



Agenda

Meeting: **Planning and Licensing Committee**
Date: **28 August 2018**
Time: **7.00 pm**
Place: **Council Chamber - Civic Centre, Folkestone**

To: **All members of the Planning and Licensing Committee**

The committee will consider the matters, listed below, at the date, time and place shown above. The meeting will be open to the press and public.

Members of the committee, who wish to have information on any matter arising on the agenda, which is not fully covered in these papers, are requested to give notice, prior to the meeting, to the Chairman or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>.

Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

1. **Apologies for Absence**
2. **Declarations of Interest**

Members of the committee should declare any interests which fall under the following categories*:

- a) disclosable pecuniary interests (DPI);
- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

3. **Y17/1390/SH Land adjoining Hope All Saints Garden Centre, Ashford Road, New Romney, Kent (Pages 3 - 42)**

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Report DCL/18/14 - Outline planning application for the erection of up to 117 dwellings with public open space, landscaping and sustainable urban drainage system (SuDS) and vehicular access from Ashford Road. All matters reserved except for means of access.

4. **Y18/0327/SH Land opposite Dorland, Cockreed Lane, New Romney (Pages 43 - 56)**

Report DCL/18/15 provides information on the erection of 8 dwellings.

5. **Y17/1398/SH Land adjoining Millside, Rhee Wall Road, Brenzett, Kent (Pages 57 - 72)**

Report DCL/18/16 - Outline application for the erection of 6 houses with matters of scale, appearance and landscaping reserved for future consideration.

6. **Y18/0361/SH All Saints Farm, Ashford Road, New Romney TN28 8TH (Pages 73 - 94)**

Report DCL/18/17 details the erection of 3 sheds (resubmission of planning application Y17/0305/SH).

7. **Supplementary Information (Pages 95 - 96)**

*Explanations as to different levels of interest

(a) A member with a disclosable pecuniary interest (DPI) must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares a DPI in relation to any item must leave the meeting for that item (unless a relevant dispensation has been granted).

(b) A member with an other significant interest (OSI) under the local code of conduct relating to items on this agenda must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares an OSI in relation to any item will need to remove him/herself to the public gallery before the debate and not vote on that item (unless a relevant dispensation has been granted). However, prior to leaving, the member may address the meeting in the same way that a member of the public may do so.

(c) Members may make voluntary announcements of other interests which are not required to be disclosed under (a) and (b). These are announcements made for transparency reasons alone, such as:

- membership of outside bodies that have made representations on agenda items, or
- where a member knows a person involved, but does not have a close association with that person, or
- where an item would affect the well-being of a member, relative, close associate, employer, etc. but not his/her financial position.

Voluntary announcements do not prevent the member from participating or voting on the relevant item

Application No: Y17/1390/SH

Location of Site: Land adjoining Hope All Saints Garden Centre, Ashford Road, New Romney, Kent

Development: Outline planning application for the erection of up to 117 dwellings with public open space, landscaping and sustainable urban drainage system (SuDS) and vehicular access from Ashford Road. All matters reserved except for means of access.

Applicant: Gladman Development Ltd

Date Valid: 14.12.18

Expiry Date: 15.03.18

PEA Date: 28.08.18

Date of Committee: 28.08.18

Officer Contact: Claire Dethier

SUMMARY

Outline planning permission is sought for a residential development of up to 117 dwellings with all matters reserved for future consideration with the exception of means of access. The site is identified as part of a broad allocation for residential development under policy CSD8 of the Core Strategy Local Plan (CS).

The current application site along with land to the north-east, currently a playing field, was considered for residential development for the same quantum of development by the Development Control Committee in October 2015 (reference Y14/1411/SH), which resolved to grant planning permission subject to the signing of a S106 agreement. Due to the playing field being leased on a long term basis, it has not been possible for the S106 agreement to be completed, hence this application coming forward excluding that part of the broad location from the development. Due to this, the proposed development cannot at this stage link with the development currently under construction to the north of the playing field, which was originally envisaged by the Core Strategy policy.

Whilst this is disappointing, delaying the provision of these dwellings would have an impact on the Councils ability to provide sufficient housing and maintain a 5 year supply of housing and the development is considered to meet the provisions of sustainable development.

The site is located within an area at risk of flooding, however, was sequentially tested at the plan making stage and considered to be sequentially preferable. The Environment Agency are content that the development is acceptable subject

to conditions and the development passes the exceptions test due to the wider sustainability benefits and that the development can be made safe for its lifetime.

The proposal will also result in increased traffic on roads around the roads in the area of the development. However, following ongoing discussions, Kent Highways and Transportation are content that the measures proposed to alleviate such issues will be acceptable.

Other issues such as archaeology, ecology and contamination can be adequately incorporated into the development during the reserved matters stage.

The applicant has agreed to pay a wide range of developer contributions to mitigate against the impacts of the development.

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report and any additional conditions the Development Management Manager considers to be necessary and a S106 agreement providing 30% affordable housing, High Street improvements (to public realm) High Street/ Station Road improvement works (highway improvements), healthcare contributions, open space contributions (improvements to playing field), transfer of public open space to a management company, KCC contributions relating to primary education, community learning, library bookstock, social care, TRO application fee for application to improve highway capacity and safety improvements, travel plan and cycle improvements and that delegated authority given to the Development Management Manager to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that she considers necessary.

1.0 THE PROPOSAL

- 1.1 The application seeks outline planning permission for the provision of up to 117 dwellings with associated open space and landscaping with all matters reserved for later consideration with the exception of means of access. Matters relating to appearance, landscaping, layout and scale are reserved for future consideration.
- 1.2 The application proposes a single access point for general use from Ashford Road to the site, which would be located opposite the pumping station, and an emergency access from Cockreed Lane where the western edge of the site abuts Cockreed Lane. The main access would measure 6m in width and would feature a pedestrian footpath either side of the access which would extend outside of the site in a northerly direction terminating at the former garden centre (approximately 40m) and in a southerly direction from the site to the junction with Rolfe Lane (approximately 220m). The emergency access would measure 5.5m in width.
- 1.3 The application site forms part of land designated within policy CSD8 of the Shepway Core Strategy Local Plan 2013 as a Broad Location for residential development of circa 300 dwellings. The application site in totality comprises

3.8ha with approximately 3.1ha reserved for the dwellings and the remaining 0.7ha reserved for open space and a SUDS scheme.

1.4 Due to its outline status, the application does not seek to provide detail regarding the siting, design or scale of the proposed dwellings or associated infrastructure at this stage. The application has, however, been accompanied by a design and access statement which includes an illustrative masterplan which envisages a main route through the site with houses fronting this with two roads leading off the main route with subtle design changes to allow for three distinct character areas.

1.5 The application is also accompanied by a number of reports which seek to demonstrate that the site could be developed as currently envisaged, these include:

- Flood risk assessment and surface water strategy
- Transport assessment
- Ecological assessments
- Travel plan
- Planning statement
- Design and access statement

1.6 The submitted planning statement provides further information regarding the potential benefits of the proposal stating:

“The application site represents a suitable and sustainable location for housing, well located to the existing urban area. The proposal offers the opportunity to deliver:

- local benefits, through investment in the local community;
- district wide benefits, in terms of making a strategically important contribution to housing supply and economic objectives; and,
- national objectives in boosting the supply of homes and delivering sustainable development.
- The proposed development has been carefully considered to ensure that it will provide high quality sustainable development. The design-led approach, informed by consultation with the local planning authority, key stakeholders and the local community responds sensitively to the site setting, respecting the grain of the surrounding landscape, both built and undeveloped. The development will be a positive addition to New Romney complementing the character of the surrounding area in terms of scale, density, character and quality.
- The proposed green space will include a formal equipped childrens’ play area and informal open space. The proposal seeks to retain existing landscape features; the majority of trees are retained, and the illustrative Development Framework Plan incorporates these elements within a strategic landscape framework.”

The application proposal includes the following:

- Up to 117 residential dwellings (including 30% affordable housing

- delivered in accordance with planning policy);
- Structural landscape planting and the retention and positive management of key landscape features;
- 0.77 ha of formal and informal open space (20% of the gross site outline application area);
- New access arrangements including an informal footpath link and highway improvements to Ashford Road; and
- A comprehensive surface water drainage scheme

1.7 The Design and Access Statement sets out the vision, response to context and evaluation and evolution of the proposals and details the design process.

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
- Flood zones 2&3 as depicted on Environment Agency flood maps
- Mainly at no risk of flooding on SFRA in 2115 with small areas to the north and north east at low risk and a small area to the east at moderate risk
- Within Area of Archaeological Potential (AAP)
- Within Natural England impact risk zone for internationally designated sites SPA and Ramsar
- Within Romney Marsh Kent Landscape Character Area
- Within 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. New Romney is identified as a strategic town in the Core Strategy Local Plan. 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 school playing field and beyond that 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. This also falls within the area designated as a broad location for development in the CS and it is anticipated that it will be the subject of an application for planning permission for residential development at some point in the future.

3.2 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.

- 3.3 Adjoining the boundary of the site within Rolfe lane are a two story commercial building used as offices and gardens to dwellings. The surrounding residential buildings within Rolfe Lane are traditional 1930's style two storey dwellings constructed of red brick with brown tiled roofs and they have wooden sliding sash windows.
- 3.4 The site measures circa 3.8ha with approximately 3.1ha reserved for the dwellings and the remaining 0.7ha reserved for open space and a SUDS scheme.
- 3.5 The site is generally flat, with levels between 2m and 3.4m ODN and there are no public rights of way running across the site.
- 3.6 Adjacent to the north-eastern boundary of the site within the playing field is a substantial bank of mature trees with a drainage ditch/sewer running along part of the site's boundary adjacent to Cockreed Lane. A further drain is located roughly centrally within the site along the north-eastern boundary of the site. The indicative SUDS plan shows the ponds draining to this ditch.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The application site forms part of a larger application site (Y14/1411/SH) that was resolved to be granted planning permission subject to the completion of a S106 agreement by Members at committee on the 6th October 2015. This application sought outline planning permission for the same number of dwellings as the current application. 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 a third party. The area of land in question comprises of a playing field which is used by St Nicholas Church of England Primary School. Application Y14/1411/SH proposed to reduce the size of the playing field but compensate for this through the upgrading of the sports facilities on this part of the site.
- 4.2 The application site is also within close proximity to a number of other development sites which are within or adjacent to the CS 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 is undetermined and due for consideration at the same Committee meeting as this application.

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 apparent loss of the previously planned spine road not acceptable.
- Contrary to policies TR2, TR11, CO1(d) and SD1(a)
- Fully support objections raised by Rolfe Lane and Area Residents Association.

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

- Inadequate local services and infrastructure to accommodate further development
- Want to see traffic management plan released before any decision is made.

5.4 KCC Highways and Transportation

No objection subject to:

Conditions to address the following:

- 1) Submission of a Construction Management.
- 2) Adequate land, reserved for parking to meet the needs of the development .and in accordance with Kent Design Guide: Interim Guidance Note.
- 3) Cycle parking facilities.
- 4) Completion and maintenance of the junction improvement for the junction of Ashford Road / The High Street.
- 5) Completion and maintenance of the improvements to the build outs on Fairfield.
- 6) No dwellings shall be occupied until all reasonable endeavours have been undertaken to implement a Traffic Regulation Order prohibiting on-street parking on Fairfield Road in the form of double yellow lines.
- 7) Completion of the following works between a dwelling and the adopted highways:
 - (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any);
- 8) Provision and maintenance of the visibility splays;

- 9) Details of the proposed spine road linking up to the north-eastern boundary of the site;
- 10) Residential travel plan;
- 11) Construction traffic will only be permitted on the local highway network between 10:00 and 14:00 on weekdays;

Section 106 Agreement

- £131,000 contribution towards capacity and safety improvements to the junction of the High Street / Station Road.
- £70,000 towards the travel plan and cycle voucher.
- A £5,000 travel plan monitoring fee is required so that KCC Highways and Transportation can effectively monitor the required travel plan.

5.5 Environment Agency

- The proposed development will only be acceptable if the following measures are implemented and secured by way of planning condition: Finished floor levels 300mm above the design flood level (at 2.9maODN) with all habitable accommodation 600mm above at 3.2maODN. All sleeping accommodation is to be provided at the first floor level or above.
- The site lies within Flood Zone 3a; this is an area considered to be at 'high risk' from tidal flooding, as depicted by the Environment Agency's Flood Risk mapping. In areas at risk from tidal flooding, Flood Zone 3a depicts the area which would be affected by a current-day 1 in 200 year event if there were no defences present. However, it should be noted that this site lies within an area depicted as benefitting from the presence of defences and is shown by Shepway's SFRA as being at a relatively low risk from flooding in the event of a breach on the defences that protect the area.
- The submitted FRA makes recommendations for managing the risk and demonstrates the development site would be largely safe from inundation during a climate change adjusted extreme tidal event up to the year 2115.
- However, the LPA still need to carry out the sequential and exceptions tests as required under the NPPF.
- The second part of the exception test requires the development to be safe. Give, the residual flood risk to this site, the recommendations of the FRA should be incorporated to ensure it is safe.
- Finished floor levels shall be 300mm above the design flood level (at 2.9maODN) with all habitable accommodation 600mm above (at 3.2maODN). All sleeping accommodation on the first floor or above.

5.6 KCC Flood and Water Management

We are generally happy with the principle of proposed drainage strategy but would have following comments to make:

- The climate change allowance considered for the preliminary design of surface water system does not comply with most up to date climate

change requirement by the Environment Agency dated 19 February 2016.

- As LLFA, KCC will require that the design accommodates the 1 in 100 year storm with a 20% allowance for climate change and an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%.
- At the detailed design stage, we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017).
- The detailed design should include adequate treatment arrangement for the surface run-off prior to discharging off-site in accordance with published guidance such as the CIRIA SuDs Manual.
- Recommend conditions regarding details of SUDS system, details of its operation and maintenance and a verification report demonstrating the suitable operation of the drainage system.

5.7 Romney Marshes Area Internal Drainage Board

No objection:

- The run-off rate from the development site should not exceed the present rate. For a greenfield site in a lowland system the maximum run off rate is 4l/s/ha. This has been acknowledged in Section 5.2 of the FRA.
- The point of discharge will require Consent under S23 of the Land Drainage Act 1991

5.8 Natural England

Statutory nature conservation sites – no objection

- The proposal if undertaken in strict accordance with the details submitted is not likely to have a significant effect on the interest features for which Dungeness, Romney Marsh and Rye Bay SPA and Ramsar have been classified.
- The LPA is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites' conservation objectives.
- The proposed development if carried out in strict accordance with the details of the application will not damage or destroy the features for which the Dungeness, Romney Marsh and Rye Bay SSSI has been notified. The SSSI does not represent a constraint in determining this application.

Protected Species

- We have not assessed this application and associated documents for impacts on protected species.

Local Sites

- If the proposed site is on or adjacent to a local site e.g. local wildlife site the authority should ensure it has sufficient information.

Biodiversity Enhancements

- This application may provide opportunities to incorporate features into the design which are beneficial to wildlife. The LPA should consider securing measures to enhance the biodiversity of the site.

Landscape Enhancement

- The application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment.

5.9 KCC Ecology

Sufficient information has been provided to determine the application. Will not result in a likely significant effect on the designated sites and there is no requirement for an appropriate assessment.

Conditions required:

- a detailed mitigation strategy to be informed by an updated ecological scoping survey and any necessary specific species surveys;
- a detailed ecological management plan
- details of lighting, to minimise impacts on bats
- Updated badger report will be required as matters can change over 3-4 years;

5.10 Environmental Health Officer

No objection:

Noise

- At the detailed planning stage consideration should be given to the layout in respect of noise.
- The main source of noise is from vehicle movements on the Ashford Road – any dwellings overlooking this road must be carefully designed to ensure suitable noise levels in habitable rooms.
- A further noise assessment will be required at detailed design stage.

Air quality

- No air quality impact assessment is required as the development is unlikely to have a significant impact on current ambient air levels.

Contaminated Land

- Recommend standard land contamination condition.

5.11 Merebrooks (Contamination Consultant)

- Submitted report deals with part 1 only
- Standard condition required for parts 2-5

5.12 Arboricultural Manager

No objection:

- All recommendations relating to tree protection measures contained within the tree survey document should be conditioned and installed prior to commencement of development.

5.13 KCC Archaeology

- The area lies within an area of archaeological potential associated with its position on the edge of a shingle bank which developed in the later pre-historic period through long-shore drift.
- 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.
- This settlement is considered to have developed as an early medieval port, with a mint.
- During the medieval period its importance increased and it became one of the original five Cinque Ports. It expanded further as an important medieval market town and harbour.
- The site lies to the north of the historic core of medieval New Romney.
- Nearby archaeological excavations have revealed evidence for a late thirteenth century building and a fourteenth century occupation on land immediately to the north east.
- The DBA by the CgMs suggests that the proposed development site has a high potential for medieval settlement remains as well as evidence for enclosure drainage ditches. I agree with this assessment. These remains are likely to be of local importance and possibly regional significance.
- A condition (pre-commencement of development) requiring a programme of archaeological evaluation and investigation should be attached to any grant of permission.

5.14 KCC Public Rights of Way Officer

No objection:

- The travel plan and Transport Assessment provide details of the importance of walking and cycling as alternative transport methods to the car, but the Design and Access Statement does not detail the locations of the proposed pedestrian and cycle routes within the site.
- Providing shared surfaces to provide pedestrian friendly environments and reduce traffic speeds is not in accordance with Kent Design Guidance.
- The D&A statement states the masterplan will create routes to encourage walking and cycling and footways to provide priority to pedestrians and cyclists. This will help to facilitate safe and easy pedestrian and cycling movement through the development.
- We support these objectives but ask that pedestrian and cycling routes are provided in traffic free areas of green corridor or open space.
- To improve accessibility of the site to the nearby school we ask a pedestrian route is provided along the southern boundary of the site.
- Recommend conditions/ informative requiring no furniture to be erected on the public right of way, no disturbance of the surface of the public right of way, no hedging/ shrubs within 1.5m of the public right of way. Also remind applicant that planning permission does not give right to divert a public right of way and no traffic regulation order will be granted

to permanently divert the public right of way unless a diversion order has been made and confirmed.

- Ask for pedestrian access to be considered at detailed stage

5.15 Southern Water

No objection:

- No development or new tree planting should be located within 3 metres either side of the external edge of the foul sewer.
- No new soakaways should be located within 5 metres of a foul sewer.
- All existing infrastructure should be protected during the course of construction works.
- It is possible that a sewer deemed to be public could be crossing the land. The applicant is advised to discuss this with Southern Water.
- Our initial investigations indicate that Southern Water can provide foul sewerage disposal to service the proposed development.
- Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water are required. This should not involve disposal to a public foul sewer.
- The application makes reference to drainage using a Sustainable Urban Drainage System (SUDS). SUDS are not adoptable by sewerage undertakers. Therefore the applicant will need to ensure long term maintenance.
- Request a condition requiring details of foul and surface water disposal to be agreed.

