

AGENDA

ADJOURNED PLANNING COMMITTEE MEETING



Date: Thursday 9 February 2017

Time: 6.00 pm

Venue: Town Hall, High Street,
Maidstone

Membership:

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

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda

Continued Over/:

Issued on Friday 3 February

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

5. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. 15/504300 - Land North Of 61 Knaves Acre, Headcorn, Kent 1 - 10
10. 16/505113 - The Chances, Lughorse Lane, Hunton, Kent 11 - 22
11. 16/505965 - The Chances, Lughorse Lane, Hunton, Kent 23 - 34
12. 16/506229 - 15 Greensands, Boxley, Kent 35 - 40

PLEASE NOTE

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

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

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



15/504300 - 61 Knaves Acre

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REPORT SUMMARY

REFERENCE NO - 15/504300/OUT		
APPLICATION PROPOSAL Outline application for two storey detached house with access, layout, scale and appearance to be considered.		
ADDRESS Land North Of 61 Knaves Acre Headcorn Kent TN27 9TJ		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is not in accordance with Development Plan policy. However, the proposal would not cause unacceptable visual harm; the living conditions of existing and future residents will be acceptable; it is considered to be sustainable development; and there is no objection in terms of highway safety, arboricultural issues and biodiversity. In the absence of any harm and the significant weight afforded to emerging policy H1(40), this is considered grounds to depart from the adopted Local Plan.		
REASON FOR REFERRAL TO COMMITTEE It is a departure from Development Plan and contrary to views expressed by Headcorn Parish Council.		
WARD Headcorn	PARISH COUNCIL Headcorn	APPLICANT Mr Bailey
DECISION DUE DATE 03/02/17	PUBLICITY EXPIRY DATE 05/01/17	OFFICER SITE VISIT DATE 08/11/16
RELEVANT PLANNING HISTORY:		

- MA/80/1119 - Outline application for erection of detached dwelling – Refused

MAIN REPORT

1.0 Site description

- 1.01 The proposal site relates to a parcel of land that is of a general rectangular shape that measures some 0.15ha in area. The site benefits from an existing access point in the southern corner of the site that is taken from Knaves Acre. The site is overgrown and there are a number of trees along its boundaries, including a number of individual trees protected under Tree Preservation Order no.3 of 1978. The surrounding land to the north of the site will be built out with residential development and this is highlighted at the beginning of this report.
- 1.02 For the purposes of the adopted Development Plan the application site is within the designated countryside that falls within the Low Weald Special Landscape Area as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

2.0 Proposal

- 2.01 This proposal is an outline application for the erection of a single dwelling with access, appearance, layout and scale for consideration now with landscaping reserved for future consideration.
- 2.02 The proposed dwelling would have a ridge height of some 9m; an eaves height of some 5m; and the attached double garage would stand some 4.3m in height from ground level. In general terms, the property would measure some 10.8m wide, with the garage a further 6.3m in length; and the property's overall depth would be some 12m.
- 2.03 The property would have 5 bedrooms; a feature chimney; elements of weatherboarding; a gable-end front projection; access would be from an existing driveway that goes in between 61 and 62 Knaves Acre; and its parking and turning area would be to the front of the building. The proposal would be positioned towards the southern end of the site, with its front elevation facing southwards.

3.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, T13
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Submitted version of Maidstone Local Plan: SP17, H1, H1(40), DM1, DM2, DM27, DM34
- Headcorn Neighbourhood Plan (Draft)

4.0 Consultee responses

4.01 **Headcorn Parish Council:** Wishes to see application refused and reported to Planning Committee;

- *Site is outlined as sustainable site in draft HNP for development of 5 2/3 bed houses - HNP survey showed no requirement for 5 bedroomed houses;*
- *Site would be used to improve connectivity in that area, with footpath linking Knaves Acre with Grigg Lane - HPC wish to stress that overriding issue is one of connectivity and reference should be made to Policy HNP15 of emerging Headcorn Neighbourhood Plan;*
- *Given number of trees at property, they should be assessed in terms of TPO's; and*
- *Committee reviewed Great Crested Newt Survey and note the comments with regards to the newt corridor - This does not alter original grounds for objection.*

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

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

4.04 **Biodiversity Officer:** Raises no objection.

5.0 **Neighbour responses:** 3 representations have been made raising concerns over covenants; impact of construction traffic; impact upon trees; sewerage; loss of privacy; layout; and highway safety; and visual impact.

6.0 Policy background

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 The application site is outside of the defined village boundary of Headcorn. It is therefore upon land defined in the adopted Local Plan as countryside. The starting point for consideration is saved policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 which states as follows:-

"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.*

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources."

6.03 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan. The proposal site is also within a Special Landscape Area and policy ENV34

seeks to protect the distinct character of the area. However, the site is allocated in the new Local Plan which has significant weight, for 5 houses under emerging policy H1(40), which states:

Knaves Acre, as shown on the policies map, is allocated for development for approximately 5 dwellings at an average density of 25 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria re met.

Design and layout

1. The function of public footpath KH606 is to be retained, and consideration given to the safety of future users and occupiers of the development.

Access

2. Access will be taken from Knaves Acre only.

- 6.04 This is considered to warrant grounds to depart from saved policy ENV28 of the adopted Development Plan subject to the proposal being otherwise acceptable.
- 6.05 The NPPF sets out a clear presumption in favour of sustainable development (paragraph 14), which is defined as having three dimensions, the economic, the social, and the environmental (paragraph 7). The NPPF also makes it clear that proposed development needs to respect the intrinsic character and setting of the countryside (paragraph 17); and that permission, "...should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area" (paragraph 64). In terms of location, the proposal site is considered to be sustainable.
- 6.06 Paragraph 109 of the NPPF also states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible; and that conservation of wildlife is an important consideration in all areas (para 115).
- 6.07 In terms of other emerging policies from the submitted version of the Local Plan, policy SP17 seeks to restrict inappropriate development in the countryside; policy DM1 seeks good design; policy DM2 seeks sustainable design; policy DM27 sets out parking standards; and policy DM34 allows for high quality of design development in the countryside provided certain criterion is met, including respecting the landscape character of the locality.
- 6.08 The proposal site is also allocated within Headcorn Parish Council's draft Neighbourhood Plan for 5 properties; and the Parish Council have also pointed out that their Neighbourhood Plan survey shows no requirement for 5 bedroomed houses. However, the Inspector's Examination on the Headcorn Neighbourhood Plan (NP) was held in October 2016. The Inspectors findings have not yet been published but it is expected that amendments will need to be made to the NP and possible further consultation required. So whilst the NP is a material consideration, the provision of 1 house as opposed to the potential number of 5 houses as stated in the NP is not considered grounds to refuse this application; and in reference to emerging policy H1(40), the proposal would not affect the public footpath (KH606) to the rear of the site.
- 6.09 I will now go on to consider the details of this planning application.

