Bletchenden following the flooding in October 2000. The height of the flood defences under the control of the applicant are set at around 20.443 AOD whereas 1% Annual Exceedance Probability is 20.287 AOD.
 - There is a network of internal ditches within the bund to deal with surface water and where these outfall, they have been fitted with anti-flood valves to prevent water backing up in to the protected area.
 - As a further safeguard, two surface water pumping stations have been constructed on the internal ditches so that surface and groundwater levels can be controlled by pumping excess water over the boundary.
 - Regarding the proposed dwelling manual door barriers are to be fitted to all external doors to provide a water tight seal along with covers for air bricks to prevent ingress of water into wall cavities.
 - A pump will be installed under the block and beam of the new building floor to pump away any raising ground water.
 - Non -return valves to be installed to ground floor toilets to prevent back flow into the property.

- Mortar for brickwork will contain a waterproofing agent and the brickwork thereafter to be sprayed with a waterproof sealant, the internal plaster is to contain a waterproofing agent, all of which will limit the entry of water through walls.
- All door and window frames and openings for cables etc. to be sealed with a silicone gel to prevent water entry of water at these points.
- The ground floor level will be approximately 400mm above outside ground level with no bedrooms created on the ground floor.
- No electrical sockets or switches to be lower than 800mm to reduce the risk of electrical failure.
- Property owner to sign up to the EA's flood line to receive information and flood warnings by email and text.
- installation of flood warning system to ensure safe egress from the property during a flood event.
- The system can have CCTV attached to it, so that the onset of a flood can be monitored by computer, tablet or and phone with an alarm sounding in the house, alerting occupants whether they are asleep or not and that alarm can be sent to portable devices around the world thus safe safeguarding the house when empty.

- 8.24 Notwithstanding the above, though the Environment Agency accepts a bund crest height of 20.35mOD would be sufficient in flood protection terms, in the absence of the applicant being able demonstrate this height is exceeded over the length of the entire bund it maintains the view that the application site remains at risk of flooding. As such, despite the presence of the bund the Environment Agency concludes that residents would still have to move through over 250m of flood water at a depth of at least 0.5m to a high point on Bletchenden Road. The Environment Agency therefore maintains its view that safe egress from the property in flood conditions cannot be improved upon.
- 8.25 The Environment Agency has not defined what it means by safe access and appears to be maintaining its objection based solely on the contention that the site is at risk of flooding without providing guidance on what the level of that risk is. This leaves this issue to be considered as a residual risk of flooding to be determined by the Local Planning Authority.
- 8.26 In determining any planning application exposed to risk from an acknowledged source in planning terms, (in this case flooding), it must first be determined whether the proposed mitigation is sufficient to address the risk. The history of the site and specifically in this case the similar buildings that until relatively recently occupied the site must also be taken into account.
- 8.27 The mitigation measures set out above include the following (a) a raised ground floor level (b) no sleeping accommodation at ground floor level (c) construction measures to limit damage to the building should flooding occur along with (d) early warning and alarm measures. It is considered that these measures, even without the presence of the flood protection bund, mean that future residents would be unlikely to be placed at risk of an unforeseen flooding inundation.
- 8.28 In the worst case scenario, where the property is surrounded by floodwater (and the applicant is adamant that at no time has the site been previously flooded) residents needing to leave the building or emergency services needing to gain access to the site would according to the Environment Agency have to move through 250 metres of flood water of at least 0.5 metres deep before getting to, or from higher ground on Bletchenden Road. Clearly negotiating such a depth of water is not desirable,

however given the water would be still/slow moving it is considered unlikely it would prove an insuperable obstacle to entering or leaving the site.

- 8.29 Concern has been raised that granting planning permission for the proposal will place other properties in the locality at risk of flooding. It should be noted that the current proposal will provide additional flood mitigation measures that were not possible as part of the earlier approval. These measures include a void at the base of the new building that will increase the flood storage capacity on the site and in the absence of any increase in ground level elsewhere, it is not considered the proposal will add materially to the risk of flooding of adjoining properties. Planning conditions are recommended to ensure that there ground levels on the site are not altered and that the building void is provided (conditions 13 and 16).
- 8.30 As such, if the planning permission granted under ref: MA/09/0943 had been implemented occupation of the building could have taken place without any of the proposed flood attenuation measures described above being in place. Given the commitment to a replacement building on this site, and with the flood mitigation measures proposed and the presence of the bund, it is considered that the current proposal represents a material improvement in addressing flood risk compared to that previously approved. Despite the Environment Agency concerns it is therefore considered that the current proposal will result in net benefits to the previously approved scheme in terms of addressing the flood risks that future occupants of the building and nearby residents will be exposed.
- 8.31 Turning to the flood risk assessment submitted by local Bletchenden residents, it is not disputed the site lies within a flood zone and that what is being proposed represents 'sensitive' development. As such if any 'new build' was being proposed, without the special circumstances that are present here, it is likely that the submitted objections based on development in an area at risk of flooding would be supported. However for the reasons set out above this is a not a simple case of 'new build' but replacing an existing building for which planning permission has already been granted for use as tourist accommodation.
- 8.32 In these circumstances it is considered there are no substantive grounds on which to refuse planning permission for a replacement building similar to that which was previously on the application. In addition the proposal provides the opportunity to secure an improved development in terms of addressing the flood risk issues raised both by the Environment Agency and local residents.

Wildlife and habitat considerations

- 8.33 The application approved under ref: MA/09/0943 was accompanied by an ecological and reptile survey. This great crested newt and reptile survey was undertaken of the site and surrounds. No great crested newts were identified within ponds adjacent to the site due to the presence of fish within the ponds. A grass snake was identified close to the site boundary. The installation of a reptile proof fence was recommended with site clearance to be carried out in a manner to avoid harming reptiles. A reptile fence was installed in 2010 and is repaired on a yearly basis.
- 8.34 Regarding the wider field where the cattle shed site is located, this supports rank grassland having the potential to support common protected reptiles. A precautionary approach was recommended to clear a small works area. The works area is currently unlikely to support reptiles owing to its regular use by machinery. A condition is recommended (condition 10) to ensure that the following wildlife mitigation measures

that are set out in an updated ecological appraisal proposed measures are implemented:

- Stage 1: Strimming vegetation with a brush cutter during warm dry weather to a height 10cm above ground. This can be undertaken at any time of year with nesting birds to be left until young have fledged, breeding bird season March – August inc.
- Stage 2: After a minimum of 48 hours during warm dry weather the vegetation should be strimmed to ground level up to the works area boundary. Farm debris on site to be hand searched for reptiles then moved onto pallets off the ground. Once the works area has been defined and hand searched for reptiles it should be marked with a reptile proof fence.
- In the event a reptile is found after clearance works, works shall cease in that area and an ecologist will be contacted.
- Any reptiles caught will be relocated to the rank grassland area at the edge of the site away from the works area.
- Reptile fencing to be erected around the works area to isolate the site activities. This will also prevent reptiles re-establishing on site from other areas.
- The route of the fence line will be hand searched and a small trench dug by hand and back filled to a depth of approximately 200mm to accommodate the necessary under lap of the sheet membrane. Soil from the trench will then be placed on both sides of the trench to ensure there is enough soil to backfill the trench adequately once the plastic sheeting is in place.
- The exclusion fencing will comprise a plastic sheet membrane secured to wooden posts using sealer washers and 35mm large head clout nails. The plastic membrane is smooth such as ultra violet stabilised 1000 gauge polypropylene or similar. The sheet width will be sufficient to permit the formation of a 150mm lip required as anti-burrow lip to fencing. An anti-climb lip will be installed by folding polythene at top of post.
- The fencing membrane will be as taut as possible without noticeable creases or folds, which could permit reptiles to climb the fence.
- The fence posts to be positioned on the side of the fencing from which the animals are to be excluded (to eliminate the risk of reptiles/amphibians being able to climb back into the exclusion area).
- The membrane will be secured to the posts using plastic pads or washers to avoid the sheet tearing under tension and wind pressure etc. Wooden battens, which may allow the animals to scale the fence, were not used to fix the membrane to the posts. Gaps will be avoided in the layout of the fencing where animals could pass and thereby avoid capture.
- The fence will support an 'under lap' of 150mm to prevent animals from passing underneath. Posts will be installed at a maximum spacing of 1.5m with the fence sheeting secured in at least three equally spaced positions per post. The wooden posts will be at least 800mm in length.
- Once the sheeting and posts are in position the soil will be backfilled replaced with the turf downwards in the trench (in order to suppress re-growth of vegetation). The backfill will be firmly compacted to eliminate any gaps or lumps on both sides of the fence.

8.35 Regarding bats, the site was surveyed in connection with the 2009 permission which revealed the presence of bats. and a number of mitigation measures set out which will be reincorporated into this proposal being (a) planting of nectar rich plants in nearby ponds to attract insects providing food for bats (b) retention of existing trees and hedgerows to provide roosting or commuting bats (c) provision of bat boxes in mature trees (d) landscaping to include a wildflower mix to attract greater diversities

of insects and (d) controls on lighting. A planning condition (condition 9) is recommended to ensure that these measures are implemented.

- 8.36 It is considered the above measures represent a comprehensive package of wildlife mitigation measures. Furthermore given KCC Ecology's acknowledgement that as all ground works have been completed while vegetation on the site has been regularly mown that the works will not result in loss of suitable terrestrial habitat for great crested newts or reptiles no further surveys or trapping is considered necessary.
- 8.37 In the circumstances it is considered the proposal continues to pay sufficient regard to wildlife and habitat issues in accordance with the provisions of the NPPF.

Highway considerations

- 8.38 Policy ENV44 states that where permission will be granted for tourist accommodation if traffic generated by the new use can be safely accommodated by the site access and local road system, if it will have no adverse effect on the amenities of local residents, if it will not result in the erosion of roadside verges, and if it is not detrimental to the character of the countryside.
- 8.39 Policy ENV 44 states that there should be sufficient room in the curtilage of the building to park the vehicles of those who will work or visit there and also to serve its use, all without detriment to the visual amenity of the countryside.
- 8.40 Taking into account the earlier planning permission granted for tourism accommodation on the application site the current proposal will be the same in its highway impacts as that currently under consideration. It is considered that the proposed accommodation will result in minimal traffic generation and that sufficient on site parking and turning space is available. With the small scale of the proposal it is considered that there is no harm identified to the free flow of traffic and highway safety on the local road network.