5.16 Housing Strategy Manager

- We would expect this development to provide onsite delivery of 30% affordable housing (60% affordable rent and 40% shared ownership) with the units being delivered by an affordable housing provider approved by the Council.
- The units should be spread throughout the site in locations to be agreed and to an agreed phasing. We would like to explore options for implementing a local lettings plan to give priority to people with a local connection to New Romney.

5.17 South Kent Coast Clinical Commissioning Group

Our request would remain the same in terms of value as for the previous application Y14/1411/SH.

The strategic plan for New Romney is still emerging, however it is likely that re-location of primary care will form part of the development being planned on the Marsh Academy site. The current primary care estate in New Romney is somewhat limited in terms of the development opportunities which would be required in order to mitigate the impact of additional housing in the area. The two practices in New Romney currently serve a combined list of c.

13,000 patients, however their premises are considered to be under-sized for the existing population. Work is beginning on finding a solution to the lack of capacity in the area, and one solution is to extend the current 'hub' proposal which has received NHS funding to include primary care. This could see both practices re-locate to purpose built facilities, being co-located with the minor illness hub which is currently moving through the NHS approvals process.

The current GP premises are a combined 481.5 sqm undersized for the existing patient population (based on NHS E guidelines), the increase in population from the housing development at All Saints Garden Centre will increase the patient list size by approx. 270, which would increase the physical space required by 22 sqm (equivalent of one additional consulting /clinical room plus waiting area/circulation space). Any funding secured through S106 applications in this area will likely be directed towards the development of the primary care phase in order to serve the future population of New Romney and enable resilient services to be provided for the future. The total overall cost of the primary care facility to serve New Romney is likely to be in the region of £4.1m.

5.18 KCC Economic Development

The development will have an additional impact on the delivery of services which require mitigation through either direct provision of infrastructure or payment of financial contributions.

Request Summary

	Per Applicable House (x 117)	Per applicable flat)	Total	Project
Primary Education	£3324.00	£831	£388,908.00	Towards Greatstone Primary School expansion
Secondary Education	Currently no Secondary requirement			

'Applicable' excludes 1 bed units of less than 56 sqm GIA.

	Per Dwelling	Total	Project
Community Learning	£21.08	£2465.95	Towards additional services, equipment and staff in New Romney
Youth Service	Currently no requirement		
Library Bookstock	£48.02	£5617.85	Towards additional bookstock for the new borrowers generated by this development at New Romney Library
Social Care	£73.87	£8642.79	Towards neighbouring Romney Marsh Day

			Centre and Rehabilitation Unit
	2 Wheelchair Adaptable Homes as part of the on site affordable homes delivery		
High Speed Fibre Optic Broadband connection:	INFORMATIVE: Kent County Council recommends that all developers work with a telecommunication to make sure that Next Generation Access Broadband is a fundamental part of the project.		

6.0 PUBLICITY

6.1 Neighbours letters expiry date:

The application has been the subject of three rounds of consultation expiring 19th January 2018, 27th June 2018 and 16th August 2018.

6.2 Site notice expiry date 31st January 2018.

6.3 Press notice expiry date 1st February 2018.

7.0 REPRESENTATIONS

7.1 Representation 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:

7.2 13 letters have been received have been received from neighbouring residents following three rounds of consultation. The letters received are from nine different residents in total and include comments from Rolfe Lane and Area Residents Association.

Their comments can be summarised as follows:

- Increase in traffic/ existing traffic concerns on Rolfe Lane and Cockreed Lane – both narrow and not suitable
- Existing problems with parking/ passing in area due to parked cars
- Proposed access is on fast part of road, alternative access should be considered
- Access from Ashford Road onto A259 is already difficult – accidents have occurred, will become worse
- Concerned about pedestrian and cyclist safety especially at night time
- KCC Highways and Transformation have not considered the impact on Rolfe Lane
- The root problem of the highway problems is the link road across the new estate – it was the key element of the development for traffic management

- Ashford Road's access to the High Street narrows to 6 yards meaning that two cars side by side are very close together.
- Cars currently mount the pavement when turning left into the High Street and the pavements are narrow
- Will result in gridlock
- Ashford Road is poorly lit
- Road users leave rubbish behind
- Driveways used for turning and passing
- Road sweepers/ bin lorries struggle to get down road
- Traffic survey 3 years out of date
- Should HGVs be allowed to use Ashford Road at all other than for access?
- The proposed TRO for Fairfield Road will be an improvement but the impact on Rolfe Lane will be significant and action should be taken to improve the poor access through the lane
- Action should be taken regarding parking in Fairfield Road making it one way in the day
- Parking should be provided for the day centre
- Drains blocked and full of debris
- The site/ adjoining roads floods
- Would cause severe flooding to neighbouring properties
- Development might cause subsidence
- High unemployment in the marsh – will have to travel further for work
- Local infrastructure is not able to accommodate the extra number of people, particularly doctors and schools especially in combination with neighbouring development
- Need 20mph signs around school and double yellow lines
- Trees overhang footpath and road
- Seems like everything is closing in on this overcrowded village
- All of the buses have nearly been taken away
- Please do not build on the field with the horses in
- The application should not be considered in isolation but take into account the 35 objections to the previous application on the site
- Many of the documents submitted are updated versions of 2014 documents – out of date
- No communication with the public since 2014
- Policy CSD8 requires development to link with two other developments under construction. Application should not proceed until link road can be realised.
- These developments were meant to have been coordinated but have been piecemeal
- The sites will not be linked in terms of providing existing residents with new open space
- Poor public transport to Ashford which is an employment hub for villagers
- Request application is considered by the secretary of state
- The site is sheep pasture, sheep farming is an essential part of the heritage of Romney Marsh
- Is a rural area

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, HO1, LR9, LR10, BE1, BE16, CO1, CO5, CO11, U2, U4, U10a, TR11, TR13
- 8.3 The following policies of the Shepway Local Plan Core Strategy apply:
DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD3, CSD4, CSD5, CSD8

Shepway Local Plan Core Strategy 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 established grain of the settlement in line with the place-shaping principles 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.

8.4 The following Supplementary Planning Documents apply:

- Affordable housing SPD

8.5 The revised National Planning Policy Framework (NPPF) was published on 24th July 2018. 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

56 – Planning obligations

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

Chapter 5 Rural Housing

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

Chapter 8 Promoting healthy and safe communities

94 – Sufficient choice of school places

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

Chapter 11 Achieving appropriate densities

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

165 – Major developments should incorporate SUDS

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

9.0 APPRAISAL

Background

- 9.1 As outlined in the planning history section, this site (as part of a wider site) has already been considered by the planning committee back in October 2015. The previous application (application reference Y14/1411/SH) sought outline planning permission for the same development (up to 117 dwellings and associated infrastructure) as the current application (albeit on a smaller site) with the key difference being that all matters were reserved for future consideration and that the site included the playing field to the north-east of the current application site. 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 development site to the north-east of the playing field. The masterplan vision for the access road was in accordance with part C of Core Strategy Policy CSD8 which 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.'

In addition, the previous application proposed the loss of part of the adjoining playing field and the provision of upgraded sports facilities. The Development Control Committee resolved to grant planning permission subject to the signing of a S106 agreement. This agreement has never been fully progressed due to lease issues with respect to the playing field part of the former site. The previous application, had it been granted planning permission, would have been required to connect to the neighbouring development road at an appropriate point in time.

Relevant Material Planning Considerations

- 9.2 Due to the site being identified within the Core Strategy as suitable for housing development within the 'broad location' the principle of development is acceptable. However, a key consideration is how compliant the proposal is with the aims of policy CSD8.
- 9.3 In deciding to include this site within the broad location, the site was considered to be a sustainable option when compared with other possible locations within the District and a sustainability appraisal of the Core Strategy was undertaken. Whilst the site is outside of any recognised settlement boundary, it is adjacent to the New Romney settlement boundary and forms a natural extension. New Romney is identified as a Strategic Town in the Core Strategy Local Plan where it is identified as being suitable for expansion from its current built limits. Table 4.2 linked to policy SS3 of the Core Strategy Local Plan states that the role/ status of Strategic Towns is to "accommodate significant development – in so far as consistent with maintaining historic character – appropriate to the needs of their wider hinterlands in Shepway, and maintaining the viability of their local transport hubs, Town Centres and higher-order tourism, employment and public services." In addition, the site is considered to be in a sustainable location, within walking distance of key services, facilities and shops. The NPPF has a presumption in favour of sustainable development. This means in terms of economically, socially and environmentally. These issues are discussed in further detail throughout this appraisal. However, the site is generally considered to meet these principles, hence why it was put forward as a broad allocation site within the Core Strategy Local Plan. The proposal clearly provides economic benefits through the creation of jobs during the construction and an increase in population to use local services and businesses. It is also considered to be socially sustainable by providing homes in order to meet the housing needs of the area and providing other benefits such as open space and contributing to improvements to existing services and facilities. The development site is also considered to be environmentally sustainable being in close proximity to the settlement boundary and in walking distance of the centre of New Romney.
- 9.4 The other material considerations in determining this application are, highway safety and convenience, flood risk, ecology/ biodiversity/ arboriculture impacts, amenity, visual impact/ density, archaeology, contamination and developer contributions/ impact on local services/ facilities.

Conformity with Core Strategy Policy CSD8

- 9.5 Policy CSD8 is a wide reaching policy with many aspirations. In respect of this site and the broad location allocation, it requires the following aspects to be incorporated into the design of the broad location site;
- 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.*
- 9.6 This site, combined with the site to the north-east of the playing field (Land Opposite Dorland) and the former New Romney Potato Company site would provide around 290 dwellings. It is likely that a further development may come forward on the former garden centre site boosting housing numbers further. In addition the applicant has agreed to provide 30% affordable housing on site and a range of unit sizes. The application is considered to be fully compliant with this aspect of the policy.
- 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.*
- 9.7 It is unfortunate that this proposal has come forward separate from the land to the north-east containing the existing playing field. This means that currently some of the aspirations of the policy cannot be met, including improved pedestrian/ cycle links to the town centre through the central area of the development. It is clear from the application documents why the applicant has chosen to submit this application and exclude the land to the north-east and whilst it would be preferable for the playing field to have been included in the application, it also is not ideal to prevent the development of this site and the housing from coming forward due to delays on the adjoining land. Waiting for this land to come forward could impact on the Council's ability to maintain a 5 year housing land supply.
- 9.8 Whilst the site as proposed would fail to meet the overall aspirations of this part of policy CSD8, there would still be opportunities to provide safe and attractive walking and cycling routes within this development at the reserved matters stage. The applicant has also made clear that they are willing and would also like to enable the site to be able to connect through to the land to the north-east at a later date should this become possible. As such, should Members wish to grant planning permission for this scheme, a condition can be applied requiring the spine road to be connected to the neighbouring 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.*
- 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 paragraphs regarding point b. above are relevant to this as well.

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.

9.10 As with the proposed links to the neighbouring site, this is currently out of the control of the applicant. Whilst approval of this application may be a lost opportunity to seek these improvements, it is not reasonable to withhold planning permission for the erection of up to 117 dwellings that will make a significant contribution to meeting the area's housing need. It should be noted that the site to the north-east of the playing field, which is currently being developed, also did not make provision towards this.

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.

9.11 The application has been accompanied by an archaeological desktop study. This concludes that the development has the potential to impact on buried remains. It advises that when more detail of housing type and design is available, a further study is carried out to assess this.

9.12 KCC Archaeology have commented on the application and also recognise the likely high potential for medieval settlement remains as well as evidence for enclosure drainage ditches and that the remains are likely to be of local importance and possibly regional significance. They are, however, content that this should not preclude development of the site and that a pre-commencement condition requiring a programme of archaeological evaluation and investigation would sufficiently safeguard any remains. As such, the proposal is considered to be compliant with this part of the policy.

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.

9.13 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 SFRA in 2115, with small areas identified as being at low risk and a smaller area at moderate risk. As the proposal reserves layout for later consideration this can be considered further at that stage. The density would allow for the small area of moderate flood risk to be avoided. It is also possible to design in visual and nature conservation enhancements as part of the reserved matters application.

g. Appropriate off-site mitigation measures must be identified, including to ameliorate highway impacts and manage drainage demands.

9.14 Off-site highway mitigation measures have been identified and agreed by Kent Highways as suitable and appropriate to mitigate against the additional traffic generated by this proposal. These include:

- Completion and maintenance of the junction improvement for the junction of Ashford Road / The High Street
- Completion and maintenance of the improvements to the build outs on Fairfield Road
- Implementation of a Traffic Regulation Order prohibiting on-street parking on Fairfield Road in the form of double yellow lines
- £131,000 contribution towards capacity and safety improvements to the junction of the High Street / Station Road.
- £70,000 towards the travel plan and cycle voucher.

9.15 These would all be secured by way of either planning condition or included within the legal agreement as appropriate. See highway safety section for more detail.

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 previous application on this 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.

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.

9.17 As this application is outline with all matters reserved (except for means of access) this is a matter that can be addressed at the reserved matters stage.

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.

9.18 A draft S106 agreement has been written and includes a suite of contributions towards improvements including:

- £131,000 contribution towards capacity and safety improvements to the junction of the High Street / Station Road.
- £70,000 towards the travel plan and cycle voucher
- £80,496 toward High Street realm improvements
- 388,908 towards primary school education
- £68,922.56 towards healthcare
- £2465.95 towards community learning
- £18,977.10 towards improvement off site open space facilities at Fairfield Road Recreation Ground and
- The provision of on open space on site (including play space)

9.19 To conclude, the application is clearly not fully in compliance with the aims and aspirations of Policy CSD8. However, for the reasons explained above, this is out of the control of the applicant. Whilst it is disappointing to see this site come forward without being able to incorporate all of the aspirations the Council had for this broad location site, the application offers a significant amount of on-site and off-site benefits to existing and proposed residents and visitors including improvements to the public realm of New Romney High Street, improvements to road junctions in the area and improvement of the Fairfield Road recreation ground. In addition, the exclusion of the land to the north-east of the site from this application does not prevent the possibility of this land becoming available at a later date and a link being provided through to that site. If Members were to resolve to grant planning permission for this development, Officers would recommend a condition requiring the development to make provision to connect with the neighbouring site should that come forward at a later date. A similar condition was used on the approval for the site to the north-east of the playing field. On balance, it is considered that the inability of the site to connect with the wider broad location site and not being able to provide the playing field space is not in itself a barrier to achieving the overall aims of the broad location allocation. The benefits that would arise from the development of the site would outweigh these concerns and the development of the site still represents sustainable development in accordance with the NPPF.

Housing Need

9.20 The adopted Core Strategy Local Plan (2013) sets out the housing delivery requirement of 7,000 dwellings for the district until 2026, which equates to a

minimum of 350 dwellings a year, with a target of 8,000 (400 per year). Since the Core Strategy Local Plan was adopted the District Council has undertaken work to update the Strategic Housing Market Assessment (SHMA) in 2016/2017 to inform a review of Council's planning policies through the Core Strategy Review, to ensure they are up-to-date and in conformity with the NPPF

(Strategic Housing Market Assessment Part 1 – Objectively Assessed Need):

https://www.shepway.gov.uk/media/4474/Strategic-Housing-Market-Assessment-2017/pdf/2017_08_08_Final_SHMA_Pt1.pdf

- 9.21 Regarding progress towards meeting the 2013 Core Strategy target, over the period 2006/07 to 2017/18 the total plan requirement is for a net additional 4,200 dwellings (12 years at 350 dwellings a year). Over this period the total number of homes delivered was 3,820, an undersupply of 380 homes. However, this largely reflects a reduction in housing completions following the recession. The Council's housing land supply equates to 5.73 years against the adopted plan requirement of 350 homes per year.
- 9.21 In recent appeal decisions, Inspectors have increasingly been concluding that housing need carries enough weight for a development to be permitted even where a local authority can demonstrate a five-year supply of housing land, as required by paragraph 49 of the NPPF. The Secretary of State called-in an appeal in Cherwell (ref: APP/C3105/A/14/2226552) and allowed permission for 54 homes where the application had been refused on the grounds that Cherwell could demonstrate a 5 year housing supply and their neighbourhood plan resisted developments larger than 20 homes. However, the Secretary of State responded stating the following: *"The proposal would be sustainable development and paragraph 187 of the Framework states that decision takers should seek to approve applications for sustainable development where possible."*
- 9.22 A further appeal in Shropshire (ref: APP/L3245/W/15/3001117) saw 215 homes allowed outside the settlement boundary on the grounds that the proposal constituted sustainable development and generally accorded with the development plan. The Inspector identified that they could demonstrate a healthy 5 year housing land supply but also conceded that: *"the existence of a 5YHLS is no impediment to the grant of permission for the development in view of the foregoing conclusions in its favour."*
- 9.23 There are examples where national housing need rather than that of the local housing market area has been cited as a reason for approval. For example, in February 2016, the Secretary of State upheld the conclusions of an Inspector who allowed 605 homes at Ashby-de-la-Zouch in Leicestershire (ref: APP/G2435/A/14/2228806). North West Leicestershire was able to demonstrate a five-year supply of housing land, but the Secretary of State noted that his decision was supported by the fact that *'local planning authorities must also plan for housing supply beyond the five year period, [and] that there is also a current national imperative to boost the supply of housing'*.

9.24 These appeals are evidence that the existence of a 5 year housing land supply, does not preclude new sustainable development as the NPPF seeks to significantly boost the supply of housing and approve applications for sustainable development where possible. Therefore, although this current scheme does not meet all the requirements of CSD8, as set out above, the reason for this is outside the applicant's control and it is considered that this is outweighed by the need to bring forward the development of the 117 dwellings that the application would provide for.

Highway Safety

9.25 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 current application from Ashford Road, opposite the pumping station with a secondary access from Cockreed Lane for emergency use only. 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.

9.26 The application has been supported by a detailed Transport Assessment (TA), Travel Plan and road safety audit. Since the submission of the application, discussions have been ongoing with Kent County Council Highways and Transportation to ensure that the loss of the spine road from the scheme (that would have given the option for vehicles to enter and exit the site from both Ashford Road and Cockreed Lane), does not result in unacceptable traffic flows to Cockreed Lane and Rolfe Lane, which due to their width and lack of passing places are unsuitable to serve the extra volumes of traffic that would arise as a result of this development.

