

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents: the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

Item D1

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site, Aylesford – TM/11/2523 (KCC/TM/0393/2011)

A report by Head of Planning Applications Group to Planning Applications Committee on 6 December 2011.

Application by Kent County Council Gypsy & Traveller Unit for the provision of 18 new caravan pitches arranged around a new road, and redevelopment of 8 existing pitches already accommodating 8 traveller families (26 pitches in total), semi detached utility blocks, a children's play area, erection of a 3 metre high acoustic barrier adjacent to the A20 London Road, amenity lighting, landscaping and resurfacing of existing access road, at Coldharbour Lane Gypsy and Traveller Site, Aylesford, Kent – TM/11/2523 (KCC/TM/0393/2011)

Recommendation: Permission be granted subject to conditions.

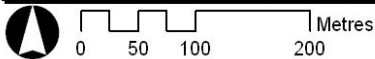
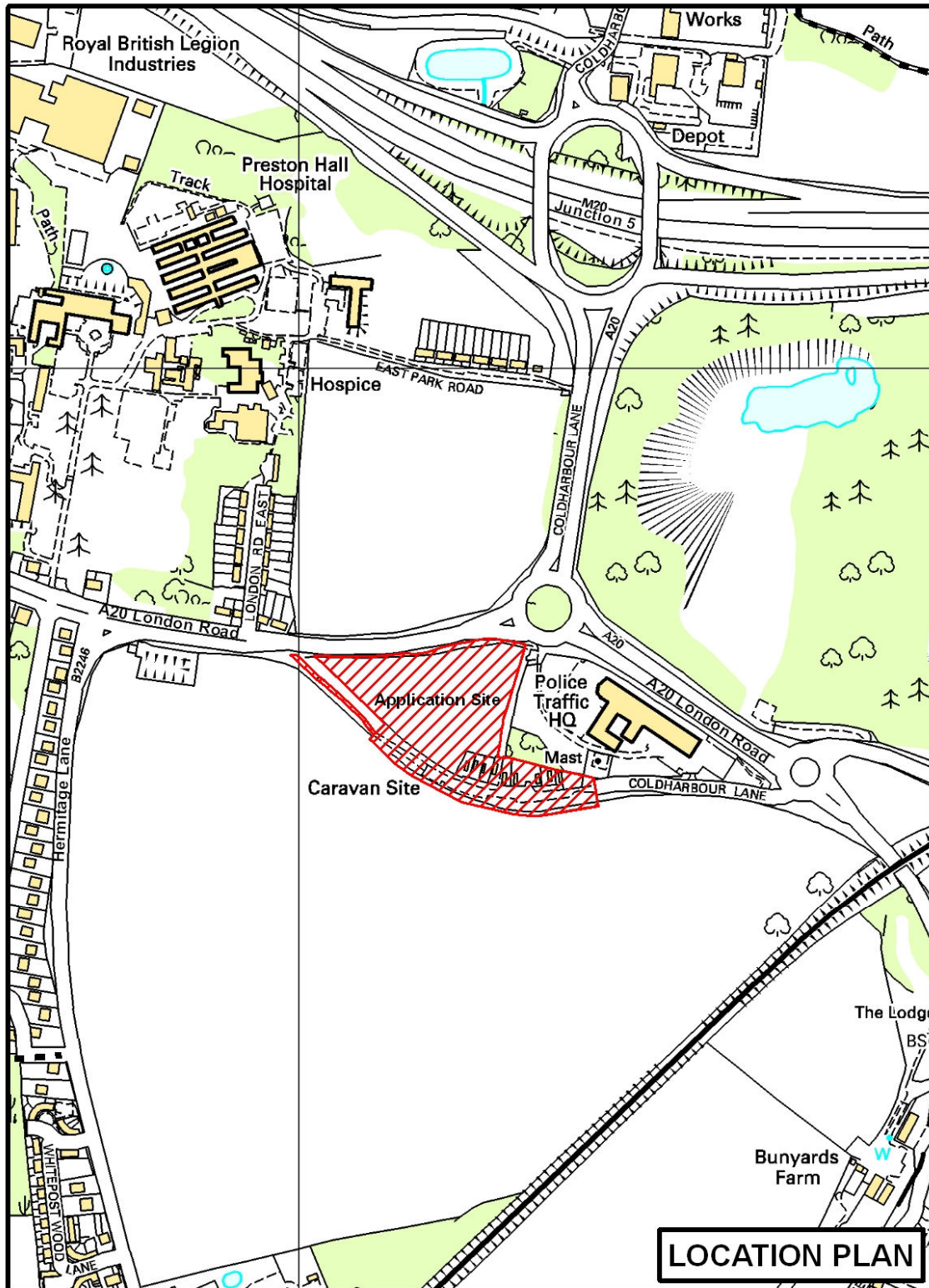
Local Member: Mr P Homewood