Town and Village vitality

- 8.41 Policy ENV44 states that a proposed tourist use should not lead to the dispersal of tourist activity on such a scale as to prejudice town and village vitality. It is not considered that the provision of a single building of tourist accommodation will lead to undue dispersal of tourist accommodation and the proposal does not increase the level of accommodation from that previously approved.

9.0 CONCLUSIONS

- 9.01 Following the above assessment the following conclusions are reached:
- Given the acknowledged presence in size, design and siting terms of the original building and that it has only been recently demolished an objection to a similar replacement building cannot be substantiated.
 - No objection is identified to use of the building for tourist purposes taking into account the provisions of the NPPF. Whilst it is acknowledged that the original building has been demolished the proposal is otherwise in accordance with policy ENV44 of the adopted local plan.
 - No harm is identified to the rural character of the area or the wider Special Landscape Area.
 - Is acceptable in its heritage impacts.

- Will not result in any material harm to the outlook or amenity of adjoining properties.
- Though the site lies within an area at risk of flooding given the commitment to a replacement building it is considered the proposed mitigation measures are proportionate to the level of flood risk identified while existing flood risk in the locality is unlikely to be exacerbated by the proposal.
- Makes acceptable to safeguard wildlife in accordance with the NPPF
- Is acceptable in its highway impacts.

9.02 In the circumstances it is considered the balance of issues fall in favour of the proposal and that planning permission should be granted.

10.0 RECOMMENDATION: – GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In 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. The development shall not commence until joinery details of the proposed windows and doors have been submitted to and approved in writing by the Local Planning Authority. The details shall specify materials and finishes and include large scale plans at a scale of either 1:20 or 1:50 showing long and cross profiles of the mullions, transoms and cills. Work shall only be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason: In the interests of visual amenity. This information is required prior to commencement as some works have already been carried out on the site.

3. The development shall not commence until written details and samples of all external materials to be used for permeable surface materials, access ways, parking and turning areas have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials.

Reason: In the interests of visual amenity. This information is required prior to commencement as some works have already been carried out on the site.

4. Prior to first occupation of the building hereby approved fencing, walling and other boundary treatments shall be in place which are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with the approved details retained for the lifetime of the development.

Reason: In the interests of visual amenity.

5. In the first available planting season following occupation of the building hereby approved a native species landscaping scheme shall be implemented that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The scheme shall show existing trees and hedgerows to be retained, and specify the areas of new planting, the type, size and density of any planting along with long term management details of the landscaping scheme. Any planting becoming dead, dying or diseased within 5 years of planting

shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity.

6. The development shall not commence, and before any equipment, machinery or materials are brought onto the site, barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations' shall be in place to protect any trees/hedgerows that are to be retained. The barriers and/or ground protection shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority.

Reason: In the interests of visual amenity. This work is required prior to commencement in order to protect any trees or hedgerows retained on the site.

7. No external lighting whatsoever shall be installed without the written prior approval of the Local Planning Authority. Any lighting shall only be installed in accordance with the approved details and retained as such at all times thereafter.

Reason: To safeguard the nighttime rural environment and in the interests of wildlife protection.

8. Bat mitigation measures shall be carried out in accordance the details set out in section 6 of the submitted Bat Survey dated October 2009.

Reason: In the interests of wildlife.

9. Prior to first occupation of the development hereby approved details of the provision of bat boxes shall be submitted for prior approval in writing by the Local Planning Authority. The approved bat boxes shall be installed within 1 month of first occupation of the building and retained as such at all times therefore.

Reason: In the interests of wildlife.

10. Prior to first occupation of the development hereby approved the proposed mitigation measures relating to great crested newts and reptiles set out in extended phase 1 ecology report and method statement for vegetation removal and management for reptiles by Hone Ecology dated the 29th September 2015 shall be implemented and maintained in accordance with the submitted details.

Reason: In the interests of wildlife.

11. The building hereby permitted shall only be used for holiday accommodation and shall not be occupied for this purpose for more than 28 days as a single letting. There shall be no consecutive lettings beyond 28 days to the same person(s), family or group and a written record of all lettings shall be kept and made available for inspection by the Local Planning Authority on 5 working days notice being given.

Reason: To prevent the creation of a permanent residential use in the countryside in the interests of amenity.

12. The development shall not commence until the following details to deal with the risks associated with contamination of the site have first been submitted to and approved in writing by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site.

Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of amenity and public safety. The details are required prior to commencement as further construction works may restrict the scope of any necessary remediation works.

13. Prior to first occupation of the development hereby approved a suitable void shall be provided at the base of the new building, with the void in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The void shall be retained in accordance with the approved details for the lifetime of the development.

Reason: In the interests of flood protection .

14. Prior to first occupation of the development hereby approved flood risk management methods shall be implemented in accordance with the details set out in paragraphs 7.01-7.16 (inc) of the flood risk assessment carried out by Monson dated the 5th November 2015, with these measures maintained as such at all times thereafter.

Reason: In the interests of flood protection .

15. No sleeping accommodation shall be provided on the ground floor of the building hereby permitted.

Reason: In the interests of flood protection .

16. The slab level of the building hereby permitted shall be 400mm above the existing ground level and there shall be no changes to existing ground levels within any part of the site.

Reason: In the interests of flood protection and to maintain flood storage capacity.

17. The development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure features of archaeological interest are properly examined and recorded. This information is required prior to commencement as works may harm items of archaeological value.

18. The development shall not commence until details of surface and waste water disposal have been submitted for the prior approval in writing of the local planning authority. The development shall only be carried out in accordance with the approved details which shall be maintained as such at all times thereafter.

Reason: In the interests of flood and pollution prevention. This information is required prior to commencement as works may prevent the installation of necessary measures.

19. The development hereby permitted shall be carried out in accordance with the following approved plans being drawing nos: 0-08/92/001 A being the existing cattle shed layout and appearance plans, block plan at a scale of 1:1000 and proposed elevation plan received on the 29th April 2015, proposed layout plan received the 10th April 2015 and 1:1250 block plan received the 10th April 2015.

Reason: To ensure the quality of the development is maintained in the interests of visual amenity.

INFORMATIVES:

Construction

As the development involves demolition and / or construction the development should be carried out in accordance with the Mid Kent Environmental Code of Development Practice.

Asbestos

The applicant is advised that adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by offering a pre-application advice and duty desk service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance following clarification of the submitted details the application was acceptable.

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.

APPENDIX 2

FLOOD WARNING AND EVACUATION PLAN

1.0 This Flood Warning and Evacuation Plan requires that in the event of flood warnings, actions are taken in line with Environment Agency and Maidstone Borough Council guidance. This should be reviewed at least annually by the owners to ensure the information contained within is current.

1.1 Actions to be undertaken following completion of the property, by the **owners**:-

- Contact the Environment Agency Flood Warning Services, 0845 9881188 to confirm the provision of automatic Flood Alerts and Warnings;
- Ensure you and any tenants are familiar with this plan and any required actions and contact details;
- Agree where the tenants will go at a time of a flood.
- Prepare and maintain a flood kit to contain items essential for evacuation. The kit should be easily accessible in the event of flooding and should include:-
 - A torch and spare batteries
 - Blankets or a sleeping bag, warm clothing and waterproofs
 - A first-aid kit, including a supply of any essential medication
 - A list of useful telephone numbers
 - A supply of bottled water
 - A stock of non-perishable food items
 - A portable radio and supply of batteries or wind up radio
 - Wellington boots or similar waterproof boots
 - Copies of home insurance documents
 - Baby food and baby care items
- Check insurances to ensure they cover flood damage;
- Ensure you and any tenants are familiar with how to turn off gas, electricity and water supplies. Mark taps or switches with stickers to assist;
- List any valuables / items that are kept in external sheds and stores that are to be removed to safety in the event of a flood.

The building is to have a flood resilient landline connected for EA communication.

The building is to have a site specific specialist Findlay Irvine flood monitoring system installed.

The property is not to be let out if a flood alert is in place.

Whilst let out, any alerts from the EA/Findlay Irvine system will result in the owners asking that the tenants must leave immediately and go to alternative accommodation for the rest of their stay.

A copy of this plan will be sent to tenants for their signature prior to occupation and a further copy will be maintained at the property.

1.2 The Environment Agency Flood Warnings are set out in three action levels:

The site specific Findlay Irvine flood warning system, see attached literature, gives a continuous visual image of the flood plain on a screen appropriately situated in the building and a cumulative bells and lights warnings to a computer in the building and mobile hand held devices that can easily be synchronised to the system.

a) Flood Alert

The EA will issue an automatic Flood Alert when flooding is possible. This will be issued by the EA through its website and Flood Warnings Direct, based upon the weather and river levels. Flood Alert means - Flooding is possible. Be aware, be prepared, watch out.

This warning is issued up to two days in advance of possible flooding.

The Findlay Irvine system at this stage will sound an alarm in the building and the light next to the monitor will flash white, both systems warnings will also be sent to mobile devices.



When a flood alert warning is issued the owner/agent should contact the tenants to ensure that they know and inform them that they must make immediate arrangements to leave and go to alternative accommodation and the **owner/agent should:**

- Listen to and watch for weather and flood warnings on local radio and television stations
Contact Floodline on 0848 988 1188 and monitor the Environment Agency website (www.environment-agency.gov.uk) for changes to flood warning status, local water levels and flood forecasting;
- Check that the pre-prepared flood kit is complete with all essential items

b) Flood Warning

Issue of a Flood Warning means that flooding is expected and immediate action required.

This warning is issued up to one day in advance of flooding.

A flood warning will be issued when water levels are rising and / or severe weather is expected. It is advisable to safeguard the property and prepare to evacuate.

The Findlay Irvine system will issue a further warning to the building by alarm and light changing from flashing white to amber and to mobile devices.

