

**Application No:** Y18/1419/FH

**Location of Site:** Land adjoining 22 Pearmain Way, New Romney

**Development:** Outline planning application for engineering operations to provide vehicular and pedestrian connectivity. All matters reserved except for means of access.

**Applicant:** Gladman Development Ltd

**Date Valid:** 06.11.18

**Expiry Date:** 01.01.19

**PEA Date:** 30.08.19

**Date of Committee:** 27.08.19

**Officer Contact:** Claire Dethier

## **SUMMARY**

Outline planning permission is sought for the provision of a vehicular and pedestrian link road to provide connectivity through the wider broad location site at New Romney. All matters are reserved for future consideration with the exception of means of access. As such, there are no details at this stage of what the road would look like or details of landscaping.

The provision of a link road on this site providing connectivity through the whole of the board location site from Ashford Road through to Cockreed Lane is an aspiration of Core Strategy (CS) policy CSD8, which identifies this site and surrounding land as a broad location for residential development. Part C of adopted CS policy CSD8 states:

*Land proposed for residential development must have a sufficient level of internal connection through providing a new movement link through the site, appropriately designed to 20mph, and/or through a cycleway/footpath to provide a secure and attractive green corridor.'*

Whilst this remains an aspiration and criteria, the emerging Core Strategy Review (CSR) policy CSD8 has been drafted to also state:

*The layout and design of any proposals for the remaining undeveloped two parcels of land under the broad location must take into account the potential development of the adjoining land parcel and the existing development. In particular the internal road layout of the two parcels allocated to the south-east of Cockreed Lane shall not prejudice the future delivery of a 'link' road (criterion C*

above) to provide a vehicular connection between the two parcels and the developed part of the broad location to the north-east.

If this application were to be approved, this would provide an opportunity for the landowner to bring the site forward and enable the road to be built out.

Other issues such as archaeology, ecology and contamination can be adequately dealt with by condition and during the reserved matters stage.

**RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**

## 1.0 THE PROPOSAL

1.1 The application seeks outline planning permission for the provision of a vehicular and pedestrian link road to provide connectivity through the site to the wider broad location site at New Romney. All matters are reserved for future consideration with the exception of means of access. As such, there are no details at this stage of what the road would look like or details of landscaping.

1.2 The provision of an access road on this site providing connectivity to the wider broad location sites to the north and west of the main part of this site is an aspiration of Core Strategy policy CSD8, which identified this site and surrounding land as a broad location for residential development.

1.3 Some Members will recall that an application was before them exactly one year ago for consideration under reference Y17/1390/SH (the 2017 application) for a residential development to the south-west of the playing field part of this site. That application was recommended for approval by Officers but was refused by Members for the following reason:

*Due to the exclusion of the neighbouring site from the application, the development fails to address the aims and objectives of part (c) of policy CSD8 of the Core Strategy which requires the development of the broad location to include an internal movement link throughout the broad location site. The off-site mitigation measures proposed to mitigate the harm, caused by the inability of the broad location internal movement link to be delivered, are considered inadequate to overcome the impact of the increased traffic on the local road network that would result, and as such, are contrary to part (g) of Core Strategy policy CSD8 as the additional traffic that would result on local roads would have an unacceptable impact on the amenities on the local residents, contrary to saved policy SD1 of the Shepway District Local Plan Review.*

1.4 Prior to this, on 6<sup>th</sup> October 2015 under reference Y14/1411/SH (the 2014 application) the Development Control Committee resolved to grant planning permission for a residential led similar scheme that incorporated two larger parcels of land, both of which this application site goes through (known as the Gladman site and the KCC playing field) to provide a link road and the land to

the south-west of to provide 117 houses. The Committee resolved to grant planning permission subject to a S106 agreement being finalised. The S106 agreement has not been completed to date due to an area of the site owned by Kent County Council (KCC) being let on a long term lease to school.