9.27 Kent County Council Highways and Transportation undertook a mapping analysis and timed site visits out of the proposed access to the junction of St Marys Road and Dymchurch Road. These areas were concentrated on as they would likely be used for travelling to locations in a north-easterly direction from the site along the A259 such as towards Dymchurch, Hythe and Folkestone that would potentially have used Cockreed Lane (albeit further up from the access to the site to the north of the playing field) should the link road have been in place. This exercise has demonstrated that the quickest route from the application site up to the A259 junction with St Mary's Road is via Fairfield Road. Due the alignment of both Rolfe Lane and Cockreed Lane, vehicles are unlikely to travel along these roads to access the A59. As a result of this exercise Kent County Council Highways and Transformation recommended a number of parking restriction mitigation measures at key junctions including:

- Junction of Fairfield Road/ Mabledon Close
- Junction of Fairfield Road/ Ashford Road
- Junction of Fairfield Road/ George Lane
- Junction of Fairfield Road/ Craythorne Lane

- Two existing traffic calming build outs on Fairfield Road formalised through the provision of signage and road markings (double yellow lines).
- 9.28 Plans have been submitted showing these improvements and Kent County Council Highways and Transportation are content with the measures proposed. They essentially introduce traffic calming through signage giving priority to vehicles from the north of Fairfield Road near the junction with Cannon Street and priority to vehicles from the south near the junction of Fairfield Road with Oak Lodge Road and the provision of double yellow lines.
- 9.29 At the four junctions with Fairfield Road mentioned above, drawings have been submitted showing improved visibility splays by introducing parking restrictions to ensure the visibility splays are kept clear.
- 9.30 All of these measures would need to be formally applied for by the developer through the Traffic Regulation Order (TRO) process. A contribution will be agreed by Kent County Council Highways and Transportation and the applicant and formalised through the legal agreement to fund the application for the TRO. Once the TRO measures are approved and prior to any houses being occupied, the developer would be required to build out the measures. It is possible that following consultation with the local community the TRO measures could be refused by the County. However, if this were to occur, a fallback position would be included in the legal agreement to require the developer to pay KCC Highways and Transportation the monies to carry out the mitigation measures under their duty to maintain the safety and usability of the road.
- 9.31 In addition to these measures, contributions were sought during the previous application on this site to make improvements to other junctions in the area. These related to:
- Capacity Improvements to Station Road/High Street (secured via contribution)
 - Ashford Road/High Street Junction (secured through a condition requiring developer to carry out works, TRO not required)
 - A new footpath along Ashford Road linking the site with the existing footpath along Ashford Road (secured through a condition requiring developer to carry out works, TRO not required)
- 9.32 All of these improvements sought under the previous application are also being sought under this application and would be secured via a combination of the legal agreement and conditions. As such, 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 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.

- 9.34 The site is well located in terms of walking and cycling access to the High Street where bus services to several towns and service centres within the area can be readily accessed.
- 9.35 To conclude, the proposed access to and from the site is considered to be safe with acceptable visibility splays. The proposal would result in additional traffic movements within the surrounding roads, however, the mitigation measures would ensure that the proposal would not result in significant highway impacts to warrant refusal of the application.

Flood Risk

- 9.36 The site is identified as being within Flood Zones 2&3 as depicted on the Environment Agency's flood maps. Within the Council's Strategic Flood Risk Assessment (SFRA) the majority of the site is shown to be at no risk from flooding in 2115 with small sections at low and moderate risk.
- 9.37 The application details that a SUDS scheme would be employed on site to address existing and post development surface water and shows the provision of two pond areas located along the eastern boundary. The submitted Flood Risk Assessment (FRA) concludes that with the provision of a suitable SUDS scheme, surface water flooding would not increase on site or result in an increase in surface water flooding around the site.
- 9.38 Policy SS3 of the Core Strategy requires new development to be directed towards sustainable settlements. As explained earlier in this report, New Romney has been identified as suitable for growth as a Strategic Town. In respect of flood risk, Core Strategy policy SS3 states "For development located within zones identified by the Environment Agency as being at risk from flooding, or at risk of wave over-topping in immediate proximity to the coastline (within 30 metres of the crest of the sea wall or equivalent), site-specific evidence will be required in the form of a detailed flood risk assessment. This will need to demonstrate that the proposal is safe and meets with the sequential approach within the applicable character area of Shepway of the three identified, and (if required) exception tests set out in national policy. It will utilise the Shepway Strategic Flood Risk Assessment (SFRA) and provide further information. The Core Strategy recognises that development within the Romney Marsh is necessary (suggesting in the region of 800 dwellings within the plan period) to avoid stagnation of growth. The NPPF requires plans to apply a sequential, risk based approach to the location of development. The Core Strategy was sequentially tested and sites were identified via the Strategic Flood Risk Assessment hazard maps. The land within the Broad Location was considered sequentially suitable for residential development within this Romney Marsh character area. Further development within the Romney Marsh will be allocated in accordance with the Sequential Test via the Folkestone and Hythe Places and Policies Local Plan that is at an advanced stage in its preparation. As such and in accordance with the NPPF and the National Planning Policy Guidance

(NPPG), 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.

9.39 As the development is located within Flood Zones 2&3 as depicted on the Environment Agency flood maps and includes 'more vulnerable' development, it is necessary to apply the exceptions test. The exceptions test states that in order to grant planning permission or allocate a site;

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

9.40 As was the case when this matter was considered by Members back in 2015, it is considered that this site meets the requirements of the exception test. Firstly, the site has wider sustainability benefits – the site (along with other land) was identified as a broad location to provide sufficient housing in order to meet the Council's requirements for housing land supply. Policy CSD8 of the Core Strategy provides for additional housing in this broad location in order to bring forward and support other wider sustainability benefits to the area and seeks to develop New Romney as a residential, business, service, retail and tourist centre for the Romney Marsh. Secondly, it is considered that the development could be made safe for its lifetime provided mitigation measures as submitted within the Flood Risk Assessment are provided. The Environment Agency's comments are set out in section 5 of this report. These raise no objection provided the necessary mitigation measures are included, such as a ground finish floor level of at least 3.2 ODN with all sleeping accommodation to be set at first floor level and the incorporation of flood protection measures. In addition, subject to a SUDS scheme being implemented, which can be required by condition the proposal would not increase flood risk elsewhere. As such, the development is considered to pass the exceptions test.

9.41 In addition, Romney Marshes Internal Drainage Board and KCC as the lead flood authority have not raised objection to the proposal subject to a suitable SUDS scheme being employed.

9.42 With regard to foul drainage, the applicants intend to connect to the main sewers in the area. Southern water have a legal requirement to ensure this is possible and the infrastructure is in place to ensure this.

9.43 It is considered that subject to appropriate conditions as requested by the Environment Agency and Southern Water, the proposed development meets with Policy SS3 of the Shepway Core Strategy Local Plan and the NPPF with regards to flood risk.

Ecology/ biodiversity/ Arboriculture

- 9.44 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. Natural England also confirms that the proposal would not have an unacceptable impact on the SSSI of the same name.
- 9.45 The application site has been identified as having populations of the following protected species and habitats present:
- Small population of Great Crested Newts
 - Low numbers of grass snake
 - Low numbers of foraging bats – at least 4 species recorded.
 - Trees contained suitable features to be used by roosting bats – all will be retained at this stage
 - Foraging/breeding birds present on site
 - Badger sets
- 9.46 Saved policy CO11 of the Local Plan explains that planning permission will be refused for development if it is likely to endanger plant or animal life (or its habitat) protected under law. KCC Ecologists have reviewed the submitted ecology and specific species reports. They consider that the hedgerows on site provide the greatest ecological interest on the site currently and are satisfied that the proposed development can retain its ecological interest due to the creation of open space, the planting of additional hedgerows, creation of swales and the retention/enhancement of the site boundaries.
- 9.47 KCC Ecologists have also reviewed the submitted badger survey and are satisfied with the conclusions that if sett 2 is active (there is no conclusive evidence of this) it can be retained on site. The Ecological Officer recommends a condition requiring an updated badger report/mitigation strategy as usage of a site can change quite substantially over 3 or 4 years.
- 9.48 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The development includes the creation of an area of open space, however, detailed landscaping matters are deferred for future consideration but can be incorporated into the scheme.
- 9.49 It is considered that there is a need to ensure that these enhancement measures will be managed appropriately to benefit biodiversity. The creation of any SUDS scheme has potential to provide ecological benefits as well as

drainage benefits and its design should have full consultation with an appropriately qualified ecologist, secured as a condition requiring the submission of a Landscape and Ecological Management Plan.

- 9.50 The site is neither within a conservation area nor has any trees the subject of a tree preservation order (TPO). The application was accompanied by a detailed arboricultural assessment which shows there are no trees on the site of high value; 1 individual tree and a group (7) of trees of moderate value; and 5 individual trees and a group of 17 trees of low value. The arboricultural assessment explains that the proposed development (although outline at this stage) would not result in any significant tree loss as the built development would be central within the site and the tree cover is to the fringes of the site and that most of the existing trees would be incorporated into the final scheme. As such, the proposal would not result in any significant impact to existing trees.
- 9.51 To conclude, the scheme is considered to comply with the aims of the NPPF and policy CO11 of the adopted Local Plan and, with appropriate mitigation, would not result in harm to protected species on the site. In addition the provision of on-site open space will limit recreational pressure on the Dungeness, Romney Marsh and Rye SPA and Ramsar sites.

Amenity

- 9.52 Policy SD1 of the Shepway District Local Plan Review and the NPPF (paragraph 17) require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development.
- 9.53 The residential properties most affected by the proposed development would be those in Rolfe Lane where their gardens back onto the site and the properties within Cockreed Lane that are opposite the site. At the reserved matters stage, a detailed assessment will be made of the inter-relationship of proposed dwellings to existing dwellings including issues relating to outlook, light, privacy and screening
- 9.54 The direct impact upon surrounding residential amenity will, however, be limited as it is possible to design the layout to avoid impacts on existing and proposed amenity by designing the scheme to avoid overlooking, overshadowing and overbearing impacts. However, impacts from increase in traffic and general noise and disturbance will arise. Mitigation measures have been put in place to limit the impact on the surrounding road network and any noise/ disturbance issues would be contained to normal residential standards and would not be significant enough to warrant refusal of the application.
- 9.55 The applicants have undertaken an Air Quality Assessment to assess the impact of the proposed development on air quality. The Assessment concludes that the greatest impact on air quality from the development would be from car fumes, however, this impact would not be significantly detrimental.

9.56 As such, it is considered that a scheme can be successfully designed based on the housing numbers proposed in this outline application without having an unacceptable impact on amenity.

Visual impact/density

9.57 The 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 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. The Romney Marsh Local Landscape Area covers a significant area and the site is on its fringe.

9.58 The detailed layout and design of the site 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 proposed houses and how this will impact and interact with the wider setting. However, it is known that the site would provide up to 117 dwellings at a density of approximately 38 dwellings per hectare which allows for green areas and open space and sufficient landscape buffers. As such, it is considered that it is possible to design a layout and scale of development that would be sensitive to the semi-rural location that incorporates suitable landscaping and green areas ensuring that the new buildings are assimilated sensitively into the existing local environment.

9.59 It is accepted that the wider setting of the countryside and local landscape area will be altered as a result of the proposed 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. However, the impact can be mitigated by a sensitively designed scheme and appropriate landscaping and is outweighed by the social and economic needs to provide sufficient housing and maintain a 5 year housing land supply in accordance with policy CSD8 of the Core Strategy and the NPPF.

Archaeology

9.60 The application site falls within an area of archaeological potential and as such is considered to be a non-designated heritage asset in accordance with the definition within the NPPF. The NPPF requires local planning authorities to require a desk-based assessment to accompany planning applications affecting sites with archaeological interest. The application was supported by a desk based assessment assessing the likely degree of heritage potential on the site. The desktop assessment concluded that the site has a high potential for medieval settlement remains as well as

evidence for enclosure drainage ditches and that these are likely to be of local or possibly regional significance. 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 pre commencement condition requiring a programme of archaeological evaluation and investigation should be attached to any grant of permission.

Contamination

9.61 The Council's contamination consultants have been consulted on the phase 1 land contamination assessment and consider the report acceptably addresses the requirements of stage 1. They recommend further work will be required but that this can be addressed via the standard land contamination condition.

Developer contributions/ Impact on local services/ facilities

9.62 The proposal would result in the provision of additional housing which would lead to additional pressure on existing services and facilities within Romney Marsh. The site, being located within the broad location, is CIL exempt in accordance with the CIL charging schedule (see finance consideration section). As such, any impacts from the development need to be mitigated by way of conditions and/ or a contributions or provision of mitigation through a S106 agreement.

9.63 The NPPF at paragraph 57 states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. Policy CSD8 of the Core Strategy is up to date and requires the provision of 30% affordable housing and off site mitigation measures including contributing to the public realm for New Romney High Street including providing additional crossing points in the High Street to increase the ability of shoppers and visitors, 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 and contributions towards skills/ training in Romney Marsh area.

9.64 The application was accompanied by a draft heads of terms which included the provision of 30% affordable housing, the provision of on-site open space and maintenance of the open space. During the processing of the application, a wide variety of further mitigation measures and contributions have been sought and agreed by the applicant. These are as follows:

Provision/ contribution	Amount
Provision of 30% affordable housing (60% rented affordable and 40% shared ownership)	N/A

Community learning contribution - towards the cost of additional services equipment and staff in New Romney	£2465.95
Healthcare contribution - towards the cost of improvements to local health service facilities at Oak Hall Surgery and/or Church Lane Surgery,	£68,922.56
High Street improvements - contribution improvements to New Romney High Street to include but not limited to aesthetic improvements such as painting, planters, safety railings in the town colours with the town crest, town signs, pedestrian crossings, replacement benches, bins and repairs to civic buildings	£80,496
High Street/Station Road Improvement Works - the reconfiguration and alterations of the existing High Street/Station Road/Church Road/Dymchurch Road signalised junction , all necessary civil/road works required for the construction of an improved signal junction involving converting the Church Road arm of the junction into an entry only from the signalised junction, as opposed to the current exit only arrangement, remodelling of the kerb/line in between the High Street and Church Road arms of the junction and to move the stop line of the High Street arm of the junction further west to reduce inter green times., associated drainage, kerb works, footway and carriageway construction, street lighting, signage, resurfacing and marking works to the affected carriageway and public footpath areas within High Street/Station Road/Church Road/Dymchurch Road and any works required to protect or divert associated statutory utilities and plant which enables "traffic works" to be implemented	£131,000.00
Library contribution - towards additional bookstock for borrowers at the New Romney library	£5617.85
Playing field contribution - towards improving off site open space facilities at Fairfield Road Recreation Ground	£18,977.10
Primary education contribution - towards the cost of providing new local primary school accommodation at Greatstone Primary School	£388,908.00
Social Care Contribution - toward the cost of providing expanding or improving adult social care service facilities by or improving adult social care services by providing additional services and staff at Romney Marsh Day Centre and Rehabilitation Unit	£8642.79
Travel Plan and Cycle Voucher Contribution	£70,000.00
Payment of TRO fee	Amount to be confirmed
Provision/transfer of open space to management company	N/A

9.65 As can be seen from the table above, a wide range of developer contributions have been agreed to by the applicant. The provision of 30%

affordable housing is policy compliant meeting the requirement of policy CSD1 of the Core Strategy. The improvements to the public realm of New Romney High Street and highway improvements as well as off-site mitigation measures to ameliorate highway impacts are in accordance with policy CSD8 of the Core Strategy

9.66 The development also proposes open space and play space on site and therefore addresses the requirements of policy LR9 and LR10 of the Local Plan. However, the proposed amount of open space would result in an under-provision of open space in accordance with draft policy C3 of the Places and Policies Local Plan of 0.104 hectares. This translates into an off-site commuted sum payment of £18,977.10 which is to be secured via a S106 agreement in order to comply with draft policy C3. This would pay for improved facilities at Fairfield Road recreation ground. The management and maintenance of the open spaces and play spaces can be controlled and delivered by a S.106 agreement.

9.67 NHS England has been consulted and have responded to confirm that the surgeries within the vicinity of the application site, would require extension, refurbishment and/or upgrade in order to provide the required capacity. The CCG has advised that the strategic plan for New Romney is still emerging, however it is likely that re-location of primary care will form part of the development being planned on the Marsh Academy site. The current primary care estate in New Romney is somewhat limited in terms of the development opportunities which would be required in order to mitigate the impact of additional housing in the area. The two practices in New Romney currently serve a combined list of c. 13,000 patients, however their premises are considered to be under-sized for the existing population. Work is beginning on finding a solution to the lack of capacity in the area, and one solution is to extend the current 'hub' proposal which has received NHS funding to include primary care. This could see both practices re-locate to purpose built facilities, being co-located with the minor illness hub which is currently moving through the NHS approvals process. Any funding secured through S106 applications in this area will likely be directed towards the development of the primary care phase in order to serve the future population of New Romney and enable resilient services to be provided for the future.

9.68 KCC has requested contributions to mitigate against the impact of the development in terms of primary school education, community learning, library bookstock and social care.

9.69 To conclude, given the contributions that have been agreed to by the applicant the development is considered to fully comply with the aims of policies CSD1 and SS5 of the Core Strategy and the paragraph 57 of the NPPF.

Environmental Impact Assessment Regulations 2017

9.70 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(b) urban development projects which state:

- (i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or
- (ii) The development includes more than 150 dwellings; or
- (iii) The overall area of the development exceeds 5 hectares.

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

Local Finance Considerations

9.71 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.

9.72 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. However, the adopted charging schedule makes an exemption for applications within areas of broad location as it was considered that, due to their scale, it would be more appropriate to deal with any impacts by way of S106 contributions. As such, this development would not be liable for CIL levy.

9.73 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. Under the scheme the Government matches the council tax raised from new homes for the first four years through the New Homes Bonus. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £158,973 (includes £10,080 Affordable Homes premium) for one year and £635,892 (includes £40,320 Affordable Homes premium) for 4 years and calculated on the basis of council tax Band D average dwellings. Due to the outline nature of the application, this calculation has had to be made on the basis that 117 dwellings will come forward. New Homes Bonus payments are not considered to be a material consideration in the determination of this application.

Human Rights

9.74 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.

9.75 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).