At this stage the **owner/agent** should contact the tenants to ensure that they had left the building as previously advised if not to ensure that they move to alternative accommodation immediately and:

- Contact the local emergency authorities to find out whether evacuation is considered necessary and any provision for evacuees;
- Co-operate with the emergency services and do as instructed;
- Locate keys for locking windows and tools for switching off gas and electricity supplies. It will be necessary to switch off utilities before evacuation. If you are unsure of how to do this then you must contact your supplier;
- Ensure your flood kit is close to hand;
- Move any items of value stored externally in stores or sheds into your property;
- Consider what provision can be made for family pets;
- Put the site specific water tight outer doors over the existing external doors;
- You should call the EA Floodline on 0845 988 1188 periodically and listen to and watch for weather and flood warnings on local radio and television stations. If you have leave the property, you should not return until the "Warnings no Longer in Force" guidance has been issued by the Environment Agency and the Local Authority has confirmed that it is safe to do so;
- If water levels begin to fall without reaching the property, one should continue to monitor the situation via the Findlay Irvine video of the flood plain being sent to one's computer and any other mobile devices.

c) Severe Flood Warning

This means that severe flooding is expected and there is a danger to life.

The Findlay Irvine system will issue further warnings as outlined above and the light changes to red flashing.

If this warning is issued the owner contact the tenants and should for any reason they are present then again insist that they evacuate to alternative accommodation without delay if safe to do so:

- Co-operate with the emergency services and do as instructed;
Call the local authority regularly for updates on the evacuation status;
- If anyone is still in the building, stay in a safe place with a means of escape and be ready to evacuate if directed to do so, power will be supplied by a generator upstairs which is safe from flood water;
- Before evacuating, you must ensure that all doors, including internal doors and windows, are securely locked and closed. You should also switch off utility supplies.

At all flood warning stages, the local authority and emergency services should be managing the situation and will try to provide advice on evacuation routes, and assistance to evacuees as circumstances demand.

It is therefore possible that following evacuation, return to the building may not be possible for a number of days and you should therefore be prepared for this eventuality.

2.0 Evacuation

Any **occupants** should:

- Ensure they have the portable radio on and listen to local radio alerts;
- Listen to the advice of the emergency services and act to evacuate to the pre-arranged alternative accommodation provided by the owner/agent;
- Flood water can be extremely dangerous. Avoid walking or driving through it;
- If evacuation is advised by the emergency services then act in accordance with their instructions and advised route.

1.4 After a Flood

- The Environment Agency will issue further guidance stating "Warnings No Longer in Force"
- The Findlay Irvine system will issue an all clear message and the light will go out.

This means that no further flooding is currently expected in your area and is used when river conditions begin to return to normal;

The **owner/agent** should:

- Keep listening to weather reports;
- Only return to evacuated buildings if you are told it is safe;
- Beware sharp objects and pollution in flood water;
- Wash your hands if they come into contact with floodwater;
- Be careful, flood water may still be around for several days;
- Contact the local authority to check that it is safe to return to your property. Be aware that if floodwaters have entered the property it will need to be cleaned, disinfected, repaired and fully dried out prior to reoccupation;
- If you have been flooded, ring your insurance company as soon as possible to get their approval before arranging any clean-up or repairs;
- Check that the building is safe before entering the building, and if there are any doubts seek a professional opinion;

- Do not switch the power or gas back on if there is any doubt that appliances may be water-damaged. These must be checked before power or gas is switched back on by a professional.

Agenda Item 14



15/503232 21 Eyehorne St
Scale: 1:1250
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REPORT SUMMARY

REFERENCE NO - 15/503232/FULL		
APPLICATION PROPOSAL Proposed conversion of 5 garages into self contained 2-bedroom dwelling along with external alterations to the front and side of the building.		
ADDRESS - 21 Eyhorne Street Hollingbourne Kent ME17 1TR		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000, the Submission Version of the Maidstone Borough Local Plan, and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE - It is contrary to the views of Hollingbourne Parish Council.		
WARD North Downs	PARISH COUNCIL Hollingbourne	APPLICANT Dudrich Developments Ltd AGENT Architecture Design
DECISION DUE DATE 29/08/16	PUBLICITY EXPIRY DATE 27/08/15	OFFICER SITE VISIT DATE 26/08/15

1.0 Background information

- 1.01 On 25th August 2016, Members of the Planning Committee agreed to defer this planning application for further discussions with the applicant as to how the proposal will be constructed, with particular regard to the narrow access from Eyhorne Street and the listed buildings either side of the access.
- 1.02 For reference, the report from the 25th August Planning Committee is attached (Appendix 1).

2.0 Consultee/neighbour responses

- 2.01 No further representations have been received since the 25th August 2016.

3.0 Applicant response to reasons for deferral

- 3.01 The applicant has submitted a written statement addressing the reason for deferral. The details of this will now follow, with 3 key areas having been identified, those being: access to and from the site; the properties adjacent the access; and the shallow services in access drive.
- 3.02 The Build strategy is as follows:
- *Removal of identified internal ground floor intermediate walls. Diagonal Bracing of remaining masonry walls to prevent lateral movement.*
 - *Existing concrete first floor to be supported by intermediate steel UC 152x152 beams placed at strategic points spanning from external front masonry load bearing walls to rear masonry load bearing walls.*
 - *Existing 100mm concrete floor to be completely removed along with hard-core and bedding material.*
 - *New concrete floor complete with 1200 gauge damp proof membrane to be installed.*
 - *Internal structural timber frame construction to perimeter wall and internal partitions all complete with 100mm High Density Rigid Insulation Board and vapour barrier.*
 - *Foil backed Plaster / wallboard dry-lining system to provide internal finish.*

- 3.03 The expected power tools would be a small 110v hand held breaker (low vibration); 110v Angle Grinder; 110v Chop Saw; and battery Operated small hand tools.
- 3.04 In terms of the transport of materials into and off the site the applicant confirms:
- *Project is small enough to anticipate all materials will be man handled in and off the site.*
 - *Delivery trucks will stop on Eyhorne Street as close to the site as possible and the load will then be taken by hand into site.*
 - *No Lorries or vans will be instructed to enter site.*
 - *A Mini 1 Dumper weighing less than an average size family car and width of 1118mm will be only construction vehicle used on site where necessary.*
- 3.05 Storage of materials and construction items will be within the development itself and within one of the existing remaining garages.
- 3.06 Dudrich Developments Ltd has at its deposal within Hollingbourne another site within walking distance of the application site that will provide parking facilities for all construction personnel.
- 3.07 With the consent of the property owners, protective measures such as hoarding and Heras Fencing will be placed in strategic positions to best protect and safeguard the integrity of all buildings/gardens/walls where it is deem necessary. Dust and airborne debris will be kept to a minimum by use of plastic sheeting and wetting areas of work.
- 3.08 Dudrich Developments Ltd Building Contractors carries no less than £10million of Public Liability Insurance and are members of the NHBC; and Individual Project Insurance is also put in place at the commencement of all works. The applicant also has over 30 years of construction and renovation experience holding an established team of Architects, Building Surveyors and Construction Lawyers.

4.0 Conclusion

- 4.01 Please refer to the original committee report with regards to all other issues relating to this application as these remain unchanged.
- 4.02 I am satisfied that the applicant has addressed the Members concerns, in that sufficient information has been provided to explain how the proposal would be constructed given the constraints of the site. With these details considered, I remain of the view that the scheme is acceptable in terms of its design; its impact on adjacent residents; and the local highway network. As such, it is considered overall that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. I therefore recommend approval of the application on this basis.

5.0 RECOMMENDATION – GRANT Subject to the following conditions:

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

Reason: In 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) The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

- (3) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of public safety and pollution prevention.

- (4) 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.

- (5) If the development hereby approved requires any groundwork/excavation (including installation/laying of services), no development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- (6) The development hereby permitted shall be carried out in accordance with the following approved plans: P(11) 01 Rev B, 02 Rev B, 03 Rev B and 04 Rev B received 07/09/15;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

INFORMATIVES

- (1) A formal application for the connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk.
- (2) 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.
- (3) The applicant is advised that no demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

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. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

REPORT SUMMARY

REFERENCE NO - 15/503232/FULL		
APPLICATION PROPOSAL Proposed conversion of 5 garages into self contained 2-bedroom dwelling along with external alterations to the front and side of the building.		
ADDRESS - 21 Eyhorne Street Hollingbourne Kent ME17 1TR		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000, the Submission Version of the Maidstone Borough Local Plan, and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE - It is contrary to the views of Hollingbourne Parish Council.		
WARD North Downs	PARISH COUNCIL Hollingbourne	APPLICANT Dudrich Developments Ltd AGENT Architecture Design
DECISION DUE DATE 29/08/16	PUBLICITY EXPIRY DATE 27/08/15	OFFICER SITE VISIT DATE 26/08/15
RELEVANT PLANNING HISTORY:		

- Planning permission for the first floor flat appears to have been granted under 61/0117/MK2, with the first floor extension approved under MA/75/0323.

MAIN REPORT

1.0 Site description

- 1.01 21 Eyhorne Street is a 2 storey building of rectangular shape that currently has 5 garages at ground floor level, which are owned by the applicant, and at first floor level there is an existing self-contained flat, with its access from external steps on its southern flank. This 1960's building is a simple brick and tile-hung building which is of no architectural merit has very little impact on the setting of the conservation area.
- 1.02 The proposal site is within the village envelope of Eyhorne Street and the North Downs Special Landscape Area (SLA) as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP); and the property is adjacent, but outside, the conservation area. The building is unlisted, set behind the building line along Eyhorne Street, and the existing vehicle access from the street is used by a number of residents for either access to their property or the garages and the courtyard area. The building is on the western side of a courtyard area. The proposal site is also within an Area of Archaeological Potential.

2.0 Proposal

- 2.01 Planning permission is sought for the conversion of the building's ground floor into a 2-bedroom flat, with the flat above being retained. The proposal would also include external works which would include blocking up the garage doors with matching brick work; re-cladding at first floor level with tile hanging; fenestration detail alterations; and 2 dormer-type features to the front elevation. Each flat would benefit from the use of a garage space within the courtyard.

3.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: H27, ENV34
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Maidstone Local Plan (Submission version): SP11, SP14, DM1, DM2, DM3, DM4, DM27

4.0 Consultee responses

- 4.01 **Hollingbourne Parish Council:** Wish to see the application refused and reported to Planning Committee;

“Refusal was made due to the loss of five garages (the village has very little or no parking, and it is believed that at least two of the garages contain cars). It is also felt that the proposed conversion may restrict the access to another six garages around the back of the garages in question. At present, access to them is very tight in a vehicle, and the proposed conversion would make vehicular access impossible.”