- 1.5 This current application is supported by a planning statement which provides further clarity regarding this and explaining why the current application has come forward stating;

*Committee Member's concern focussed to the delivery of a spine road between the three sites covered by policy CSD8 despite appropriate mitigation being agreed with the Local Highways Authority and the proposal including a link for the spine road to be complete should the adjacent parcel of land come forward in the future. The application site forms part of a larger application site (Y14/1411/SH) that was resolved to be approved subject to the completion of a S.106 by the planning committee on the 6th October 2015. The S.106 agreement has stalled due to an area of the site owned by Kent County Council (KCC) being let on a long term lease to a third party. However, the resolution to grant the larger scheme included a condition to secure the delivery of the spine road, as did the permission for the site known as 'Land opposite Dorland' (Y15/0164/SH and Y17/0764/SH) which forms the northeast portion of the allocation and is currently being built out. The same approach was proposed for application Y17/1390/SH which was accepted by both the professional Planning Officers and Highway Officers in recommending the application for approval.*

- 1.6 This application proposes an access road from a new access point within Ashford Road, which would be located opposite the pumping station, through the proposed residential site which is also under consideration on this agenda under reference Y18/1404/FH (the southern part of the broad location) through the middle section of the broad location site to the boundary with the northern site currently being built out by Pentland Homes.
- 1.7 At this stage, no further information is provided in respect of the details of the access road as the application is seeking outline planning permission with only access for consideration at this time.

## **2.0 SITE DESIGNATIONS**

- 2.1 The following apply to the site:

- Outside of any designated settlement boundary, although the settlement boundary of New Romney abuts the site at its southern boundary
- Within flood zones 2&3 as depicted on Environment Agency flood maps
- Partly at no risk of flooding in the SFRA in 2115 with the north-east of the site partly at low risk and partly at moderate risk
- Within an area of interest to the Romney Marsh Internal Drainage Board
- Within an area of Archaeological Potential (AAP)
- Within the Natural England impact risk zone for internationally designated sites SPA and Ramsar
- Within the Romney Marsh Kent Landscape Character Area

- Within the Local Landscape Area

## **3.0 LOCATION AND DESCRIPTION OF SITE**

- 3.1 The application site is located to the north-west of the town of New Romney which is identified as a strategic town in the Core Strategy Local Plan.
- 3.2 The site currently comprises part a playing field which is used and leased from KCC by St Nicholas Church of England Primary School and a section of land going through the centre of the site known as the Gladman site, which is also on this agenda being considered for housing under reference Y18/1404/FH. The access road continues through the Gladman site to Ashford Road under this application as access to a highway is a requirement to make a valid planning application and the road also, therefore, is featured within the application Y18/1404/FH seeking planning permission for residential development.
- 3.3 The site is bounded to the north-west by Cockreed Lane, to the south-east by the rear of residential properties located on Rolfe Lane and the Romney Marsh Day Centre. Immediately abutting the north-east of the site is the site known as 'Land opposite Dorland' which is currently being developed as a housing site for 109 dwellings (planning application Y15/0164/SH and Y17/0674/SH). At the south-western extremity of the site, and bordered by Cockreed Lane and Ashford Road, is the former Goddards Garden Centre and adjacent to that is the site seeking planning permission for 117 dwellings which is also for consideration on this agenda.
- 3.4 To the north-west the site faces out onto the Brickyard poultry farm and the open countryside of Romney Marsh and to the south-east lies the residential developments of Rolfe Lane and Fairfield Road. Beyond those roads are New Romney Town Centre and High Street.