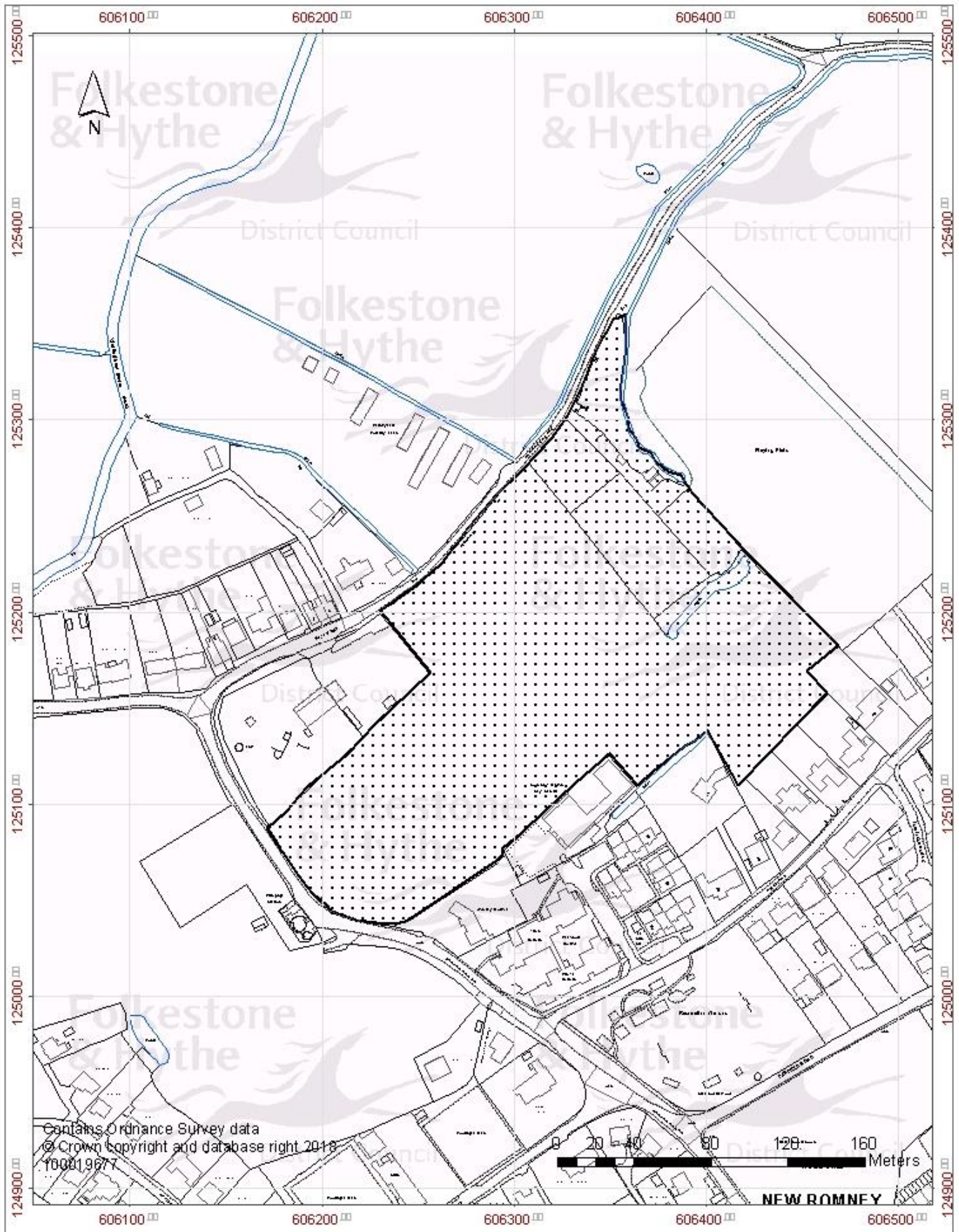
RECOMMENDATION –

That planning permission be granted subject to the conditions set out below and any additional conditions the Development Management Manager considers to be necessary and a S106 agreement providing 30% affordable housing, High Street improvements (to public realm) High Street/ Station Road improvement works (highway improvements), healthcare contributions, open space contributions (improvements to playing field), transfer of public open space to a management company, KCC contributions relating to primary education, community learning, library bookstock, social care, TRO application fee for application to improve highway capacity and safety improvements, travel plan and cycle improvements and that delegated authority given to the Development Management Manager to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that she considers necessary.

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. Reserved Matters to provide for no more than 117 dwellings
6. Updated badger report and detailed mitigation strategy
7. Ecological management plan
8. Lighting scheme to minimise impact on bats
9. Noise assessment at reserved matters stage taking into account position of dwellings to Ashford Road
10. Reserved Matters to include following details: layout, circulation, distribution and location of market and affordable units, wheelchair and lifetime homes, finished floor levels, Details of pedestrian/cycle links, parking strategy, open spaces including play area, hard and

- soft landscaping, proposed and existing site levels and ridge heights, boundary treatments and bin stores
11. Reserved Matters to be in accordance with the principles of the masterplan where applicable
 12. Management plan for onsite open space to incorporate SUDS
 13. Vehicle parking in accordance with IGN3
 14. Space for cycle parking
 15. Provision, completion and maintenance of the access onto Ashford Road prior to occupation of any dwelling
 16. Provision and maintenance of vision splays to new access
 17. Vehicle turning areas
 18. Delivery and maintenance of High Street/Station Road junction
 19. Implementation of spine road if/ when adjoining site comes forward
 20. Completion and maintenance of the improvements to the build outs on Fairfield Road
 21. Traffic Regulation Order to provide double yellow lines in Fairfield Road
 22. Provision of footpath
 23. Travel plan
 24. Tree and hedgerow protection measures
 25. All materials, including windows and front doors
 26. Detailed design of properties and services
 27. A programme of archaeological evaluation and investigation
 28. Standard contamination condition parts 2-5
 29. Finished floor levels and habitable/ sleeping accommodation levels.- 300mm above the design flood level (at 2.9maODN) with all habitable accommodation 600mm above at 3.2maODN
 30. No sleeping accommodation on ground floor
 31. Sustainable surface water drainage scheme (SUDS)
 32. SUDS Drainage management and maintenance and verification report
 33. Details of earthworks
 34. Water efficiency
 35. Superfast broadband provision
 36. Construction and Environment Management Plans
 37. Measures to prevent spoil and debris on highway
 38. Piling condition
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Y17/1390/SH
Land Adjoining Hope All Saints Garden Centre
Ashford Road
New Romney



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Application No: Y18/0327/SH

Location of Site: Land opposite Dorland, Cockreed Lane, New Romney

Development: Erection of 8 dwellings.

Agent: Pentland Homes Ltd
Estate Office
Etchinghill Golf
Etchinghill
Folkestone
CT18 8FA

Date Valid: 26.03.18

Expiry Date: 21.05.18

PEA Date: 31.08.18

Date of Committee: 28.08.18

Officer Contact: Miss Louise Daniels

SUMMARY

This report considers whether planning permission should be granted for the erection of 8 new dwellings on a site adjacent to the previously approved Cockreed Lane development. The report recommends that planning permission be granted as it is considered that the location is a sustainable location for development, is within the vicinity of the New Romney broad location, there would not be a detrimental impact upon flooding and drainage, the Local Landscape Area, highways, neighbouring and future occupier's amenity would be safeguarded and there would be no detrimental impact upon ecology. The design of the units and the layout of the scheme are considered to be acceptable and would integrate well with the layout and design of the adjacent Cockreed Lane development.

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report, and any additional conditions the Development Management Manager considers necessary.

1.0 THE PROPOSAL

- 1.1 The proposal is for 8 residential dwellings and associated highway access, parking, turning and landscaping. Two parking spaces would be provided per dwelling together with 1 cycle parking space per bedroom for each dwelling provided in lockable sheds within the gardens. Refuse and recycling will be stored within the private gardens and moved to Rolfe Lane for collection.
- 1.2 The existing access off Rolfe Lane would become redundant and vehicular access is proposed to the western corner of the site via the highway serving

the adjacent development which the applicant has control over. The access into this site was provided on the approved layout of the adjacent site and is via Cockreed Lane.

- 1.3 Most of the house types proposed within this scheme are also used within the adjacent development which is being developed by the same applicant. During the course of this application, the proposal has been amended from 9 new dwellings to 8 new dwellings following comments from Southern Water regarding the proximity of the proposed units to the existing Pumping Station. The layout has also been amended to remove plot number 9, changing plot 7 and 8 to a pair of semi-detached dwellings rather than a row of three terraced dwellings. Landscaping replaces the location of this dwelling.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- An area of archaeological potential;
- Local Landscape Area;
- Outside the defined settlement boundary, although within vicinity of broad location;
- Flood zones 2 and 3.

3.0 LOCATION AND DESCRIPTION OF SITE

3.1 The site is a relatively flat area of what was previously grassland, however is now used for the parking of vehicles. The site is fenced and surrounded by existing and newly constructed development on all sides. To the south-west and north-west boundaries is the site for the previously approved development for Cockreed Lane (Phase 2). To the south east is the Romney Marsh Model Engineering Society Co. Ltd. To the north-east is a pumping station. The site is 0.252 hectares.

4.0 RELEVANT PLANNING HISTORY

4.1 The north and west of the site was granted planning permission for 110 residential units under planning permission Y15/0164/SH (Cockreed Lane Phase 1 and 2) and the subsequent Reserved Matters application being granted in October 2017 under Y17/0674/SH. As part of the consented scheme, off-site highway improvement works are to take place.

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. Lack of infrastructure contravenes policy SD1.

5.3 KCC Archaeology

No response received.

5.4 KCC Ecology

No objection subject to a condition ensuring a precautionary mitigation strategy is implemented.

5.5 F&HDC Building Control

The adjacent sites surface water drainage was designed to allow for this site to connect to the drainage system.

5.6 F&HDC Arboricultural Officer

No objection to the proposal or the removal of the small trees.

5.7 Environmental Health

No objection subject to conditions requesting the submission of additional information with regard to:

- A noise impact assessment to be carried out to highlight any potential noise problems and propose suitable mitigation into the scheme.
- The standard contamination condition requiring a desk top study to highlight any remediation necessary.

5.8 KCC Highways and Transportation

During the process of the application, amendments have been sought to move the visitor space from the rear of plots 1 and 2 to the front of plot 1, and to require double yellow lines to the front of plots 7 and 8.

No objection subject to conditions requiring:

- Submission of a construction management plan
- Provision and retention of parking spaces, vehicle turning facilities, cycle parking facilities.
- Completion of footways, carriageways.
- Plots 7 and 8 shall not be occupied until a TRO has been completed.

5.9 Environment Agency

No objection subject to conditions regarding flood mitigation.

Romney Marshes Area Internal Drainage Board

Consent is required to connect to the open section of watercourse.

5.10 Southern Water

No objection. A formal application is required for a connection to the public foul sewer. If SUDs are to be used, then the applicant will need to arrange for the long term maintenance of the SUDS facilities and a condition attached.

The surface water drainage for the site is via a watercourse and consent is required to do this. Due to the vibration, noise and potential odour generated by a sewage pumping station, no habitable rooms should be located closer than 15 metres to the boundary of an existing pumping station.

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 13.07.18

7.0 REPRESENTATIONS

7.1 Representation 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:

7.2 One objection was received on the following grounds:

- Increase in traffic;
- No footpath for pedestrians;
- The infrastructure of New Romney has yet to be upgraded to cope with the influx of new residents.

7.3 Rolfe Lane and Area Residents Association object on the following grounds:

- Proximity of houses, soakaways, tree planting to the Rolfe Lane Pumping Station;
- Not allocated and was previously open space;
- This site is used by the Romney Marsh Model Engineering Society for parking, the parking facility would be removed and would have an impact upon the number of cars parking on Rolfe Lane;
- The application increases the previously approved Y15/0164/SH from 110 dwellings to 118 dwellings.

7.4 Romney Marsh Model Engineering Society Ltd object on the following grounds:

- Loss of privacy;
- Existing fence will no longer offer adequate security;
- The ecology report proposes a 3m wide habitat corridor that includes a native species hedgerow for the colony of great crested newts and would request that a landscaping plan is conditioned;
- Drainage problems caused by the increased ground level elevation on the proposed development, would not want surface water coming onto their site.

8.0 RELEVANT POLICY GUIDANCE

- 8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.
- 8.2 The following policies of the Shepway District Local Plan Review 2006 apply: SD1, HO1, BE1, BE16, U2, U4, U15, TR5, TR11, TR12, TR13 and CO11.
- 8.3 The following policies of the Shepway Core Strategy Local Plan 2013 apply: DSD, SS1, SS2, SS3, SS5, CSD1, CSD4, CSD5 and CSD8.
- 8.4 The following paragraphs of the National Planning Policy Framework (2018) are of particular relevance to this application: 10, 158, 110, 122, 124, 127 and 170.

9.0 APPRAISAL

Relevant Material Planning Considerations

- 9.1 The main considerations in the determination of this application are the acceptability of the principle of development in this location, flooding and drainage, landscape impact, design and layout, highways, neighbouring and future occupier's amenity, ecology, arboriculture and archaeology.

Principle of Development

- 9.2 Policy SS1 seeks to direct development to existing settlements. Policy SS3 seeks to protect the open countryside and steer development towards existing sustainable towns and villages in accordance with Policy SS1. The strategic priority for the Romney Marsh area is on accommodating development at the towns of New Romney and Lydd, and at sustainable villages.
- 9.3 The NPPF is clear that local planning authorities should boost significantly the supply of housing and that housing applications should be considered in the context of the presumption in favour of sustainable development (para. 10). Whilst the site is located outside the defined settlement boundary of New Romney; settlement boundaries are not necessarily determinative in themselves and should be informed by the facts on the ground. The location of the site is immediately adjacent to the settlement confines and is to the south-east of a previously approved allocated site for 110 new dwellings. As such it is considered to be sustainable in terms of access to local services. The site lies to the south east of the broad location; an area to the north of the town centre identified for strategic residential development in the New Romney Strategy in Policy CSD8 of the Core Strategy. The site is surrounded by residential development and the development of this site is considered to be infill development adjacent to the existing built up form of New Romney.
- 9.4 Overall, it is considered that whilst the site is located outside the defined settlement boundary of New Romney, it is immediately adjacent to the settlement confines and the existing built up form of New Romney, and would therefore accord with the aims of policies SS1, SS3 and CSD8 of the Core Strategy.

Flooding and Drainage

- 9.5 The site is located in Flood Zones 2 and 3. The NPPF states that a sequential approach should be used in areas known to be at risk from any form of flooding, and that the Sequential Test should be applied with the aim to steer new development to areas with the lowest risk of flooding (para. 158). The NPPF further states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding and that the strategic flood risk assessment will provide the basis for applying this test. According to the Shepway District Council SFRA 2115; the site falls outside of the flood risk zone. However, due to its location within Flood Zones 2&3 it is still necessary to undertake a sequential test.
- 9.6 In terms of applying the sequential test, the NPPG requires that all allocated sites and sites with the benefit of planning permission are considered to be available and deliverable and as such must be considered ahead of other sites in terms of flood risk. In respect of this application, the relevant search area is the Romney Marsh character area. Within the Romney Marsh character area there are sites that are available, however due to the majority of the character area being located within Flood Zones 2&3 it is highly unlikely there is an available site suitable for the size of the development. This assumption is made on the basis that the site is recognised to not be at risk of flooding in 2115 according to the SFRA and other sites within Romney Marsh including the broad location include areas at worse risk including low to moderate.
- 9.7 As the development is located within Flood Zones 2&3 as depicted on the Environment Agency flood maps and includes 'more vulnerable' development, it is necessary to apply the exceptions test. The exceptions test states that in order to grant planning permission or allocate a site;
- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment
 - a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall
- 9.8 Firstly, the site has wider sustainability benefits – the site immediately abuts land that was identified as a broad location to provide sufficient housing in order to meet the Council's requirements for housing land supply. Policy CSD8 of the Core Strategy provides for additional housing in the broad location in order to bring forward and support other wider sustainability benefits to the area and seeks to develop New Romney as a residential, business, service, retail and tourist centre for the Romney Marsh. Secondly, it is considered that the development could be made safe for its lifetime provided mitigation measures (finished floor levels) as submitted within the Flood Risk Assessment are provided. The Environment Agency's comments are set out in section 5 of this report. These raise no objection provided the

necessary mitigation measures are included. As such, the development is considered to pass the exceptions test.

- 9.9 The application proposes for surface water to drain to a network of surface water sewers via gullies, rainwater pipes and channel drains before discharging into the surface water sewers on the adjacent development, currently being constructed by Pentland Homes – the applicant for this proposal. The adjacent site incorporates a Sustainable Urban Drainage system with a detention basin. An allowance for this potential future development that forms this application was made as part of the detailed design of the surface water drainage system on the adjacent site under application Y15/0164/SH. The applicant will require consent from the Romney Marsh Area Internal Drainage Board to discharge the surface water into the open section of watercourse, as per the previous application which received consent to do this, but this is a consenting regime outside of the planning process and is not a material consideration.
- 9.10 Regarding foul drainage, it is proposed that the foul water is collected in a system of gravity sewers discharging to the existing pumping station, adjacent to the site on Rolfe Lane. As with the surface water drainage system, an allowance for 9 dwellings on this site was made as part of the Y15/0164/SH development and it is considered that there is available capacity to accommodate this proposal.
- 9.11 Overall it is considered that the information submitted with the application has demonstrated to the satisfaction of the relevant bodies that the development can be accommodated into the surface water systems previously approved under application Y15/0164/SH and as such is acceptable in this regard.

Landscape Impact

- 9.12 With regard to landscape impact, the site falls within a Local Landscape Area. Policy CO5 of the Local Plan (2006), together with emerging Policy NE3, state that proposals should protect or enhance the landscape character and functioning of Local Landscape Areas. Development will not be permitted for proposals that are inconsistent with this objective unless the need to secure economic and social well-being outweighs the need to protect the area's local landscape importance. In this instance, as identified in the Core Strategy, there is a local need to build houses in sustainable locations in Romney Marsh, including New Romney.
- 9.13 The Local Landscape Area covers the vast majority of the Romney Marsh. Whilst it is acknowledged that the site is located within a Local Landscape Area, there is an identified need for more housing in sustainable locations, and given the location of this site adjacent to the settlement boundary which is sited adjacent to the existing built up form, it is considered that the impact upon the Local Landscape Area would be lesser at this location than on the edge of the settlement to the north of Cockreed Lane with views out towards the open countryside. As a result, the proposed development, whilst changing the character of the site would not adversely affect the character or appearance of the area, and would have an acceptable impact upon the

landscape as a result, in accordance with saved policy CO5 of the Shepway District Local Plan Review (2006).

Design and Layout

9.14 Saved policy BE1 of the Shepway District Local Plan Review states that a high standard of layout, design and choice of materials will be expected for all new development, sympathetic to the local vernacular and in keeping with the existing building form, mass and height.

9.15 Core Strategy Policy SS3 (Part C) states that proposals should be designed to contribute to local place-shaping and sustainable development by conserving and enhancing all heritage assets. Part D of this policy states that a design-led and sustainable access approach should be taken to density and layout, ensuring development is suited to the locality and its needs and transport infrastructure.

9.16 The NPPF states that applications should seek to create places that respond to local character and design standards (para. 110) and that development secures well-designed, attractive and healthy places (para. 122). The NPPF further states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development, creating better places in which to live and work (para 124). The proposal was reduced by 1 dwelling during the course of the application for amenity reasons, which resulted in a reduction in built form within the site and it is considered resulted in a better layout overall. The two dwellings fronting onto Rolfe Lane are considered to work well by integrating the development within the street scene rather than being a closed development, with the remaining dwellings to the south-west of the site facing inwards, as is the pattern of development on the larger site of 110 dwellings. Landscaping is proposed to be incorporated into the layout, with native hedgerow to the south-east boundary and rear of the pump station. A number of green areas to the front of dwellings are proposed which are considered to soften the development.