- 4.02 **KCC Highways:** Raise no objection.
- 4.03 **Conservation Officer:** Raises no objection.
- 4.04 **Environmental Health Officer:** Raise no objection.
- 4.05 **KCC Archaeology Officer:** Raises no objection.
- 4.06 **Southern Water:** Raise no objection.

5.0 Neighbour responses:

- 5.01 32 representations have been made raising concerns over loss of parking spaces; highway safety; use of existing access; traffic congestion; emergency vehicle access; visual impact/design; impact upon setting of conservation area and listed buildings; breaking a covenant; right of way; impact on access beyond site; inaccurate plans; land ownership/notice issues; flood risk; potential damage to properties; amenity of existing and future residents; and refuse storage.

6.0 Principle of development

- 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 Saved policy H27 of the adopted Development Plan allows for minor housing development in this area; and central Government guidance within the National Planning Policy Framework (NPPF) does encourage new housing in sustainable locations as an alternative to residential development in more remote countryside situations. I consider the site to be in a sustainable location, within the village boundary of Hollingbourne.
- 6.03 The submitted version of the Development plan went to the Secretary of State for examination on the 20 May 2016 and examination is expected to follow in October/November of this year. This Plan is considered to hold significant weight; and there is policy support for this type of development in this location, subject to its details which the report will go on to assess.

7.0 Visual impact and design

- 7.01 The unlisted building is existing and already in part in residential use, and so I have no objection to this proposal in terms of its relationship with the pattern and grain of development in the area. There would be minimal (if any) views of the site from Eyhorne Street or any other public vantage point; the footprint and height of the building would not be altered; the modest fenestration changes are considered in keeping with the building and surrounding area; and the use of appropriate materials would ensure a satisfactory appearance to the building. Details of external materials will be required prior to the commencement of any work. The Conservation Officer

is also satisfied that the simply designed proposal would not cause unacceptable harm to the character and setting of the adjacent conservation area or near-by listed buildings, subject to the use of appropriate materials. It is therefore my view that this proposal would not appear out of context or cause adverse harm the character and appearance of the surrounding area that falls within a SLA, and I raise no objection to the development in this respect.

8.0 Residential amenity

- 8.01 At first floor level, the proposal would see the removal of the window in the southern flank of the building; no fenestration alterations to the northern and western elevations; and changes to the size of the windows, and one window serving a bedroom instead of the kitchen to the front (eastern) elevation. At ground floor level, new openings are restricted to the front looking onto the courtyard area. When compared to the existing situation, I am satisfied this element of the proposal would not cause further harmful overlooking/loss of privacy issues for the surrounding neighbours. The only extension to the building would be at first floor level, with the dormer-type features and as such I raise no objection in terms of loss of outlook to, or the development being more overbearing upon neighbouring properties when compared to the current situation.
- 8.02 The level of traffic movements resulting from the proposed development, which would make use of the existing access from Eyhorne Street, would be of no more detriment to the amenity of local residents than the current situation, which is in fact likely to be improved given the loss of parking provision.
- 8.03 In terms of the proposed ground floor flat, the openings shown are considered to provide adequate light to the rooms they serve; and whilst it is not ideal that the kitchen does not have its own window, I do not consider this issue to be grounds alone to refuse the application. Like any ground floor residence, there will be a certain level of loss of privacy from passers-by. However, given that this property is not on a public highway, where footfall/vehicle movements would be greater, and the fact that the use of curtains/blinds is possible, I am of the view that acceptable levels of privacy could be maintained for any future occupant. With 2 of the garages in use in association with this proposal, there would be 6 garages in use by other persons; and the access that runs past the building leads to 7 parking spaces serving 5 other houses. Given the low frequency of car movements (travelling at slow speed) directly past this property, I do not object in terms of general noise and disturbance from vehicles to either flat. I also consider there to be no justifiable reason to refuse this application on outlook.
- 8.04 I am therefore satisfied that this proposal would not cause adverse harm to the amenity of existing and future occupants.

9.0 Highway safety implications

- 9.01 The proposal would see the loss of 5 garage spaces, and 2 of the other garages in the courtyard would be given over to the 2 flats (1 space each). The existing first floor flat does not currently benefit from an allocated parking space here.
- 9.02 The proposal would not see any built development encroach onto the access drive that runs along the front of the building serving the properties behind, and so no objection is raised in this respect. The Highways Authority have also raised no objection to the width of the access from Eyhorne Street, and it is important to note that this is an existing access used by a number of vehicles for existing properties and garages; and in my view the removal of 5 garage spaces is likely to reduce the number of vehicles using this said access, improving the situation.

- 9.03 The parking is in accordance with the standards set out in the submitted version of the Local Plan and I am satisfied that there would be adequate provision for a development of this scale and nature in this sustainable location. In addition, the Highways Officer raises no objection because they are satisfied that in the context of the NPPF, this level of parking provision would not attribute to a tangible road safety issue.
- 9.04 If future occupants do have more than one car, extra demand for parking spaces in an area does not necessarily mean that highway safety issues would occur. I accept that the parking for the public house and village hall opposite the site are not public car parks, and whilst the possible increase in demand for parking spaces in the area could mean that future or existing users may not be able to park where they want to, such inconvenience is not grounds for objection. This view is echoed by the Highways Officer, who commented that a highway reason for refusal could not be sustained on these grounds.
- 9.05 The Highways Officer also does not object to the loss of the 5 garage spaces at ground floor level of the proposal building; and given that the proposal would make use of the existing garage facilities, I raise no objection in terms of manoeuvrability, the use of the access onto Eyhorne Street and visibility splays. It should also be noted that the 5 garages are privately owned by the applicant and they have no obligation to lease out these spaces with or without planning permission for conversion. Currently, the 5 garages below the existing flat are vacant. The 2 garages to be given over to the development are tenanted as it stands, with 1 tenant living in Eyhorne Street and the other living in Sittingbourne.
- 9.06 The agent has confirmed that there are to be no ground excavation works and given the relatively small scale nature of the proposal I do not consider it reasonable to request a construction management plan in this instance. The Highways Authority has also not requested such detail. Whilst potential structural and accidental damage to any property at construction phase is not a material planning consideration, the agent has confirmed the applicant is fully insured to cover any such event.
- 9.07 Bearing in mind Government advice to reduce car usage, the sustainable location of the site, and that there would be no significant highway safety issues arising from the development, I consider that an objection on the grounds of parking provision could not be sustained and the Highways Officer also raises no objection.

10.0 Other considerations

- 10.01 Given the nature, scale and location of the proposal, I consider it unnecessary and unreasonable to raise objection or request further information in terms of landscaping and arboricultural issues; biodiversity; flood risk; and air quality. Given the history of the site, and the levels of ground works, I consider it reasonable to impose a precautionary land contamination condition. The Environmental Health Team also recommends such a condition.
- 10.02 It is unknown at this stage how foul sewage would be disposed of, and in terms of surface water disposal this would be through a soakaway. Southern Water are satisfied that an informative could be added to advise the applicant that a formal application for the connection to the public sewerage system is required in order to service this development; and no objection from the Environmental Health Team has been raised in terms of the use of a soakaway.

- 10.03 The Environmental Health Team have recommended that prior to the commencement of works that an acoustic survey is submitted. However, given the modest scale of the development and the fact that the issue of sound insulation can be addressed under building regulations, I do not consider this to be reasonable in this instance.
- 10.04 The proposal site is within an Area of Archaeological Potential, but the agent has confirmed that the proposal would not involve any ground excavations.
- 10.05 As this is for a ground floor flat, I consider it unreasonable to seek further renewable or low-carbon sources of energy to be incorporated into the development. Under building regulations, fire engines must be able to get within 45m of a building, so the proposal site would be reachable in this respect. Whilst this is not a material planning consideration I felt it necessary to address this issue.
- 10.06 The main issues raised by Hollingbourne Parish Council and local residents have been addressed in the main body of this report. However, I would add that to the best of my knowledge the applicant has correctly served notice on the other landowners, and so I am satisfied that the application is valid in this respect; and any disputes between the owners would be a civil matter that needs to be dealt with privately. In addition, any issues relating to covenants, indemnity insurance, rights of way and party wall agreements are civil matters and are not material planning considerations in the determination of this application; refuse storage is shown to the front of the front of the building; cycle storage could easily be housed in the allocated garages; and whilst there have been disputes regarding the accuracy of the submitted plans, I am satisfied that a decision can be made based on the submitted details and undertaken site visits.

11.0 Conclusion

- 11.01 The scheme is acceptable in terms of its design; its impact on adjacent residents; and the local highway network. As such, it is considered overall that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. I therefore recommend approval of the application on this basis.

12.0 RECOMMENDATION – APPROVE with conditions:

- (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) The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

- (3) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of public safety and pollution prevention.

- (4) 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.

- (5) If the development hereby approved requires any groundwork/excavation (including installation/laying of services), no development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- (6) The development hereby permitted shall be carried out in accordance with the following approved plans: P(11) 01 Rev B, 02 Rev B, 03 Rev B and 04 Rev B received 07/09/15;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

INFORMATIVES

- (1) A formal application for the connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk.
- (2) 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.
- (3) The applicant is advised that no demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

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. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Reference number: 15/503232

- Representations have been received from the owners of 19 Eyhorne Street requesting that vehicle sizes using the access associated to the development are restricted in size; and concerns have also been raised over potential earth movement given the lack of foundations and potential damage/removal of boundary wall.

In response, it is considered unreasonable to condition the size of vehicles allowed to use the access, particularly given that it is an existing access used by a number of other properties and not in control of the applicant; and issues of property damage are not planning considerations and cannot be considered in the determination of this application.

- Hollingbourne Parish Council maintains their objections which have been addressed in the committee report.

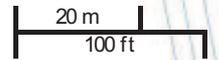
My recommendation remains unchanged.

Reference number: 15/503232

- Representations have been received from Councillor Garten as Mr Fellows of 37 Eyhorne Street has contacted him to say that he owns land within the application and has not been served notice by the applicant. In response, a Land Registry check has been carried out by the local planning authority and the applicant has confirmed that all owners listed have been notified.