7.0 Visual impact

- 7.01 Appearance, layout and scale are for consideration under this application. The proposed dwelling would be set behind existing properties in Knaves Acre, but given the level of residential development directly behind the site; and the fact a similar development has been approved on land in between 35 and 36 Knaves Acre, I am of the view that a detached house here would not adversely go against the pattern and grain of development in the area. The design of the new dwelling is considered acceptable, and it would draw on elements of the properties in Knaves Acre such as the weatherboarding at first floor level; and whilst a larger property, given its set back from the road I am satisfied it would not appear visually dominant or incongruous when viewed from Knaves Acre. Similarly, given the layout of the residential development behind, and the separation distance of the house from the site's northern boundary, the proposal would not appear visually harmful from any public vantage point to the north. To further ensure a satisfactory appearance to the development, appropriate conditions will be imposed requesting details of external materials and hardsurfacing. I therefore consider the scale, design and siting of the proposal to be appropriate in this setting, and I am satisfied that it would not cause adverse harm the character and appearance of the surrounding area hereabouts.

8.0 Residential amenity

- 8.01 Given the separation distances between the new house and any neighbouring property (existing and proposed) and given the proposal's scale, design and siting, I am satisfied that it would not result in a significant loss of privacy, light or outlook to any neighbour, and it would not appear overbearing for any neighbour when enjoying their garden. I am also satisfied that a new dwelling here with its associated comings and goings and use of the existing access would not result in an unacceptable increase in noise and disturbance to existing properties.

9.0 Access/Highway safety implications

- 9.01 Access is for consideration at this stage and the proposed dwelling would make use of the existing vehicle access from Knaves Acre; and it would also benefit from a double garage, private drive and vehicle turning area. I am therefore satisfied that the proposal would have adequate parking and turning facilities within the site; and the additional vehicle movements for one property to and from the site are not considered significant enough to object on highway safety grounds.

10.0 Landscaping (not for consideration at this stage)

- 10.01 As previously set out, there are a number of boundary trees including individual trees protected under Tree Preservation Order no.3 of 1978 along the site's eastern boundary. From reviewing the submitted details, the Landscape Officer raises no objections on arboricultural grounds subject to a pre-commencement condition requiring an Arboricultural Method Statement in accordance with BS5837:2012 which includes details of no dig construction for the driveway and tree protection details. This condition will be duly imposed to safeguard the future of the trees.
- 10.02 The illustrative landscaping plans do show the retention of all the trees within the site and additional tree planting along the front (southern) boundary; and a new hedgerow is also shown to divide the private garden area of the property and the ecology area to the rear of the site (discussed further on in the report). With this considered, I am satisfied that an appropriate landscaping scheme would be possible at the reserved matters stage, and a condition will be imposed to secure the retention of the boundary trees and suitable new planting.

11.0 Biodiversity implications

- 11.01 The applicant has submitted a Preliminary Ecological Appraisal Report and a Great Crested Newt (GCN) Survey as part of this application. In terms of the proposal's potential impact upon protected species and habitats, the Biodiversity Officer has reviewed these reports and is satisfied that no further ecological information is required prior to the determination of this application. This is subject to the creation of a wildlife corridor with hibernaculas at the northern end of the site which will link with other receptor sites. The applicant has shown this area on the submitted plans and a condition will be imposed to ensure it is retained as non-garden land. The Biodiversity Officer has reviewed this and considers the details shown to be acceptable.
- 11.02 Notwithstanding this, one of the principles of the NPPF is that *"opportunities to incorporate biodiversity in and around developments should be encouraged"*. The Preliminary Ecological Appraisal Report has made a number of recommendations for ecological enhancements which can be incorporated in to the site, and a suitable condition will be imposed to ensure that these enhancements are incorporated in to the development.

12.0 Other considerations

- 12.01 Foul sewage disposal will be via the mains sewer and surface water will be disposed of via a sustainable drainage system; and no objection is raised in this respect. Given the scale, nature and location of the site, no further details are required in terms of land contamination, flood risk and air quality.
- 12.02 The site allocation within the submitted version of the draft Local Plan (policy H1[40]) for approximately 5 houses. Whilst only 1 house is proposed, this is not considered grounds to refuse this application. I would also add that this policy seeks the retention of the function of the public footpath (KH606). In response, there is a current application to divert this footpath, because of the residential development behind the site, and the proposed diversion does not run through this proposal site.
- 12.03 The issues raised by Headcorn Parish Council and the local residents have been addressed in the main body of this report.

13.0 Conclusion

- 13.01 This proposal would not cause unacceptable visual harm; the living conditions of existing and future residents will be acceptable; it is considered to be sustainable development; and there is no objection in terms of highway safety, arboricultural issues and biodiversity. In the absence of any harm and the significant weight afforded to emerging policy H1(40), this is considered grounds to depart from the adopted Local Plan. I therefore recommend approval subject to the appropriate conditions.

14.0 RECOMMENDATION – APPROVE with conditions:

CONDITIONS to include

- (1) The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
- a. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

- (2) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- (3) Pursuant to condition 1 details of landscaping (to include measures for tree protection) shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines and shall include:

- a) Retention of all boundary trees as shown on drawing 005 Rev C;
- b) Additional tree planting along southern boundary of site as shown on drawing 005 Rev C;
- c) Details of post and rail fencing and new native hedge planted to divide the garden with the ecological mitigation area as shown on drawing 005 Rev C.

Reason: To safeguard future of existing trees, ensure a satisfactory appearance to the development and in the interests of biodiversity.

- (4) 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.

- (5) Prior to commencement of works/development above DPC level, an Arboricultural Method Statement in accordance with BS5837:2012, which includes details of no dig construction for the driveway and tree protection details, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority;

Reason: To safeguard the future of the trees.

- (6) In accordance with the submitted Preliminary Ecological Appraisal Report and prior to commencement of works/development above DPC level, an ecological method statement which details what enhancements are going to be implemented and where and how, shall be submitted to and approved in writing by the local planning authority, and shall include the following;

- i) Provision of bird boxes within the site, including integral bird bricks/boxes on northern elevation of building;
- ii) Provision of bat roosting spaces within eaves of building(s) and/or installation of ready-made bat boxes.

The development shall be built in accordance with the approved ecological mitigation strategy and all features shall be retained in that manner thereafter;

Reason: In the interests of biodiversity enhancement.

