

REFERENCE NO - 20/504386/FULL		
APPLICATION PROPOSAL Change of use of the land for the siting of 3no. static caravans and 3no. touring caravans for Gypsy/traveler occupation (revised scheme to 18/506342/FULL).		
ADDRESS The Orchard Place Benover Road Yalding		
RECOMMENDATION Grant Planning Permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The application site has already been accepted as suitable for Gypsy and Traveler accommodation for two mobiles under application referenced 18/506342/FULL. The application seeks permission for an additional mobile home. The site is suitably screened and the development proposal complies with national and local planning policies and guidance.		
REASON FOR REFERRAL TO COMMITTEE Collier Street Parish Council have referred the case to committee if officers are minded to approved due to concerns with flooding issues, the loss of landscaping, and as they consider the increase in the number of caravans does not safeguard the character of the area.		
WARD Marden And Yalding	PARISH/TOWN COUNCIL Collier Street	APPLICANT Mr G Fuller AGENT SJM Planning And Construction Ltd
TARGET DECISION DATE 08/01/21		PUBLICITY EXPIRY DATE 20/11/20

Relevant Planning History

14/0059

Change of use of land for the stationing of 1(no) residential caravan for Gypsy accommodation including resurfacing of site and associated works
Approved Decision Date: 12.11.2014

18/500916/FULL

Change of use of the land for the siting of 2 static caravans for Gypsy/traveller occupation. Extension to that already approved under reference MA/14/0059/FULL.
Withdrawn Decision Date: 01.05.2018

18/503948/FULL

Change of use of land for siting of 2 static caravans for Gypsy/traveller occupation. Extension to that already approved under reference MA/14/0059/FULL - Resubmission.
Refused Decision Date: 24.09.2018

Reason:

This highly vulnerable form of development proposed in an area at risk from flooding, fails to demonstrate the suitability of the site for residential accommodation in terms of the safety of occupants for the lifetime of the development, and that safe access and escape routes can be provided, without exposing future occupants and members of the emergency services to serious risk in times of flood. In the absence of a site specific Flood Risk Assessment, the proposal has also failed to address the Sequential and Exception Tests as set out in the NPPF. The development is therefore contrary to the provisions of policies DM1 and DM15 of the Local Plan (2017), and the NPPF (2018) and its Technical Guidance.

18/506342/FULL

Change of use of the land for the siting of 2 static caravans for Gypsy/traveller occupation. Extension to that already approved under reference MA/14/0059/FULL (Resubmission of 18/503948/FULL).

Approved Decision Date: 21.02.2019

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The proposal site is located on the southern side of Benover Road, opposite a Grade II listed property, Mill House, which is some 325m to the south-east of the junction with Forge Lane. The site is part of a larger paddock area and there is well-established front boundary planting. The character of the wider area predominantly consists of sporadic residential development surrounded by agricultural land. The land to the east is a Local Wildlife Site (LWS) and the proposal site is within Flood Zone 2. For the purposes of the Local Plan (2017) the application site is in the countryside.

Background information

1.02 Planning application reference MA/14/0059 gave planning permission on 12th November 2014 for the stationing of 1 mobile home to be used by gypsies or travellers, as defined for planning purposes at the time.

1.03 The application site under this permission was smaller than the current application proposed but does make use of the same (existing) vehicle access from Benover Road. This permission was not implemented and is no longer extant. Subsequent to this, planning application reference: 18/503948 (for 2 static caravans on the same site) was refused in September 2018 due to the absence of a flood risk assessment.



MA/14/0059 Proposed site plan granted on 12 November 2014

1.04 The planning application referenced 18/506342/FULL comprised the change of use of the land for the siting of 2 static caravans for Gypsy/traveller occupation. Extension to that already approved under reference MA/14/0059/FULL (Resubmission of 18/503948/FULL). This was approved in February 2019.