9.17 Most of the house types proposed within this scheme are also used within the adjacent development which is being developed by the same applicant. Consequently the proposal would relate well to the character of the adjacent development and would not appear incongruous. Materials would be conditioned to ensure consistency with the adjoining development.

9.18 Refuse collection for the site will take place from Rolfe Lane with a refuse collection point provided to the side of the rear garden of plot 8, with storage areas provided either side of the footway in this location, and another collection to the south-west of the site by the entrance. This would ensure that the necessary drag distances prescribed in Manual for Streets is adhered to.

9.19 Overall, the proposal is considered to comply with the aims of saved policy BE1 and Core Strategy policy SS3.

Highways

- 9.20 Policy TR11 of the Shepway District Local Plan Review sets out the criteria for proposals which involve the formation of a new access or intensification of an existing access. The access into the site was provided as part of the previous application Y15/0164/SH to the north-west and the existing access from Rolfe Lane would be removed due to the location of plots 7 and 8. On-site parking is proposed in accordance with KCC guidance with appropriate swept paths for private vehicles and for a fire tender.
- 9.21 KCC Highways have been consulted and following amendments being submitted during the process of the application, which included the relocation of visitor parking and the provision of double yellow lines to the front of lots 7 and 8 on Rolfe Lane, the proposal was considered to be acceptable. The proposal was also reduced by 1 dwelling during the course of the application for amenity reasons and as a result this would also reduce built form within the site and is considered to result in a better overall layout of parking spaces.
- 9.22 Secure cycle parking is proposed per dwelling, meeting the requirements of saved policy TR5 of the Shepway District Local Plan Review.
- 9.23 Overall, the proposal meets required standards and Kent Highways and Transportation has no objection subject to conditions securing a construction management plan, vehicle parking spaces, turning facilities, cycle parking facilities and the double yellow lines to the front of plots 7 and 8.

Neighbouring and Future Amenity

- 9.24 Policy SD1 of the Shepway District Local Plan Review states that all development proposals should safeguard and enhance the amenity of residents. Paragraph 127 of the NPPF sets out that decisions should seek to secure a high standard of amenity for existing and future users.
- 9.25 During the process of the application plot 9 was removed from the proposal, to ensure that the existing pumping station would not have a detrimental impact upon future occupiers in terms of odour, noise and vibration and that there would be a separation of 15 metre radius from the pumping station and residential properties. The Council's Environmental Health team are satisfied that subject to a condition to request a Noise Impact Assessment to ensure good internal noise levels within the proposed residential properties can be met, that the proposal would not be unacceptable in terms of amenities of future occupiers.
- 9.26 The side facing first floor windows to plots 7 and 1 which serve bathrooms, would be conditioned to be obscure glass to protect the amenity of future occupiers of the adjoining dwellings approved under Y17/0674/SH.
- 9.27 The existing residential properties which would be most affected by the proposed development would be those to the north-east of the site on Rolfe Lane however, there is considered to be sufficient separation distance between plot 7 and 8 from the dwellings Garrington, Crantock and Fresh Fields to not have an overbearing impact. In addition, reducing these

dwellings to a pair of semi-detached is less visually dominant than a terrace of three dwellings.

- 9.28 As such, subject to conditions securing obscure glazing and a noise impact assessment, it is considered that the proposed development is not likely to result in an unacceptable impact on existing or future residents and would accord with saved policy SD1.

Ecology & Arboriculture

- 9.29 Paragraph 170 of the NPPF states that the planning system should minimise impacts on and provide net gains for biodiversity. KCC Ecology raise no objection to the application due to the size of the site, the fact that currently the majority of the site is hard standing and considering that a habitat corridor would be created to the south-east boundary with the proposed native hedgerow. A condition would be applied to ensure a precautionary mitigation strategy is implemented as stated in the submitted Ecological Impact Assessment and Mitigation strategy. KCC Ecology consider that the recommended mitigation measures are appropriate to ensure that there will be no detrimental impact to protected species.

- 9.30 There is no objection to the removal of the small trees on site which are largely of poor value. The planting of replacement trees would be secured by a landscaping condition in accordance with saved policy BE16 of the Local Plan

Archaeology

- 9.31 Considering the close location of Cockreed Lane Phase 1 and 2 development (Y15/0164/SH and Y17/0674/SH) to the application site which required a condition to safeguard archaeology, and considering the site is within an area defined as having potential for archaeology, it is considered reasonable to condition the implementation of a programme of archaeological work in order to safeguard potential archaeology in accordance with paragraph 189 of the NPPF.

Other

- 9.32 An objection on several grounds from the Romney Marsh Model Engineering Society is acknowledged, however national and local policy protect amenity of living accommodation and as this outside space is already publicly viewable from Rolfe Lane and is not residential amenity space, it is not considered that the proposed development would have a negative impact on the activities carried out at this site, which could be sustained in terms of planning policy.

Local Finance Considerations

- 10.2 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.

- 10.3 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £50 per square metre for new residential floor space.
- 10.4 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. Under the scheme the Government matches the council tax raised from new homes. Initially this was for a period covering the first 6 years, but has been reduced to 4 years for new additions as a result of the Government's response to the recent consultation on the New Homes Bonus scheme (Dec 2016) As such only a 4 year value for the New Homes Bonus has been calculated. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £10,181 for one year and £40,723 for 4 years and calculated on the basis of council tax Band D average dwellings. The consultation response also changed the methodology for assessing further New Homes Bonus monies for authorities. In summary, the basic calculation has remained the same, but a 0.4% threshold has been introduced, meaning that if an authority records an overall increase in new homes in any one year, but this increase is below the threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. This is a significant change, and amongst other things, it means that estimated New Homes Bonus payments for any specific future development is not guaranteed funding. New Homes Bonus payments are not a material consideration in the determination of this application.

Human Rights

- 10.4 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.
- 10.5 This application is reported to Committee due to an objection from New Romney Town Council.

11.0 BACKGROUND DOCUMENTS

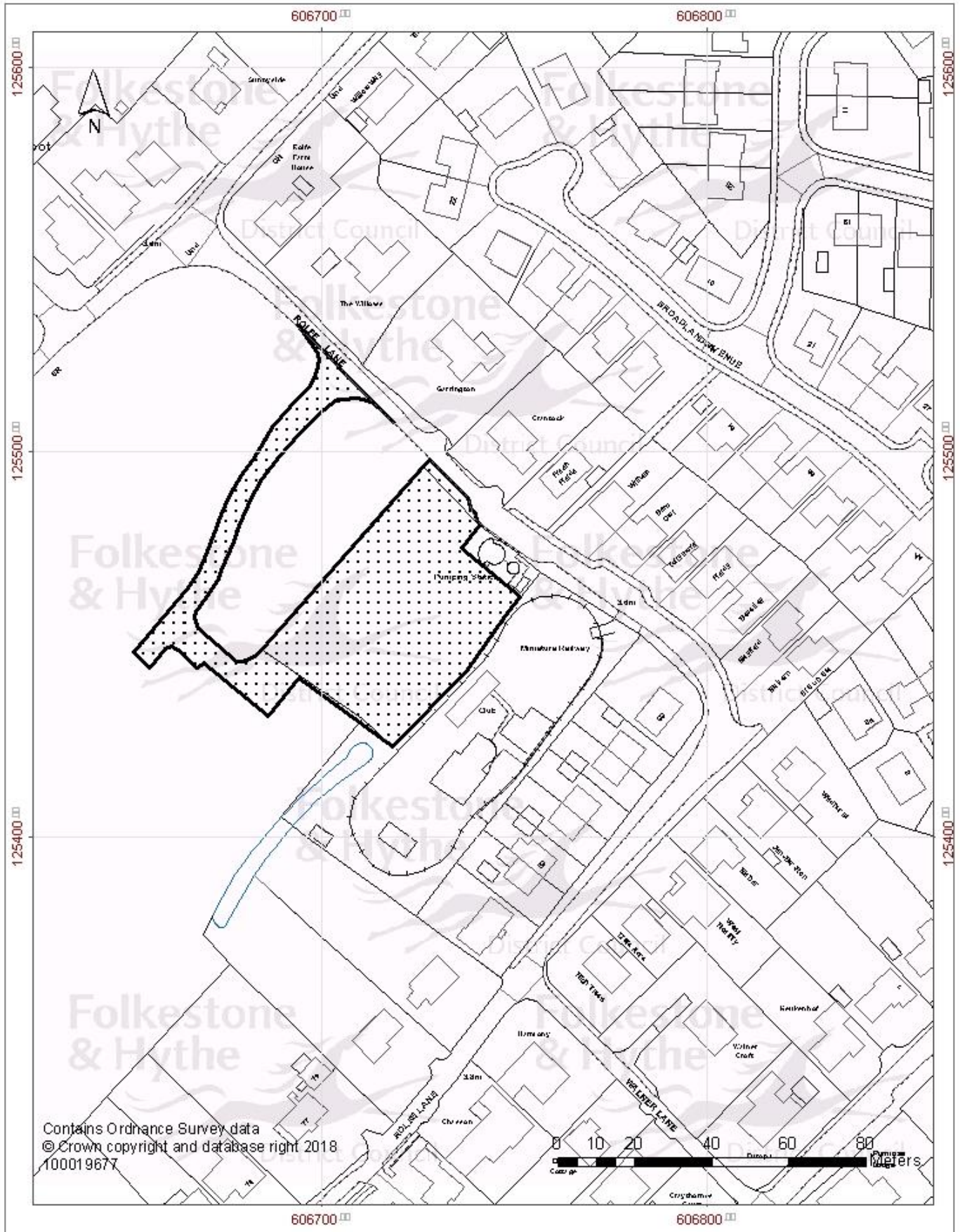
- 11.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the conditions set out below, and any additional conditions the Development Management Manager considers necessary:

1. Standard time condition
2. Approved plan numbers
3. Materials
4. Boundary treatment
5. Provision and retention of parking spaces, vehicle turning facilities, cycle parking facilities.
6. Plots 7 and 8 shall not be occupied until a TRO has been completed.
7. Completion of footways, carriageways.
8. Landscaping scheme
9. Habitat corridor
10. Programme of archaeological work
11. Noise impact assessment
12. Construction management plan
13. Ecology mitigation measures
14. Obscure side facing first floor windows to plots 1 and 7
15. Permitted development rights removed
16. Lighting
17. Water efficiency
18. Flood resilient design measures

Decision of Committee

Y18/0327/SH
Land opposite Dorlands
Cockreed Lane
New Romney



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Application No: Y17/1398/SH

Location of Site: Land adjoining Millside, Rhee Wall Road, Brenzett, Kent

Development: Outline application for the erection of 6 houses with matters of scale, appearance and landscaping reserved for future consideration.

Applicant: Mr Leon Coates

Agent: Mrs Helen N Whitehead MRICS
Price Whitehead Chartered Surveyors
Forstal Farm
Appledore Road
Tenterden
Kent
TN30 7DF

Date Valid: 13.10.16

Expiry Date: 08.03.18

PEA Date: 31.07.18

Date of Committee: 28.08.18

Officer Contact: Claire Dethier

SUMMARY

This report considers whether outline planning permission should be granted for 6 houses with matters of 'scale', 'appearance' and 'landscaping' being reserved for future consideration. The current application seeks to establish the number of dwellings, the layout and the access to the development.

Overall the proposed residential use of this parcel of land would be in accordance with the overall objectives of the NPPF and would be consistent with the aims of policies SS1 and SS3 of the Core Strategy which seek to direct development to existing settlements. It is considered that emerging policy RM14 in the draft Places and Policies Local Plan (PPLP) can be afforded moderate weight in this case given that the policy position is reasonably well advanced with no unresolved objections and is consistent with the policies contained within the NPPF. The draft PPLP would redraw the settlement boundary of Brenzett to include the application site.

The layout can provide suitable parking and turning areas and, subject to conditions, the proposed access onto Rhee Wall Road is considered acceptable.

The proposal would not result in harm to the living conditions of neighbours and subject to conditions would not result in harm buried heritage assets. The use of conditions would also ensure that any contamination is properly dealt with and the site-wide drainage would not increase flood risk in the

area. Subject to conditions matters of ecology can be suitably addressed and overall the proposal will result in sustainable housing development.

RECOMMENDATION: That outline planning permission be granted subject to the conditions at the end of this report and that delegated authority given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary.

1.0 THE PROPOSAL

1.1 This is an outline application for the erection of six houses with matters of the 'access' from Rhee Wall Road and the 'layout' of the site being under consideration at this time. All other matters (design, landscaping and scale) are reserved for future consideration.

This application is supported by the following documents:

- Archaeological Assessment,
- Design, Access, Planning Statement,
- Phase 1 Environmental Assessment,
- Reptile Survey report,
- Water Vole Survey,
- Preliminary Ecological Appraisal,
- Flood Risk Assessment.

1.2 The proposal includes two access points to the site off Rhee Wall Road with approximately 22.2m separation between them.

1.3 Although matters of the scale and design of the houses are not for consideration at this time, indicative drawings of two storey houses have been provided. The layout within the site shows three pairs of semi-detached properties inset about 9.5m from the edge of the site with Rhee Wall Road. The rear gardens of the properties would be approximately 9m in depth. Each dwelling would have an attached garage and the pair of dwellings at the south eastern end of the site would each have an attached double garage. Driveway parking is proposed to the front of each of the garages and a communal access track, with turning areas, is shown on the layout drawing between the house footprints and the street, as are areas of soft landscaping.

1.4 The dwellings would be inset from the south eastern boundary of the site by about 4m to the closest garage flank and from the north western boundary of the site to the closest garage flank by about 18.8m. Between the northernmost house and the north western boundary is an area that is provided to conserve heritage features that are located within the site (probable Second World War anti-tank pimples).

1.5 From the proposed access that is to the south eastern side of the site is proposed a public footpath that would link into the highway footpath that current finishes at Hetton Cottages. This footpath extension is shown on land outside of the application site but within the public highway.

- 1.6 The application form details that the surface water from the site would be drained to the existing watercourse to the rear of the site and it is proposed that foul sewerage disposal would be by sealed cesspool.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Outside the defined settlement boundary of Brenzett;
- Local Landscape Area (saved policy CO5)
- Within an Area of Archaeological Potential;
- Tree that is subject to a Tree Preservation Order at the boundary of site but within the front garden area of the adjacent property 'Brandet House';
- Partly within Flood Zone 3 and partly within Flood Zone 1 on the Environment Agency Flood Hazard maps;
- Environment Agency detailed flood hazard map shows the site as being at a low risk of flooding from sea/river
- The Folkestone and Hythe District Council Strategic Flood Risk Assessment 2115 (accounting for climate change) shows that the site is not at risk of flooding

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The application site is located outside of but adjoining the settlement boundary of Brenzett on the southwestern side of Rhee Wall Road. The site is north of the roundabout junction of Rhee Wall Road with King Street/Ashford Road and is located between the edge of the built settlement to the southeast and Millside Farm to the northwest. To the north of Millside Farm and opposite and to the rear of the application site is open agricultural land.
- 3.2 The site is approximately 0.26 hectares in area. Its frontage to Rhee Wall Road measures about 87m and the depth of the site is about 30m.
- 3.3 Immediately adjacent to the rear boundary is a watercourse that forms part of the drainage ditch network overseen by the Romney Marshes Internal Drainage Board. Between the front boundary of the application site and the road carriageway is highway verge. Within the front garden of the adjacent property 'Brandet House' is a tree that is subject to a Tree Preservation Order.

4.0 RELEVANT PLANNING HISTORY

- 4.1 None.

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 [Brenzett Parish Council](#)

Object on the following grounds:

- drainage and sewerage arrangements inadequate,
- farm traffic movements would be a hazard to safety,
- noise and dust from the grain dryers on the adjacent farm,
- congestion and speed of traffic along the road and the additional cars will add to the congestion,
- car parking is a highway hazard,
- lack of provision for children in the village
- the play area in the village is inadequate,
- the site lies outside of the village boundary.

5.3 KCC Archaeology

No objection subject to a programme of archaeological works, to be conditioned and interpretation of the on-site heritage would be welcomed.

5.4 KCC Ecology

No objection subject to the recommendations to enhance biodiversity on the site. A condition is required so confirmation of enhancements are identified and provided.

5.5 Environmental Health

The submitted phase 1 report fulfils part 1 of the standard contamination condition. The rest of the condition needs to be applied. A noise impact assessment will be required at the detailed design stage focussing on the commercial activities of the adjacent farm. Mitigation measures may be required to protect residential amenity.

5.6 KCC Highways and Transportation

Following the submission of amended plans showing sight lines for the proposed access points no objection is raised subject to conditions in relation to: the provision of vision splays, the provision of a 1.5m wide footpath from the eastern access to the existing footpath on Rhee Wall Road, provision and retention of car parking, turning areas, suitable surfacing.

5.7 Southern Water

There is no public foul sewer in the area. The applicant is advised to examine alternative means of foul sewerage disposal. The EA should be consulted regarding the use of a private wastewater treatment plant or septic tank drainage which disposes of effluent to sub-soil irrigation.

5.8 Environment Agency

No objection but informative that sleeping accommodation be at first floor only and flood resilience construction techniques be required to reduce the impact of flooding if it were to occur.

5.9 Romney Marsh Internal Drainage Board

Any connection made to the Land Drainage Board watercourse will require Board Consent under Section 23 of the Land Drainage Act 1991 and the discharge rate should not exceed that of the current undeveloped site. The adoption of the SUDS principles to manage discharged from the site has been indicated, therefore the planning department should be satisfied that the principles are applied appropriately and with acknowledgement to the long term management of the chosen system.

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 06.02.18

6.2 Site Notice. Expiry date 13.02.18

7.0 REPRESENTATIONS

7.1 Representations are available in full on the planning file on the Council's website:

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

Responses are summarised below:

7.2 Two letters/emails have been received objecting on the following grounds:

- increased surface water flooding of Rhee Wall Road;
- the parking of cars on the proposed footway will be dangerous to pedestrians and vehicle traffic, including neighbours exiting their property;
- the increased traffic from the development will contribute to increased dangerous vehicle numbers on this part of Rhee Wall Road;
- Brenzett has limited amenities for the residents;
- The proposal would place increased demands on the village primary school;
- The site falls outside of the settlement boundary;
- The works, including public footway, will harm the TPO tree in the adjacent garden;
- The adjacent working farm creates noise and dust and works long hours, including for large vehicle movements;
- The site is greenfield;
- Concern the complaints from the new residents will impact the working of the farm;
- If surface water/waste water from the site is directed to the watercourse this will increase the cost for the maintenance of the ditch for the adjacent farm.

7.3 One letter of support has been received stating the following reasons:

- The development is low key and in keeping with the rural amenity;
- The site affords more opportunity for first time buyers.