My recommendation remains unchanged.

Agenda Item 15



15/509482 Quarter Paddocks
Scale: 1:1250
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REPORT SUMMARY

REFERENCE NO - 15/509482/FULL		
APPLICATION PROPOSAL Extension to existing site to form additional plot, comprising of the siting of 1 static mobile home and 1 touring caravan. Re-positioning of 1 static mobile home and erection of storage/dayroom to plot 1 (Part-retrospective)		
ADDRESS Quarter Paddocks Bletchenden Road Headcorn Kent TN27 9JB		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development, subject to imposition of the recommended conditions , is considered to comply with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000) and there are no overriding material planning considerations justifying a refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE RECOMMENDATION CONTRARY TO THE VIEWS OF HEADCORN PARISH COUNCIL		
WARD Headcorn	PARISH/TOWN COUNCIL Headcorn	APPLICANT Mr Obie Harber AGENT
DECISION DUE DATE 17/02/16	PUBLICITY EXPIRY DATE 17/02/16	OFFICER SITE VISIT DATE 21/01/16

MAIN REPORT

1.0 SITE DESCRIPTION

1.1 The application site lies to the rear of an existing Gypsy and Traveller (G&T) site located about 1.5 km to the south of Headcorn with an approximate frontage onto the south side of Bletchenden Road of about 100 metres. The adjoining G&T site has a central access serving an internal road serving the mobile homes which are laid out on defined plots. The road frontage of the site is landscaped with substantial planting abutting both sides of the access track and for part of the length of the internal service road.

1.2 At the rear of the application site is a large paddock area.

2.0 PROPOSAL

2.1 Retrospective planning permission is being sought to retain a mobile home on a new plot to the south west of the existing G&T site. It is occupied by a member of the applicants extended family the remaining members of which already reside on the existing G&T site. In addition it is intended to resite an existing mobile home to the north of this mobile home approximately 8 metres further north. The former mobile home site is to be occupied by a dayroom having a pitched and tiled hipped roof with

the building having dimensions of 16x8 metres, an eaves height of 2.5 metres and a ridge height of 5.5 metres. Proposed accommodation is a day room, laundry area and boot room, study, shower room and WC with an open void area to provide cover for an antique 4 wheel trolley more than 100 years old.

2.2 Waste water will go a cess pit while surface water will go to a soakaway.

2.3 The following has been submitted in support of the application:

- The applicants son, his wife (who was expecting another child when the application was submitted) and their son of 2 years live on plot 1.
- The applicants son had a kidney transplant requiring check ups on a regular 6 month basis and he would like his son on site to ensure that he is cared for.

Response to request for clarification of gypsy status:

2.4 Revised Government guidance coming into force in August 2015 makes clear that persons claiming gypsy and traveller status must provide evidence to show they intend to carry on a nomadic /traveller lifestyle. The definition of a nomadic lifestyle requires adult occupants to move from place to place in the pursuit of work. The following has been submitted in connection with the applicant's gypsy status:

- Mr O Harber junior is a Romany gypsy his partner Mia Haffenden is a gypsy showman they both have 2 children and live at 1 Quarter Paddocks Bletchenden Road Headcorn.
- They live here most part of the year but any time from 3 to 6months of the year they travel to well known settlements and fairs. Appleby fair Westmorland (June), Epsom fair Surrey Wickham (may) Scotland King of the road Stow (May October) Kennilworth (April September)
- Attended to keep in with gypsy culture though Obie is a horse dealer trading at the above fairs throughout the year.
- In addition to trading horses trade horse all types of horse related equipment from harness to carts

3.0 RELEVANT PLANNING HISTORY

3.1 MA/03/2366: Change of use of land to residential incorporating the stationing of three mobile homes and two touring caravans for an extended gypsy family – REFUSED – 16th February 2004 – ALLOWED ON APPEAL

3.2 MA/13/1315: Continued occupation of the site as a gypsy caravan site (planning application refused under ref:MA/03/2366 but allowed on appeal) but with variation of the following conditions to allow:

Condition 2 : To enable unrestricted occupation by any gypsy/traveller family (currently restricted to applicant and dependents);

Condition 3 : To enable permanent occupation by gypsy and traveller family (currently restricted to 4 years expiring on the 31st July 2013) and ;

Condition 4: Increase in number of caravans on site (currently permitted 3 static and 2 tourers) to 4 static and 4 tourers. APPROVED 20th March 2014

4.0 POLICY AND OTHER CONSIDERATIONS

- Development Plan 2000: ENV6, ENV28, ENV34, T13
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan policies: SP17, DM16, DM34
- Planning Policy for Traveller Sites (PPTS)

5.0 LOCAL REPRESENTATIONS

5.1 9 properties notified – 1 representation received that is summarised below:

- Site will be subject to noise from the use of Headcorn Aerodrome and though do not wish to object the development concerned that granting planning permission should not act as an impediment to activities being carried on at the aerodrome.

6.0 CONSULTATIONS

6.1 Headcorn Parish Council: Objects on the following grounds:

- Regard must be made to the emerging Headcorn Neighbourhood plan (HNP) which raises no objection permit development providing it is not within the Flood Plain Zones 2 & 3 and there have been no recent flood events affecting the site that the Parish Council is aware of.
- The property is situated in a designated flood zone and to grant permission would not only be at odds with the HNP but also unacceptable in planning terms.
- The application does include a Flood Risk Assessment but it is out of date and therefore cannot be used to support this application.
- Further noted that mobile homes could possibly be considered in a location such as this given the moveable nature of the accommodation but the application also includes a very large day room which is not mobile.
- The HNP states that the choice of scale, height and form means it will fit unobtrusively with the character of the immediate local area and that it will be small scale and will not dominate the immediate surrounding area.
- Consider the amenity block is more akin to a bungalow, given its size, number and description of rooms and therefore not appropriate.

6.2 Environment Agency: Object on the following grounds:

- the site is located in flood zone 3a and according to the National Planning Policy Framework, caravans, mobile homes and park homes intended for permanent residential use are classed as "Highly vulnerable" and should not be permitted in Flood Zone 3a.
- Note the caravans are higher than the 100yr flood level and that there is a distance of over 100 metres from the caravan site along the access road where the flood depth will be 150mm. After around 100 metres, the road level rises and it is only then that dry access can be gained (heading east towards the A274).
- Concerned about emergence access and escape from a flooding event.

7.0 BACKGROUND PAPERS AND PLANS

- 7.1 The development is shown on drawings received on the 11th November and the 22nd December 2015, letter dated the 13th November 2015, Flood Risk Assessment dated the 5th November 2013 and e-mail dated the 17th June 2016 relating to the applicants gypsy status.

8.0 APPRAISAL

- 8.1 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. As the site lies within open countryside forming of a Special Landscape Area (SLA) the application is specifically subject to policies ENV28 and ENV34 of the adopted local plan. 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.”*

- 8.2 None of the exceptions to the general policy of development restraint 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 which is incapable of being acceptably mitigated.
- 8.3 As a point of clarification it is considered the mobile homes fall within the definition of a caravan as set out under Section 13 of the Caravan Sites Act 1968 (as amended). In the event of Members seeing fit to grant retrospective consent for this development an appropriate condition will be imposed to secure this.
- 8.4 The key issues in relation to this application are therefore considered to be (a) principle (b) visual impact (c) landscape and heritage (d)sustainability (e) impact on general and residential amenity (f) highway safety (g) wildlife considerations and (h) flooding.

PRINCIPLE OF DEVELOPMENT

- 8.5 The site lies in open countryside and is therefore subject to policy ENV28 of the adopted local plan.
- 8.6 Policy ENV28 relating to development in the countryside states, amongst other things, that;
- “Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers.”*
- 8.7 Policy ENV28 sets out the type of development that can be permitted in the countryside but excludes G&T development.
- 8.8 However a key consideration in the determination of this application is Government Guidance set out in ‘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 sites are likely to be found in rural areas.

- 8.9 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.

Need for gypsy sites

- 8.10 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 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

- 8.11 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.

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

- 8.12 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004).

Policy DM16 of the submission version of the Draft Local Plan, by implication, accepts this type of accommodation can be provided in the countryside provided certain criteria are met.

- 8.13 Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net): *(NB these figures correct at 29th June)*
- 81 Permanent (non-personal)
 - 15 Permanent (personal)
 - 3 Temporary (non-personal)
 - 33 Temporary (personal)

- 8.14 Therefore a net total of 96 permanent pitches have been granted since 1st October 2011. A further 91 permanent pitches are needed by 2031 to meet the need identified in the GTAA.
- 8.15 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.
- 8.16 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

- 8.17 Since this application was submitted, the Government has revised 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, with the planning definition of 'gypsies & travellers' being 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."

- 8.18 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, 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.
- 8.19 The applicant have responded as follows:
- Mr O Harber junior is a Romany gypsy his partner Mia Haffenden is a gypsy showman they both have 2 children and live at 1 Quarter Paddocks Bletchenden Road Headcorn.
 - They live here most part of the year but any time from 3 to 6months of the year they travel to well known settlements and fairs. Appleby fair Westmorland (June), Epsom fair Surrey Wickham (may) Scotland King of the road Stow (May October) Kennel worth (April September)
 - Attend to keep in with gypsy culture though Obie is a horse dealer trading at the above fairs throughout the year.

- In addition to trading horses trade horse all types of horse related equipment from harness to carts
- 8.20 Regarding whether the occupants of the mobile home have lived a nomadic lifestyle and intend to continue living in such a manner, though the submitted information lacks detail it must be taken into account that gypsy and travellers by their very nature, live a more footloose and less regulated lifestyle compared to many in the settled community. However given the family circumstances of the applicant it is considered highly likely that to provide a stable base of for the children, occupation of the mobile home would be for extended periods. This would not however preclude adult members of the family continuing a nomadic lifestyle while one remained to perform family care duties in providing a stable base for the children.
- 8.21 In assessing this application it would have been useful to have times, dates and locations of all events and places of work the occupants of the mobile homes attend. However it must be reiterated that by their very nature G&T lifestyles make monitoring such activities problematic in planning terms. As such, unless the Council is in possession of clear substantiated evidence to refute the occupants claims both of an existing nomadic working lifestyle and intention to continue this lifestyle, such claims must be taken at face value. To go beyond this could be considered an overly forensic approach failing to reflect the realities of G&T lifestyles thereby making the Council vulnerable to claims of discrimination in its dealings with the G&T community.
- 8.22 As such it is considered that based on the submitted details the applicant and adult occupants of the site are gypsies and travellers that have led and will continue to lead a nomadic lifestyle and therefore fall within the revised definition set out above.