Classification: Unrestricted

Site and Background

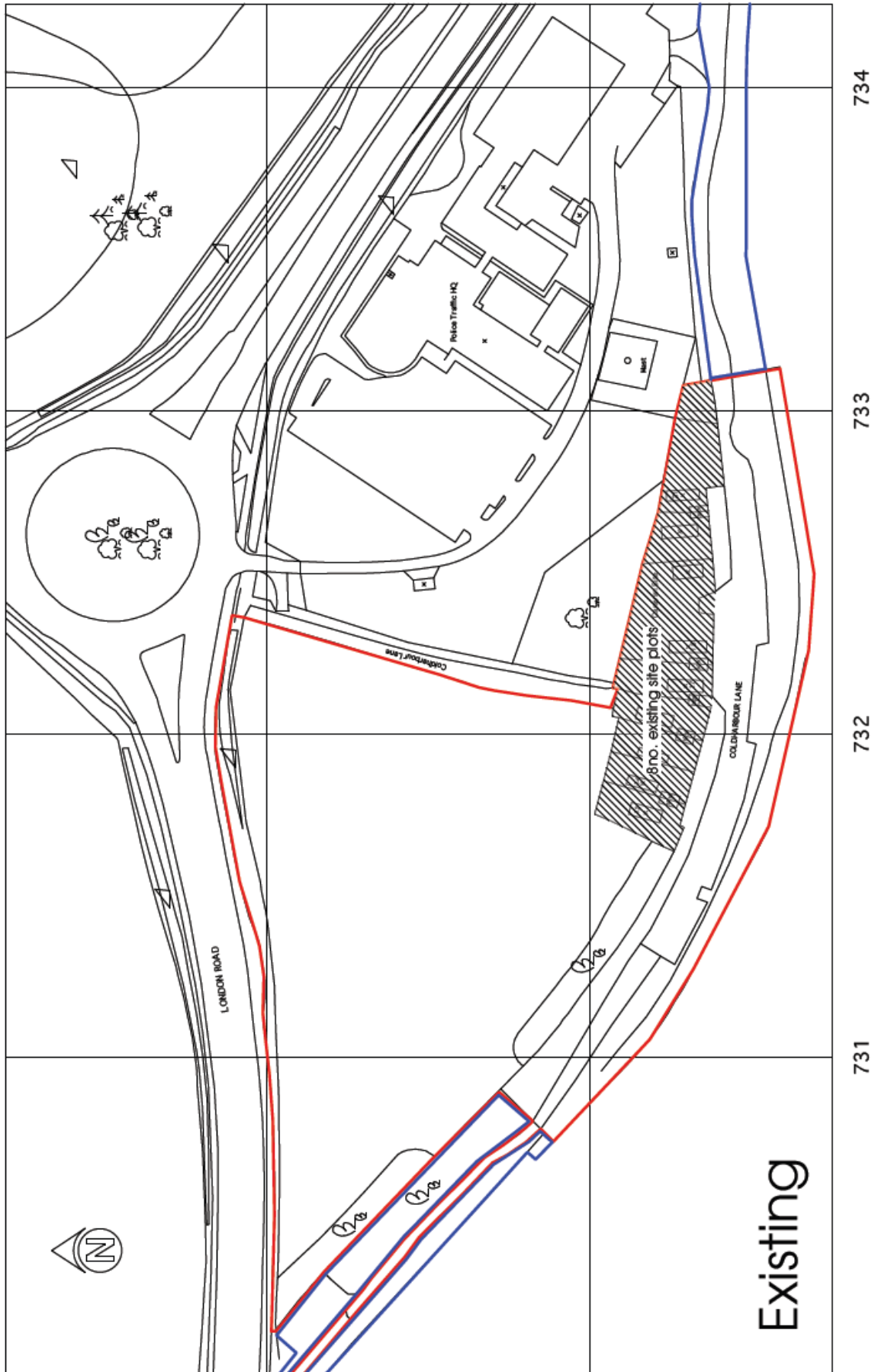
1. The application site lies to the south of Aylesford, and to the north west of Maidstone. The roundabout connecting the A20 to Junction 5 of the M20 is located approximately 250 metres to the north east of the site. The application site is bordered by the A20 to the north, the Police Traffic Headquarters to the east, and grassland/open fields to the south and west. The site boundaries are lined with mature trees and hedgerows. The nearest residential properties are located to the north west of the site, on the far side of London Road. The south eastern section of the application site houses the existing Coldharbour Lane Gypsy and Traveller Site, which is accessed via an existing roundabout, which forms a junction between London Road (A20) and St Laurence Avenue, and also facilitates access to the Police Headquarters.
2. The proposed site is a triangular parcel of scrubland, with an area of approximately 1.64 hectares, which slopes gently, dipping down towards the north east. Site levels are lower than the A20 to the north, and the Police Traffic Headquarters to the east. A public footpath runs through the site, from the roundabout access, along the existing access road, and then along the western boundary of the application site, emerging on London Road, in the north west corner of the site. The application site is outside of the defined extent of any settlement (Policy CP14 of Tonbridge and Malling Borough Core Strategy), and within the Strategic Gap (Policy CP5 of Tonbridge and Malling Borough Core Strategy). The application has, therefore, been advertised as a Departure to Development Plan Policy, although referral to the Secretary of State will not be necessary, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009.
3. The existing Coldharbour site, which accommodates 8 families, has been identified as suitable for an increase in capacity and further development. Kent County Council

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site



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18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site



Item D1

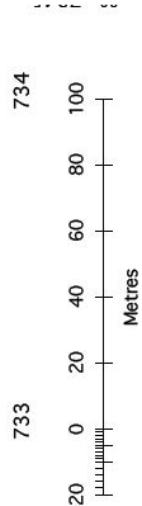
18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

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Rev. A 20/09/11
Boarded/Discontinued.
Rev. Barch Detail.
By



www.hartwell.co.uk
Project: Coldharbour Lane Gypsy and Traveller site
Client: Gypsy & Traveller unit
Title: OS Map Existing & Proposed
Drawing Number: 2314-001
Revision: A
Scale: 1:1250 @ A2
Drawn:
Date: July 2011
Checked:



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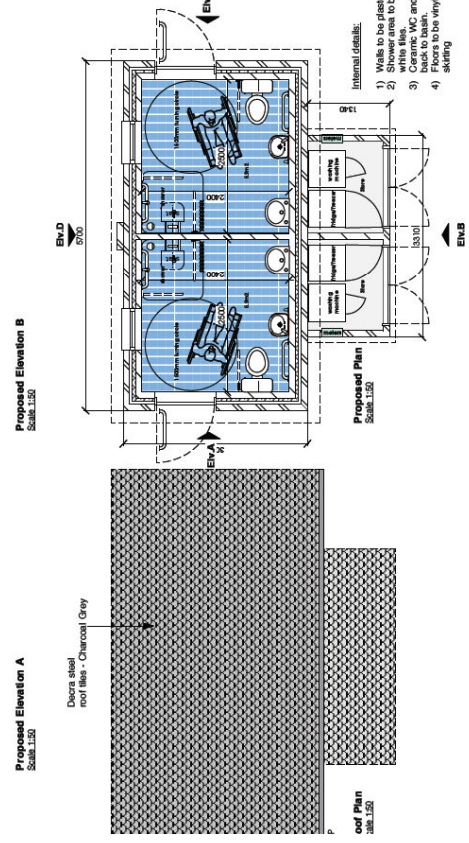
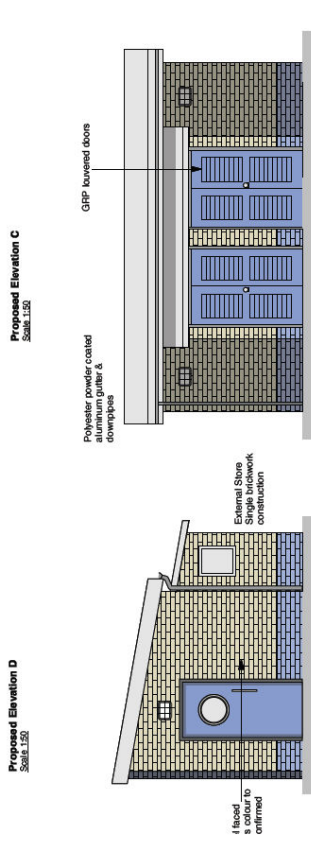
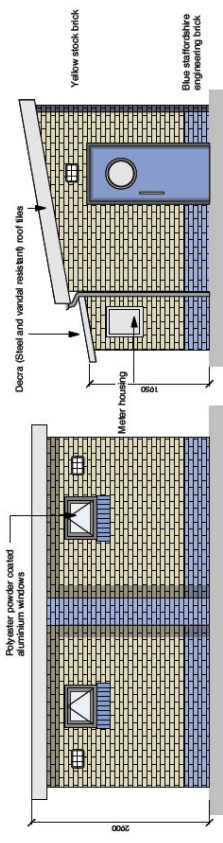
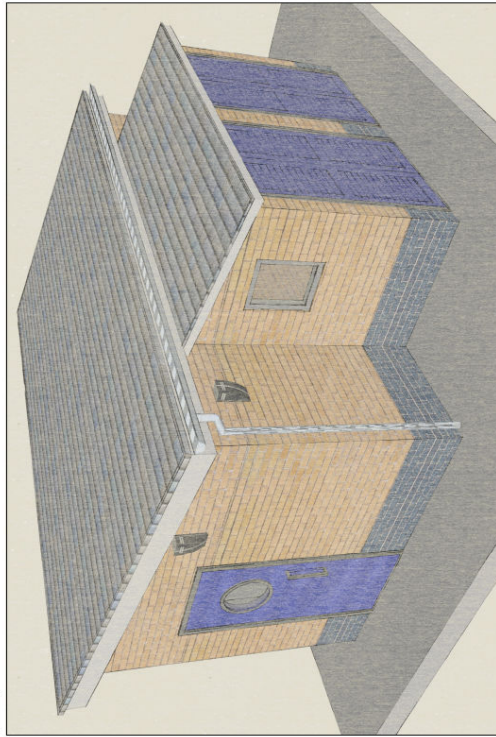
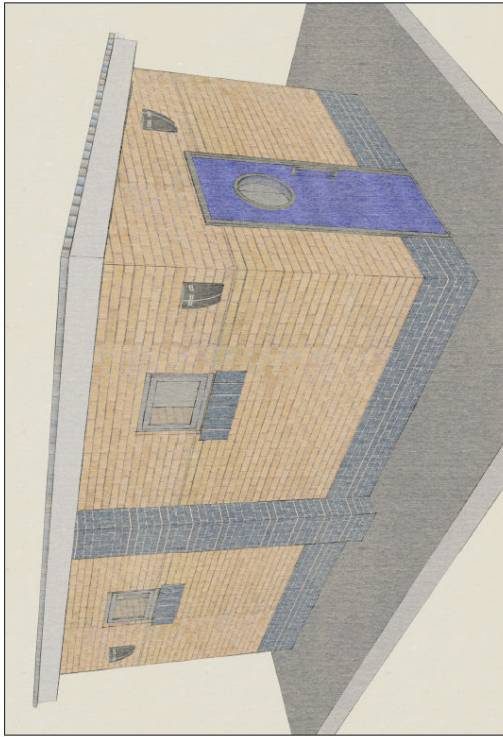
Metres

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D1/30

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site



Project		Client	Revision
9 Chapel Lane Dover, CT16 1NP		2317/09	A
Project: Coldharbour Gypsy Site		Scale:	Drawn
Client: Kent County Council		1:50 @ A2	Checked
Title: Proposed Elevations/Plans		Date:	July 2011
www.hartwell.co.uk		Utility blocks	

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18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

therefore purchased the triangular piece of land to the north west of the existing site with this in mind. A previous planning application was submitted and approved in November 2009, which permitted an increase in size to 18 pitches, arranged around a circular road system which encompassed the whole of the triangular site. However, due to budget constraints, the previously approved scheme is not now achievable. The site plots, which radiated out from a central landscaped roundabout, were very large and the circular route meant that the access road covered a large area, and thus the distribution of services around this road system was very costly. The approved development could not be delivered due to the restricted budget and, therefore, this second application has been submitted to gain approval for the redevelopment of the site with a more cost effective site layout and design, as detailed in the following paragraphs.

4. Minor amendments to this application have been made following submission, including the removal of earth bunds, addition of lighting to the footpath, and a minor alteration to the site boundary. It is the amended proposal which will be outlined and discussed throughout this report.

A site location plan is attached.

Proposal

5. This application has been submitted by Kent County Council Gypsy and Traveller Unit, and proposes the provision of 18 new caravan pitches, arranged around a new linear road, and the renewal/redevelopment of the 8 existing pitches on the site, providing a total of 26 pitches. The application also proposes to provide utility buildings, a children's play area, an acoustic barrier/fencing to the northern boundary, landscaping works and resurfacing of the existing road.
6. The existing Coldharbour Road structure, formally the old A20, forms the basis of a good access road, with some existing services and, therefore, would be retained but resurfaced, and extended to the north west, parallel with the existing public footpath, to provide access to the 18 new pitches. At the end of the new road a turning head is proposed, and a fenced area has been designated for a swale, designed to deal with the surface water collection at the lowest point. The access road would be 5.5 metres wide, suitable for fire appliances, dust cart access and two way traffic. Resident parking would be provided within each plot, with parking on the road discouraged. The existing public footpath runs through the site and emerges in the north west corner, on London Road. Two link paths are proposed to link with the existing footway, for use by members of the public and site residents. Low level bollard lighting is proposed to light the existing footpath, where required.
7. The application site is generally split into two parts, the upper and lower sites, formed by a natural change in site levels. The 'lower site', to the north west, would accommodate 12 new pitches either side of the access road. The 'upper site' to the south, houses the 8 existing pitches which are to be renewed and enlarged, forming 6 pitches, with an additional 8 pitches proposed to the south of these, on the other side of the access road. Existing utility buildings, some of which are 20 years old, are to be replaced with new ones. Each of the 26 plots would vary in size, the smallest being 12 metres by 24 metres, and the largest being 26 metres by 26 metres. A soft play area for resident children is proposed between the 'upper' and 'lower' sites, which would be fenced for security purposes.