- (7) The development shall be carried out in accordance with the mitigation proposals set out in section 5.3 of the submitted Great Crested Newt Survey, including the ecological mitigation area with hibernaculum and log piles, as shown on drawing 005 Rev C received 15/12/16. Prior to the commencement of works/development above DPC level, details of a long-term management plan for the ecological mitigation area shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the local planning authority;

Reason: To ensure appropriate mitigation and protection of species.

- (8) Prior to commencement of works/development above damp-proof course (DPC) level, written details and samples of the materials to be used in the construction of the external surfaces (to include white weatherboarding at first floor level) of the building and hardsurfacing shall be 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.

- (9) 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.

- (10) Notwithstanding the provisions of 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), no extension to the property shall be carried out without the permission of the Local Planning Authority;

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

- (11) The development hereby permitted shall be carried out in accordance with the following approved plans: 006 and 007 received 16/06/16 and 003 Rev C and 004 Rev C received 15/12/16;

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

INFORMATIVES

- (1) 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.
- (2) The applicant is advised to carry out any work to vegetation that may provide suitable bird nesting habitats outside of the bird breeding season (bird breeding season is March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season then mitigation measures should be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work, development must cease until after the juveniles have fledged.
- (3) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Team regarding noise control requirements.
- (4) Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties.
- (5) Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- (6) Vehicles may only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- (7) Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

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.

Reference number: 15/504300/OUT

- In order to safeguard the future of surrounding trees, it is recommended that condition 5 is amended to read:

Prior to the commencement of any works/development on site, an Arboricultural Method Statement in accordance with BS5837:2012, which includes details of no dig construction for the driveway and tree protection details, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Recommendation remains unchanged.



16/505113 The Chances

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REPORT SUMMARY

REFERENCE NO - 16/505113/FULL			
APPLICATION PROPOSAL			
Variation of condition 2 of 15/506338 (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to replace the touring caravan with another static mobile home			
ADDRESS The Chances, Lughorse Lane, Hunton, Kent			
RECOMMENDATION - Permission			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL			
The development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.			
REASON FOR REFERRAL TO COMMITTEE			
Hunton Parish Council wish to see the application refused.			
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL Hunton	APPLICANT Mrs Lena smith AGENT	
DECISION DUE DATE 01/09/16	PUBLICITY EXPIRY DATE 12/08/16	OFFICER SITE VISIT DATE 1/11/2016	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/505965/FULL	Variation of condition 2 of 15/506245 (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to allow extra static home. This application relates to the adjoining site.	Pending decision	
16/505347/FULL	Variation of Condition 2 and 8 of planning permission 15/506338/FULL (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to permit the stationing of two static caravans and two touring caravans on the land and to vary the site layout to form a third plot	Refused	
15/506245	Permanent siting of one static and one touring caravan for residential use by Romany gypsies	Permanent consent. Granted at committee.	07.04.2016
15/506338	Permanent siting of one static and one touring caravan for residential use by Romany gypsies (adjoining site)	Permanent consent. Granted at committee	07.04.2016
10/1336	Variation of enforcement appeal reference ENF/8968 Conditions 1 and 2 to allow the use of the site for the siting of a mobile home and a touring caravan on a permanent basis for an extended gypsy family –	Temporary 4 year personal permission	Committee 22.11.2010

11/1900	Variation of condition 4 of planning permission MA/10/1336 to read: 'No more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which not more than 2 shall be a static caravan) shall be stationed on the site at any time.'	Permitted	11.10.2012
ENF/8968	The Inspector allowed use of the current site for a temporary personal permission for 3 years for stationing of caravans and use as a traveler site.	Allowed	7.08.2007
10/1542	Planning permission on the adjoining field to north of the site was refused for change of use of land to provide two plots for gypsy travelers	Refused: Impact on open countryside	Committee 11.08.2011

MAIN REPORT

1.0 BACKGROUND

- 1.1 This site and the adjoining site to the east are allocated for use as gypsy traveller sites in the emerging Local Plan (submission version) May 2016. Policy GT1 (7) advises in accordance with policy GT1, planning permission for 4 permanent pitches at The Chances, Lughorse Lane, Hunton, will be granted providing the total site capacity does not exceed 4 pitches; future permissions to include additional landscaping and ecology mitigation.
- 1.2 At present The Chances has permanent planning permission for two pitches (over two applications 15/506245 and 15/506338). Permanent permission has been granted for two statics and two tourers in total. The emerging site allocation allows for a further two statics on the site.

2.0 SITE DESCRIPTION

- 2.1 The application site is located on the south side of Lughorse Lane in the open countryside. The site has been granted permanent consent for one static and tourer which are currently on site.
- 2.2 The site is set back approx. 130m from Lughorse Lane and is accessed via a vehicle track running through the adjacent field to the north. The vehicle track is formed of compacted hard-core and is shared with the adjoining site to the west. PROW KM163 crosses the vehicle access to the west of the site. An area of ancient woodland is located to the southwest of the site. The remaining area surrounding the site to the north, east, south and west is open countryside / fields. To the west is an adjoining traveller site with permanent consent for one static and one tourer. To the east of the site is further gypsy traveller site with one static caravan which does not benefit from planning permission and is the subject of enforcement action. Further to the south is a commercial engineering premises. There is mature vegetation along the site boundaries with the exception of the vehicle access point on the western boundary. The site is located within a Special Landscape Area.

3.0 PROPOSAL

- 3.1 Variation of condition 2 of 15/506338 (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to replace the touring caravan with another static mobile home.
- 3.2 Condition 2 currently states:
- 3.3 No more than one static 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;
- 3.4 This application seeks to vary the wording as below:
- 3.5 No more than two statics 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;
- 3.6 The second static caravan which is the subject of this application is proposed adjacent to the east boundary. The static would be used by the applicant's son.

4.0 POLICIES AND OTHER CONSIDERATIONS

- Development Plan 2000: ENV6, ENV28, ENV34, T13
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan policies: SP5, GT1, GT1 (7), DM16
- Planning Policy for Traveller Sites (PPTS)

5.0 LOCAL REPRESENTATIONS

- 5.1 Some 6 objections have been received. One letter of support has been received. The main points of objection are summarised as follows:
- The caravan is already on site.
 - The number of caravans on site exceeds the per hectare guidelines for gypsy and traveller sites.
 - Boundary screening has not been provided.
 - The site is within the Greensand Ridge Special Landscape Area.
 - The site is clearly visible from Greensand Way and other PROW.
 - Current screening will be severely compromised in the autumn/winter months
 - The site is clearly unoccupied for long periods so the specific personal housing and schooling needs in the original application and subsequent appeal do not apply.
 - Overdevelopment of the site.
 - Part of the access drive fall under different land ownership.
 - Increase in pitches will harm the local environment.
 - Increased traffic movements.
 - Harmful to the countryside.
- 5.2.1 **Hunton Parish Council:** Hunton Parish Council recommends refusal and asks for the application to be heard by the Planning Committee. The Parish Council objections are summarised as follows:
- The applicants are not nomadic

- The applicants are already in breach of the existing licence as there is more than one static caravan on the site.