8.23 VISUAL IMPACT

- 8.24 Guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but also states that where sites are in rural areas they not should dominate the nearest settled community and or place undue pressure on local infrastructure. No specific reference is made to landscape impact however, this is addressed in the NPPF and policy ENV28 of the adopted local plan.
- 8.25 Policy ENV28 states that development will not be permitted in the countryside where it would harm the character and appearance of an area or amenities of surrounding occupiers. Policy ENV28 nevertheless makes clear that exceptions will be permitted if justified by other polices contained in the plan.
- 8.26 It is generally accepted that mobile homes comprise visually intrusive development out of character in the countryside. Consequently unless well screened or hidden away in unobtrusive locations they are normally considered unacceptable in their visual impact. Consequently where they are permitted this is normally on the basis of being screened by existing permanent features such as hedgerows, tree belts, buildings or land contours.
- 8.27 In this case, the site of the mobile home for which retrospective planning permission is being sought lies just outside and abutting the south east boundary of the existing lawful G&T site to the north. It is therefore extending the area devoted to G&T development in the locality.
- 8.28 Notwithstanding that the mobile home lies outside the existing lawful G&T site unless there is a clear case of demonstrable harm in visual amenity terms this alone is insufficient reason to resist the proposal.

- 8.29 In assessing the visual impact of the mobile home there is existing screening along Bletchenden Road frontage, another mobile home between it and Bletchenden Road while the distance back from the Bletchenden Road frontage is in excess of 60 metres. Taking also into account the only public views available to the existing G&T site are from Bletchenden Road it is considered the mobile home, the subject of this application, is unobtrusively sited. As such it will have no impact on the rural character of the area materially in excess the visual impact of the existing G&T site to which it will be attached. As such the mobile home does not add perceptibly to the visual impact of the existing G&T site and its impact on the character of the countryside and landscape quality of the SLA is acceptable as a consequence.
- 8.30 The remaining elements of the proposal involve resiting an existing mobile home some 8 metres closer to Bletchenden Road and the erection of a dayroom 8 metres to the rear of this. Dealing first with the resiting of the mobile home, this will still be set over 30 metres back from the road frontage and taking into account the presence of existing screening there will be no material change in the visual impact of this mobile home.
- 8.31 Regarding the day room, the Parish Council considers it comparable in size and impact to a permanent dwelling and is therefore contrary to the provisions of its neighbourhood plan. However as the neighbourhood plan is not yet adopted it can be given little weight in the determination of this application.
- 8.32 Dealing first with the size of the of the building, modern day rooms/utility blocks serving G&T development are now multi functional buildings comprising both family and service functions. The proposed building includes a day room of a size consistent with that approved in connection with other G&T development. The laundry area, boot room, shower room and WC cannot be considered unreasonable requirements while the study is intended as quiet area for the applicant's grandchildren to pursue their education. The remaining element is covered storage for the applicant's antique vehicle which could have been housed in a separate building but in order to avoid the proliferation of separate buildings has been combined with this building. In the circumstances it is considered the size of the building reflects the intended purpose of enabling the applicant to have facilities consistent with modern requirements.
- 8.33 In terms of visual impact, the submitted plans show the building sited behind the mobile home to be resited. This siting will ensure that the lower part of the building will be hidden from public view with only the sloping roof appearing above the mobile home thereby having little visual impact outside the site and no material impact on the rural character and landscape quality of the wider area contrary to the provisions of policy ENV28 and ENV34 of the adopted local plan.

8.34 SUSTAINABILITY

- 8.35 G&T sites are mainly located in the countryside and the development follows this pattern. The development lies abuts a lawful G&T site while compared to many G&T sites the site occupies a relatively sustainable location with Staplehurst just over 1.5 kilometres to the north. As such no objection is identified on sustainability grounds.

8.36 GENERAL AND RESIDENTIAL AMENITY

- 8.37 Given (a) the unobtrusive siting of the mobile home and dayroom and (b) the site is reasonably remote from any houses it is considered it would be difficult to argue any

ongoing significant detrimental impact to the residential amenity in terms of loss of light, outlook, privacy, general noise and disturbance.

8.38 HIGHWAY CONSIDERATIONS:

8.39 The existing G&T site has ample on site parking and turning with good sight lines onto Bletchenden Road. In the circumstances additional traffic generated by the development is unlikely harm to the free flow of traffic and highway safety in the locality.

8.40 WILDLIFE CONSIDERATIONS:

8.41 As this is a retrospective application with the site occupied by the mobile home with the remainder laid out as hardstanding or grassed, it clearly has little wildlife and habitat potential in its current form.

8.42 FLOODING:

8.43 The site is located within Flood Zone 3a and the Environment Agency (EA) continues to raise an objection in principle on flooding grounds to further G&T development at this site.

8.44 The EA confirms the caravans are higher than 1:100 year flood level though there is a distance of over 100 metres from the caravan site to the access road where the flood depth will be 150mm(6ins).

8.45 The EA acknowledges that after about 100 metres the road level rises before dry access is reached heading east on the A274. The key outstanding issue is that of emergency access and escape.

8.46 In connection with application approved under ref: MA/13/1315 the applicants submitted an FRA which in summary stated that while the EA updated its modelling in 2007 which extended the flood zone, when planning permission was granted on appeal in 2009 no flood related issues were raised. Though acknowledging the site is occupied by vulnerable development and vulnerable residents the site has never flooded.

8.47 The applicant set out a detailed response to the EA's objection relating to emergency access and escape which are again summarised here.

- The caravans are clear of the 1:100 year flood level. The caravans and their occupants would be free of flooding in the worst flooding event and could sit out any danger.
- That despite the extreme recent flooding event the site was not flooded neither was the road in front of the site leading to the main road to the east.
- The road is located at the edge of the flood zone such that it would be slow to flood and early drain while any flooding would be of short duration.
- The depth of flooding at 150mm would not present access problems to either vehicles or pedestrians. It is not conceivable that the site would be cut off by this level of flooding while the length of road susceptible to flooding is a short straight stretch.
- The site occupants could sign up to receive EA flood warnings such that any vulnerable persons could make suitable arrangements beforehand.

- 8.48 Public safety continues to be a material planning consideration in assessing this application. However in the absence of evidence that (a) the site has at any time been flooded and (b) apart from the area around the access road, which would only be subject to limited inundation for a relatively short duration, with adequate preparation the applicants and their families would, it appear not be exposing themselves to unacceptable risk. There does not appear to have been any material changes in circumstances to alter this view since planning permission for the adjoining G&T site was granted under ref: MA/13/1315.
- 8.49 Apart from the site access it appears to remain the case that the wider site area has never been flooded. The adjoining G&T site provides accommodation for a number of families that are now well established with links to the locality and the development seeks to further enlarge this family group. Consequently though a sequential test is normally applied in relation to flooding issues, given this family connection it is considered it would be inappropriate to seek to apply such a sequential test here.
- 8.50 As such, given that possible flooding is restricted to the site access and in the absence of evidence to the contrary, the risk to emergency services and resident's alike again looks to fall within acceptable limits. As such there is considered to be insufficient reasons to raise objection to the mobile home being retained on flooding grounds, despite the objections of the EA on emergency access and escape grounds.

OTHER MATTERS:

- 8.51 Government Guidance makes clear that G&T planning applications submitted on a retrospective basis represents a material consideration that should be taken into account in determining such applications. However guidance on how much weight this should be given is not clear while the planning system is not intended to be punitive but rather to secure compliance with legitimate planning objectives. As such when assessed against existing planning criteria though retrospective planning permission is being sought is, on its own, insufficient to weigh significantly against the development.
- 8.52 It has been stated the development is contrary to the Development Plan. Normally in such circumstances press and site notices should be posted. However given the minor impact of the development on its rural surroundings it is considered the impact is insufficient to trigger advertising the development as a departure.

9.0 CONCLUSIONS:

- 9.1 These are considered to be as follows:
- The occupants of the mobile homes fall within the definition of gypsies and travellers contained within the revised Government Guidance.
 - The development is acceptable in its visual impact and will not result in any material harm to the character of the countryside.
 - Has not resulted in any material loss of amenity to dwellings in the locality.
 - Is acceptable in sustainability and wildlife terms.
 - Is acceptable in its highway impact.
 - No objection on flooding grounds.
- 9.2 Given the shortfall of permanent pitches in meeting the provisions of the GTAA, that this site abuts an existing permanent G&T site along with the localized impact of the

mobile home and dayroom, it is considered this site is one where it is appropriate to grant permanent and unrestricted planning permission for G&T use.

9.0 RECOMMENDATION – GRANT PLANNING PERMISSION

1. The site shall only used as a caravan site for gypsies or Travellers and their family and/or dependants, 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 and an exception has been made to provide accommodation solely for gypsies who satisfy these requirements for Gypsy and Traveller Caravan Sites.

2. No more than one caravan and one tourer, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time unless otherwise agreed in writing with the Local Planning Authority;

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

3. No external lighting whatsoever shall be placed on the site without first obtaining the prior approval in writing of the Local Planning Authority. Lighting shall only be installed in accordance with the approved details and retained as such at all times thereafter.

Reason: To safeguard the night time rural environment.

4. No commercial or business activities shall take place on the land, including the storage of vehicles or materials or any livery use.

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside.

5. Within three months of the date of this decision details of the method of foul and surface water disposal, general waste disposal and potable water provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within 3 months of approval retained as such at all times thereafter.

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

6. The dayroom hereby approved shall be constructed in the external materials specified and shall only be used in connection with the use of the site as a gypsy and traveller site and not for any trade or business purpose.

Reason: In the interests of amenity.

7. The development hereby approved shall only be carried out in accordance with the following submitted plans being drawings received on the 11th November and the 22nd December 2015

Reason: In the interests of amenity.