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

8. Each pitch would comprise the following:
- Hardstanding for caravans, grass/soft landscape margins, and an area for off road parking;
 - An amenity unit comprising a WC, wash basin, shower, service meters and a storage area for a washing machine and fridge (approximately 7.8m²);
 - Plug in points for electricity and water for caravans and trailers;
 - 1.2 metre high timber fence between and to the front of the pitches;
 - Wheelie bin storage area;
 - Low level amenity lighting, mounted on the utility blocks.
- Each pitch is designed so that a 6 metre separation grassed buffer is retained between caravans, to comply with current Fire Safety recommendations.
9. Although each resident would have a different type of trailer/caravan, the Kent County Council Gypsy and Traveller Unit is proposing to look at providing static mobile type accommodation as part of the pitch rental arrangement. These would typically be a unit of approximately 10.9 metres by 3.6 metres, with 3 bedrooms, kitchen, bathroom and living room, although exact details are to be confirmed. The units would be arranged within the site alternatively lengthways/widthways, to avoid the units being in a straight line, and to prevent adjacent families from directly overlooking each other. The proposed materials to the amenity blocks would comprise brickwork, grey roof tiles, and grey aluminium powder coated doors, windows and rainwater goods.
10. A 3 metre high visual/acoustic fence is proposed to be erected along the northern site boundary, adjacent to London Road, which would be integrated into the existing boundary trees and hedgerows, to reduce noise from the road traffic, and also for privacy. The perimeter of the developed site would be enclosed with 1.8 metre high weldmesh fencing, and additional planting is proposed to supplement the existing.

The application is accompanied by a Design & Access Statement, a Tree Survey, a Flood Risk Assessment, Ecological Risk Appraisal and Bat Survey, and an Air Quality Modelling Report.

Planning Policy

11. The Development Plan Policies and Guidance/Statements summarised below are relevant to the consideration of the application:

(i) **Planning Policy Guidance and Statements:**

PPS1	Delivering Sustainable Development
PPS4	Planning and Sustainable Economic Growth
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPG17	Planning for Open Space, Sport and Recreation
PPS23	Planning and Pollution Control

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

PPG24 Planning and Noise

PPS25 Development and Flood Risk

(ii) The adopted **South East Plan 2009**:

Policy SP4 Seeks to achieve regeneration and social inclusion, reducing socio-economic deprivation and health inequalities.

Policy H4 Local authorities should identify the full range of existing and future housing needs required in their areas, including groups with particular housing needs such as Gypsies and travellers.

Policy CC1 Seeks to achieve and maintain sustainable development in the region.

Policy CC4 Refers to sustainable design and construction.

Policy CC6 Refers to sustainable communities and character of the environment.

Policy NRM1 Water supply and ground water will be maintained and enhanced through avoiding adverse effects of development on the water environment.

Policy NRM2 Water quality will be maintained and enhanced through avoiding adverse effects of development on the water environment.

Policy NRM4 Confirms that the sequential approach to development in flood risk areas set out in PPS25 will be followed.

Policy NRM5 Requires Local Planning Authorities and other bodies to avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region.

Policy NRM9 Strategies, plans, programmes and planning proposals should contribute to sustaining the current downward trend in air pollution in the region.

Policy NRM10 Measures to address and reduce noise will be developed at regional and local levels.

Policy BE1 Local Authorities and their partners will use opportunities associated with new development to help provide significant improvements to the built environment.

Policy C5 Seeks to ensure better management of the rural-urban fringe.

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

Policy S6 Encourages the mixed use of community facilities, and requires community facilities to be located and designed appropriately.

Policy W2 Encourages sustainable design, construction and demolition.

Important note regarding the South East Plan:

Members will already be aware of the relevant South East Plan policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers. Members should also note that the Localism Bill has now been enacted; however the SEP remains in effect until such time as the Government complete the formal process of revoking the Plan.

(iii) **Tonbridge and Malling Borough Local Plan** relevant saved policies have been superseded by policies within the Core Strategy and the Managing Development and Environment Development Plan Document, as outlined below.

(iv) The adopted 2007 **Tonbridge and Malling Borough Council Local Development Framework Core Strategy:**

Policy CP1 Seeks to secure sustainable forms of development including the protection and enhancement of the natural and built environment, and minimisation of waste, energy consumption water and the need to travel.

Policy CP2 New development should be well located relevant to public transport, cycle and pedestrian routes, and be compatible with the character and capacity of the highway network in terms of volume and nature of traffic generated.

Policy CP5 Unless justified by special circumstances, development will not be proposed in the LDF or otherwise permitted that would harm the function of the mid-Kent Strategic Gap as a physical break maintaining the separation and separate identities of the built up areas of Maidstone, Medway Towns and the Medway Gap.

Policy CP6 Seeks to preserve the separate identity of settlements and the setting of settlements when viewed from the countryside. The policy supersedes previous Green Wedge policy that applied to the site.

Policy CP14 Restricts development within the countryside to a number of specified circumstances, including any development for which a rural location is essential.

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

- Policy CP20** Provision will be made through a specific land allocation Development Plan Document, or permission will be granted for, the number of caravan site plots specified in the South East Plan on sites which meet a number of specific criteria. In identifying sites, first consideration will be given to the limited expansion of one or both of the two existing publically controlled gypsy sites in the Borough.
- Policy CP24** Seeks to achieve a high quality environment through high quality, appropriate design.
- Policy CP25** Requires new development to be adequately served by community infrastructure and transport.
- Policy CP26** Requires the safeguarding of land required for the provision of services to meet existing and future community needs.
- (v) The adopted 2010 **Tonbridge and Malling Borough Council Local Development Framework – Managing Development and the Environment Development Plan Document.**
- Policy CC1** Seeks to ensure new development is sustainable.
- Policy CC3** Seeks to protect groundwater and promote sustainable drainage methods.
- Policy NE3** Seeks to preserve and enhance biodiversity.
- Policy NE4** Seeks to maintain and enhance tree cover and hedgerow networks.
- Policy SQ1** Landscape and Townscape protection and enhancement.
- Policy SQ4** Seeks to ensure that new development does not adversely affect air quality, and that new developments are not subject to poor air quality.
- Policy SQ6** Mitigating the impacts of noise.
- Policy DC7** Sets criteria for the provision of community facilities outside of the built confines of settlements.

Consultations**12. Tonbridge & Malling Borough Council** comments as follows:

“The Borough Council raises no objection to this new proposal for the site and supports the scheme in meeting identified needs within the Borough, but only on the basis that the following issues are resolved and satisfactory conditions attached:

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

- A letting and allocations plan must be secured in order to manage the occupancy of the site, in order that it provides for locally generated need for Gypsy and Traveller accommodation to meet identified requirements in Tonbridge and Malling;
- A comprehensive scheme of fencing and landscaping must be achieved, and must specifically include a 3m acoustic and visual barrier along the northern boundary of the site; this acoustic barrier must be provided before occupation of the proposed development takes place and it must be retained and maintained at all times thereafter;
- Ecological enhancement measures should be submitted and implemented
- Lighting details should be submitted for approval; amongst other considerations, these details should indicate low-level, bollard style lighting along the footpath between the site and the A20, to the west, sufficient to safeguard the security of pedestrian users of the path;
- KCC must ensure that there is adequate school provision in the area to accommodate any educational need created by expanding the Coldharbour site
- KCC should be fully satisfied that all Crime and Disorder issues have been taken into account and that the detailed design reflects good practice.
- KCC is asked to demonstrate that consideration is given to the need and opportunity to enhance and contribute to local community facilities, taking into account this development.”