## **4.0 RELEVANT PLANNING HISTORY**

- 4.1 The application site forms part of a larger application site under reference Y14/1411/SH (the 2014 application) that the Committee resolved be granted planning permission subject to the completion of a S106 agreement by on the 6th October 2015. That application sought outline planning permission for 117 dwellings and the provision of a link road. The S106 agreement has not been completed to date due to an area of the site owned by Kent County Council (KCC) being let on a long term lease to St Nicholas School.
- 4.2 An application for the same site area and the same number of dwellings was refused by the Planning and Licensing Committee 28<sup>th</sup> August 2018 (the 2017 application) due to concerns regarding the impact of additional traffic on neighbouring amenity due to the inability to provide the link road.
- 4.3 The application site is also within close proximity to a number of other development sites which are within or adjacent to the core strategy broad location area including:
- New Romney Potato Company (outline reference Y10/0698/SH and reserved matters reference Y15/0710/SH) for the erection of 55

residential dwellings together with associated car parking, landscaping and open space. This development is near completion.

- Land opposite Dorland (Outline reference Y15/0164/SH and reserved matters Y17/0674/SH) for the erection of 110 dwellings with supporting infrastructure. This development is currently under construction.
- Land opposite Dorland (application reference Y18/0327/SH) for the erection of 8 houses. This application was approved by the Planning and Licensing committee and is currently under construction.

### 5.0 CONSULTATION RESPONSES

5.1 Consultation responses are available in full on the planning file on the Council's website:

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below.

#### 5.2 New Romney Town Council

Recommend refusal:

- The loss of the previously planned spine road not acceptable.
- The Town Council concur with comments made by Kent Highways dated 23 November 2018
- Support objections raised by Rolfe Lane and Area Residents Association.

#### 5.3 St Marys in the Marsh Parish Council (neighbouring Parish Council)

No comments received to date. Members will be updated of any additional comments received at the committee meeting.

#### 5.4 KCC Highways and Transportation

Full plans showing the width of the link road and footpaths need to be provided to demonstrate the link road will be delivered to an acceptable standard.

#### 5.5 Environment Agency

No objection and no comments to make.

#### 5.6 Natural England

No comments to make

#### 5.7 KCC Ecology

- Satisfied there is no requirement for an ecological survey to be carried out as part of this application
- Ecological surveys carried out in adjacent sites confirmed the presence of Great Crested Newts, Reptiles, foraging bats, badgers and breeding birds. A review of aerial photos of site indicate that the majority of the site is mown/grazed grassland and the greatest ecological interest of the site is likely to be the areas of hedgerows which will be lost as part of the development.
- The area of hedge to be impacted is small and we understand the adjacent developments are to enhance the retained hedgerows we are

satisfied that the impact on any protected/notable species will be minimal.

- However there will be a need to ensure the construction of the proposed road does not result in the killing/injuring of protected species and we advise that a precautionary mitigation strategy is produced and implemented as a condition of planning permission. Recommend a condition.

### 5.8 Environmental Health Officer

No objection/ no comments

### 5.9 KCC Archaeology

Recommend a condition requiring a watching brief

## 6.0 PUBLICITY

6.1 Neighbours letters expiry date: 6<sup>th</sup> December 2018 and 13<sup>th</sup> August 2019.

6.2 Site notice expiry date 15<sup>th</sup> November 2018.

6.3 Press notice expiry date 6<sup>th</sup> December 2018.

## 7.0 REPRESENTATIONS

7.1 No comments received.

## 8.0 RELEVANT POLICY GUIDANCE

8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

<http://www.shepway.gov.uk/planning/planning-policy/local-plan>

<https://www.shepway.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

8.2 The following saved policies of the Shepway District Local Plan Review apply: SD1, BE1, BE16, CO1, CO5, CO11, U10a, TR11, TR13

8.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, CSD4, CSD8

8.4 Shepway Local Plan Core Strategy (CS) Policy CSD8 is particularly relevant to this case. It states:

### ***Policy CSD8***

### **New Romney Strategy**

*New Romney should develop as the residential, business, service, retail and tourist centre for the Romney Marsh in line with the vision in paragraph 3.21. New development should respect the historic character of the town and the set out in policy SS3.*

*The future development of the town should seek to support the retention of existing businesses and the attraction of new employment opportunities through the provision of an adequate supply of employment land to meet future need and through the provision of a sufficient level of new residential development to maintain an adequate labour supply.*