18/506342/FULL Proposed site plan granted on 21 February 2019

2.0 PROPOSAL

- 2.1 The current proposal is for the change of use of the land for the siting of 3 static caravans for Gypsy/traveller occupation. The previous application referenced 18/506342/FULL (site plan shown above) was granted for the siting of two caravans and the current application is for one additional caravan. The site would include landscaping and boundary treatment, hardstanding, parking bays and space for three tourers.
- 2.2 The site area would be the same as that already approved under reference 18/506342/FULL for two mobile homes.
- 2.3 Two mobiles would be sited along the western boundary and one would be sited along the southern boundary. The revised block plan showed that the mobile homes would be set further in from the boundary than the original submission.
- 2.4 In addition, the two mobile homes along the western boundary have been reduced in size, along with the hard standing, and space for the storage of three tourers has been added.



20/504386/FULL Proposed site plan that forms part of the current application

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 Maidstone Borough Local Plan 2017 SS1, SP17, DM1, DM3, DM8, DM15, DM30
National Planning Policy Framework (2019)
National Planning Practice Guidance
Supplementary Planning Documents
Planning Policy for Traveller Sites (2015)
Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)

LOCAL REPRESENTATIONS

Local Residents:

- 3.0 4 representations were received from local residents raising the following (summarised) issues
- Request that the extant application is carried out so that the impact of the development can be weighed up before commenting on a larger development.
 - Development is out of scale and harmful to the openness of the countryside.
 - Loss of privacy around the ponds
 - As the site has lain dormant for some years, the need for it is in question

4.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Collier Street Parish Council

- 4.01 The Parish Council are concerned with regard to flooding issues, the loss of landscaping, and that the increase in the number of caravans does not safeguard the character of the area. The locality is dominated by 4 sites of this nature within a half mile length of the road.

Environment Agency

- 4.02 Due to the ongoing impacts of Covid-19 and high workloads, the EA are currently unable to provide bespoke comments on development not within a Source Protection Zone (SPZ), in Flood Zone 3, within 20 metres of a main river or involving a high risk previous use. In all other applications, Standing advice should be used in order to ensure that built footprint within Flood Zone 2 is not increased, flood flows are not impeded and appropriate safe access and egress routes are achievable.

Environmental Health

- 4.03 No objection, informatives requested with regard to Radon gas, and the Mid Kent Environmental Code of Development Practice.

KCC Ecology

- 4.04 Raised no objection to the previous application which covered a similar site area.

KCC Highways

- 4.05 Raised no objection to the previous application

Conservation officer

- 4.06 The site appears to be part of the wider setting of the listed building but there would not be any direct or harmful impact on it.

5.0 APPRAISAL

Main Issues

The key issues for consideration relate to:

- Sustainability
- Need for gypsy sites
- Supply of gypsy sites
- Gypsy status
- Flood issues
- Visual/landscape impact
- Impact on the setting of a listed building
- Residential amenity
- Highways
- Biodiversity

Sustainability

- 5.01 Gypsy and traveller sites will almost inevitably be located in countryside locations, and in this case the site is approximately 2.3 km from the larger village of Yalding (to the north-west of the site) with its local services, amenities and public transport links. Whilst located within part of the open countryside where residents would be reliant on the use of a car, the site is not so far removed from basic services and public transport links as to warrant a refusal of planning permission on grounds of being unsustainable, particularly given the nature of the development and development in the vicinity generally.

- 5.02 Whilst located within part of the open countryside where residents would be reliant on the use of a car, the site is not so far removed from basic services and public transport links as to warrant a refusal of planning permission on grounds of being unsustainable, particularly given the nature of the development and development in the vicinity generally.

Need for gypsy sites

- 5.03 The Maidstone Local Plan is adopted and there are policies relating to site provision for Gypsies and Travellers. Local planning authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in

their Local Plans, and the Gypsy & Traveller and Travelling Showpeople Accommodation Assessment: Maidstone (Jan 2012) (GTAA) provides the evidence of the need for Gypsy and Traveller pitches in the borough for the Local Plan period (October 2011 to March 2031).