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, HO1, BE1, BE5, BE16, U10a, TR5, TR11, TR12, CO1, CO5, CO11
- 8.3 The following policies of the Shepway Core Strategy Local Plan apply: DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD4, CSD5 and CSD9.
- 8.4 The following paragraphs of the National Planning Policy Framework 2018 are of particular relevance to this application: 8, 11, 47, 48, 55, 65, 68, 72, 78, 79, 84, 122, 127, 155, 156, 157, 158, 170, 174, 178, 184

9.0 APPRAISAL

Relevant Material Planning Considerations

- 9.1 The main considerations in the determination of this application are the acceptability of the principle of development in this location outside the current defined settlement boundary and whether the number of units proposed and the layout is acceptable for this site.
- 9.2 In addition matters of the visual impact of the development, amenities of local residents and future residents, ecology, trees, flood risk, highways matters and archaeology are also material considerations.

Emerging Policy

- 9.3 The site is proposed to be allocated for residential development in the emerging Places and Policies Local Plan (PPLP), reference policy RM14. Paragraph 48 of the NPPF advises that decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation of the plan; the extent which there are unresolved objections to relevant policies; and the degree of consistency of the emerging policies in the plan to the policies in the NPPF.
- 9.4 The emerging Places and Policies Local Plan is at a relatively advanced stage of preparation. The Submission Draft of the Plan has been out to public consultation under Regulation 19, having already been through the Regulation 18 Preferred Options consultation. There are currently no unresolved objections relating to policy RM14 (previously numbered RM13) from the consultation. The Plan will shortly be submitted to the Secretary of State for independent examination in public.
- 9.5 The PPLP also proposes to amend the settlement boundary for Brenzett to incorporate this site, as illustrated in Picture 3.20 in the Places and Policies Local Plan Submission Draft – Proposed Changes to Policies Map document.

Principle

- 9.6 At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). Paragraph 79 of the NPPF relates to the promotion of sustainable development in rural areas and

sets out that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Likewise, policy SS1 of the Core Strategy seeks to direct development to existing settlements, and policy SS3 seeks to protect the open countryside and coastline in accordance with policy SS1.

- 9.7 The Core Strategy identifies that the strategic priority for the Romney Marsh area is to accommodate development in the towns of New Romney and Lydd, and at sustainable villages. Brenzett is identified in the Core Strategy as a primary village which is able to contribute to strategic aims and local need with the potential to grow and serve residents, visitors and neighbourhoods in the locality.
- 9.8 There are limited development opportunities within the settlement confines of Brenzett and this is a sustainable location as it is on the edge of the settlement and extends the existing line of built development along the Rhee Wall up to the farm. Given this and that there is no availability of alternative sites within the settlement confines of the village; and that the emerging Places and Policies Local Plan includes this site within the emerging settlement boundary, together with the residential allocation of the site in the emerging Plan; the location of this site is, in principle, considered to be a sustainable one for a rural location and it is considered that the principle of development on this site is acceptable in planning policy terms. The site is not isolated as it is adjacent to other development and on the edge of the village. As such, the proposed small-scale development of this site meets the requirements of the NPPF and policies SS1 and SS3 of the Core Strategy.

Design and Layout

- 9.9 The application site forms part of a larger allocation under policy RM14, which also includes land to the southwest. The draft policy identifies that that the two sites together have an estimated capacity of 40 dwellings, with the northern part, the subject of this application, having an estimated capacity of 6 dwellings if the sites are developed separately. The layout plan submitted with the application shows that six dwellings, comprised of three pairs of semi-detached dwellings, can be satisfactorily accommodated on the site.
- 9.10 Design is not a matter for approval at this stage as it is reserved for future consideration. However, the applicant has provided an illustrative street scene drawing of traditionally styled two storey semi-detached houses which helps to illustrate how the six dwellings would be accommodated on the site. The indicative streetscene elevation demonstrates that a strong frontage can be achieved to Rhee Wall Road in accordance with the aims of emerging policy RM14. At the north western end of the site, between the last house and 'Millside' a wider gap is maintained which will allow for the protection and preservation in situ of the probable Second World War anti-tank ditches, as required by KCC Archaeology.
- 9.11 The layout allows for waste/recycling storage on each plot. The layout is such that there are no foundations to be constructed close to the protected tree within the adjacent property 'Brandet House' and allows sufficient area for the planting of soft landscaping.
- 9.12 Based on the footprint of the buildings shown on the layout drawing, which shows an acceptable spacing between the dwellings so as to sit comfortably within the existing street scene, it is considered that the layout of the proposed development will allow for dwellings of a suitable scale and appearance to come forward at reserved matters stage, whilst avoiding harm to the in-situ heritage asset.

Visual Impact

9.13 The site is located within the flat Romney Marsh landscape and within the Local Landscape Area of the Marsh. The provision of two storey houses is considered acceptable in terms of the impact on the landscape as this is not an isolated site. It is located on the edge of the village and will extend the existing line of built development along the Rhee Wall. The development will be viewed against the back drop of the existing buildings along the Rhee Wall and the development immediately to the south east in Moore Close. Detailed design is not a matter for consideration at this stage, but in principle two storey dwellings would be in keeping with the neighbouring development along the Rhee Wall and in Moore Close – which comprises a mixture of two storey and single storey properties of varying designs. Therefore, in terms of visual impact on the streetscene and landscape the proposal is considered acceptable and in accordance with saved policies BE1, C01 and CO5.

Highway Safety

9.14 The proposed layout will allow for a level of parking provision on the site that would meet the adopted vehicle parking standards and also provide suitable turning space within the site for cars and a maintenance vehicle to empty the proposed sealed cesspools.

9.15 Saved policy TR11 of Local Plan Review sets out the criteria for proposals which involve the formation of a new access or intensification of an existing access. Two access points are proposed into/out of the site, with approximately 22.2m separation between them. The applicant has provided sightline drawings for these access points which are acceptable to KCC Highways and Transportation. The provision and management/retention of these sightlines can be achieved by planning condition.

9.16 Policy RM14 of the draft PPLP requires a footpath and appropriate lighting to be provided on Rhee Wall Road to connect to the existing footway to the east. The submitted drawings included a 1.5m wide footpath on highway land outside of the application site. The provision of this footpath extension can be secured by planning condition, as can highway lighting.

Drainage

9.17 The foul drainage for the site has been latterly proposed to be a single sealed tank within the rear garden of each property. This would allow each individual dwelling to be responsible for their own waste collection, and avoid the need for a management company. The installation would also be more straightforward as there would be no requirement for structural loading over the tanks.

9.18 The agent advises that they have not proposed cesspool tanks for combined use as, while there is sufficient space to accommodate the three tanks that would be required below the access road way, there would be significant structural cost due to the road loads above.

9.19 The agent also has provided tracking information for a maintenance vehicle to empty the sealed cesspools. This matter can be the subject of a planning condition and it is considered that acceptable provision can be made for foul drainage for the development.

9.20 Surface water drainage is proposed to be by a SUDS system with discharge in the watercourse to the rear of the site. The Internal Drainage Board responsible for the watercourse does not have

any objection to this and the details of the SUDS system and its long term management can be required by condition.

Amenity

- 9.21 Given the size of the property footprints, their layout within the site all fronting the street and the garden sizes there is no reason to conclude that dwellings with acceptable living conditions for future occupiers could not be achieved at reserved matters stage.
- 9.22 The position of a row of dwellings fronting the road will not cause unacceptable impacts in terms of overbearing and loss of light and it will be possible to provide a design that does not result in unacceptable overlooking of neighbouring properties.
- 9.23 Both the Parish Council and the neighbours have raised the matter of the impact of potential noise and dust from the adjacent working farm impacting on the future occupiers of the dwellings being considered and the possibility of complaints from future occupiers curtailing farming activities, to the detriment of the farm working and rural economy. The Council's Environmental Protection Officer has considered the matter and advises that the farm has not resulted in complaints being received from dwellings to the southeast and whilst an acoustic assessment should be required by planning condition it would be expected that satisfactory mitigation of noise can be achieved at the reserved matters stage for example by type of glazing, building layout, room layout, acoustic fencing, etc. In respect to dust being created during the harvest season the Environmental Protection Officer notes that the separation of the proposed houses from the farm, due to the area retained for the protection of the World War two heritage, will assist in lessening any short term dust within gardens. Subject to the production of an acoustic assessment which will inform the reserved matters application and the provision of any identified noise mitigation measures, it is considered that any noise impacts from the farm can be satisfactorily mitigated.

Contamination

- 9.24 Saved policy U10a of the Local Plan Review relates to the potential for the contamination of water resources or harm to human health from development. The NPPF paragraph 178 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.
- 9.25 In this case a Phase 1 land contamination report was submitted with the application that has been reviewed by the Council's land contamination consultants. They advise that the submitted phase 1 report fulfils part 1 of the Council's standard contamination condition. The remainder of the condition, requiring further investigation, any required mitigation, dealing with unexpected contamination discovered during groundworks, needs to form part of any planning permission.

Ecology

- 9.26 Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environmental by minimising the impacts on biodiversity where possible and saved policy CO11 of the Local Plan Review states that planning permission will not be granted for development if it is likely to endanger protected species or cause the loss of, or damage to, habitats and landscape features of importance for nature conservation, unless the need for development outweighs these nature conservation considerations and measures will be taken to minimise impacts and fully compensate for remaining adverse effects.

9.27 In this case a habitat survey and species surveys for reptiles and water voles have been submitted. It is noted that the vegetation on the site, as seen at the officer site visit, was cleared prior to the various surveys taking place and may have led to a displacement of species on the site prior to the surveys being undertaken. However, on the basis of the submitted surveys the KCC Ecologist does not object to the proposal subject to the recommendations of the ecological reports to enhance biodiversity on the site. A condition is therefore required so enhancements are identified and provided and conditions are also required that the site is resurveyed if no development on the site has commenced within 2 years of the date of the planning permission given the existing land use, proximity to a watercourse and historic unmaintained nature of the site.

Flood Risk

9.28 The site is located on the boundary of Flood Zone 3 on the Environment Agency Flood Hazard maps and mostly within Flood Zone 1. The Environment Agency's detailed flood hazard map shows the site as being at a low risk of flooding from sea/river. The Council's Strategic Flood Risk Assessment shows that the site is not at risk of flooding in 2115 when accounting for climate change.

9.29 The NPPF (paragraphs 155 to 158) advocates a risk based approach to planning for development in areas of flood risk. This includes reducing the adverse impacts of flooding by avoiding inappropriate development in areas at risk of flooding. This is carried out by the requirement for each development to be assessed against the sequential test and, if required, the exceptions test.

9.30 The sequential test seeks to direct development to sites at the lowest probability of flooding as informed by the Council's Strategic Flood Risk Assessment (SFRA). Only when these sites have been developed should higher risk sites then be considered for development.

9.31 In this case the proposed residential development is classed as being a 'more vulnerable' class of development in the EA 'flood risk vulnerability classification' list. However, 'more vulnerable' development is shown to be 'appropriate' in Flood Zone 1 on the EA flood Risk compatibility table and therefore no exceptions test is required to be carried out. Sequentially the application site is considered to be acceptable as the SFRA shows that the site is not at risk of flooding and, as such, no objection to the proposal is raised on the grounds of flood risk.

9.32 It is also noted that EA recommends that sleeping accommodation in any dwellings on this site be at first floor only and flood resilience construction techniques be required to reduce the impact of flooding if it were to occur. This is a recommendation only and not a requirement and as such can be advised by an informative on any resultant planning permission.

Archaeology

9.33 Saved policy SD1 of the Local Plan Review and paragraph 184 of the NPPF require conservation where possible and field evaluation where necessary of archaeological interests affect by development.

9.34 Notwithstanding the matter of the World War two anti-tank pimples in the north western part of the site, the KCC Archaeologist is not in agreement with the conclusions of the applicant's Archaeological Desk-Based Assessment. He notes that the quality of the assessment is poor and

it has failed to consider the potential range of geoarchaeological, palaeoenvironmental and archaeological deposits and sequences that might be expected in the area. So whilst the desk-based assessment concludes that no further archaeological work is required this is not agreed.

- 9.35 The KCC Archaeologist advises that the site is located on Walland Marsh, part of an extensive area of reclaimed marshland which, along with Romney Marsh proper and Denge Marsh, make up the Romney Marsh. The formation of this marsh is a result of complex coastal geomorphological processes, represented by sequences of geoarchaeologically and palaeoenvironmentally interesting deposits. The Rhee Wall, which bounds the site to the north-east, probably has its origins in the thirteenth century when a canal was cut between New Romney and Appledore, in order to provide water to flush out the harbour at Romney, as well as to provide a shipping channel between the two towns. The canal seemingly fell out of use in the fifteenth century, but its raised banks continued to provide an overland route across the marsh and is still followed here by the modern road (B2080). The reclaimed marshland has been long recognised as providing fertile agricultural land and in the fourteenth to seventeenth centuries the area was renowned for its sheep pasture. Historic mapping shows a former corn mill just to the north-west of the site in question.
- 9.36 The KCC Archaeologist concludes that the proposed development has the potential to affect remains of archaeological interest and therefore recommends that a planning condition be used on any grant of planning permission to require a programme of archaeological work, to be agreed in conjunction with KCC Archaeology. It is also suggested that a publically accessible scheme is sought to provide on-site interpretation of the Second World War heritage, so that its significance can continue to be appreciated and enjoyed.

Loss of Agricultural Land

- 9.37 Paragraph 170 of the NPPF seeks to ensure that the best and most versatile agricultural land is retained for agricultural use and case law guides that the 'significance' of any harm on the function of the agricultural land should be realised. In this case the field is currently classed as agricultural land grade 1 land however, the conversion of this land area will not significantly harm the overall functioning of the agricultural use of the surrounding area due to its relatively small scale and this loss would have been taken into account when allocating the site in the draft PPLP.

Other Issues

- 9.38 Draft policy RM14 sets out a number of criteria which the development of the site should be assessed against when the policy is adopted. The criteria relating to vehicular access, footpath and lighting, strong frontage to Rhee Walls retention of existing trees and hedgerows, existing watercourse, surface water drainage, ecology and archaeology are either appropriately dealt with in the outline application or can be covered by condition.

- 9.39 The remaining criteria are discussed below.

1. Masterplan approach to demonstrate how the sites integrate with each other and the existing settlement – this site is being applied for separately from the adjoining site to the south and no masterplan has been provided with the application to show how it would integrate with the site to the south. However, although the policy overall carries reasonable weight given the relatively advanced stage of the Plan, this particular criteria carries less weight as there is an outstanding

objection which requests that it be reworded to read: ***The layout and design approach takes into account the potential development of the adjoining land parcel and the existing settlement.*** As a result, this criteria may be altered following Examination of the Plan and therefore carries less weight at this stage. Given this it is not considered that it would be reasonable to refuse planning permission on the lack of a masterplan.

2. Preferred vehicular access is from Rhee Wall with an alternative access from Moore Close – access to the application site is from Rhee Wall, however the proposed layout will preclude access through to the southern section of the allocation. As above, there has also been an objection to the wording of this criteria so it also carries less weight and may be subject to change at Examination. Given this it is not considered that it would be reasonable to refuse planning permission on this basis. The estimated capacity of the two sites is determined by access / highways reasons. In their comments on the SHLAA for the original Moore Close site, KCC Highways commented that the access from Moore Close could only accommodate another 20 units, hence the allocation would be restricted to 20 dwellings without a secondary, emergency access that could be provided off Rhee Wall Road. Therefore, if the development of the application site prevents a future access to the larger parcel of land off Moore Close, the remaining allocation can still be developed but it would be restricted to 20 dwellings (hence the estimated capacity in the policy).
5. An appropriate number of self build/custom build plots in accordance with HB4 - the self build requirement of HB4 does not apply to this site because the number of dwellings falls below the trigger of 20.
7. Existing watercourses are to be integrated into the development – this criterion was included to ensure that applicants were mindful of the existing watercourses on the two sites in the design of the development. In this instance, the applicant should be mindful that an existing watercourse runs along the rear boundary, however this is unlikely to impact upon design as a result.
11. The design of the development preserves or enhances the setting of the nearby Grade II listed buildings – the detailed design will be dealt with at the reserved matters stage but given the distance and relationship of this part of the allocated site to the nearest listed building, Myrtle Trees, it is considered that the setting of the listed building will be preserved.
12. Odour assessment to inform the masterplanning to ensure adequate distance from waste water treatment works – Southern Water requested this criterion during the Preferred Options consultation. Southern Water has now confirmed that this representation was made in error and that an odour assessment is not required as confirmation of this). As a result, this criterion will be removed from the policy following the Examination of the PPLP.

Local Finance Considerations

- 9.39 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.
- 9.40 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. Under the scheme the Government matches the council tax raised

from new homes for the first four years through the New Homes Bonus. New Homes Bonus payments are not considered to be a material consideration in the determination of this application.

- 9.41 In accordance with policy SS5 of the Shepway Core Strategy Local Plan, the Council has introduced a CIL scheme that in part replaces planning obligations for infrastructure improvements in the area. The site is located in charging zone B and the CIL levy in the application area is charged at £54.70 per square metre for new dwellings. The calculation cannot be finalised until reserved matters stage as the total floor area of the buildings is not yet known.

Human Rights

- 9.42 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.

- 9.43 This application is reported to Committee due to objection from Brenzett Parish Council.

10.0 BACKGROUND DOCUMENTS

- 10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That outline planning permission be granted subject to the following conditions and that delegated authority given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary:

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

Reason:

As required by Section 92 of the Town and Country Planning Act 1990.