*The strategy for New Romney therefore supports the following:*

*The enhancement of New Romney as a key market town and service centre for Romney Marsh, providing a range of services and attractions for local residents and tourists.*

*The provision of further employment at an expanded Mountfield Road Industrial Estate, with better vehicular and pedestrian linkages to the town centre.*

*A broad location for residential development to the north of the town centre. Development of the broad location should meet the following criteria:*

- a. The development as a whole should provide around 300 dwellings (Class C3) and a range and size of residential accommodation, including 30% affordable housing, subject to viability.*
- b. Pedestrian/cyclist linkages southwards to the town centre should be improved and prioritised from the central area of the development, in preference to linkages around the periphery of the site.*
- c. Land proposed for residential development must have a sufficient level of internal connection through providing a new movement link through the site, appropriately designed to 20mph, and/or through a cycleway/footpath to provide a secure and attractive green corridor.*
- d. Proposals should incorporate as necessary a minimum of 0.7ha of land for the upgrade of St Nicholas' Primary School playing facilities on a consolidated area.*
- e. Archaeological constraints need to be examined and associated mitigation will be required to be provided at an early stage, in order to inform the masterplan, development strategy and quantum of development.*
- f. Flooding and surface water attenuation for the overall site should be concentrated in the lowest areas of the site, recommendations of the Shepway SFRA must be followed, and measures should also provide visual and nature conservation enhancement for the benefit of the site and local community.*
- g. Appropriate off-site mitigation measures must be identified, including to ameliorate highway impacts and manage drainage demands.*

*Any planning application for the broad location should be preceded by, and consistent with, a single masterplan, addressing these objectives and*

*produced in consultation with the local community, the district councils and key stakeholders.*

*Development of the broad location must aim to integrate with the physical environment, including addressing the natural boundary which is currently defined by Cockreed Lane, as well as neighbouring previously developed land to the north east of Cockreed Lane. In addition, if the objectives of this policy cannot be met within the scope of this area, consideration may be given to land to the southwest of Ashford Road, subject to further discussions and any environmental or other constraints being addressed.*

*Development at the town should consolidate and improve the market town/ service centre function of New Romney through contributing as relevant to the public realm and other priorities for investment in the High Street in line with SS5 including:*

*Providing additional crossing points in the High Street to increase the ability of shoppers and visitors to circulate along the retail frontage.*

*Improving the setting of historic buildings and minimising the environmental impact of through traffic within the High Street.*

*Contributing towards community facilities required to serve the needs of the town.*

*Development will need where appropriate to detail the delivery of measures, or contribute to improvements, in skills/ training in Romney Marsh area.*

- 8.5 The Submission draft of the Places and Policies Local Plan (PPLP) February 2018 was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.
- 8.6 The following policies of the Places and Policies Local Plan Submission Draft apply:
- T1, NE1, NE2, NE3, HW4 and HE1
- 8.7 The Submission draft of the Core Strategy Review (CSR) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that

weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

- 8.8 The following policies of the Submission draft of the Core Strategy Review apply:

DSD, SS1, CSD4, CSD8

- 8.9 As with the Shepway Local Plan Core Strategy, Policy CSD8 remains particularly relevant to this case in the Core Strategy Review. The policy remains similar to the policy within the adopted Core Strategy but has been revised to add the following wording:

*The layout and design of any proposals for the remaining undeveloped two parcels of land under the broad location must take into account the potential development of the adjoining land parcel and the existing development. In particular the internal road layout of the two parcels allocated to the south-east of Cockreed Lane shall not prejudice the future delivery of a 'link' road (criterion C above) to provide a vehicular connection between the two parcels and the developed part of the broad location to the north-east.*

- 8.10 The revised National Planning Policy Framework (NPPF) was published in February 2019. The following paragraphs are of particular relevance to this application:

Chapter 2 Achieving sustainable development

8 – Achieving sustainable development

11 – Presumption in favour of sustainable development

Chapter 3 Plan-making

23 – Broad locations / strategic policies need to provide clear strategy to bring forward sufficient land

Chapter 4 Decision-making

38 – Positive, creative and proactive approach to development proposals

47 – Applications to be determined in accordance with the development plan unless material considerations indicate otherwise

55 – Planning conditions must be necessary

Chapter 5 Delivering a sufficient supply of homes

64 – Major development involving provision of housing to expect at least 10% of affordable homes to be made available for affordable home ownership

74 – Requirement to provide a minimum 5 year supply of housing, including a buffer

78 – Housing should be located where it will enhance or maintain vitality of rural communities.

Chapter 8 Promoting healthy and safe communities

96 – Access to network of high quality open spaces

## Chapter 9 Promoting sustainable transport

109 – Development should only be refused if there would be an unacceptable impact on highway safety

111 – All developments generating significant traffic movements to produce travel plans

## Chapter 11 Making effective use of land

117 – Decisions should promote effective use of land in meeting need for homes and other uses

122 – Decisions should support development that makes efficient use of land

## Chapter 14 –Meeting the challenge of climate change, flooding and coastal change

155 – Development to be directed away from areas at highest risk of flooding

156 – Strategic policies informed by a strategic flood risk assessment

158 – SFRA and sequential test

159 – Exceptions test

162 – Site allocated in development plan, applicants need not apply the sequential test again

163 – Development must not increase flood risk elsewhere & need for site specific FRA

## Chapter 15 Conserving & enhancing the natural environment

170 – Decisions should contribute to and enhance the natural and local environment including the countryside and biodiversity

175 – Principles for safeguarding biodiversity and irreplaceable habitats

180 – Mitigate and reduce to a minimum adverse impacts from noise and avoid noise giving rise to significant adverse impacts on health and the quality of life

## **9.0 APPRAISAL**

### **Background**

9.1 As outlined in the planning history section of this report, this site for the provision of an access road has previously been considered by the Planning Committee as part of a wider site to provide housing back in October 2015 (the 2014 application). That application was accompanied by a masterplan that included land beyond the playing field to the north-east and proposed a vision for the wider land to promote an integrated development with a single road going from Ashford Road through to the site currently being built out by Pentland Homes. The masterplan vision for the access road was in accordance with part C of the adopted CS Policy CSD8.

9.2 The Development Control Committee resolved to grant planning permission for the 2014 application subject to the signing of a S106 agreement. As explained earlier in this report, this agreement has never been able to be fully progressed by the applicant, despite their best efforts, due to lease issues with respect to the playing field part of the former site. The 2014 application, had

it been granted planning permission, would have been required to connect to the neighbouring development road at an appropriate point in time.

- 9.3 The 2017 planning application sought outline planning permission for the same housing development as the 2014 application, however, excluded the provision of the access road (although included acceptable highway mitigation works). The 2017 application was refused by the Planning and Licensing Committee for the following reason:

*Due to the exclusion of the neighbouring site from the application, the development fails to address the aims and objectives of part (c) of policy CSD8 of the Core Strategy which requires the development of the broad location to include an internal movement link throughout the broad location site. The off-site mitigation measures proposed to mitigate the harm, caused by the inability of the broad location internal movement link to be delivered, are considered inadequate to overcome the impact of the increased traffic on the local road network that would result, and as such, are contrary to part (g) of Core Strategy policy CSD8 as the additional traffic that would result on local roads would have an unacceptable impact on the amenities on the local residents, contrary to saved policy SD1 of the Shepway District Local Plan Review.*

- 9.4 All other aspects of the proposal, including highway safety, were considered to be acceptable by the Planning and Licensing Committee following detailed discussions when the resolution to refuse planning permission was made in August 2018.
- 9.5 In addition, a separate application for the adjoining site that was included in the 2014 application (known as the Gladman site which is also to be considered on this agenda application reference Y18/1404/FH) has also been submitted by the applicant to run concurrently with this application seeking outline planning permission for the erection of up to 117 dwellings on the land to the south-west of the playing field.