- 5.04 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised Planning Policy for Traveller Sites (PPTS) published in August 2015. The PPTS must be taken into account in the preparation of development plans, and is a material consideration in planning decisions. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. The GTAA is the best evidence of need at this point, forming as it does part of the evidence base to the Local Plan. It is considered to be a reasonable and sound assessment of future pitch needs, albeit the actual needs may prove to be somewhat lower as a result of the definition change. The current GTAA provides the best evidence of need but each decision must be taken on evidence available at the time of a decision made.
- 5.05 The GTAA concluded the following need for pitches over the remaining Local Plan period:
Oct 2011 – March 2016 - 105 pitches
Apr 2016 – March 2021 - 25 pitches
Apr 2021 – March 2026 - 27 pitches
Apr 2026 – March 2031 - 30 pitches
Total: Oct 2011 – March 2031 = 187 pitches
- 5.06 The target of 187 additional pitches is included in policy SS1 of the Maidstone Local Plan; and the GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the adopted Local Plan..

Supply of gypsy sites

- 5.07 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Local Plan Policy DM15 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside.
- 5.08 Since 1st October 2011, the base date of the GTAA, the following permissions for pitches have been granted (as of 30th September 2020):
1. 199 permanent non-personal pitches
 2. 32 permanent personal pitches
 3. 4 temporary non personal pitches
 4. 39 temporary personal pitches
- 5.09 A total of 231 pitches have been granted permanent consent since October 2011. These 231 pitches exceed the Local Plan's 187 pitch target. This illustrates that the rate at which permanent permissions have been granted in the first 9 years of the plan period is actually ahead of the rate of need by the GTAA. The sites allocated through policy GT1 in the Local Plan which do not yet have permission will also provide an additional 29 pitches.
- 5.10 Furthermore, sites granted permanent permissions on suitable windfall sites (in accordance with policy DM15), and pitch turnover on the two public Gypsy & Traveller sites in the borough, will continue to increase the number of pitches in the borough.
- 5.11 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight when considering the expediency of granting consent on a temporary basis.

- 5.12 The Council's position is that it can demonstrate 7yrs worth year supply of Gypsy and Traveller sites at the base date of 1st April 2020. As the Council considers itself to be in a position to demonstrate more than a 5 year supply, paragraph 27 of the PPTS would not apply in the determination of this application and the direction to positively consider the granting of a temporary consent does not apply.

Gypsy status

- 5.13 This application is for use by Gypsies and Travelers however, it has not been identified for use with a specific family in mind. For this reason, a condition will be added to the decision notice ensuring that the site is retained solely for use by Gypsy/Traveler families.

Flood issues

- 5.14 In accordance with the NPPF mobile homes intended for permanent residential use are classified as 'Highly Vulnerable' and such development in Flood Zone 2 can be acceptable subject to the Sequential and Exception Tests being undertaken. Furthermore, development proposals should not result in flooding being re-directed to other areas as a result, and development in flood risk areas should only be considered appropriate where a site-specific Flood Risk Assessment (FRA) has been submitted.
- 5.15 An FRA has been submitted as part of this application. The Environment Agency (EA) has reviewed the application and has provided standing advice. However, in the previous application referenced 18/506342/FULL, they raised no objection given that there was no internal flooding issue and the proposal would not increase flood risk elsewhere. In addition, the EA confirmed that the finished floor levels of the caravans were acceptable, at 14.35m AOD, which is 300mm above the 1 in 100 year plus 70% climate change level of 14.05m AOD. This finished floor level can be secured by way of an appropriate condition.
- 5.16 Applications within the flood zone also need to ensure that safe access and egress to the site is possible during a flood event; and the Environment Agency advise that emergency planning and rescue implications of the proposal should also be considered in the determination of this application.
- 5.17 The FRA also confirms that the proposal site is on the edge of a 'dry island' (i.e. flood zone 1) that includes a stretch of Benover Road that runs past the proposal site; flood proofing will be incorporated into the mobile homes; a flood warning and evacuation plan will be prepared; and the applicant will register with the EA Floodline Warnings/Alert Direct Service. In addition to this, the FRA confirms that the development will utilize sustainable drainage systems (SUDS). With these flood risk measures in place, the FRA considers the proposal to be acceptable in flood risk terms.
- 5.18 Paragraph 160 of the NPPF states that for the Exception Test to be passed it should be demonstrated that:
- a) development would provide wider sustainability benefits to community that outweigh the flood risk; and
 - b) development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.19 The Council can demonstrate 7.0 years worth of deliverable pitches as of 1st April 2020, and no personal circumstances have been put forward that would outweigh the harm identified by this development in this location. However, it must also be considered that there is still an unmet need for such sites in the borough, and the submitted FRA also clearly sets out how the proposal will be safe for its lifetime. In

their previous comments, the EA did not state that the proposal would unacceptably increase flood risk elsewhere.