6.0 CONSULTATION RESPONSES

6.1 **KCC Highways:** Raise no objection.

6.2 **KCC PROW:** No objections

7.0 PRINCIPLE OF DEVELOPMENT

7.1 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.”

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

7.3 However, a key consideration in the determination of this application is central Government guidance contained within ‘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.

7.4 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.

7.5 In addition, the submitted version of the Development plan went to the Secretary of State in May 2016 and public examination took place in the later part of 2016. This Plan and its policies are considered to hold significant weight; and policy GT1(7) allocates the application site for 4 gypsy traveller pitches whilst policy DM16 accepts this type of accommodation can be provided in the countryside provided certain criteria are met.

Need for Gypsy Sites

7.6 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:

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Total: Oct 2011 – March 2031	-	187 pitches

7.7 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.

- 7.8 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

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

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

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

- 7.11 Therefore a net total of 101 permanent pitches have been granted since 1st October 2011. A further 86 permanent pitches are needed by 2031 to meet the need identified in the GTAA.

- 7.12 The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The submission Draft Local Plan does allocate specific sites, and these are sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future. There will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan. The Local Plan's adoption is currently timetabled for the latter half of 2017.

- 7.13 The PPTS directs that the lack of a 5 year supply of Gypsy pitches should be given weight in the consideration of granting a temporary consent. With the submission of the Local Plan, the council's position is that it can demonstrate a 5.6 year supply of G&T sites at the base date of 1st April 2016. In these circumstances, the PPTS direction to positively consider the granting of a temporary consent does not apply.

Gypsy Status

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

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

- 7.15 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition in terms of ceasing travel temporarily, the PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 7.16 In this instance permanent planning permission already exists on this site for one static and one touring caravan and the gypsy traveller status of the applicant was confirmed during the determination of the original permission. This application proposes one additional static caravan for the applicant's son. As such the gypsy traveller status of the applicant has already been confirmed and the applicant and his family are considered to fall within the definition of a gypsy traveller. The parent planning permission contains a condition restricting the use of the site to travellers.
- 7.17 Given the fact the Council is unable to offer any alternative accommodation and taking into consideration the emerging policy GT1 (7) for this site which allocates a total of 4 pitches (2 more than the current consents), the principle of one additional static caravan is considered to be appropriate and would not result in more than 4 caravans on the site.

8.0 VISUAL IMPACT

- 8.1 Guidance in the PPTS states that Local Planning Authorities should 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 is outlined; however, this is addressed in the NPPF and saved Local Plan policy ENV28 and ENV34.
- 8.2 The landscape in the vicinity of the application site is in relatively flat agricultural land, interspersed with hedgerows and woodland blocks. The site itself is fairly well enclosed. There is mature hedgerow planting along the north, east, south and a majority of the west boundary with the exception of the vehicle access. The boundary screening and distance of the site from Lughorse Lane all limit mid- to long-distance views into the site. Short range views are also limited by the boundary screening. Close range views are mainly limited to views of the site entrance and shared vehicle access. There is a further gypsy/traveller caravan site adjacent (app no. 15/506245), to which the application site would be well related without significant cumulative visual impact. The additional caravan would be appropriately located adjacent to the east boundary hedge and would not be significantly visible from any public vantage points due to the established boundary screening. In this context the one additional caravan is not considered to be visually intrusive, and would be neither incongruous nor discordant.
- 8.3 There is a further unlawful gypsy traveller site located directly to the west of the site with one static caravan on the site. This application has recently been refused planning permission due to visual harm and is the subject of enforcement action.
- 8.3 Overall it is considered that the site is currently well screened and the additional caravan on this site would not cause undue harm to the open countryside and Special Landscape Area.

9.0 SUSTAINABILITY

- 9.1 Gypsy traveller sites will almost inevitably be located in countryside locations. The site is located less than 1 mile from Hunton and less than 2 miles from Yalding. In my view, I do not consider the site to be so far removed from basic services, schools and other facilities as to justify grounds to refuse this application in terms of being unsustainable.

10.0 RESIDENTIAL AMENITY

- 10.1 The site is some distance from the nearest residential properties such that I am satisfied that the development would not have a significant detrimental impact on the residential amenity of any neighbouring occupant, in terms of loss of light outlook and privacy and in terms of general noise and disturbance. The Environmental Health Department have confirmed there have been no complaints regarding this site. A further gypsy traveller site is located to the east of the site. Sufficient screening is provided on the east boundary between the two sites to ensure there are no adverse amenity impacts between the two sites.

11.1 HIGHWAY SAFETY IMPLICATIONS

- 11.1 The site has an established vehicle access onto Lughorse Lane across / along the boundary of the field to the north of the site. The development would not result in a significant increase in traffic movements and I consider the local highway network to be capable of accommodating the relatively low vehicle movements to and from the site. There is sufficient parking and turning space within the site; the access road is suitably surfaced; and the gates are set back from the highway. KCC Highways have raised no objection on highways safety or parking grounds.

12.0 LANDSCAPE AND BIODIVERSITY IMPLICATIONS

- 12.1 The site has been used as a gypsy traveller site since 2006 and hard-core for the vehicle access and parking areas is already laid. Not including the established vegetation along the site boundaries the application site is likely to have limited ecological value due to the continued occupation.
- 12.2 One of the principles of the National Planning Policy Framework is that “*opportunities to incorporate biodiversity in and around developments should be encouraged*”. Biodiversity enhancements including bird / bat boxes were erected on the site as part of the original permission.
- 12.3 As stated above the site is well screened and benefits from established mature boundary vegetation and additional planting has been secured via the parent planning permission.
- 12.4 No objections have been raised by KCC and landscape officer on the grounds that that there would be any impact on the ancient woodland to the south of the site.

13.0 OTHER CONSIDERATIONS

- 13.1 Given the location of the proposal site, I am satisfied that there are no objections to be raised in terms of flood risk.
- 13.2 There are other gypsy and traveller sites within the wider area in Hunton and Yalding but I do not consider the granting of permission here would lead to an unacceptable over-concentration of sites, or result in unacceptable visual harm given the distance between each of the sites. Further, given the sporadic residential development within the immediate area and relatively sustainable location, it is not considered that this site would individually or cumulatively dominate the nearest settled community or place undue pressure on the local infrastructure.