Maidstone Borough Council raises no objection to the development.

Aylesford Parish Council has no objection to the application as originally submitted, but has a strong objection to the amended proposal which involves the removal of the earth bunds. It is considered by the Parish Council that the bunds must be retained for security purposes, particularly to prevent vehicles being driven or parked off site.

Environment Agency has no objection to the application subject to the imposition of conditions requiring the submission of a surface water drainage scheme and a scheme to deal with the risks associated with contaminated land, including a verification report. Additional advice for the applicant is also provided with regard to drainage and the storage of fuel, oil and chemicals.

Kent County Council Highways & Transportation make a number of comments on the submitted Transport Assessment with regard to local bus services, local train services, the local Park & Ride service, and the submitted traffic counts. However, the Development Planning Manager (Highways and Transportation) accepts the conclusion made within the Transport Assessment, in that the additional traffic generated by the site would be unlikely to have a material impact on the operation of the local highway network.

The County Council's Biodiversity Officer has no objection to the application subject to the imposition of conditions, including that the development be undertaken in strict accordance with the surveys and strategies submitted by the applicant's ecologists, and that the applicant submit and implement a detailed mitigation strategy/method statement, incorporating all necessary avoidance and mitigation measures, timing of works and long-term habitat management measures for the benefit of biodiversity in the

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

landscaped areas. It is also recommended that the applicant seeks advice from their ecologist to ensure that the type and positioning of bollard lighting to the Public Right of Way is sensitive to the requirements of roosting, commuting and foraging bats.

Public Rights of Way Unit: no comments received to date.

The County Council's Landscape Advisor has no objection in principle to the application, but requires the submission of a detailed landscaping scheme pursuant to planning condition, which should include the following (amongst other matters);

- the provision of a hedgerow behind plots 7-12, with a species mix and planting specification to match that of the hedgerow to the southern boundary;
- maintenance details for the swale; and
- a period of maintenance of the landscaping/planting for no less than 3 years.

The County Council's Noise Advisor comments as follows:

“There remains the difference of opinions regarding the western barrier return between the applicant's acoustic consultant and ourselves. In particular, concerns remain that the initial report stipulated the need for the western barrier return to ensure adequate noise protection, whereas the latest report deems the return unnecessary.

I would consider the following solutions to this disparity:

Either, we could undertake our own noise model of the site using traffic flows on the A20 during both the day and night time utilising the two differing barrier layouts. This would determine whether the AJA or the Scot Wilson noise levels are accurate and demonstrate the effectiveness of the barrier returns;

Or

A condition could be placed on the site that once constructed, noise monitoring shall be undertaken to demonstrate noise levels at Plot 13 are within the those predicted, i.e. 51 dB $L_{Aeq\ 16\ hr}$ during the day time (NEC A) and 47 dB $L_{Aeq\ 8\ hr}$ at night (lower NEC B boundary noise level). Should these noise levels not be achieved, further mitigation would have to be employed to achieve such noise levels, e.g. the installation of the western barrier return.

In view of the time constraints involved I would recommend applying the condition.”

In addition, it is considered that the proposed development would not be affected by poor air quality and, therefore, it is not necessary to extend the Air Quality Management Area along the A20 London Road to include the application site.

Police Architectural Liaison Officer: no comments received to date.

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

Local Member

13. The local County Member, Mr P Homewood, was notified of the application on the 9 September 2011. The local County Members for the adjoining ward, Mr D Daley and Mr M Robertson, were also notified of the application on the 9 September 2011.

Publicity

14. The application was publicised by an advertisement in a local newspaper, the posting of 2 site notices and the individual notification of 64 neighbouring residential properties.

Representations

15. One letter of representation has been received to date, which was submitted via Tonbridge and Malling Borough Council's website. No address or contact details are provided, but the objector states that he is an active travelling gypsy who knows people from the existing Coldharbour site, and speaks on their behalf, as well as for other gypsy travellers in Kent. The points raised are summarised below:
- The current tenants of Coldharbour are a close related community who have been on the site for many years and do not wish to have new neighbours on the site as this would cause a lot of tension within the community;
 - Surveys should be undertaken to see what the travelling community require prior to going ahead with this type of development, following the principles of localism;
 - Not all gypsies want a large site with cramped commercial type living conditions. Small sites should be built for private families;
 - Large sites have been built before and have been unsuccessful and a waste of money, with travellers still living in unauthorised sites and council provided site remaining empty;
 - Romany gypsies have a much different culture to Irish travellers so two sites should be provided as, from experience, they do not always mix well on the same site.

Discussion

Introduction

16. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 11 above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance in this case include the principle of development in the Strategic Gap, design and site layout, access, noise ecology, and landscaping.

Development in the Strategic Gap

17. As outlined in paragraph 2 of this report, the application site is outside of the defined extent of any settlement (Policy CP14 of the Tonbridge and Malling Borough Core Strategy), and within the Strategic Gap (Policy CP5 of the Tonbridge and Malling

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

18. Borough Core Strategy). Details of these policies can be found in section 11 of this report. In light of these policies, the application has been advertised as a Departure to Development Plan Policy, although referral to the Secretary of State will not be necessary, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009.
19. Policy CP20 of the Tonbridge and Malling Core Strategy relates specifically to the provision of sites for the accommodation of Gypsies, Travellers and Travelling Showpeople. The Policy states that provision will be made within the Borough for the number of plots specified in the South East Plan on sites that meet certain criteria, and that in identifying sites, first consideration must be given to the limited extension of one or both of the two existing publically controlled Gypsy sites within the Borough. The existing site at Coldharbour, which is within the application site, is one of the two established sites referred to. South East Plan Policy H7, seeks to secure the provision of sufficient new gypsy caravan sites in the region in the period up to 2016 and, in conjunction with Tonbridge and Malling Council's Gypsy and Traveller Accommodation Assessment, identifies a need for between 10 and 18 additional pitches. This application proposes to provide an additional 18 pitches, reaching the target figure set within Development Plan Policy, and proposes an extension to an existing publically controlled site, in accordance with Core Strategy Policy CP20. In terms of location and purpose, the development as proposed is, in my view, entirely consistent with Policy CP20.
20. As already explained, the site is, however, outside of the defined extent of any settlement and within the Strategic Gap. Although the development proposed would not normally be acceptable in the countryside under the terms of Policy CP14, the fact that Policy CP20 specifically identifies the application site as a 'preferred location' for the provision of additional gypsy accommodation should, I consider, carry more weight in this instance. In addition, Policy CP5 states that development which would harm the function of the mid-Kent Strategic Gap as a physical break in maintaining the separation and separate identities of the built up areas of Maidstone, Medway Towns and the Medway Gap, would not be permitted, unless justified by special circumstances. Given that the application site is adjacent to built development, and that the application proposes the extension of an existing Gypsy and Traveller site, I do not consider that the development would undermine the functioning of the Strategic Gap. In addition, given Development Plan Policy support for the provision of additional plots within the Borough, and the preferred option of extending established facilities, I consider that special circumstances do exist to justify development within the Strategic Gap in this instance. The development would not harm the physical break between the built up areas of Maidstone and Medway, and is in accordance with other relevant Development Plan Policies. I therefore see no reason to refuse the application on these grounds.