- 5.20 Whilst the issue of safe access and egress is a balanced issue, given the precautionary measures and mitigation set out in the FRA and the available EA flood warning service, it is considered that future occupants of the site would be safe and have time to evacuate the site if necessary, avoiding the need for emergency egress and access.
- 5.21 In addition, providing there is no internal flooding objection, there is also the potential for future occupants to safely 'sit-out' any flood. Further information was submitted with the current application to demonstrate that safe evacuation could occur in the event of a flood. This information included the following:
- There will be no loss of fluvial flood storage.
 - Flood proofing will be incorporated as appropriate.
 - A flood warning and evacuation plan which will be prepared in liaison with the Council's Emergency Planners and tied in with the local emergency plans for the area.
 - The applicant will register with the Environment Agency Floodline Warnings/Alert Direct service.
- 5.22 I note that the most recent FRA recommended that, 'the applicant and future owners, occupiers and Landlords of the property prepare a flood plan to protect life and property during a flood event.' With this in mind, as with the previous application I will add a condition relating to the submission prior to the use of the site.
- 5.23 In the previous application, the KCC Sustainable Drainage Team has also commented that 2 static caravans will not generally generate a significant quantity of surface water runoff, essentially less than a standard detached house. Their expectation is that surface water from any roof areas would be directed towards house soakaways/filter trenches to be locally managed surface water.
- 5.24 The FRA supplied with this application sets out that the site is at 'low risk' from surface water flooding. I consider that the addition of one more unit would not significantly increase the water run-off and, as such, a suitable condition will be added for a detailed surface water management scheme.

Visual/landscape impact

- 5.25 The site lies in the open countryside approximately 2.5 km to the south-east of the larger village of Yalding. The open countryside location forms part of the Low Weald Landscape of Local Value as defined on the policies map to the adopted Local Plan. Policies SS1 and SP17 of the Local Plan seek to protect and enhance the quality and character of the countryside.
- 5.26 DM30 sets out that the type, siting, materials, design, mass and scale of development and the level of activity would maintain or where possible enhance local distinctiveness including landscape features. In addition, impacts on the character of the area should be suitably mitigated. New buildings should where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.
- 5.27 The site falls within the Laddingford Low Weald within the Council's Landscape Character and is identified as being in moderate condition and sensitivity with guidelines to conserve and improve the landscaping. The surrounding area is rural in character and appearance, with fields/paddocks, boundary hedgerows/trees, and sporadic buildings featuring in the surrounding landscape.

- 5.28 The application site itself comprises one of a patchwork of modest sized fields, punctuated with hedging and trees. There are ponds in the vicinity and copses of trees across the road to the east and lining the road to the east of the site. The application seeks to strengthen this landscaping in keeping with Landscape guidelines by planting a small copse of trees along the northern boundary, screening the site from views along the road.
- 5.29 In addition, native hedgerows would be planted along the remaining boundaries which would help to alleviate some of the impact of the development on the character of the surrounding area.
- 5.30 I note the information relating to the tree species set out on the block plan doesn't entirely accord with those set out within the Maidstone Landscape Character Guidance, so a condition will be added for landscaping details to be provided in accordance with the guidance. Furthermore, a condition to retain landscaping will also be added in order to protect the character of the countryside.