- 13.3 I am satisfied that the mobile home falls within the definition of a caravan as set out under Section 13 of the Caravan Sites Act 1968 (as amended), and an appropriate condition will control this.
- 13.4 I do not recommend any conditions restricting occupancy to the applicant on the basis that the site and development are considered acceptable for the reasons above and the site is allocated as a gypsy traveller site in the emerging Local Plan. In the case of this specific site, there is no reason to object to a permanent unrestricted use as a gypsy site.
- 13.5 Objections have also been raised regarding the density of the site and number of caravans per hectare. In this regard the additional caravan would be in accordance with the criteria of policy GT1 (7) and it is considered that the site would not appear cramped or overdevelopment with an additional static (4 statics in total). A local resident has advised that they own part of the vehicle access drive and field adjacent the site. Ownership Certificate B has been completed and notice has been served on the relevant owner. Local objectors state that the condition on the original consent have not been complied with. In this regard application 16/505423/SUB covers the discharge of all the onerous conditions on the original such as additional landscaping and erection of bird boxes.
- 14.0 CONCLUSION**
- 14.1 The site is located within the countryside; however, gypsy sites can be acceptable in the countryside. It is considered that the applicant is a gypsy and complies with the definition contained within the Planning Policy for traveller sites document.
- 14.2 The visual impact of the development is minimal. There is good boundary screening and the site is set back from the road. Nonetheless, boundary treatment conditions should still be imposed to further screen the site.
- 14.3 The application site, when combined with other gypsy sites in the vicinity, and in relation to existing authorised developments, does not dominate the settled community.
- 14.4 In the context of gypsy and traveller accommodation, the application site is considered to be in a relatively sustainable location that is not so remote from services and facilities to justify a refusal.
- 14.5 The emerging policy GT1(7) for this site allocates a total of 4 pitches (2 more than the current consents) and the principle of one additional static caravan is considered to be appropriate and would not result in more than 4 caravans on the site.
- 14.6 The application development does not have any adverse impact on residential amenity.
- 14.7 The application development does not lead to any increased risk to highway safety.
- 14.8 There are no other significant planning issues that would warrant refusal of the application.
- 14.9 I therefore consider the development is acceptable and recommend permanent permission.

CONDITIONS

- (1) No more than two statics caravans 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.

- (2) The development hereby permitted shall be carried out in accordance with the following drawings:

Site Location and Block Plan; received on 11.07.2016.

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

Case Officer: Andrew Jolly

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

Reference number: 16/505113

Amendments to the committee report

Para 12.4 amended: No objections have been raised by KCC and the landscape officer on the grounds that that there would *not* be any impact on the ancient woodland to the south of the site.

Additional conditions

This is a Section 73 application and the effect is the grant of a fresh planning permission. Where necessary the conditions from the parent permission need to be included on the new decision notice.

Add the following conditions

1. The site shall not be used as a caravan site by any persons other than 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 commercial or business activities shall take place on the land;

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

3. All planting, seeding or turfing comprised in the landscaping details approved within application 16/505423/SUB shall be carried out in the first planting and seeding seasons following the date of the 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 ensure a satisfactory setting and external appearance to the development.

4. The details of bird and bat boxes approved within application 16/505423/SUB shall be carried out in accordance with the approved details and maintained thereafter.

Reason: in the interests of ecology.

5. No external lighting shall be erected on the site at any time unless previously agreed in writing by the Local Planning Authority;

Reason: To safeguard the character and appearance of the area and to prevent light pollution in accordance with policies ENV28 and ENV49 of the Maidstone Borough-Wide Local Plan (2000).

Recommendation remains unchanged.



16/505965 The Chances

Scale: 1:2500

Printed on: 30/12/2016 at 10:50 AM

REPORT SUMMARY

REFERENCE NO - 16/505965/FULL			
APPLICATION PROPOSAL Variation of condition 2 of 15/506245 (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to allow extra static home.			
ADDRESS The Chances, Lughorse Lane, Hunton, Kent, ME15 0QU			
RECOMMENDATION – Permission			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.			
REASON FOR REFERRAL TO COMMITTEE Hunton Parish Council wish to see the application refused.			
WARD Coxheath And Hunton		PARISH/TOWN COUNCIL Hunton	APPLICANT Mr John Collins AGENT
DECISION DUE DATE 29/09/16		PUBLICITY EXPIRY DATE 20/09/16	OFFICER SITE VISIT DATE 16.08.2016
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/505113/FULL	Variation of condition 2 of 15/506338 (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to replace the touring caravan with another static mobile home. This application relates to the adjoining site.	Pending decision	
16/505347/FULL	Variation of Condition 2 and 8 of planning permission 15/506338/FULL (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to permit the stationing of two static caravans and two touring caravans on the land and to vary the site layout to form a third plot	Refused	
15/506245	Permanent siting of one static and one touring caravan for residential use by Romany gypsies	Permanent consent. Granted at committee.	07.04.2016
15/506338	Permanent siting of one static and one touring caravan for residential use by Romany gypsies (adjoining site)	Permanent consent. Granted at committee	07.04.2016
10/1336	Variation of enforcement appeal reference ENF/8968 Conditions 1 and 2 to allow the use of the site for the siting of a mobile home and a touring caravan on a permanent basis for an extended gypsy family –	Temporary 4 year personal permission	Committee 22.11.2010

11/1900	Variation of condition 4 of planning permission MA/10/1336 to read: 'No more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which not more than 2 shall be a static caravan) shall be stationed on the site at any time.'	Permitted	11.10.2012
ENF/8968	The Inspector allowed use of the current site for a temporary personal permission for 3 years for stationing of caravans and use as a traveler site.	Allowed	7.08.2007
10/1542	Planning permission on the adjoining field to north of the site was refused for change of use of land to provide two plots for gypsy travelers	Refused: Impact on open countryside	Committee 11.08.2011

MAIN REPORT

1.0 BACKGROUND

- 1.1 This site and the adjoining site to the west are allocated for use as gypsy traveller sites in the emerging Local Plan (submission version) May 2016. Policy GT1 (7) advises in accordance with policy GT1, planning permission for 4 permanent pitches at The Chances, Lughorse Lane, Hunton, will be granted providing the total site capacity does not exceed 4 pitches; future permissions to include additional landscaping and ecology mitigation.
- 1.2 At present The Chances has permanent planning permission for two pitches (over two applications 15/506245 and 15/506338). Permanent permission has been granted for two statics and two tourers in total. The emerging site allocation allows for a further two statics on the site.