### **Relevant Material Planning Considerations**

- 9.6 Due to the site being identified within the Core Strategy as being suitable for housing development within the 'broad location' with the provision of a link road through the site, the principle of development is acceptable. However, a key consideration is how compliant the proposal is with the aims of CS policy CSD8 and emerging CSR policy CSD8.
- 9.7 As this application is solely for the provision of the link road, the relevant parts of adopted CS policy CSD8 are:
- a. Pedestrian/cyclist linkages southwards to the town centre should be improved and prioritised from the central area of the development, in preference to linkages around the periphery of the site.*
- 9.8 This application is in outline form but proposes linkages from the north to the south of the site through the centre. As such, the reserved matters details

could achieve this aspiration. In applying for planning permission for this development, the applicant is seeking to demonstrate there would be opportunities for the link road to be brought forward at a later date should the landowner pursue this opportunity. In addition, the applicant highlights that safe and attractive walking and cycling routes will be provided within this development. The applicant has also made clear that their preference is for site to be able to connect through to the land to the north-east at a later date should this become possible. As such, in granting planning permission for this scheme, a condition can be applied requiring the spine road to be connected to the neighbouring site if the road is provided and comes forward at a later date.

*b. Land proposed for residential development must have a sufficient level of internal connection through providing a new movement link through the site, appropriately designed to 20mph, and/or through a cycleway/footpath to provide a secure and attractive green corridor.*

- 9.9 Due to the outline nature of the application, the precise design considerations would be deferred to the reserved matters stage. With regards to the internal connection the comments in the above paragraph regarding point b. above are relevant to this as well.

*c. Proposals should incorporate as necessary a minimum of 0.7ha of land for the upgrade of St Nicholas' Primary School playing facilities on a consolidated area.*

- 9.10 As with the proposed links to the neighbouring site, this is currently out of the control of the applicant. The applicant and Planning Case Officer have worked together to seek a resolution to the outstanding S106 agreement relating to the 2014 planning application with both KCC and the school. However, a finalised agreement has not been forthcoming. Members will note that the site to the north-east of the playing field, which is currently being developed by Pentland Homes, also did not make provision towards this.

*d. Archaeological constraints need to be examined and associated mitigation will be required to be provided at an early stage, in order to inform the masterplan, development strategy and quantum of development.*

- 9.11 KCC Archaeology have raised no objection to the proposal subject to a planning condition requiring a watching brief.

*e. Flooding and surface water attenuation for the overall site should be concentrated in the lowest areas of the site, recommendations of the Shepway SFRA must be followed, and measures should also provide visual and nature conservation enhancement for the benefit of the site and local community.*

- 9.12 The whole of the broad location area is situated within Flood Zone 2 and the majority within Flood Zone 3 of the Environment Agency flood maps. Most of the broad location site is identified as being at no risk of flooding according to the Council's SFRA in 2115 when taking into account climate change, with small areas identified as being at low risk and a smaller area at moderate risk.

The access road, would, however, pass through parts identified as being at low and moderate risk of flooding.

- 9.13 As with all development within Flood Zone 2 or 3, consideration must be given as to whether there is a need to apply the sequential test. As this site has been identified as part of a broad location with the provision of an access road, the sequential test has been applied at the plan level for development of this site and in accordance with paragraph 162 of the NPPF does not need to be reapplied at the site specific level and is therefore considered to pass.
- 9.14 According to the guidance as set out within the National Planning Policy Guidance, there is no need to apply the exceptions test to less vulnerable development in Flood Zone 3a. In addition, the Environment Agency raises no objection.
- 9.15 As such, the proposal is considered to be acceptable in respect of flood risk.