Design and layout

- 5.31 Policy DM1 encourages development proposals which respond positively to, and where possible enhance, the local, natural or historic character of the area.
- 5.32 Under Section 29 of the Caravan Sites and Control of Development Act 1960, a caravan can be up to 20m in length and 6.8m in width; with the overall height being 3.05m (measured internally from floor at lowest level to ceiling at highest level). Two of the caravans (on the western side of the site) would have a length of no more than 15.0 metres with a width of 6.6 metres in order to ensure that the caravans do not result in a cramped appearance. The remaining caravan would have a width of no more than 20 metres in length with a width of no more than 6.8 metres. An email dated 01.12.2020 from the agent confirms this. On review of the submitted information and in accordance with the legal definition of a caravan, these dimensions would be considered acceptable.
- 5.33 A brochure has been provided and sets out that the caravans would be timber with felt roof shingles. These details are considered acceptable in the context of the location. However, a condition should be added to ensure that the roof tiles are black or brown as opposed to using brighter alternatives.
- 5.34 In terms of the layout, a revised block plan was submitted to re-site the caravans. The revisions included setting them in from the boundary treatment to reduce the need to extensively prune the hedging to allow sufficient lighting into the caravans. Furthermore, the hard-standing was reduced to increase soft landscaping on the site, and spaces were provided for tourers. Finally, the two caravans were reduced in size to ensure that the slight re-siting would not result in a loss of amenity for future occupiers. These amendments are considered acceptable.

Impact on the setting of a listed building

- 5.35 Policy DM4 encourages the protection of heritage assets ensuring that they aren't adversely affected by the development proposal. Mill House is a grade II listed building located approximately 40 metres to the north of the application site on the opposite side of Benover Road. The Conservation Officer recognised that the site appeared to be part of the wider setting of the listed building, but considered that there would not be any direct or harmful impact on it.
- 5.36 The listing is as follows:
- 5.37 House, formerly cottages (known as Mill Cottages). The building was constructed in late C16 or early C17 or (possibly) earlier, with later alterations and C19 facade.

Materials comprise timber frame, weather-boarding and plain tiled roof. Four timber-framed bays, built at right-angles to road and facing south. 2 storey building with attic on rendered brick plinth. The roof comprises half-hip with multiple brick ridge stack to left (west) end of left-central bay. There is a small hipped two-light dormer towards centre. The fenestration is irregular and comprises 3 three-light casements; one to left end, one towards centre, and one to right. The ground floor has one very small single light to left end, one four-light casement in moulded architrave towards centre, and one three-light casement to right end. A boarded door is located to the left end of right end bay. There is a rear lean-to with low single-storey brick bakehouse? at right-angles towards left end, gabled, and with gable end stack.

- 5.38 The relationship between the application site and the listed building, including the distance between them of approximately 42 metres along with the existing and proposed landscaping between them, would be considered sufficient to reduce any potential impact on this heritage asset.

Residential amenity

- 5.39 Policy DM1 encourages development to respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers by ensuring that it does not result in or is exposed to excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 5.40 The closest neighbours to the application site are Woodview (approximately 57 metres to the west of the application site), Ivy Cottage (approximately 25 metres to the north of the application site) and Mill House (approximately 40 metres to the north of the application site).
- 5.41 Both the existing mature landscaping and the proposed landscaping intending to reinforce the character of the locality would assist in minimising the impact of the low-lying development and, for this reason, it is considered acceptable.
- 5.42 I note the objection relating to loss of privacy around the ponds, however, the boundary treatment around the perimeter of the application site would reduce any potential for overlooking. Furthermore, the fishing ponds are not considered to be located within the more private amenity space associated with the rear of properties and, on this basis, the development proposal is considered acceptable.
- 5.43 It is noted that Environmental Services considered that the development proposal would be unlikely to result in an adverse impact regarding amenity issues in relation to noise and light and, therefore, the application is considered acceptable. However, a condition will be added to ensure that any details with regard to lighting will be submitted to the Local Planning Authority for approval.

Highways

- 5.44 Policy DM1 sets out that development proposals should provide adequate vehicular and cycle parking to meet adopted council standards, and policy DM23 also highlights this. Bin and cycle storage should also be provided along with electric vehicle charging points.
- 5.45 The current application seeks to retain the existing access arrangements with a separate access provided from the application site on to Benover Road. This access is considered acceptable in relation to highway safety. Adequate hard surface space is available within the plot for the parking of vehicles associated with the proposed mobile home use of the site and for vehicle manoeuvring enabling vehicles to enter and leave the site in a forward gear.

- 5.46 The level of additional vehicle movements to and from the site resulting from the additional mobile home and additional touring caravan on the plot is not likely to be so significant as to raise any overriding highway safety issues. The impact of the development on the local highway network including access and parking arrangements have been considered by KCC as the Local Highways Authority. KCC Highways raise no objection to the planning application.