2.0 SITE DESCRIPTION

- 2.1 The application site is located on the south side of Lughorse Lane in the open countryside. The site has been granted permanent consent for one static and tourer which are currently on site. A second static has recently been stationed on site adjacent to the western boundary. This second static is the subject of this application.
- 2.2 The site is set back approx. 130m from Lughorse Lane and is accessed via a vehicle track running through the adjacent field to the north. The vehicle track is formed of compacted hard-core and is shared with the adjoining site to the west. PROW KM163 crosses the vehicle access to the west of the site. An area of ancient woodland is located to the southwest of the site. The remaining area surrounding the site to the north, east, south and west is open countryside / fields. To the west is an adjoining traveller site. Further to the south is a commercial engineering premises. There is mature vegetation along the site boundaries with the exception of the vehicle access point on the western boundary. The site is located within a Special Landscape Area.

3.0 PROPOSAL

- 3.1 Variation of condition 2 of 15/506245 (Permanent siting of one static and one touring caravan for residential use by Romany gypsies) - to allow extra static home.
- 3.2 Condition 2 currently states:
- 3.3 No more than one static 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;
- 3.4 This application seeks to vary the wording as below:
- 3.5 No more than two statics 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;
- 3.6 The second static caravan which is the subject of this application has already been brought onto the site and is located adjacent the west boundary. The static is used by the applicant's son.

4.0 POLICIES AND OTHER CONSIDERATIONS

- Development Plan 2000: ENV6, ENV28, ENV34, T13
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan policies: SP5, GT1, GT1 (7), DM16
- Planning Policy for Traveller Sites (PPTS)

5.0 LOCAL REPRESENTATIONS

- 5.1 Some 7 objections have been received. One letter of support has been received. The main points of objection are summarised as follows:
- Land within the red line boundary is owned by a third party.
 - Description of the proposed development is confusing and flawed.
 - Site is visible from the PROW.
 - Should not be allowed in the SLA.
 - The number of caravans (including adjacent sites) exceeds MBC density calculations.
 - If all applications permitted on site there would be 5 statics which would exceed the guidelines of the emerging policy.
 - The plot is only half an acre not one acre as stated in the Local Plan.
 - Site can be seen from Greensand Way and the road.
 - Conditions on previous approval have not been complied with.
 - Site is detrimental to the local environment.
 - Additional vehicle traffic
 - Impact on the character of the surrounding area / countryside.
 - One letter of support vouching for the character of the applicant.
- 5.2.1 **Hunton Parish Council:** Hunton Parish Council recommends refusal and asks for the application to be heard by the Planning Committee. The Parish Council objections are summarised below:

- The site is not large enough to accommodate more caravans.
- The site is 0.2 hectares not 0.4 hectares as previously stated.
- Visual harm to the countryside.
- The disposal of waste water poses a public and environmental health risk.

6.0 CONSULTATION RESPONSES

6.1 **KCC Highways:** Raise no objection.

6.2 **KCC PROW:** No objections

6.3 **Environmental Health Team:** No objections

6.5 **MBC Landscape:** No objections.

6.6 **Southern Water:** No comments to make.

6.7 **Forestry Commission:** Recommend following Natural England's Standing Advice

7.0 PRINCIPLE OF DEVELOPMENT

7.1 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."

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

7.3 However, a key consideration in the determination of this application is central Government guidance contained within '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.

7.4 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.

7.5 In addition, the submitted version of the Development plan went to the Secretary of State in May 2016 and public examination took place in the later part of 2016. This Plan and its policies are considered to hold significant weight; and policy GT1(7) allocates the application site for 4 gypsy traveller pitches whilst policy DM16 accepts this type of accommodation can be provided in the countryside provided certain criteria are met.

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- 8.3 Overall it is considered that the site is currently well screened and subject to additional supplementary planting along the east boundary, the additional caravan on this site would not cause undue harm to the open countryside and Special Landscape Area.

9.0 SUSTAINABILITY

- 9.1 Gypsy traveller sites will almost inevitably be located in countryside locations. The site is located less than 1 mile from Hunton and less than 2 miles from Yalding. In my view, I do not consider the site to be so far removed from basic services, schools and other facilities as to justify grounds to refuse this application in terms of being unsustainable.

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- 10.1 The site is some distance from the nearest residential properties such that I am satisfied that the development would not have a significant detrimental impact on the residential amenity of any neighbouring occupant, in terms of loss of light outlook and privacy and in terms of general noise and disturbance. The Environmental Health Department have confirmed there have been no complaints regarding this site. A further gypsy traveller site is located to the west of the site. Sufficient screening is provided on the west boundary between the two sites to ensure there are no adverse amenity impacts between the two sites.

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- 11.1 The site has an established vehicle access onto Lughorse Lane across / along the boundary of the field to the north of the site. The development would not result in a significant increase in traffic movements and I consider the local highway network to be capable of accommodating the relatively low vehicle movements to and from the site. There is sufficient parking and turning space within the site; the access road is suitably surfaced; and the gates are set back from the highway. KCC Highways have raised no objection on highways safety or parking grounds.

12.0 LANDSCAPE AND BIODIVERSITY IMPLICATIONS

- 12.1 The site has been used as a gypsy traveller site since 2006 and hard-core for the vehicle access and parking areas is already laid. Not including the established vegetation along the site boundaries the application site is likely to have limited ecological value due to the continued occupation.
- 12.2 One of the principles of the National Planning Policy Framework is that “*opportunities to incorporate biodiversity in and around developments should be encouraged*”. Biodiversity enhancements including bird / bat boxes were erected on the site as part of the original permission.
- 12.3 As stated above the site is well screened and benefits from established mature boundary vegetation. Additional landscaping could be secured along the east site boundary which would improve the landscape and biodiversity within the site.
- 12.4 No objections have been raised by KCC, the forestry commission and landscape officer on the grounds that there would be any impact on the ancient woodland to the south of the site.

13.0 OTHER CONSIDERATIONS

- 13.1 Given the location of the proposal site, I am satisfied that there are no objections to be raised in terms of flood risk.