INFORMATIVES:

HIGHWAYS:

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

Foul sewage:

The submitted should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works 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.

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.



REPORT SUMMARY

REFERENCE NO - 16/503786/OUT		
APPLICATION PROPOSAL Outline (No matters reserved) - Provision of a new access driveway to Barming Water Tower from driveway of No. 80 Rede Wood Road comprising demolition of existing garage and construction of a new drive across rear garden of No 80; Construction of new single garage at rear; Extension of existing driveway to Water Tower		
ADDRESS Barming Water Tower North Pole Road Barming Kent ME16 9ER		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development, subject to imposition of the recommended conditions, is considered to comply with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000) and there are no overriding material planning considerations justifying the refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of Barming Parish Council		
WARD Barming	PARISH/TOWN COUNCIL Barming	APPLICANT Mr Grant Savell AGENT
DECISION DUE DATE 12/07/16	PUBLICITY EXPIRY DATE 23/06/16	OFFICER SITE VISIT DATE 09/06/16

MAIN REPORT

1.0 SITE DESCRIPTION:

- 1.01 The application site is occupied by detached dwelling fronting Rede Wood Road to the north of which and standing in its own enclosed garden area is a former water tower now converted to a dwelling.
- 1.02 The site lies within the built confines of Barming.

2.0 RELEVANT PLANNING HISTORY:

- 2.01 MA/00/1573: Conversion of redundant water tower to 1 no. residential Dwelling-APPROVED
- 2.02 MA/03/0633: Erection of double garage – APPROVED

PROPOSAL

- 2.01 When planning permission was granted for conversion of the water tower to a dwelling access to it was shown to be gained via an unmade track through woodland.
- 2.02 Outline planning permission is sought with no matters reserved to provide a much shorter route to the water tower dwelling by providing access off the cul de sac head at the end of Rede Wood Road. In effect detailed planning permission is therefore being sought. This involves constructing a new track within the confines of 80 Rede Wood Road (80) over 40 metres in length running along the boundary with 82 Rede Wood Road (82) abutting the site to the west.
- 2.02 This new road will also provide access to 80 and involves demolition of the existing garage abutting 80 along with providing a replacement single garage in the rear garden. The garden of 80 will be separated by 6 foot high fencing running the length of the access before the proposed access enters the water tower site to connect with existing turning area serving the water tower dwelling. The existing access to the woodland track will then be closed off by fencing.
- 2.03 The following has been submitted in support of the application:
- Many firms currently refuse to deliver along the bridleway and even if they are prepared to anything much larger than a transit cannot get past trees overhanging the lane.
 - Only managed to get the septic tank emptied a short while ago after trees coppiced at the bottom of the lane
 - As lane not in the applicant's ownership overhanging trees will continue to be a problem possibly interfering with refuse vehicles access to the site.
 - Security is also an issue with 11 reported incidents of theft and vandalism mainly due to easy access into site from adjoining track. Closing off the access onto the track will help to make the site more secure.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):
Development Plan: ENV6
Submission version of draft local plan policy DM1

4.0 LOCAL REPRESENTATIONS

- 4.01 4 properties notified – 1 objection received which is summarised below:
- Development not justified - there is already a perfectly adequate access route to the water tower.
 - Rede Wood Road is a residential road and cul-de-sac and to allow this application would effectively give an access route at the end of the road, alongside 82 Rede Wood Road onto the existing access road to the water tower.
 - Will result in excessive noise, a lack of privacy and an increase in traffic directly alongside adjoining property.
 - Result in harm to the free flow of traffic and highway safety.
 - One or more trees may well have to be felled to make room for the new access road.
 - The proposal will detract from the area.

5.0 CONSULTATIONS

5.01 **Barming Parish Council:** Objects on the following grounds:

- The impact on this quiet cul-de-sac would be detrimental to the local amenity and would be jarring to the existing design of the street scene.
- Creating an additional driveway and the consequent additional vehicle movements would impede the turning circle and vehicular use of the hammer-head, for which it was not designed.
- Will lead to a loss of parking space at No.80.
- Will create vehicular intrusion and negative impact upon the enjoyment of neighbouring gardens, and be out of character of the immediate area.

5.02 **Kent Highways:** No comment as proposal does not meet criteria for highway authority involvement.

5.02 **Tonbridge and Malling Borough Council:** No objection

5.03 **KCC Archaeology:** No objection

6.0 **BACKGROUND PAPERS AND PLANS**

6.01 The development proposals are shown on drawing numbers GFSRD01- 7 (consec)

7.0 **APPRAISAL**

7.01 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.

7.02 The key issues in connection with this application are considered to be (a) impact on the character and layout of the area (b) impact on the outlook and amenity of adjoining properties and (c) highway considerations.

Impact on character and layout of area:

7.03 There is already an existing shared access onto Rede Wood Road serving 80 and 82 and the proposed access track is essentially a continuation of this along the side boundary with 82 up to the boundary with the water tower site.

7.04 Concerns have been raised that the proposal will have an adverse impact on the appearance of the street scene and character of the area. However removal of the existing flank garage serving 80 and continuation of the track along the flank boundary with 82, given the existing width of the shared access onto Rede Wood Road, will result in little material change to the street scene or character or appearance of the area.

7.05 The other elements of the proposal being the erection of gates, 6 foot high fencing to separate the access track from the remaining garden area of 80 and replacement detached garage in the rear garden of 80, being to the side or rear of the property, will also have minimal material impact on the character or layout of the area.

Impact on the outlook and amenity of adjoining properties:

- 7.06 The property most affected by the proposal is 82 abutting the western boundary of the application site. Concerns have been raised that the proposal will result in the loss amenity to 82 due to noise, disturbance and loss of privacy.
- 7.07 Dealing with first with noise and disturbance, this will mainly arise from vehicles entering or leaving the site which in connection with a single dwelling will result in only a small number of vehicle movements. There is an existing boundary fence between 80 and 82 which will be supplemented by an imperforate acoustic fence which should mitigate noise breakout while preventing cars being visible from 82. Regarding loss privacy again the presence of the boundary fence will prevent this from occurring.
- 7.08 Regarding any harm to the amenity of 80 the proposed internal fencing to the access road will also safeguard the aural and visual amenity of this property. In the circumstances it is not considered the proposal will result in any material harm to the outlook of amenity of properties overlooking or abutting the site.

Highways:

- 7.09 Concerns have been raised that traffic generated by the proposal will result in harm to the free flow of traffic and highway safety. However given the small number of traffic movements involved the proposal is considered acceptable on highway grounds.

Other matters:

- 7.10 Reference has been made to trees loss as a result of the development. There are no protected trees on the site. There are a couple of small trees on the boundary with 82 but these are small and do not make a sufficient amenity contribution to justify their retention. However where there access enters the water tower site there are two Lombardy poplars shown to be retained which are close to the route of the access. Subject to details of the access construction in the proximity of these trees, which could simply involve laying a permeable surface directly onto the ground with minimal excavations, it is considered unlikely these trees will be adversely affected.
- 7.10 It should be noted no landscaping is proposed as part of the development but given the presence of existing planting no additional landscaping is considered necessary.

8.0 Conclusions:

- 8.01 The proposal will have no material impact on the character or layout of the area, outlook or amenity of properties overlooking or abutting the site and is acceptable in highway terms. As such it is considered that planning permission should be granted.

9.0 RECOMMENDATION – GRANT Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of two years from the date of this approval.

Reason: To accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Within 1 month of completion of the access hereby approved the existing gates shown to be replaced on drawing no:GFSRD04 shall be replaced with fencing to match the existing and the access shall be permanently closed off. .

Reason: In the interests of amenity.

3. Prior to the commencement of the development hereby approved details of the height, design and construction of an acoustic fence shown to be sited between points A and B on drawing no:GSFRDO4 shall be submitted for prior approval in writing by the Local Planning Authority. The approved details shall be in place before first use of the access hereby permitted and retained as such at all times thereafter.

Reason: In the interest of aural amenity.

4. Before the development hereby approved commences details of the construction of a 'no dig' water permeable surfacing (which shall be accompanied by an Arboricultural Method Statement in accordance with BS5837) for where the approved access abuts the Lombardy poplars situated in the water tower site shall be submitted for prior approval in writing of the Local Planning Authority. The access shall only be constructed in accordance with the approved details.

Reason: To ensure that existing trees are not adversely affected by the development in the interests of visual amenity.

5. The development hereby approved shall be carried out in accordance with the following approved plans being drawing nos: GFSRD01- 03 (consec), 04 showing the siting of the acoustic fence, 05-07 (consec)

Reason: In the interests of amenity.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a 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.

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.



16/505005 Little Boarden
Scale: 1:1250
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REPORT SUMMARY

REFERENCE NO - 16/505005/FULL		
APPLICATION PROPOSAL Permanent stationing of two additional mobile homes for the applicant's dependents.		
ADDRESS Little Boarden Boarden Lane Staplehurst Kent TN12 0EB		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The development is in accordance with the adopted and submitted version of the Local Plan and is not considered to result in significant planning harm.		
REASON FOR REFERRAL TO COMMITTEE - Councillor Prendergast has called the application to Planning Committee.		
WARD Headcorn	PARISH COUNCIL Headcorn	APPLICANT Mr Tony Eastwood
DECISION DUE DATE 05/08/16	PUBLICITY EXPIRY DATE 011/07/16	OFFICER SITE VISIT DATE 20/06/16
RELEVANT PLANNING HISTORY:		

Planning history on this site does go back to the 1970's and the most relevant planning history is as follows:

- MA/12/1908 – Variation of condition 1 and removal of condition 3 of MA/07/2248 to allow permanent stationing of 2 mobile homes for applicant's sons and their resident dependants - Approved
- MA/07/2248 – Stationing of 2 additional mobile homes for residence of the applicant's sons with new dependants – Refused (allowed on appeal)
- MA/05/1681 - Retrospective application for change of use of land to residential and stationing of 1 mobile home and 1 touring caravan for gypsy family - Approved

MAIN REPORT

1.0 Site description

1.01 'Little Boarden' is located on the south-eastern side of Boarden Lane, with its existing vehicle access close to the right-angled bend in the road, some 250m to the south-east of the junction with Hawkenbury Road. The access is some 60m long leading up to the site and at the time of my site visit there were 2 mobile homes on site with an area ready for a third mobile home. The site benefits from well-established boundary planting; and the applicant's land extends beyond the site where horses are kept. For the purposes of the adopted Development Plan, the proposal site is within the countryside.