Biodiversity

- 5.47 Policy DM3 encourages net gain in response to development proposals. KCC Ecology reviewed the ecological information and advised that the comments provided for application 18/506342/FULL are still valid.
- 5.48 They considered that the 2020 aerial photos indicated that the area of vegetation within the site has reduced since the ecological survey was carried out in 2018 and were therefore satisfied that it was unlikely that significant populations of protected species would have established on site.
- 5.49 Conditions relating to implementing the mitigation of the application as set out in the Preliminary Ecological Assessment and the provision of a simple ecological enhancement and management plan of the site should be applied

PUBLIC SECTOR EQUALITY DUTY

- 5.48 In considering this application due regard has been had to the Public Sector Equality Duty (PSED), as set out in Section 149 of the Equality Act 2010 in particular with regard to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
 - advance equality of opportunity between persons who share protected characteristics and persons who do not share it; and
 - foster good relations between persons who share protected characteristic and persons who do not share it.
- 5.49 Race is one of the protected characteristics under the Equality Act and ethnic origin is one of the things relating to race. Romany Gypsies and Irish Travellers are protected against race discrimination because they are ethnic groups under the Equality Act. This application has been considered with regard to the protected characteristics of the applicant and the gypsies and travellers who occupy the caravans. I am satisfied that the requirements of the PSED have been met and it is considered that the application proposals would not undermine objectives of the Duty.)
- 5.50 In considering this application due regard has been had to the Public Sector Equality Duty (PSED), as set out in Section 149 of the Equality Act 2010 in the absence of appropriate mitigation, there is considered to be a risk of negative impacts in relation to the future occupants of the site. Nonetheless, by reason of amendments made and the imposition of planning conditions I am satisfied that the PSED will not be undermined.

6.0 CONCLUSION

- 6.01 The plot, the subject of this application, benefits from the planning permission referenced 18/506342/FULL, granted under delegated powers on 21.12.2019 for the change of use of the land for the siting of 2 static caravans for Gypsy/traveller occupation. The current application is for an additional caravan and tourer and this development proposal, in conjunction with the incorporation of an appropriate landscaping scheme which would be secured by condition, would not have a significant and unacceptable visual and landscape impact in the locality.

- 6.02 The native species planting proposed will enhance ecology/biodiversity at the site and further ecological mitigation and/or enhancements can be secured by planning condition in accordance with Government guidance in the NPPF (para. 175).
- 6.03 This application has been designed appropriately with due consideration for landscaping and biodiversity mitigation. The proposals have been designed in accordance with National and Local Plan policies and, as such, the development is considered acceptable.
- 6.04 The FRA supplied with this application sets out that the site is at 'low risk' from surface water flooding. I consider that the addition of one more unit would not significantly increase the water run-off. A suitable condition will be added for a detailed surface water management scheme and, in addition, details of flood resistant design measures along with a flood contingency plan will be requested by condition to ensure a safe escape in the event of a flood.
- 6.05 The Conservation Officer has assessed the potential impact on the setting of Mill House, the listed building to the northeast of the application site, and has concluded that it would not have an adverse impact on its setting.
- 6.06 The residential amenity of neighbouring properties would not be adversely affected by the development proposal and future occupiers would have a reasonable standard of accommodation on this site.
- 6.07 The hardstanding will provide sufficient space to accommodate the car parking, the parking of tourers and the provision of bin storage. For this reason the development proposal is considered to be policy compliant. However, KCC Highways requested conditions relating to the provision of a construction management plan and the provision of measures to prevent the discharge of surface water onto the highway.

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

22 Sep 2020	2016-034v3-Location	Site Location Plan
22 Sep 2020		Covering Letter
22 Sep 2020		Flood Risk Assessment July 2020
22 Sep 2020		Flood Risk Assessment Nov 2018
22 Sep 2020		Preliminary Ecological Appraisal
25 Sep 2020		Caravan Brochure
06 Nov 2020	2016-034v3a-ProBlock	Proposed Block Plan
01 Dec 2020		Email confirming caravan sizes

Reason: To clarify which plans have been approved.
3. The felt roof shingles specified in the caravan brochure shall be black or brown in colour, and shall remain in perpetuity.
Reason: In order to ensure a satisfactory appearance to the development
4. The two mobile homes on the western boundary will not exceed 15 metres in length, and the mobile home on the southern boundary will not exceed 20m. The external widths of the caravans will not exceed 6.8m.