- 13.2 There are other gypsy and traveller sites within the wider area in Hunton and Yalding but I do not consider the granting of permission here would lead to an unacceptable over-concentration of sites, or result in unacceptable visual harm given the distance between each of the sites. Further, given the sporadic residential development within the immediate area and relatively sustainable location, it is not considered that this site would individually or cumulatively dominate the nearest settled community or place undue pressure on the local infrastructure.
- 13.3 I am satisfied that the mobile home falls within the definition of a caravan as set out under Section 13 of the Caravan Sites Act 1968 (as amended), and an appropriate condition will control this.
- 13.4 I do not recommend any conditions restricting occupancy to the applicant on the basis that the site and development are considered acceptable for the reasons above and the site is allocated as a gypsy traveller site in the emerging Local Plan. In the case of this specific site, there is no reason to object to a permanent unrestricted use as a gypsy site.
- 13.5 Objections have also been raised in relation to the accuracy of the site area as set out in the emerging policy GT1 (7). On review of the policy the application site appears to accord with the site plan area associated with the emerging policy. Policy GT1 (7) does not state the size of the site. Local objectors state that the conditions on the original consent have not been complied with such as additional planting and the installation of bird / boxes. The council has contacted the applicant and expect a condition application to be submitted shortly.

14.0 CONCLUSION

- 14.1 The site is located within the countryside; however, gypsy sites can be acceptable in the countryside. It is considered that the applicant is a gypsy and complies with the definition contained within the Planning Policy for traveller sites document.
- 14.2 The visual impact of the development is minimal. There is good boundary screening and the site is set back from the road. Nonetheless, boundary treatment conditions should still be imposed to further screen the site.
- 14.3 The application site, when combined with other gypsy sites in the vicinity, and in relation to existing authorised developments, does not dominate the settled community.
- 14.4 In the context of gypsy and traveller accommodation, the application site is considered to be in a relatively sustainable location that is not so remote from services and facilities to justify a refusal.
- 14.5 The emerging policy GT1(7) for this site allocates a total of 4 pitches (2 more than the current consents) and the principle of one additional static caravan is considered to be appropriate and would not result in more than 4 caravans on the site.
- 14.6 The application development does not have any adverse impact on residential amenity.
- 14.7 The application development does not lead to any increased risk to highway safety.
- 14.8 There are no other significant planning issues that would warrant refusal of the application.

- 14.9 I therefore consider the development is acceptable and recommend permanent permission.

CONDITIONS

- (1) No more than two statics caravans 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.

- (2) Within three months of the date of this decision notice, details of 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' and include a programme for the approved scheme's implementation, maintenance and long term management plan shall be submitted for approval in writing 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 new planting along the east site boundary;

Reason: To safeguard the character and appearance of the countryside, and in the interest of biodiversity.

- (3) 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 date of the 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 ensure a satisfactory setting and external appearance to the development.

- (4) The development hereby permitted shall be carried out in accordance with the following drawings:

Block Plan and Site Plan; received on 4.09.2016.

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

INFORMATIVES

Case Officer: Andrew Jolly

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

Reference number: 16/505965

Additional conditions

This is a Section 73 application and the effect is the grant of a fresh planning permission. Where necessary the conditions from the parent permission need to be included on the new decision notice.

Add the following conditions

1. The site shall not be used as a caravan site by any persons other than 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 commercial or business activities shall take place on the land;

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

3. No external lighting shall be erected on the site at any time unless previously agreed in writing by the Local Planning Authority;

Reason: To safeguard the character and appearance of the area and to prevent light pollution in accordance with policies ENV28 and ENV49 of the Maidstone Borough-Wide Local Plan (2000).

4. Within three months of the date of this decision, details of the erection of bat and bird boxes within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason: in the interests of ecology.

Amend condition 2 as follows:

Within three months of the date of this decision notice a scheme of landscaping, using indigenous species which shall include 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 long term management shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and maintained thereafter.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include:

- i) Details of the species, size, density and location of new planting along the northern site boundary;
- ii) The retention and enhancement of the existing planting along all boundaries of the site.

Reason: To safeguard the character and appearance of the countryside, and in the interest of biodiversity.

Recommendation remains unchanged.



REPORT SUMMARY

REFERENCE NO - 16/506229/FULL		
APPLICATION PROPOSAL Single-storey side extension and conversion of existing garage to living accommodation		
ADDRESS 15 Greensands, Boxley, Kent ME5 9DQ		
RECOMMENDATION - GRANT SUBJECT TO CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is considered to preserve the character and appearance of the Street scene and residential amenity and to comply with the Development Plan. There are no overriding material considerations to indicate a refusal.		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of Boxley Parish Council, who have requested Committee consideration. Cllr Hinder supports the objections of Boxley Parish Council and their request for the application to be considered at Planning Committee.		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Mr M Basham AGENT JK Designs
DECISION DUE DATE 17/10/16	PUBLICITY EXPIRY DATE 16/09/16	OFFICER SITE VISIT DATE 06/09/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 13/0405 – First floor front extension – approved 11/1976 – First floor rear extension – approved 05/2190 – Single-storey rear extension – approved		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This application relates to a detached dwelling, which is located within the urban area. The site is located beyond the end of a turning head, within a cul-de-sac. The Street is characterised by detached dwellings, but has no strong regular pattern. The garage on site is attached to the garage of number 16.

2.0 PROPOSAL

- 2.01 Planning Permission is sought for the erection of a single storey side extension and the conversion of the existing garage to living accommodation. The existing garage would be linked to the proposed side extension. The proposal would create an enlarged kitchen, a games room and a storage area.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Wide Local Plan 2000: H18
Submission Version of the Maidstone Borough Wide Local Plan (2016): DM1, DM8, DM27
Supplementary Planning Guidance 'Residential Extensions'

4.0 REPRESENTATIONS

- 4.01 Written objections have been received from three neighbouring properties, objecting upon the grounds of loss of light, loss of outlook, overshadowing, overdevelopment, visual appearance, terracing effect, layout/density, parking, restricting access to other properties, flood risk/drainage, the construction phase and noise and inconvenience therefrom, covenants, encroachment, Party Wall Act, effect upon future abilities to extend and that the site notice was removed.
- 4.02 Councillor Hinder strongly objects to the application and states
"I wish to strongly object to this application. This house has already been extensively extended and this latest application will have detrimental impact on the neighbouring property to the extent that the neighbour will not be able to drive up and park her car alongside her house and actually open the car door. It would most certainly have detrimental impact on the street scene due to size and bulk.
Please also note that I have also been informed by local residents that there is no planning application notice displayed.
I would like it noted that I am fully supporting on the same grounds the objections made by Boxley Parish Council and I support their request to have this heard by Planning Committee should you be minded to approve".

5.0 CONSULTATIONS

- 5.01 Boxley Parish Council:

"Members wish to see this application refused and reported to the planning committee for the following reasons:
- The proposed single storey side extension by virtue of its design and infilling up to the boundary would compromise the character of the existing property and would have a detrimental impact upon the character of the area and the street scene. The development would therefore be contrary to policy H18 of the Maidstone Borough Wide Local Plan (2000).
- The proposed side extension by reason of its prominent siting and disproportionate design would be detrimental to the character and appearance of the host building it would thereby be contrary to saved policies H18 of the Maidstone Borough Wide Local Plan (2000).
- The proposed extension would create a loss of light to the neighbouring property specifically to their dining room which would be adjacent to the extension.