Design and site layout

21. Development Plan Policies promote high quality design, sustainable development, and significant improvements to the built environment. Although no objections to the design and general principle of the proposed development have been received, it is important to discuss these matters to ensure that the proposal is in accordance with the general design principles expressed in Development Plan Policies. As explained in paragraph 3 of this report, a planning application for the redevelopment and extension of the Coldharbour site was approved in November 2009, but could not be delivered due to the site layout, which was spread around a circulatory access route. In contrast, the site

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

22. layout as proposed offers a logical and well thought through arrangement which, due to the linear nature of the access road, can be delivered within budget, whilst still providing the required level of accommodation and associated facilities. The site would be well screened by existing and proposed planting, and the acoustic barrier proposed to the northern boundary, would also visually screen the site from London Road. The site layout utilises the existing access road, and incorporates the existing Gypsy and Traveller Site. The linear extension minimises land take, whilst fulfilling the applicant's brief. I consider that site layout to be logical and practical, and I see no reason to refuse the application on this ground.
23. The nature of the development means that permanent built development would be limited to hard standing for caravans, fencing, facilities such as the play ground, and the brick built amenity units. As outlined in paragraph 9 of this report, although each resident would have a different type of trailer/caravan, the Kent County Council Gypsy and Traveller Unit is proposing to look at providing static mobile type accommodation as part of the pitch rental arrangement. As this has not been confirmed as yet, very limited details have been provided at this stage. The applicant states that the static units would be approximately 10.9 metres by 3.6 metres, with 3 bedrooms, kitchen, bathroom and living room, arranged within the site alternatively lengthways/widthways, to avoid the units being in a straight line, and to prevent adjacent families from directly overlooking each other. Due to the limited details provided at this stage I consider that, should permission be granted, a condition of consent should be imposed requiring the details of each unit to be submitted for approval, prior to them being installed on site should that aspiration be realised.
24. The proposed materials for the amenity blocks would comprise buff brickwork with a slate blue plinth, grey roof tiles, and grey aluminium powder coated doors, windows and rainwater goods. I consider these materials to be of a high quality, appropriate for the site and its context. Should permission be granted, I would not seek to impose a condition to require the submission of further details of materials for the utility blocks. However, I consider it appropriate to impose a condition requiring that the materials listed within the planning documentation are used, and not varied without the prior written approval of the County Planning Authority.
25. Each plot would be delineated by a 1.2 metre high timber fence, which I consider to be acceptable. The provision of an acoustic barrier to the northern boundary is also proposed, the noise attenuation effects of which will be discussed later in this report. However, in terms of design, the 3 metre high acoustic fence could be imposing when viewed from the A20 London Road, to the north of the site. Although the acoustic fence would screen the site from the road, and vice versa, I consider that where possible the mass of the fencing should be broken down by planting. The applicant does state that the fence would be integrated into the existing boundary trees and hedgerows, but I consider that where possible planting to the northern side of the fence should be specified within a detailed landscaping. Although landscaping will be discussed in detail later in this report, subject to the requirement for planting to soften the appearance of the acoustic barrier, I am satisfied that the barrier would not have a detrimental impact on the street scene or the visual amenity of the locality. 1.8 metre high weldmesh fencing is proposed to secure the remainder of the site, which I consider should be powder coated in either black or dark green, as a galvanised finish would be obtrusive and urban in nature. Should permission be granted, I therefore consider that details of the colour finish to the fencing should be submitted for approval pursuant to planning condition.

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

26. In addition to the conditions of consent outlined above, a condition would require the development to be carried out in strict accordance with the approved plans. The site layout is logical and well thought out, and would not, in my opinion, have a significantly detrimental impact on the amenity of the locality. The design of the scheme, subject to
- the submission of final details of the static units, landscaping and fencing colour finish, is acceptable and fit for purpose. In light of the above, I consider that the proposed development accords with the general principles of relevant Development Plan Policies, and see no reason to refuse the application on the grounds of site layout or design.

Access and parking

27. This application is seeking permission to not only redevelop the existing Coldharbour Gypsy and Traveller site, but to provide an additional 18 pitches, to provide a total of 26. Access to the site would be via the existing access road, which is located off of the roundabout joining the A20 London Road with St Laurence Avenue. This access is shared with the adjacent Police Traffic Headquarters. No objections have been raised to this application on the grounds of access or highway implications, and the Development Planning Manager (Highways & Transportation) considers that any additional traffic generated by the site would be unlikely to have a material impact on the operation of the local highway network. The submitted Transport Assessment also comes to this conclusion, and I therefore see no reason to refuse the application on these grounds.

Public Footpath

28. The footpath, which runs along the southern boundary of the site, would be affected in that two links into the site would be introduced and part of the footpath runs along the site access road. The Public Rights of Way Unit has been consulted on this planning application and has not commented too date. However, I consider that the provision of bollard lighting to light the footpath, where required, and the resurfacing of the access road, would only aid to improve the usability and functioning of the footway. Therefore, I do not consider that the proposal would adversely affect the public footpath.