2.0 Background information

2.01 Permanent personal permission was granted for Mr Alfred Eastwood and his dependants under MA/05/1681 and was restricted to 1 mobile home and 1 touring caravan.

2.02 Permission was then sought in late 2007 for 2 additional mobile homes for Mr Eastwood's 2 sons (Caleb and David Eastwood) and their dependents under MA/07/2248. This was refused by the local planning authority but subsequently allowed on appeal in 2008 for a temporary period of 4 years (personal permission). A summary of the Inspector's decision is as follows:

The Inspector considered that the 2 additional mobile homes would cause significant harm to the countryside because they would be more prominent at the north-west end of the site and that existing planting, even if supplemented, would be unlikely to mitigate the harmful visual impact,

particularly in winter. It was also considered that the site was poorly located in terms of services and facilities and would be likely to encourage additional private vehicular usage contrary to Circular 01/2006 and the Structure Plan at the time.

- 2.03 However, the Inspector considered the shortfall of sites for gypsies in Maidstone and the lack of alternative accommodation must be accorded significant weight at the time, and allowed a temporary permission.
- 2.04 Further to this, a temporary 3 year personal permission was granted under MA/12/1908 for the addition of 2 mobile homes, again for Mr Eastwood's 2 sons and their dependents. In summary, the Council still considered the addition of 2 mobile homes to be visually harmful and the Council was still unable to direct Mr Eastwood's sons to an alternative site. This temporary permission expired in early December 2015.

3.0 Proposal

- 3.01 The development is for the permanent stationing of 2 mobile homes for Mr Eastwood's 2 sons (Caleb and David) and their dependents. At the time of my site visit there were 2 mobile homes on site, both located along the north-eastern boundary of the site; and there is an area ready for the third mobile home which is close to the south-western boundary of the site. The additional caravans are/will be set back some 60m from Boarden Lane. Please note that the eastern-most mobile home is lawful (MA/05/1681).

4.0 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, GT1, GT1(5), DM7, DM16
- DCLG - Planning Policy for Traveller Sites (August 2015)

5.0 Consultations

- 5.01 **Councillor Prendergast:** Has requested this application be reported to Planning Committee;

"There is a considerable amount of concern amongst local residents and I believe it would be in the public interest to do so. I would be grateful if you would kindly confirm that this would be in order."

- 5.02 **Headcorn Parish Council:** Have made no representations.

- 5.03 **Environmental Health:** Raises no objection.

- 5.04 **Neighbour representations:** 11 representations have been received raising concerns over the proposal being contrary to the previous Planning Inspector's decision; it would cause harm to character and appearance of countryside; it is not sustainable development; there are discrepancies within the Council's 2014 Sustainability Appraisal (Technical Appendix C: Gypsy and Travellers Site Options) for Site Ref GT3-13, Little Boarden; it is intentional development; and there has been a change of definition of Gypsies and Travellers.

6.0 Principle of development

- 6.01 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.”

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

- 6.03 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.

- 6.04 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.

- 6.05 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. Policy GT1(5) of the submitted version of the Local Plan also allows for 2 additional permanent pitches on this site, which will be discussed further on in the report. This emerging policy states;

In accordance with policy GT1, planning permission for 2 permanent pitches at Little Boarden, Boarden Lane, Headcorn, as shown on the policies map, will be granted if the following criteria are met.

Design and layout

1. The total capacity of the site does not exceed 3 Gypsy and Traveller pitches.
2. A landscaping scheme for the site is approved which provides for:
 - i. The retention and future maintenance of the existing landscaping along the frontage to Boarden lane as an effective screen to the development; and
 - ii. The retention and maintenance of the existing landscaping along the south western boundary and its extension with native planting along the whole of the boundary to form an effective screen to the development.

Need for Gypsy Sites

- 6.06 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

6.07 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.

6.08 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

6.09 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004).

6.10 Policy GT1(5) of the submitted version of the Local Plan allows for 2 additional permanent pitches on this site provided the total capacity of the site does not exceed 3 pitches and that there is an appropriate landscape scheme. This Plan is considered to hold significant weight.

6.11 Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net):

- 81 Permanent (non-personal)
- 16 Permanent (personal)
- 3 Temporary (non-personal)
- 33 Temporary (personal)

6.12 Therefore a net total of 97 permanent pitches have been granted since 1st October 2011. A further 90 permanent pitches are needed by 2031 to meet the need identified in the GTAA.

6.13 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, this site being one of them, 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.

6.14 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

- 6.15 Since the application was submitted, 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."

- 6.16 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.
- 6.17 Under previous applications, it has been accepted by the Planning Inspector and the local planning authority that Mr Eastwood's 2 sons fell within the definition of 'gypsies & travellers', but this has to be clarified once again given the recent revision to the definition. The applicant has confirmed that Caleb and David work across the country with horses attending gypsy fairs to trade, travelling with their families from place to place. It is therefore reasonable to say that Caleb and David have not ceased to travel permanently or temporarily; and that they will continue to travel for work for the purposes of making a living. With the evidence before me I am therefore of the view that they do lead a nomadic habit of life and accept that they fall within the gypsy status definition for the purposes of planning.

Sustainability

- 6.18 Other decisions taken by the local planning authority and the Planning Inspectorate have not considered rural gypsy sites in similar locations to be unsustainable and this is not considered grounds alone to refuse this application. However, it is acknowledged the Inspector under MA/07/2248 felt the site was unsustainable, so this is a factor that weighs against the proposal.

7.0 Visual Impact

- 7.01 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.
- 7.02 The Planning Inspector, under MA/07/2248, stated that *"...the development would cause significant harm to this area of countryside and its unsatisfactory impact could not be mitigated to an acceptable extent"*. However, this view was taken in October 2008, which is nearly 8 years ago when there was limited boundary landscaping. Since this time the site has become well screened by mature planting along the site's frontage with Boarden Lane and around the immediate boundaries of where the mobile homes will be sited; and at the time of my site visit only glimpses of the site were possible through the access and along Boarden Lane. The existing

landscaping will be retained and reinforced through additional native planting along the south-western boundary (in accordance with policy GT1(5) of the submitted version of the Local Plan), which will be secured by way of condition. It is therefore my view that the proposal will no longer cause harm to the character and appearance of the countryside hereabouts, and this measured with the site's allocation in the submitted version of the Local Plan leads me to consider an unrestricted permanent use of the site is acceptable.

8.0 Residential Amenity

- 8.01 A residential use is not generally a noise generating use; and the nearest residential property would be more than 50m away from the additional pitches. Given this, I am satisfied that the addition of 2 more mobile homes would not have a significant detrimental impact on the residential amenity of any neighbouring residence, in terms of general noise and disturbance and privacy.

9.0 Highway safety implications

- 9.01 The 2 additional pitches make use of the existing access; there is sufficient parking and turning facilities within the site; and the additional pitches will not lead to a significant increase in traffic generation or an unacceptable intensification of use of the access. I am therefore satisfied that this proposal would not result in a highway safety issue.

10.0 Other considerations

- 10.01 The proposal site is not within Flood Zone 1 and it is an existing gypsy site that is largely laid hardstanding. I therefore raise no objections in terms of flood risk and I consider it unreasonable and unnecessary to request any further ecological information. Environmental health has raised no objections in terms of land contamination; air quality; noise; amenity; sewage disposal (which is to be dealt with by cesspit). The issues raised the local residents have been addressed in the main body of this report. It is also thought that the proposal would not result in an over concentration of gypsies and travellers in the area.
- 10.02 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 any harm caused can be appropriately mitigated against through the use of the recommended conditions.
- 10.03 The issues raised by the local residents have been addressed in the main body of this report. However, I would add that the Council's 2014 Sustainability Appraisal has been superseded by the Sustainability Appraisal of the Maidstone Local Plan (February 2016).

11.0 Conclusion

- 11.01 For the reasons set out, the development is not considered to be adversely visually harmful to the countryside; there are no residential amenity or highway safety issues; and significant weight is given to site allocation as set out in the submitted version of the Local Plan with which this application complies. So whilst the site is removed from basic services/amenities and future occupants will be reliant on the car, in weighing up the material planning issues/policies and the on-going need to provide accommodation for gypsies and travellers, I take the view that in this instance an unrestricted permanent permission should be granted for the 2 additional pitches.

RECOMMENDATION –GRANT Subject to the following 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 2012;

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 excluding those permitted under application MA/05/1681;

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) Details of the species, size, density and location of all new planting within the site;
- ii) Retention of existing boundary planting
- iii) Retention of existing landscaping along frontage of Boarden Lane;
- v) New native hedge planting along length of south-western boundary;

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 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 lighting whether permanent or temporary shall be installed on the site without the prior written consent of the Local Planning Authority;

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

- (7) 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.

- (8) The development hereby permitted shall be carried out in accordance with the proposed layout plan received 10/06/16;

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

INFORMATIVES

- (1) The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence. The applicant is advised to contact the Environmental Enforcement Team on 01622 602202 in respect of a licence.

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. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 18

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 15th September 2016**

APPEAL DECISIONS:

1. **15/508313** Use of annexe as a self contained dwelling to be occupied independently from Reeve Cottage. Removal of two existing sheds and greenhouse to provide parking facilities.

APPEAL: Dismissed

Reeve Cottage, Peens Lane, Boughton
Monchelsea, Kent, ME17 4BY

(Delegated)

2. **16/501803** First floor side and rear extension

APPEAL: Allowed with Conditions

2 Linton Road, Loose, Maidstone, ME15 0AE

(Delegated)

3. **15/510722** Erection of two storey side extension and 1.8m brick wall following removal of existing fence and shed.

APPEAL: Dismissed

4 Warren Cottages, Headcorn Road, Sandway,
Maidstone, ME17 2PD

(Delegated)

4. **15/510044** Erection of 1No. detached house together with use of part of twin/double garage approved under application ref: 14/502920/FULL.

APPEAL: Dismissed

77 Poplar Grove, Maidstone, Kent, ME16 0AN

(Delegated)