- This development will have an adverse impact on the quality of life of the resident of No.16 due to their inability to park more than one car on their drive and accessing their bins and garden area.
- The parish council has been made aware that there is a covenant on the neighbouring property which states 'Not to carry out cause or permit to be carried out any activity upon the land which shall be or becoming a nuisance or cause annoyance to the owner or occupiers of any adjoining property'. Not without the prior written consent of the council to erect or maintain or cause or permit to be erected or maintained any fence walls or structures which in the opinion of the council would materially affect the access of light and air or obstruct the view enjoyed by the adjoining or neighbouring properties or otherwise affect the surrounding property or highway. The parish council considers that this original recognition and the importance this places on the current street scene supports the argument that if allowed, will have a detrimental impact on the street scene.
- Concerns were raised about the loss of a garage and car parking spaces which could force cars to be parked in what is a very narrow street and cause parking issues in the future.
- If the Planning Officer is minded to approve the parish council has requested that no windows should be placed on the side of the extension, the avoid loss of privacy”.

6.0 APPRAISAL

Visual Impact

- 6.01 Policy H18 of the local plan requires house extensions to preserve the character and appearance of Street scenes and that they do not overwhelm the existing dwelling. In this case, the proposed extension would clearly be of a subordinate scale to the existing house and it would not be overly prominent, or affect the building line, because it would not project forward of the existing front gable. Although the dwelling has previously been extended, due to the scale and design of this proposal, it would clearly not overwhelm the existing house or destroy its form or character. The extension is of a modest scale and is not considered of a design which is excessively bulky. The design is considered sympathetic to the existing dwelling.
- 6.02 There is no regular pattern to the Street which would be interrupted and it is concluded that the visual impact of the development upon the character and appearance of the Street scene would be acceptable. The development would not appear cramped it is considered, being single storey only, and it is not, given the size of the plot and the urban location, considered that the proposal would result in overdevelopment of the site. There would be no terracing effect, as of the development would be single storey only. It would not be out of character with the area it is considered, as there is variation in design within the Street. Within this built-up area, it is not considered overly dense and, as stated, there is no fixed layout to the Street.
- 6.03 It is concluded that the development would preserve the character and appearance of the host dwelling and the visual amenity of the streetscene, in accordance with policy H18 of the local plan and the S.P.D. “Residential Extensions”.

Residential Amenity

- 6.04 Policy H18 of the local plan and the S.P.D. “Residential Extensions” also require house extensions to preserve residential amenity for neighbouring properties.

The key issue is considered to relate to the impact upon light and outlook for the adjoining property, number 16. Number 16 has a ground floor flank window facing the site and this is understood to be the only window serving the room, which is a habitable room, being a dining room. Whilst the proposal would clearly have an impact in terms of light and outlook, as it would come closer to number 16's window than the existing building on site, it must be considered that this proposal is single-storey only and of the roof would slope away from number 16. Moreover, the dwelling is only approximately 2.5 m further away from number 16 than the proposed extension wall and the dwelling is two-storey, with a steep pitched roof. Indeed, the proposed extension would have a low eaves height of approximately 2.2 m and an overall height of less than 4 m, whereas the dwelling is over 8 m in height. Clearly, therefore, the existing dwelling would already have a significant impact in terms of the light and outlook to the side window and the proposed extension, which would be largely within the shadow of the existing house, is not considered to have a significantly greater impact. Although the outlook would be of a solid brick wall, as stated, it would have a low eaves height of approximately 2.2 m and the roof would slope away from number 16 and, given the drive width in between, it is not considered to be so harmful in terms of outlook to justify a refusal. It is concluded that the impact upon light, overshadowing and outlook would not be so severe as to justify a refusal.

- 6.05 In terms of privacy, the proposed rooflights would be at a high level and no windows are proposed facing number 16. The Parish Council have requested that no windows be placed in the side of the extension and a condition can be attached to ensure that any new windows would require planning permission, in order to protect privacy for the occupiers of number 16.
- 6.06 No other surrounding property is in a position to be significantly affected by the development in terms of residential amenity.

Parking

- 6.07 Although the garage space and part of the existing driveway would be lost, the frontage to the site is fully block paved and space for at least 3 vehicles would therefore be retained upon the frontage. This is not an isolated, rural location, but lies within an urban area and it is therefore considered that this provision is sufficient for this single dwelling. The proposal also provides more parking on site than is required by the emerging parking standards. (The emerging standards only require 2 spaces).
- 6.08 As the site lies within a cul-de-sac, speeds are likely to be low and they are not, considered to be any significant highways issues should on Street parking occur.

Other Matters

- 6.09 Noise, inconvenience and other issues relating to the construction phase are not material planning considerations. Similarly, the restriction of private accesses to other driveways and the impact of the development upon the ability to open car doors over the site would not be material planning considerations. Covenants and the Party Wall Act are also not material planning considerations.
- 6.10 With regards to flood risk/drainage, the site is not located in an area which is identified as having a high flood risk and the issue of drainage would be a building regulations issue. The plans do not clearly indicate that there will be encroachment and the applicant has submitted a certificate A to indicate that the development

would take place wholly within their boundaries. Any future application submitted by an adjoining property would be assessed upon its own merits at the time of submission.

- 6.11 A representation indicates that the site notice was removed very shortly after being posted. A site notice was displayed upon a lamp post outside number 14 upon 26 August 2016, and in addition to this, letters were sent to 5 surrounding properties notifying them of the development and representations have been received from neighbouring properties, making it clear that they were aware of the development proposal. It is therefore considered that the appropriate consultation has been carried out.

7.0 CONCLUSION

- 7.01 The proposal is considered to preserve the character and appearance of the Street scene and residential amenity and to comply with the Development Plan. There are no overriding material considerations to indicate a refusal. Approval is therefore recommended.

8.0 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 hereby permitted shall be carried out in accordance with the following approved plans:

025.1007.01, 025.1007.05, 025.1007.06 and 025.1007.07 received on 12/08/16;

Reason: To ensure the quality of the development is maintained and to preserve residential amenity.

- (3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development.

- (4) No new windows, doors, voids or other openings shall be placed, inserted or formed at any time within the west side elevation of the extension hereby permitted;

Reason: In order to protect privacy for the adjoining property.

Case Officer: Louise Welsford

- 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.