2. Approval of the details of the 'scale', 'appearance' and 'landscaping' hereinafter called "the reserved matters", shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

Reason:

Such details are necessary for the full consideration of the proposal and have not, so far, been submitted and in order to ensure the satisfactory implementation of the development in the accordance with the aims of policy SD1 of the Shepway District Local Plan Review.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:

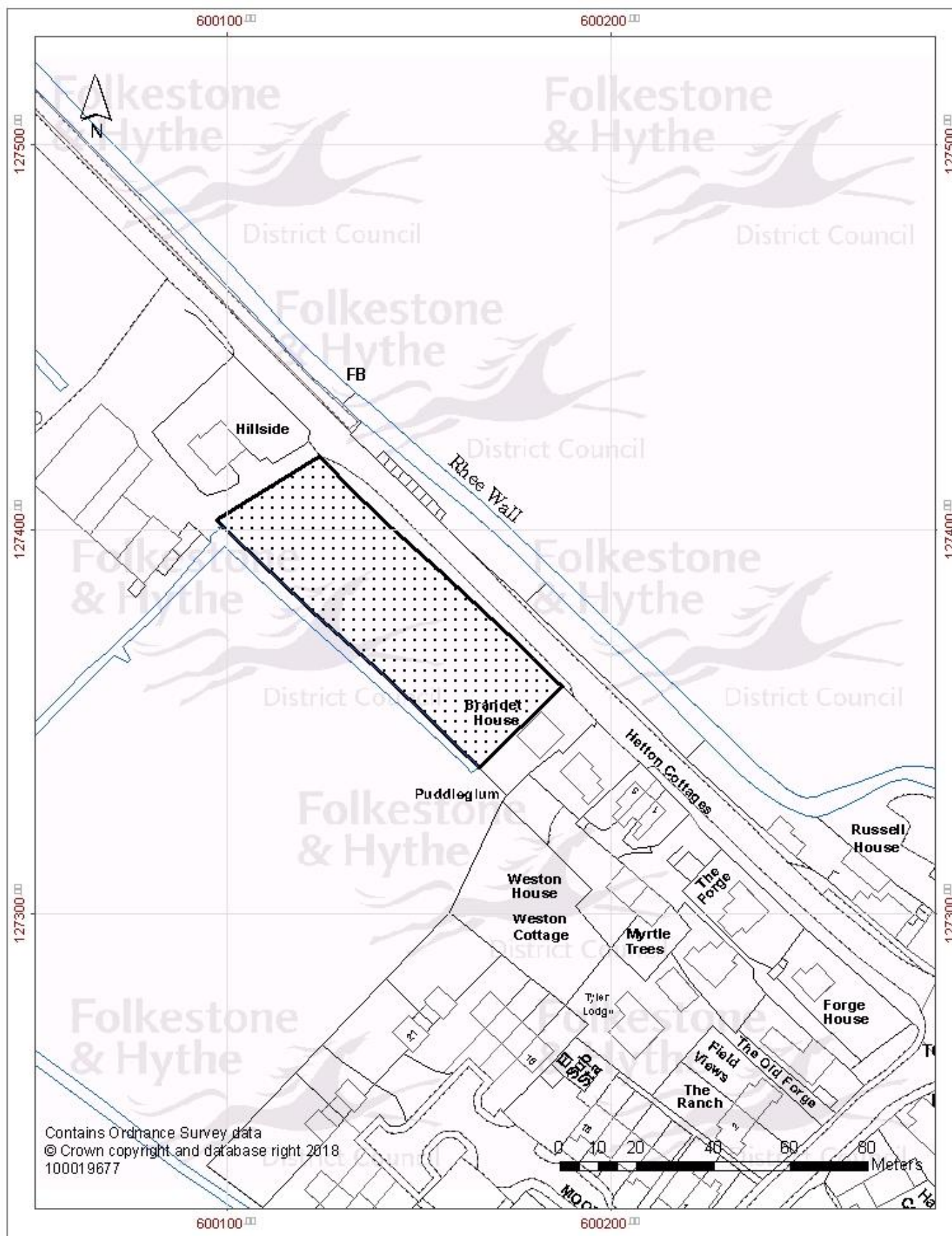
As required by Section 92 of the Town and Country Planning Act 1990 (as amended).

4. Approved plans
5. Parking/turning of cars and parking of bicycles in accordance with Interim Guidance Note 3 - Residential Parking". Including surfacing and drainage of the access road/parking/turning areas.
6. Biodiversity enhancement measures and their maintenance
7. Waste and recycling facilities
8. Contamination
9. Water efficiency measures
10. High Speed Fibre Optic broadband (minimal internal speed of 100mb)
11. Measures to prevent debris and spoil being deposited on the public highway
12. Works to trees and shrubs on site shall not take place during bird-breeding season.
13. If development has not commenced within two years of the date of this outline planning a further phase 1 habitat survey is required.
14. Installation of a sealed cesspool for each dwelling.
15. Details of surface water drainage to include Sustainable Urban Drainage System (SUDs) and ongoing maintenance/management.
16. Provision of vision splays for the access points.
17. Provision of highway footway extension.
18. Details of highway lighting for the footpath.
19. Acoustic assessment.
20. Programme of archaeological work and details of a publically accessible scheme to provide on-site interpretation of the Second World War heritage.
21. Provision, retention and maintenance/management of buffer strip to north western boundary.
22. Tree protection measures for TPO tree.
23. Landscaping
24. Boundary treatment
25. Reserved Matters to provide for no more than 6 dwellings

Informatives

1. Street naming and numbering
 2. Sleeping accommodation to be at first floor only and flood resilience construction techniques required to reduce the impact of flooding if it were to occur.
 3. Any connection made to the Land Drainage Board watercourse will require Board Consent under Section 23 of the Land Drainage Act 1991 and the discharge rate should not exceed that of the current undeveloped site.
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Y17/1398/SH
Land adjoining Millside
Rhee Wall Road
Brenzett



Application No: Y18/0361/SH

Location of Site: All Saints Farm, Ashford Road, New Romney TN28 8TH

Development: Erection of 3 sheds (resubmission of planning application Y17/0305/SH)

Applicant: Mrs Briony Kapoor

Agent: Ms Jenny Owen
Jennifer Owen & Associates Ltd.
Bargrove Farm
Newington
Kent
CT18 8BH

Date Valid: 10.04.18

Expiry Date: 05.06.18

PEA Date: 03.08.18

Date of Committee: 31.07.18

Officer Contact: Paul Howson

SUMMARY

This report considers whether planning permission should be granted for the erection of 3 sheds.

It is considered that this re-submitted application does not fully overcome the previous reason for refusal in terms of the adverse visual impact of the proposal on the landscape, the setting of the Scheduled Monument, and potential harm to buried archaeological remains; and that the public benefit would not outweigh the harm identified.

Consequently, the report recommends that planning permission be refused.

RECOMMENDATION: That planning permission be refused for the reasons set out at the end of the report.

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of three sheds. This is a re-submission of application Y17/0305/SH which was for five sheds. Each shed would have stained shiplap boarding external walls, and a shallow pitch black Onduline roof. The ridge height of each shed would be approximately 2.9m, with a footprint of approximately 13sqm.
- 1.2 The proposed three sheds would be adjacent to the north western side boundary of the site, in a linear block of three. Two of the sheds were

already in situ at the time of the officer's site visit. The proposed sheds would be used for agricultural purposes, including storage of animal feed, tools and equipment, and to house animals.

- 1.3 The application is accompanied by a site plan (existing and proposed), plans of the shed, a Planning Statement, and a Heritage Statement.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- It is located within the open countryside
- The site is within a locally designated Local Landscape Area
- It is within an Area of Archaeological Potential.
- The site is shown on the EA maps as being within Flood Zones 2 & 3
- It is shown on the Council's SFRA as being low to moderate flood risk when allowing for climate change.
- Part of the site surrounds a Scheduled Monument (SM) (Hope All Saints remains of church)
- The remains are also Grade II listed (Ruins of Church of All Saints)

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The site is formed of an enclosed area which is made up of two distinct sections. The part to which the application relates is an irregular rectangular grassed meadow, which historically was used to graze sheep. The other part of the site on its north eastern corner is separated by a ditch and forms the moated surrounds of a Scheduled Ancient Monument. The designated area around the monument does not form part of the application.
- 3.2 The site area is a relatively flat meadow, and is enclosed by a post and wire stock fence. An animal enclosure has been created in the centre of the paddock, and some art installations have been erected to the rear of the site. There is also a small animal shelter, planters, benches, a netted plant cage, and sapling trees spread across the site.
- 3.3 There is a public footpath that runs across the front of the site, from the road to the adjoining field. The site is surrounded by arable fields, and on the opposite side of the road is a light industrial unit and yard of a Metal Fabrication company in a former farm building. This is the only built form in the immediate vicinity, which is predominantly rural and falls within the Romney Marsh Character Area.
- 3.4 The Scheduled Monument is under the same ownership. The Scheduled Monument is on a moated raised parcel of land. The church remains consist of standing sections of medieval masonry.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Erection of 5 sheds was refused in 2017 (Y17/0305/SH).

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 St Mary in the Marsh Parish Council

Object on grounds of a series of material inaccuracies in the description of the proposal leads the Council to support the objections raised by other leading authorities and the over-whelming objections raised by residents

5.3 Historic England

No objection on heritage grounds

5.4 Heritage consultant

Objects due to design, materials and scale of development

5.5 KCC Archaeology

Recommend archaeology measures will be required

5.6 KCC Ecology

No objection due to limited ecological impact

5.7 Campaign to Protect Rural England (CPRE)

Object due to harm to setting of heritage assets

5.8 KCC Public Rights of Way officer

No objection

5.9 Environmental Health

No objection

5.10 Rural Advisor

No objection

5.11 Environment Agency

Have not commented.

5.12 Kent Wildlife Trust

Have not commented

5.13 Romney Marsh Internal Drainage Board

Have not commented

5.14 East Kent Badger Group

Have not commented

6.0 PUBLICITY

- 6.1 Neighbours letters expiry date 3rd May and 7th May 2018
- 6.2 Site notice expiry date 10th May 2018
- 6.3 Press notice expiry date 17th May

7.0 REPRESENTATIONS

- 7.1 Representation 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:

- 7.2 10 letters/emails received objecting on the following grounds:

- Planning permission already refused for similar development
- Reducing to three sheds is just as harmful to integrity of site
- Applicant has ignored refusal of planning permission and erected sheds without consent
- Negatively impact on views/setting of church ruins
- Setting of ruins is characterised by the openness of site, which is part of the special character of the Romney Marsh
- Open vista was popular with artists
- Buildings would spoil a desolate tranquil site
- Inappropriate design very suburban in appearance
- Land is iconic site and should be left undeveloped
- The site has been advertised in the press as a Heritage Site and Memorial Garden
- Should not be turned into a theme park
- Plans for site would desecrate the church ruins
- Encourage vandalism of a consecrated site
- Clutter from numerous items placed on the land
- Trench was dug across the site to provide services
- Amenity project not agriculture
- Inadequate justification for the sheds
- Land should be returned to its former condition
- Heritage Statement is not from a recognised professional
- Refer to comments made on previous application

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, BE5, CO1, CO5, CO18

- 8.3 The following policies of the Shepway Local Plan Core Strategy apply:
DSD, CSD3

- 8.4 The following paragraphs of the National Planning Policy Framework (2018) are of particular relevance to this application:

Paragraph: 15, 184, 189, 193, 196

9.0 APPRAISAL

Background

- 9.1 Planning permission is required for the proposed development as only agricultural units of 5 hectares or more in size have permitted development rights to erect buildings, and these are subject to a prior notification procedure. Therefore there are no permitted development rights to erect sheds on this land.
- 9.2 The applicant approached the Council in March 2017 to seek planning advice regarding creation of a Heritage Park and Memorial Garden on the site, and the erection of various structures and works in relation to this. There has also been press coverage of this intended use, as well as signage erected on the site. It was advised that more detail was required to ascertain if this change of use needed planning permission, but that some of the structures and the sheds would need planning permission. Subsequently the previous planning application was submitted for the erection of five sheds, for agricultural use and the maintenance of the scheduled monument.
- 9.3 The officer site visit at that time revealed that the groundworks had already been prepared for the sheds, including trenches dug for the water supply. That planning application was refused on the following grounds:

The proposal, by reason of its design, materials, inappropriate siting, and the cumulative visual impact of the five buildings proposed, would represent unnecessary clutter in the countryside which would result in the loss of the

openness and isolated character for which the landscape and the scheduled monument setting are noted for, and would amount to considerable harm to the quality of the locally designated landscape, and the historic significance of the scheduled monument. The proposal is therefore contrary to saved policies CO1 and CO5 of the Shepway District Local Plan Review which will not permit development that does not protect the landscape character unless there are economic and social well-being needs that outweigh the protection of the local landscape importance. Further to this, the proposed development would be contrary to paragraphs 132 and 134 of the NPPF which seek to avoid substantial harm to heritage assets of the highest significance, notably scheduled monuments, without clear and convincing justification for any unavoidable harm, or adequately explaining how the public benefit would outweigh the harm.

Since that time the applicant has erected two sheds on the site without planning permission and has now submitted this current application.

Relevant Material Planning Considerations

- 9.4 The relevant issue for consideration with regard to this current application are whether it overcomes the previous reason for refusal in terms of the impact on the on the locally designated landscape character; and, the impact on the heritage assets including archaeology. The application can only consider the sheds that are being applied for, other works carried out (or planned) are not the subject of this application, and are described for background information only. A decision will be taken separately on the need for planning permission for the artworks and other structures.

Justification

- 9.5 Saved policy CO18 requires new agricultural buildings to be a) necessary for the purposes of agricultural and the operational needs of an agricultural unit, and b) the siting, scale, materials and colour are in keeping with the surroundings. To justify the need for the sheds in connection with the agricultural use the applicant has submitted a Planning Statement, setting out the small scale agriculture/horticulture use proposed on the site. The application sets out long term public benefits of providing new farming ideas, serving specialist markets, and preserving the ruins of Hope All Saints Church. This amounts to a small scale community assisted arts and farming project with plans for grazing sheep, fruit and vegetable cultivation, and production of edible frogs and snails. It is considered reasonably necessary to have a modest building for the horticultural/agricultural use of the land. The limited nature of the enterprise described is low maintenance and could be supported by a single building of a more appropriate design and overall proportions. Furthermore, the applicant is predicting the future horticulture and animal husbandry needs, before having established any demonstrable need. At the time of the site visit, some tree planting had taken place and there were three goats in a pen. The two sheds on the site contained one bale of hay, a wheelbarrow and a watering can. It is not considered that sufficient justification has been demonstrated for the need for three buildings, and in any event any such need would not outweigh the harm set

out later in this report. Therefore it is not considered that criteria (a) of policy CO18 have been met. It is also considered for the reasons set out in paragraph 9.6 below that the proposal fails the second caveat b) of saved policy CO18.

Landscape and visual impact

- 9.6 The historic and aesthetic character of the site is mainly formed by the isolated nature of the church ruins, which gives the abandoned church an evocative atmosphere. The flat open featureless Romney Marsh landscape is an important contributory factor in this, and is integral to the historic significance of the area. It is considered the proposed erection of sheds would interrupt the existing open vista from the road and public footpath, and would introduce alien domestic looking structures that would visually jar, and draw the eye away from the ruins. This would be harmful to the striking scenic beauty of the church ruins set on a small mound above the surrounding open fields. The existing works site at Chapel Land Farm on the opposite side of the road, does not impinge on these open views from the public domain.
- 9.7 The 3 sheds would result in a proliferation of buildings which would create inappropriate clutter within the locally designated landscape, and within the setting of the designated heritage asset. Furthermore, the shed design is too domestic and basic for an open countryside setting. There is an existing small cluster of Hawthorns adjacent to where the block of three sheds is proposed. However, the proposed sheds would be approximately 10m in from the site boundary, and would appear from the road as being in the open field, with minimal backdrop. The designs are not in the rural vernacular, and contrary to the applicant's assertion in the Planning Statement, have the appearance of a domestic shed/garage, which would be acceptable in a residential rear garden, but not in a visually prominent location in the open countryside close to a scheduled monument. As such they are contrary to part (b) of policy CO18. Consideration should be given to a single building with appropriate materials used in its construction, which would have a smaller overall footprint and less of a visual impact and appear less cluttered. In this instance the standard sheds would be visually prominent, and the inappropriate design would be incongruous and harmful to the Romney Marsh landscape character, without sufficient justifiable need. Therefore, the siting, the scale of buildings, amount of buildings, and external finish are not in keeping with the surroundings, and do not make the best of the very limited natural screening, and represent unnecessary clutter in the countryside. Furthermore, they form part of a wider intensification of the use of the site, without any appropriate mitigation, and without less harmful alternatives having been carefully considered.
- 9.8 Saved local plan policy CO5 seeks to resist development that does not protect the landscape character unless there are economic and social well-being needs that outweigh the protection of the local landscape importance, which is particularly acute in this location due to the presence of the ruins. Further to this saved policy CO1 amongst other things seeks to maintain or enhance features of landscape, and historic importance particular to the

quality and character of the countryside. It is considered the proposal fails the policy objectives of saved policies CO5 and CO1.

Heritage

- 9.9 The proposal affects the setting of a Scheduled Monument which is also Grade II listed. As such the application was required to be accompanied by a Heritage Statement describing the significance of the affected heritage assets, including the setting of the monument. The church is thought to be C12th, and to have served the lost village of Hope, before falling out of use in the C16th.
- 9.10 Works outside the scheduled monument area do not require scheduled monument consent (SMC), but serious consideration has to be given to how they might affect the setting of the SM. This is because the historic significance of the ruin relates to its relationship and connection with its surroundings, as well as the physical fabric. It is considered that the introduction of incongruous domestic sheds harm the heritage significance, interrupting views to and from the ruins and adversely affecting the isolated character. As alluded to above the significance of the ruins largely derives from its isolated setting in the open landscape. It is considered that the proposed sheds would compromise this isolated setting and result in harm to the essential character of the SM. The site and the ruins are highly visible in near and distant views from the road and footpaths due to the openness of the land without significant roadside vegetation. The proposed sheds are considered therefore to interfere with the unobstructed views of the remains. The three proposed sheds would be (are) to the side of the monument adjacent to a small group of hawthorns, and therefore are not in the direct line of view from the highway. However, the site is very open, and the eye is drawn to these incongruous structures and associated clutter, which distracts from the atmosphere the ruins had when the site was open grazing land. Isolated vertical structures are particularly prominent in the flat horizon of the Romney Marsh, thus the church ruins' silhouette is especially evocative in the flat open landscape. In this regard whilst not the subject of this application, it is noted that inappropriate planting and other planned development on the site would have an additional cumulative negative effect on the key feature of the setting of the building, which is its isolation.
- 9.11 Whilst the three sheds on the western side of the site are considered to be inappropriate for the countryside setting, as set out above, Historic England considers they would have less direct harm to the setting of the monument, due to being off to one side of it. As such, the removal from the scheme of the two proposed sheds around the ruins has reduced the harm to the monument's significance, and Historic England has removed its objection. However, although they say the harm to the monument's significance is minimised, officers consider that there is still less than significant harm and that this harm is unacceptable. Paragraph 193 of the NPPF requires that great weight should be given to the impact of a proposed development on the significance of a designated heritage asset which can be harmed by development within its setting. Planning legislation gives considerable importance to the preservation of heritage assets, including their setting.

- 9.12 Paragraph 184 of the NPPF states that it is a core planning principle to conserve heritage assets in a manner appropriate to their significance. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a development affecting the setting of a heritage asset. In this case the harm is considered to be less than substantial. Paragraph 196 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.13 The applicant makes the assertion in the application that the aims of the project are to preserve the church ruins, and they make reference to the proposed improvement of this neglected site. However the preservation of the ruins can be carried out without the amount of development proposed by the applicant. It has not been satisfactorily demonstrated that the uses being proposed, for which the sheds are said to be required, are necessary to preserve the SM and so this does not overcome the impact that they have and will have on its otherwise isolated and undeveloped setting. Although not for approval, the plans for the site set out in the application include fencing, bridges, services, art installations, planting and other structures which the sheds would add to and would cumulatively amount to clutter in the countryside which would cumulatively impact negatively on the setting of the scheduled ruins. These additional structures are not supported by Historic England. Any benefits from the proposed development would primarily be for the applicant as public access to the ruins would be restricted and any wider public benefit has not been adequately demonstrated. Therefore, it is considered the benefits to the wider public from this project would be minimal, and do not outweigh the less than substantial harm the development causes to the setting of the SM. As such the development is contrary to national planning guidance.