Landscaping

29. As outlined in paragraphs 1 & 2 of this report, the site is essentially a triangular parcel of land, the boundaries of which are well vegetated with mature trees and hedgerows. Although some small trees within the site would need to be removed to accommodate the development, these are considered to be young and their loss could reasonably be mitigated by replacement planting. Most of the peripheral vegetation would be retained, and supplemented where required. The County Council's Landscape Advisor has no objection in principle to the application, but requests the submission of a detailed landscaping scheme pursuant to planning condition, which should include the following (amongst other matters):
- the provision of a hedgerow behind plots 7-12, with a species mix and planting specification to match that of the hedgerow to the southern boundary;
 - maintenance details for the swale; and
 - a period of maintenance of the landscaping/planting for no less than 3 years.
30. In addition to the above, and as previously discussed, I consider that planting to the northern boundary is required, to soften the appearance of the acoustic barrier as far as this would be practicable, and that details of this should be included within the required

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

31. landscaping scheme. Subject to the submission of a detailed landscaping scheme to include, amongst other matters, the specific areas outlined above, I do not consider that the development would have a detrimental impact on the local landscape, nor would lead to a loss of important trees in the area.
32. It should be noted that Aylesford Parish Council has no objection to the application as originally proposed, but raises strong objection to the amended proposal which involves the removal of earth bunding. The amended proposal has been discussed throughout this report, but the application as originally submitted proposed three earth bunds to the rear of plots 7-12, along the north western site boundary. The bunds were to be provided outside of the fenced site boundary, on an adjacent parcel of land which is included within the application site, but not proposed for development. The bunds were proposed to provide visual screening from both within and outside of the site, and were a way of utilising spoil generated from the development. However, as the proposed 3 metre high acoustic barrier extends along the entire northern boundary, views into and out of the site are sufficiently screened, and additional screening from the bunds is, in my view, not necessary or required. Aylesford Parish Council considers that the bunds must be retained for security purposes, particularly to prevent vehicles being driven or parked off site. It should be noted that the bunds were not a security measure, and that the site is securely fenced to prevent vehicles leaving the site and/or residents of the Coldharbour site accessing the adjacent parcel of land. In light of this, I do not consider that the removal of the bunds would lead to reduced security at the site, and see no reason to object to the application on this ground.

Ecology

33. An Ecological Risk Appraisal and Bat Survey have been submitted in support of this application, in addition to a letter from the applicant's ecologist reiterating and expanding upon the recommendations made within the Appraisal with regard to reptiles, the timing of clearance works and ecology supervision works required. The County Council's Biodiversity Officer has been consulted on this application and has no objection subject to the imposition of conditions, including that the development be undertaken in strict accordance with the surveys and strategies submitted by the applicant's ecologists, and that the applicant submit and implement a detailed mitigation strategy/method statement. The mitigation strategy/method statement should incorporate all necessary avoidance and mitigation measures, timing of works and long-term habitat management measures for the benefit of biodiversity in the landscaped areas.
34. It is also recommended that the applicant seeks advice from their ecologist to ensure that the type and positioning of bollard lighting to the public footpath is sensitive to the requirements of roosting, commuting and foraging bats, and I consider that an informative should be added to the consent, should permission be granted, to cover this matter.
35. Subject to the imposition of conditions requiring that the development be undertaken in strict accordance with the surveys and strategies submitted by the applicant's ecologists, and that the applicant submit and implement a detailed mitigation strategy/method statement, I do not consider that the development would have an adverse impact upon protected species. In addition, details of ecological enhancement measures would be required as part of the landscaping scheme which would be submitted pursuant to condition, should permission be granted. Subject to the

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

imposition of these conditions, I see no reason to refuse the application on the grounds of ecology.

Noise

36. As previously stated, a 3 metre high visual/acoustic fence is proposed to be erected along the northern site boundary, adjacent to London Road, to reduce noise from road traffic, and also for privacy. As explained in paragraph 3 of this report, a previous planning application was submitted and approved in 2009 for the redevelopment of this site. That planning application included the acoustic barrier, as now proposed, but in addition, had returns into the site at the east and west ends. Due to the redesign of the site layout, this application does not include the east and west returns as the applicant's noise consultant does not consider them to be necessary as predicted calculations demonstrate that noise levels would be low enough without them. The County Council's Noise Advisor has been consulted on this application and considers that a condition should be placed on the consent to require that once constructed, noise monitoring should be undertaken to demonstrate noise levels at Plot 13 are within those predicted, i.e. 51 dB $L_{Aeq\ 16\ hr}$ during the day time (NEC A) and 47 dB $L_{Aeq\ 8\ hr}$ at night (lower NEC B boundary noise level). Should these noise levels not be achieved, further mitigation would have to be employed to achieve such noise levels, e.g. the installation of the western barrier return. I consider this approach to be acceptable as it would ensure that exact noise measurements could be taken, rather than relying on predicted levels, and that the western return is only installed if necessary. In addition, Tonbridge and Malling Borough Council requests the imposition of a condition to require the provision of the acoustic barrier prior to occupation of the development, and its subsequent retention and maintenance. Therefore, should permission be granted, a condition to this effect would be imposed. Subject to the two conditions outlined above, I do not consider that the occupants of the site would be detrimentally affected by noise, and see no reason to refuse the application on this ground.

External lighting

34. No details have been provided on external lighting for the development. If permission is granted, it would therefore be appropriate to reserve details by condition so that the type and position of any external lighting, including any necessary bollard lighting to the public footpath (as identified by the Borough Council), can be controlled to ensure any potential nuisance from light pollution can be minimised.

Drainage and Land Contamination

35. The Environment Agency raises no objection to this application subject to the imposition of conditions regarding surface water drainage and land contamination. Therefore, I consider that subject to the imposition of a condition requiring the submission of a detailed surface water drainage scheme prior to the commencement of the development, the development could be controlled to ensure that it would not result in unacceptable pollution levels. In addition, at the request of the Environment Agency, should permission be granted a condition would be imposed to require the submission of a scheme to deal with the risks associated with contaminated land, including a verification report. Again, this would ensure that the development would not result in an unacceptable level of pollution, in accordance with the principles of Development Plan Policy. Additional advice for the applicant is also provided with regard to drainage and

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

the storage of fuel, oil and chemicals, and this would be covered by the imposition of an informative drawing the applicant's attention to the Environment Agency's letter.