*Any planning application for the broad location should be preceded by, and consistent with, a single masterplan, addressing these objectives and produced in consultation with the local community, the district council and key stakeholders.*

- 9.16 A single inclusive and joined up masterplan was developed and submitted for both the 2014 application for the wider site and for the site to the north-east of the playing field. However, for all of the reasons outlined above, currently it is not possible to develop the wider broad location site fully in accordance with those principles.
- 9.17 To conclude, the application is broadly compliant with the aims and aspirations of Policy CSD8 of the CS and emerging CSR policy CSD8. Any areas that the applicant is not able to comply with are due to matters of land ownership which are outside of their control and which they have worked to overcome without success.
- 9.18 It is recommended that planning permission includes a condition requiring the development to make provision to connect with the neighbouring sites. A similar condition was used on the planning permission for the site to the north-east of the playing field.
- 9.19 The other material considerations in determining this application are highway safety and convenience, flood risk, ecology/ biodiversity impacts, amenity, visual impact, archaeology and contamination.

### **Highway Safety**

- 9.20 The application is outline with all matters reserved with the exception of means of access. There is one proposed pedestrian and vehicular access to and from the site under this application from Ashford Road, opposite the pumping station. A secondary access from Cockreed Lane for emergency use only is proposed under the linked application for outline permission for the dwellings. The proposed Ashford Road access would have acceptable visibility splays of

2.4m x 48m. Whilst this part of Ashford Road has a 60mph speed limit, the submitted traffic data has shown that due to the bend in the road close to the proposed access, traffic is naturally slowed down to approximately 32mph. KCC Highways have accepted this and have no issues subject to further details which can be the subject of a condition and dealt with at the reserved matters stage. Therefore, the proposal is considered to be acceptable in highway safety and convenience terms.

- 9.21 The proposal is considered to comply with the NPPF para 109 which states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe” and saved policy TR11 of the Local Plan Review which requires development proposals to ensure that new access is not detrimental to the safety of vehicle traffic, cyclists and pedestrians and that the applicant can demonstrate by means of a transport impact study that the proposal would not increase the risk of accidents or create delays.

### **Ecology/ biodiversity/ Arboriculture**

- 9.22 Whilst the site is outside any national or international sites protected for their wildlife or geology or habitats, the site is located within a Natural England Impact Risk Zone which requires planning applications to be assessed for likely impacts on SSSIs/SACs/SPAs & Ramsar sites. The nearest part of the Ramsar and SSSI sites are approximately 0.8 of a mile from the site and the SPA approximately 1.3 miles. Natural England has confirmed that the application is unlikely to result in any significant effects on any European designated sites and advised that there is no need to carry out screening or an Appropriate Assessment for the development with regard to the Dungeness, Romney Marsh and Rye Bay SPA, and Ramsar sites conservation objectives are maintained.

- 9.23 Whilst an ecological survey has not been submitted specifically for this site, KCC Ecologists are content they have a good understanding of the ecological interest of the area and that a survey is not required to determine the application.

- 9.24 To conclude, the scheme is considered to comply with the aims of the NPPF and policy CO11 of the adopted Local Plan and emerging policy NE2 of the Places and Policies Local Plan. Appropriate mitigation will be required to ensure this which will be determined through a survey to be required by condition on the planning permission.

### **Amenity**

- 9.25 Saved policy SD1 of the Shepway District Local Plan Review and the NPPF (paragraph 127) require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development. The proposed access road would be located away from existing residential properties and was always envisaged to be provided to improve amenity for the proposed residents of the broad location by enabling easy

access to the new dwellings to be provided and to lessen any impact of increased traffic on surrounding roads.

- 9.26 At this stage, no details of the road, its width, speed restrictions, appearance, materials etc have been provided. However, these details would be submitted as part of a future reserved matters application. These matters would be considered at that stage.
- 9.27 During the determination of the 2017 planning application, Members were concerned that if the access road were not to come forward, this could impact on neighbouring residents due to noise and additional activity from vehicles in surrounding roads. If the access road proposed by this application were to come forward, this would lessen any real or perceived impact upon neighbouring amenity.
- 9.28 As such, the application is not considered to result in unacceptable harm to neighbouring or proposed amenity.