Archaeology

- 9.14 The site has high potential to have significant archaeological remains outside the monument area, in connection with the church and burial ground, and an associated medieval settlement (the abandoned hamlet of Hope which the church served). Before any further excavations and any covering up with hardstanding, an archaeological survey needs to be carried out by a suitable qualified person, to avoid potential damage of archaeological remains. It is considered that the archaeology heritage of the site has not been properly researched, as the submitted heritage statement states that the area outside the scheduled monument has very poor archaeological potential, concluding that any ground works in this area would have no impact on archaeological remains. Historic England refute this, stating that previous finds in and around the scheduled monument (including a Papal Bull, lead tokens, buckles and a variety of coins) and indications of a deserted medieval village nearby, indicate the surrounding area unquestionably has potential to have preserved archaeological remains. Any ground works would have potential to impact on the archaeological heritage. KCC Archaeology officers concur with this and have confirmed that archaeological measures will be required

to ensure that any remains are appropriately investigated, recorded and reported. Therefore if members are minded to grant planning permission, a programme of archaeological work would need to be secured by condition.

Ecology

9.15 In accordance with the EIA Regulations the site does not fall within a sensitive area and the development is below the relevant thresholds and therefore does not need to be screened under these regulations. It is considered that the sheds would have limited ecological impacts, and the site is managed grassland, with limited potential for notable species.

Flood risk

9.16 A Flood Risk Assessment is not required with the application, and the Environment Agency has no objection to the proposal. As the proposed sheds are for storage of equipment, there would be no risk to human life.

Public Rights of Way

9.17 The proposed sheds would not affect the public right of way, and as such there would be no objection in this regard.

Local Finance Considerations

9.18 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.

In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. This application is not liable for the CIL charge.

New Homes Bonus payments are not a material consideration in the determination of this application.

Human Rights

9.19 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.

9.16 This application is reported to Committee at the request of Cllr Goddard.

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).

RECOMMENDATION – That planning permission be refused for the following reason:

The proposal, by reason of its design, scale, materials, siting, and the cumulative visual impact of three buildings, would represent unnecessary clutter in the countryside which would result in the loss of the openness and isolated character for which the landscape is noted, resulting in harm to the quality of the locally designated landscape. The proposal is therefore contrary to saved policies CO1, CO5 and CO18 of the Shepway District Local Plan Review which will not permit development that does not protect the landscape character unless there are economic and social well-being needs that outweigh the protection of the local landscape importance; and, paragraph 170a) of the NPPF (2018) which seeks to protect and enhance valued landscapes. The justification and public benefit of the proposal are not considered to outweigh the harm caused.

The proposal, by reason of its design, scale, materials, siting, and the cumulative visual impact of three buildings, would distract from the isolation and openness the scheduled monument setting is noted for, resulting in harm to the historic significance of the scheduled monument. Whilst this harm is deemed less than significant, the proposal is considered to be contrary to the National Planning Policy Framework (2018) paragraph 196 which requires that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit. The minimal wider public benefits of the proposal are not considered to outweigh the less than substantial harm caused.

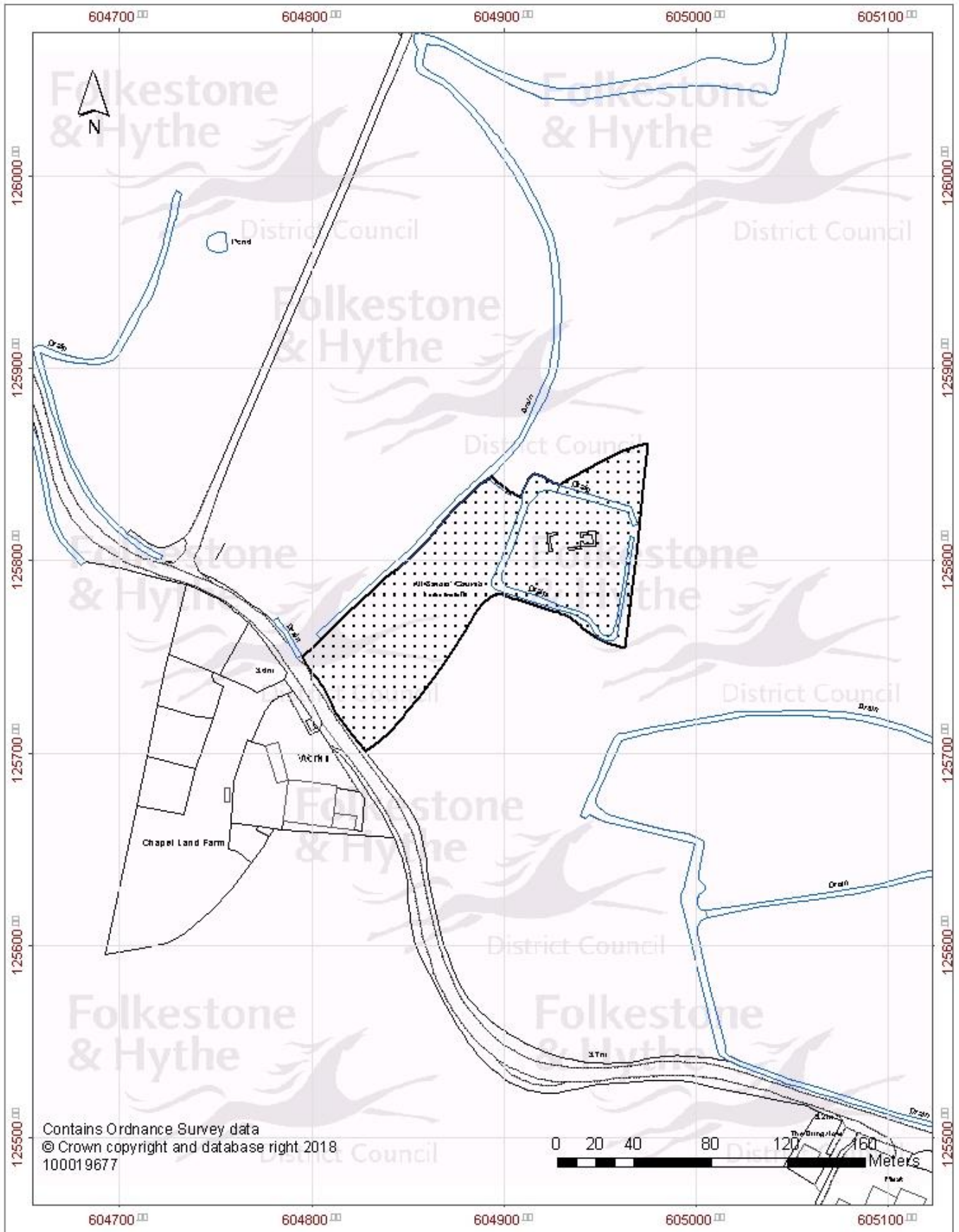
Informative:

Planning permission/Scheduled Monument Consent (where applicable) would have to be sought for all other plans detailed within the heritage statement.

Any additions to or works within the Scheduled Monument itself would require an application for Scheduled Monument Consent (SMC); and that any works carried

out within the scheduled monument without consent would constitute an offence under the Ancient Monuments Act (1979).

Y18/0361/SH
All Saints Farm
Ashford Road
New Romney



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LIST OF DEVELOPMENT PLAN POLICIES

SHEPWAY CORE STRATEGY LOCAL PLAN (2013) & SHEPWAY DISTRICT LOCAL PLAN REVIEW (2006) POLICIES

Core Strategy (2013) policies

Chapter 2 – Strategic Issues

DSD - Delivering Sustainable Development

Chapter 4 – The Spatial Strategy for Shepway

SS1 - District Spatial Strategy
SS2 - Housing and the Economy Growth Strategy
SS3 - Place Shaping and Sustainable Settlements Strategy
SS4 - Priority Centres of Activity Strategy
SS5 - District Infrastructure Planning
SS6 - Spatial Strategy for Folkestone Seafront
SS7 - Spatial Strategy for Shorncliffe Garrison, Folkestone

Chapter 5 – Core Strategy Delivery

CSD1 - Balanced Neighbourhoods for Shepway
CSD2 - District Residential Needs
CSD3 - Rural and Tourism Development of Shepway
CSD4 - Green Infrastructure of Natural Networks, Open Spaces
and Recreation
CSD5 - Water and Coastal Environmental Management in
Shepway
CSD6 - Central Folkestone Strategy
CSD7 - Hythe Strategy
CSD8 - New Romney Strategy
CSD9 - Sellindge Strategy

Local Plan Review (2006) policies applicable

Chapter 2 – Sustainable Development

SD1 - Sustainable Development

Chapter 3 – Housing

- HO1 - Housing land supply – Relates to allocated sites on the Proposals Map and a list of exceptions subject to specified criteria.
- HO2 - Land supply requirements 2001-2011.
- HO6 - Criteria for local housing needs in rural areas.
- HO7 - Loss of residential accommodation.
- HO8 - Criteria for sub-division of properties to flats/maisonettes.
- HO9 - Subdivision and parking.
- HO10 - Houses in multiple occupation.
- HO13 - Criteria for special needs annexes.
- HO15 - Criteria for development of Plain Road, Folkestone.

Chapter 4 – Employment

- E1 - Development on established employment sites.
- E2 - Supply of land for industry, warehousing and offices. Allocated sites on the Proposals Map.
- E4 - Loss of land for industrial, warehousing and office development.
- E6a - Loss of rural employment uses.

Chapter 5 – Shopping

- S3 - Folkestone Town Centre – Primary shopping area as defined on the Proposal Map.
- S4 - Folkestone Town Centre – Secondary shopping area as defined on the Proposal Map.
- S5 - Local Shopping Area – Hythe.
- S6 - Local Shopping Area – New Romney.
- S7 - Local Shopping Area – Cheriton.
- S8 - Local centres – last remaining shop or public house.

Chapter 6 – Tourism

- TM2 - Loss of visitor accommodation.
- TM4 - Static caravans and chalet sites.
- TM5 - Criteria for provision of new or upgraded caravan and camping sites.
- TM7 - Development of the Sands Motel site.
- TM8 - Requirements for recreation/community facilities at Princes Parade.
- TM9 - Battle of Britain Museum, Hawkinge

Chapter 7 – Leisure and Recreation

- LR1 - Loss of indoor recreational facilities.
- LR3 - Formal sport and recreational facilities in the countryside.
- LR4 - Recreational facilities – Cheriton Road Sports Ground/Folkestone Sports Centre.
- LR5 - Recreational facilities – Folkestone Racecourse.
- LR7 - Improved sea access at Range Road and other suitable coastal locations.
- LR8 - Provision of new and protection of existing rights of way.
- LR9 - Open space protection and provision.
- LR10 - Provision of childrens’ play space in developments.
- LR11 - Protection of allotments and criteria for allowing their redevelopment.
- LR12 - Protection of school playing fields and criteria for allowing their redevelopment.

Chapter 8 – Built Environment

- BE1 - Standards expected for new development in terms of layout, design, materials etc.
- BE2 - Provision of new public art.
- BE3 - Criteria for considering new conservation areas or reviewing existing conservation areas.
- BE4 - Criteria for considering development within conservation areas.
- BE5 - Control of works to listed buildings.
- BE6 - Safeguarding character of groups of historic buildings.
- BE8 - Criteria for alterations and extensions to existing buildings.
- BE9 - Design considerations for shopfront alterations.
- BE12 - Areas of Special Character.
- BE13 - Protection of urban open space and criteria for allowing redevelopment.
- BE14 - Protection of communal gardens as defined on the Proposals Map.
- BE16 - Requirement for comprehensive landscaping schemes.
- BE17 - Tree Preservation Orders and criteria for allowing protected trees to be removed.
- BE18 - Protection of historic parks and gardens as defined on the Proposals Map.
- BE19 - Land instability as defined on the Proposals Map.

Chapter 9 – Utilities

- U1 - Criteria to be considered for development proposals relating to sewage and wastewater disposal for four dwellings or less, or equivalent.
- U2 - Five dwellings or more or equivalent to be connected to mains drainage.
- U3 - Criteria for use of septic or settlement tanks.
- U4 - Protection of ground and surface water resources.
- U10 - Waste recycling and storage within development.
- U10a - Requirements for development on contaminated land.
- U11 - Criteria for the assessment of satellite dishes and other domestic telecommunications development.
- U13 - Criteria for the assessment of overhead power lines or cables.
- U14 - Criteria for assessment of developments which encourage use of renewable sources of energy.
- U15 - Criteria to control outdoor light pollution.

Chapter 10 – Social and Community Facilities

- SC4 - Safeguarding land at Hawkinge, as identified on the Proposal Map, for a secondary school.
- SC7 - Criteria for development of Seapoint Centre relating to a community facility.

Chapter 11 – Transport

- TR2 - Provision for buses in major developments.
- TR3 - Protection of Lydd Station.
- TR4 - Safeguarding of land at Folkestone West Station and East Station Goods Yard in connection with high speed rail services.
- TR5 - Provision of facilities for cycling in new developments and contributions towards cycle routes.
- TR6 - Provision for pedestrians in new developments.
- TR8 - Provision of environmental improvements along the A259.
- TR9 - Criteria for the provision of roadside service facilities.
- TR10 - Restriction on further motorway service areas adjacent to the M20.
- TR11 - Accesses onto highway network.
- TR12 - Vehicle parking standards.
- TR13 - Travel plans.
- TR14 - Folkestone Town Centre Parking Strategy.
- TR15 - Criteria for expansion of Lydd Airport.

Chapter 12 – Countryside

- CO1 - Countryside to be protected for its own sake.
- CO4 - Special Landscape Areas and their protection.
- CO5 - Protection of Local Landscape Areas.
- CO6 - Protection of the Heritage Coast and the undeveloped coastline.

- CO11 - Protection of protected species and their habitat.
- CO13 - Protection of the freshwater environment.
- CO14 - Long term protection of physiography, flora and fauna of Dungeness.

- CO16 - Criteria for farm diversification.
- CO18 - Criteria for new agricultural buildings.
- CO19 - Criteria for the re-use and adaptation of rural buildings.
- CO20 - Criteria for replacement dwellings in the countryside.
- CO21 - Criteria for extensions and alterations to dwellings in the countryside.

- CO22 - Criteria for horse related activities.
- CO23 - Criteria for farm shops.
- CO24 - Strategic landscaping around key development sites.
- CO25 - Protection of village greens and common lands.

Chapter 13 - Folkestone Town Centre

- FTC3 - Criteria for the development of the Ingles Manor/Jointon Road site, as shown on the Proposals Map.
- FTC9 - Criteria for the development of land adjoining Hotel Burstin as shown on the Proposals Map.
- FTC11 - Criteria for the redevelopment of the Stade (East) site, as shown on the Proposals Map.

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**FOLKESTONE & HYTHE DISTRICT COUNCIL
PLANNING AND LICENSING COMMITTEE – 28 August 2018**

Declarations of Lobbying

Members of the Committee are asked to indicate if they have been lobbied or not, and if so, how they have been (i.e. letter, telephone call, etc.) in respect of the planning applications below:

Application No:	Type of Lobbying

Y17/1390/SH Land adj Hope All Saints Garden Centre, Ashford Road, NR
Y18/0327/SH Land opp Dorlands, Cockreed Lane NR
Y17/1398/SH Land adj Millside, Rhee Wall Road, Brenzett
Y18/0361/SH All Saints Farm, Ashford Road, NR

SIGNED:

When completed, please return this form to the Committee Administrator prior to the meeting.

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PLANNING AND LICENSING COMMITTEE

28th August 2018

SUPPLEMENTARY INFORMATION TO SCHEDULE OF APPLICATIONS

1. Y17/1390/SH (Page 3) LAND ADJOINING HOPE ALL SAINTS GARDEN CENTRE, ASHFORD ROAD, NEW ROMNEY, KENT

Outline planning application for the erection of up to 117 dwellings with public open space, landscaping and sustainable urban drainage system (SuDS) and vehicular access from Ashford Road. All matters reserved except for means of access.

Pauline Reynolds, local resident, to speak against application

2. Y18/0327/SH (Page 43) LAND OPPOSITE DORLAND, COCKREED LANE, NEW ROMNEY

Erection of 8 dwellings.

Ian Bull, applicant, to speak on application

3. Y17/1398/SH (Page 57) LAND ADJOINING MILLSIDE, RHEE WALL ROAD, BRENZETT, KENT

Outline application for the erection of 6 houses with matters of scale, appearance and landscaping reserved for future consideration.

Andrew Wellsted, local resident, to speak against application

Helen Whitehead, applicants agent, to speak on application

4. Y18/0361/SH (Page 73) ALL SAINTS FARM, ASHFORD ROAD, NEW ROMNEY

Erection of 3 sheds (resubmission of planning application Y17/0305/SH)

Briony Kapoor, applicant, to speak on application

1. Y17/1390/SH (Page 3) LAND ADJOINING HOPE ALL SAINTS GARDEN CENTRE, ASHFORD ROAD, NEW ROMNEY, KENT

Outline planning application for the erection of up to 117 dwellings with public open space, landscaping and sustainable urban drainage system (SuDS) and vehicular

access from Ashford Road. All matters reserved except for means of access.

A reconsultation with local residents and interest groups is currently being carried out relating to additional information (technical design note) and an updated site plan that have been received. The additional information was submitted following comments from Kent Highways and Transportation and has been reviewed and commented on by Kent Highways and Transportation. Their views are summarised in the committee report and available in full on the planning file. The amended site location plan shows a secondary emergency access to and from the site from Cockreed Lane.

The consultation will expire 7th September 2018. As such, the recommendation in the report is amended as follows:

That, subject to no new issues being raised in respect of highway safety as a result of the reconsultation, delegated authority be given to the Development Management Manager to grant planning permission following the expiry of the consultation period subject to the conditions set out at the end of the report and any additional conditions the Development Management Manager considers to be necessary and a S106 agreement providing 30% affordable housing, High Street improvements (to public realm) High Street/ Station Road improvement works (highway improvements), healthcare contributions, open space contributions (improvements to playing field), transfer of public open space to a management company, KCC contributions relating to primary education, community learning, library bookstock, social care, TRO application fee for application to improve highway capacity and safety improvements, travel plan and cycle improvements and that delegated authority given to the Development Management Manager to agree and finalise the wording of the conditions and the legal agreement.

**4. Y18/0361/SH
(Page 73)**

ALL SAINTS FARM, ASHFORD ROAD, NEW ROMNEY

Erection of 3 sheds (resubmission of planning application Y17/0305/SH)

Two further objection letters received, which are available in full on the planning file, reiterating concerns regarding the following:

- Impact of the proposed development on the landscape and setting of the scheduled monument
- Blighting of the site from the cumulative impact of the numerous installations and structures on the site
- Drawing attention to the fact that planning permission has already been refused once for the proposed development