Suitability of the development

36. The one letter of representation received regarding this application was from a (non-resident) member of the travelling community, and raised objection on the ground that the gypsy and traveller community do not want this development, and that smaller sites should be provided. Kent County Council Gypsy and Traveller Unit has confirmed that the current occupiers of the 8 pitch existing site at Coldharbour have been closely consulted throughout the last three years. The existing occupants are a close community, which is respected, but they are not all from the same family, and they have accepted others onto the site who they did not previously know. Since the site was first established in 1981, there have been many changes in people on the site, but a core of families have been there all along, and will continue to remain there.
37. The letter of representation states that surveys should be undertaken to see what the travelling community require. The applicant has confirmed that a detailed Gypsy and Traveller Accommodation Assessment (GTAA) was commissioned by the Boroughs of Ashford, Tonbridge & Malling, Maidstone and Tunbridge Wells between 2005 and 2007. That assessment included face to face interviews with members of the travelling community of both public and private sites, on their own land without planning consent, in housing and on unauthorised encampments. The GTAA reflected a range of wishes over size and location of sites, and reflected the concerns that families have about conflict with other families, which Kent County Council Gypsy and Traveller Unit is keenly aware of through its site management work over nearly 20 years. The County Council owns seven public sites ranging in size between 3 pitches and 35 pitches, and also manages three further sites which have between 14 and 18 pitches. The applicant confirms that all are managed to promote a high quality of life and harmony between residents, whether or not they are from the same family, and whether or not they knew each other previously.
38. There is a considerable need for further accommodation for the Travelling community, as identified within the GTAA and Development Plan Policies, and reflected in waiting lists and families seeking to develop their own land, claiming a lack of public site provision. The pitches on the proposed Coldharbour site would range in size from 280m² to 650m² to accommodate different sized family units. The County Council's Gypsy and Traveller Unit confirm that there are problems in some other parts of the Country with public sites remaining empty due to conflict between occupants and families, but consider that firm and fair management may well have been lacking in some of these cases. Kent County Council has developed and refurbished almost all 10 sites currently managed by them over the last 20 years, and the aim is for every site to be as good as the best social housing. All of the sites managed by the County Council are occupied, and most of those site residents enjoy a high quality of life. This is reflected by the fact that the number of unauthorised encampments in Kent and Medway is now 20% of the level it was in 2004.
39. Kent County Council Gypsy and Traveller Unit confirm that KCC, and the Homes and Community Agency, which is providing most of the funding for the redevelopment and expansion of the Coldharbour site, support sustainable and diverse communities. It is considered just as important for the Romany and Irish Traveller communities to develop understanding of each other, as it is for all other of the diverse communities within Kent,

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

whatever their past experience has been. The applicant states that the County Council Select Committee, in 2006, did not support the provision of separate sites for Romany and Irish Travelling families, any more than it would support separate housing for just one minority group. It is important that there is a variety and mixture of provision.

40. I consider that the applicant has worked in conjunction with the Travelling community in the preparation of this application, and has acted in their best interests, whilst meeting the requirements of Development Plan Policies and targets for the provision of pitches. There is a range of sizes of public and private sites across Kent, that are well managed by either public organisations or private individuals or companies, which best meet the needs for accommodation, whilst providing the customers within the Gypsy and Traveller community the best choice. A letting and allocations plan would be secured by the applicant in order to manage the occupancy of the site, as required by Tonbridge and Malling Borough Council. An informative would be added to the consent, should permission be granted, to draw this to the applicant's attention, in addition to informatives regarding the provision of school places in the area and crime and disorder issues (again, at the request of the Borough Council). I consider that the applicant has taken all reasonable steps to accommodate the needs of the occupants of the existing site, and the needs of those Travellers who are on the waiting list for a pitch, whilst meeting the requirements of relevant Development Plan Policies.

Construction

41. Given that there are residential properties in the surrounding area, and the proximity of the adjacent Police Traffic Headquarters, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction in order to protect amenity. I would suggest that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays.
42. In addition, I consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of development. That should include details of the methods of working, location of site compounds and operative/visitors parking, details of site security and safety measures and details of any construction accesses. Should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.
43. In addition to the above, should permission be granted, conditions of consent would ensure that dust, noise, mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents and those working in the vicinity of the site.

Conclusion

44. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies, including those that seek to secure a high quality design and protect the countryside, including the Strategic Gap. I consider that, subject to the imposition of appropriate planning conditions, this proposal would not have a significantly detrimental

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

effect on the functioning of the Strategic Gap, residential or local amenity, the character of the area, or the local highway network. There are no material planning considerations that indicate that the conclusion should be made otherwise. However, I recommend that various conditions be placed on any planning permission, including those outlined below.

Recommendation

45. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including conditions covering:

- the standard time limit;
- the development to be carried out in accordance with the permitted details;
- the amenity units to be built using the specified materials;
- the submission of details of the design of static units, should they be provided;
- the submission of the colour finish and fence specification;
- The 3 metre high acoustic barrier to be provided prior to occupation of the development and thereafter retained and maintained at all times;
- Once constructed, noise monitoring shall be undertaken to demonstrate noise levels at Plot 13 are within the those predicted, i.e. 51 dB $L_{Aeq\ 16\ hr}$ during the day time (NEC A) and 47 dB $L_{Aeq\ 8\ hr}$ at night (lower NEC B boundary noise level). Should these noise levels not be achieved, further mitigation would have to be employed to achieve such noise levels, e.g. the installation of the western barrier return;
- details of all external lighting, including that to the public footpath;
- a scheme of landscaping, including details of ecological enhancement measures, planting to the northern boundary to screen the acoustic barrier (as far as this would be practicable), the provision of a hedgerow behind plots 7-12, maintenance details for the swale, hard surfacing, its implementation and maintenance for no less than 3 years;
- measures to protect trees to be retained;
- no tree removal during the bird breeding season unless supervised by an experienced ecologist;
- development to accord with the recommendations of the ecological surveys & strategies;
- submission and implementation of a detailed mitigation strategy/method statement, incorporating all necessary avoidance and mitigation measures, timing of works and long term habitat management measures;
- submission of a detailed surface water drainage scheme;
- submission of a scheme to deal with the risks associated with land contamination;
- hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- construction management strategy, including access, parking and circulation within the site for contractors and other vehicles related to construction and demolition operations;
- measures to prevent mud and debris being taken onto the public highway.

I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informatives:

18 New Caravan Pitches and Redevelopment of 8 Pitches at Coldharbour Lane Gypsy & Traveller Site

- Account should be taken of Environment Agency's advice relating to drainage and the storage of fuel, oil and chemicals.
- The applicant should seek advice from their ecologist to ensure that the type and positioning of bollard lighting to the public footpath is sensitive to the requirements of roosting, commuting and foraging bats.
- The applicant must ensure that there is adequate school provision in the area to accommodate any educational need created by expanding the Coldharbour site.
- The applicant should be fully satisfied that all Crime and Disorder issues have been taken into account and that the detailed design reflects good practice.
- The applicant is advised that a letting and allocations plan must be secured in order to manage the occupancy of the site, in order that it provides for locally generated need for Gypsy and Traveller accommodation to meet identified requirements in Tonbridge and Malling.

Case officer – Mary Green	01622 221066
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Background documents - See section heading
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