### **Visual impact/density**

- 9.29 The broad location site (including the current application site) is located outside but adjacent to the settlement boundary and within a semi-rural area. The character of the area is somewhat changing with the recent development of the former New Romney Potato Company site and the development of the site to the north of the playing field. The site is also located within the Romney Marsh Local Landscape Area where saved policy CO5 of the Local Plan states that proposals should protect or enhance the landscape character and functioning of Local Landscape Areas unless the need to secure economic and social well-being outweighs the need to protect the areas local landscape importance. Policy NE3 of the emerging PPLP also seeks to protect or enhance the landscape character and functioning of Local Landscape Areas. The Romney Marsh Local Landscape Area covers a significant area and the site is on its fringe.
- 9.30 The detailed layout and design of the access road will be dealt with at the Reserved Matters stage and this will allow the opportunity for assessing the layout, scale, design and materials of the road and how this will impact upon the wider setting. However, it is known that the site is located within the centre of proposed residential development and its impact upon the wider setting would therefore be somewhat limited by the surrounding development.
- 9.31 As such, it is considered that it is possible to design the road in a manner suitable to the sensitive semi-rural location that incorporates suitable landscaping to ensure that the road is assimilated sensitively into the wider broad location site.
- 9.32 It is accepted that the wider setting of the countryside and local landscape area will be altered as a result of the overall proposed broad location development. This would be contrary to saved Local Plan policy CO1 which seeks to protect the character of the countryside, but this has been accepted by the allocation of the wider site in the Core Strategy. Given the overall

development this the proposed road will not exacerbate the impact. However, the impact can be mitigated by a sensitively designed road with appropriate materials and landscaping.

### **Archaeology**

9.33 The application site falls within an area of archaeological potential. KCC's Archaeological Officer has explained that the archaeological potential is associated with the site's position on the edge of a shingle bank which developed in the later pre-historic period through long-shore drift and that to the rear of this shingle bank areas of saltmarsh, raised bogs and freshwater wetland developed. It was upon this coastal shingle ridge that the New Romney developed and the settlement is considered to have developed as an early medieval port. As such, the Archaeological Officer has recommended that a watching brief condition requiring a programme of archaeological evaluation and investigation should be attached to any grant of permission. There are no archaeology reasons to refuse planning permission.

### **Environmental Impact Assessment Regulations 2017**

9.34 In accordance with the EIA Regulations the site does not fall within a sensitive area and the development is below the thresholds for Schedule 2 10(f) urban development projects which state:

- the area of the works exceeds 1 hectare.

Therefore the development does not need to be screened under these regulations.

### **Local Finance Considerations**

9.35 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

9.36 This is not a material consideration in the determination of this application as no monies are involved to be paid by the applicant or received by the Council.

### **Human Rights**

9.37 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the

interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

### **Public Sector Equality Duty**

9.38 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need 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 a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

9.39 This application is reported to Committee due to the views of New Romney Town Council.

## **10.0 BACKGROUND DOCUMENTS**

10.1 The consultation responses set out at Section 5.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

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<p><b>RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.</b></p>
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### **Conditions**

1. 3 year permission for submission of Reserved Matters
2. Development to commence within 2 years of Reserved Matters approval
3. Standard Reserved Matters conditions (details of appearance, landscaping, layout and scale)
4. Approved plans
5. Details of how the road hereby permitted will be linked to the neighbouring broad location site submitted and a timetable for its implementation prior to construction of the road
6. Precautionary ecological mitigation strategy

7. Reserved Matters to be in accordance with the principles of the masterplan where applicable
  8. Provision, completion and maintenance of the access onto Ashford Road prior to the road being first brought into use
  9. Provision and maintenance of vision splays to new access
  10. Provision of footpath
  11. Construction and Environment Management Plans
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Y18/1419/FH  
Land adjoining 22 Pearmain Way  
New Romney