Reason: In the interests of the amenities of the future occupiers and to ensure a satisfactory appearance to the development.

5. 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.

6. No more than six caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the land at any one time, of which no more than three shall be static caravans or mobile homes.

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

7. No commercial activities shall take place on the land, including the storage of materials;

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

8. Submission of a Construction Management Plan before the commencement of any development on site to include the following:

(a) Routing of construction and delivery vehicles to / from site

(b) Parking and turning areas for construction and delivery vehicles and site personnel

(c) Timing of deliveries

(d) Provision of wheel washing facilities

(e) Temporary traffic management / signage

Reason: In the interests of highway safety

9. The provision of measures to prevent the discharge of surface water onto the highway shall be constructed in accordance with details that have been submitted and approved in writing by the local planning authority and those measures shall be put into place prior to the construction of the hardstanding and remain in perpetuity.

Reason: In the interests of highway safety

10. Prior to any groundworks commencing, the mitigation detailed within Table 1 of the Updated Preliminary Ecological Assessment (Iceni Ecology; July 2018) must be implemented as detailed during the active reptile season (approx. April to September).

Reason: In the interests of biodiversity

11. Within 3 months of the occupation of the site, a simple ecological enhancement and management plan of the site must be submitted for written approval by the LPA. The management plan must be implemented as approved and retained in perpetuity.

Reason: In the interests of biodiversity

12. No vehicles over 7.5 tonnes shall be kept on site;

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

13. A landscape scheme designed in accordance with the principles of the Council's landscape character guidance shall be submitted to and approved in writing by the local planning authority prior to the occupation of the site. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, [provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification,

implementation details and a [5] year management plan. [The landscape scheme shall specifically address the need to provide boundary treatment to mitigate the impact of the development on the surrounding locality.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

14. 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 site, 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 safeguard the character and appearance of the countryside.

15. Prior to the first occupation of the caravans hereby approved and in accordance with section 6.3 of the submitted Flood Risk Assessment (Nov 2018 ref: 88431-Bryant-OrchardPlc), details of flood resistant design measures to the mobile homes/static caravans (including details of the structural stability of the mobile homes/static caravans and how they will be permanently secured to the ground) shall be submitted in writing to the local planning authority and carried out in accordance with the subsequently approved details.

Reason: To protect future occupants at times of flood risk.

16. Prior to the first occupation of the proposal hereby approved and in accordance with sections 6.5 and 6.6 of the submitted Flood Risk Assessment (July 2020 ref: 88431-Bryant-OrchardPlc), details of a Flood Contingency Plan shall be submitted in writing to the local planning authority and carried out in accordance with the subsequently approved details.

Reason: To protect future occupants at times of flood risk.

17. The finished floor level of the static caravans or mobile homes shall be no less than 14.35mAOD;

Reason: In order to reduce the risk to occupants from flooding.

18. Any external lighting, whether temporary or permanent, shall be in accordance with details that have previously been submitted to and approved in writing by the local planning authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: To prevent light pollution in the interests of the character and amenity of the area.

19. The concrete apron at the entrance to the site and the parking and turning area (comprising of permeable road planings), as shown on drawing reference 016-034v2-PropBlock, shall be completed prior to occupation of the site and permanently retained for parking and turning and shall not be used for any other purpose;

Reason: In the interest of highways safety.

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.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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 should be aware that the site is in a radon affected area with a 3-5% probability of elevated radon concentrations. If the probability of exceeding the action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE 1999, 2001, AND 2007). If the probability rises to 10% or more, provision for further preventative measures are required in new houses. Test(s) for the presence of radon gas are recommended to be carried out. Further information can be obtained from Public Health England.
3. The applicant is reminded that, as the development involves demolition and/or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected.

Case Officer: Jocelyn Miller