

**Application No:** Y16/0355/SH

**Location of Site:** Land Adjacent 49 Adie Road Greatstone Kent

**Development:** Erection of 14 dwellings with associated hard surfacing and amenity space.

**Applicant:** Mr K Sharp  
Bluebell Lodge  
Madeira Road  
Littlestone  
New Romney  
Kent  
TN28 8QT

**Agent:** Drawing Services Ltd  
Hydene  
Barrack Hill  
Hythe  
CT21 4BY

**Date Valid:** 01.04.16

**Expiry Date:** 27.05.16

**Date of Committee:** 28.2.2017

**Officer Contact:** Mr Richard Elder

<b>RECOMMENDATION:</b> That planning permission be granted subject to the completion of an acceptable Section 106 legal agreement and conditions set out at the end of the report.
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## **1.0 THE PROPOSAL**

- 1.1 This application proposes the erection of 14 x 2 storey, 3 bedroom semi-detached houses fronting Adie Road with private front and rear gardens and 2 off-street parking spaces for each house. The houses would incorporate pitched, hipped end tiled roofs and would be constructed of brick with weatherboarding to the first floor front elevation. The front elevation incorporates a minor 2 storey front projection to accommodate a bedroom at first floor level and porch at ground floor accessed via steps up to the front entrance door. The ground floor finished floor level would be set at approximately 0.8 metres above ground level to address protection from potential flood events.
- 1.2 The application has been revised to reduce the number of houses from 16 to 14 to facilitate the provision of 3 off-street visitor parking spaces to the eastern end of the site adjacent to no.49 Adie Road and to provide a buffer to the drainage ditch. An additional revision has been submitted amending the site boundary red line area to include a grass verge ransom strip to the roadside boundary, over which access would be required to reach the site.

## **2.0 LOCATION AND DESCRIPTION OF SITE**

- 2.1 The site is located on the north west side of Adie Road and is a green field area located between nos.17 and 49 Adie Road. The site is relatively flat and open and has been kept as mown lawn for some time. The site lies within the Romney Marsh Local Landscape Area which is renowned for its flat and open nature and the site is outside the confines of the settlement boundary, although the settlement boundary abuts the site as the dwellings either side of the site are located within. The site is also identified as being within an area of archaeological potential and flood zones 2&3. In terms of the Strategic Flood Risk Assessment, the site varies from no risk to moderate risk in 2115. The site is currently formed of grassland and accessed directly from Adie Road which is an unclassified road.
- 2.2 To the rear of the site lies open countryside and a drainage ditch to the north which runs parallel to the northern boundary.
- 2.3 The surrounding area is predominantly characterised by detached 1920's, 1930's and 1950's bungalows and detached 1960's/1970's 2 storey houses. Adie Road is an unclassified road. The two dwellings that abut the boundaries of the site are bungalows; one a chalet type and the other a standard bungalow.

## **3.0 RELEVANT PLANNING HISTORY**

No planning history.

## **4.0 CONSULTATION RESPONSES**

- 4.1 New Romney Town Council – Objection. Site is located outside the residential confines.

KCC Highways And Transportation – No objection to the revised layout subject to conditions.

The following should be secured by condition if permission is granted:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the occupation of any of the dwellings hereby permitted.
- Completion and maintenance of the accesses and the necessary vehicle

crossover licences as shown on the submitted plans prior to the occupation of any of the dwellings hereby permitted.

- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

KCC Suds/Flood Risk – No objection subject to conditions:

Kent County Council as Lead Local Flood Authority have the following comments:

The submitted strategy demonstrates either an infiltration system or attenuation system with discharge to local watercourse can be accommodated on the site should infiltration not be possible. The development proposal therefore provides for appropriate surface water management within the site.

Should your Authority be minded to grant permission to this development, we would recommend that the following Conditions are attached:

Condition:

(i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles discussed within the drainage strategy by Monson Engineering Ref. 8220 (dated 21st July 2016) and demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

(ii) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a timetable for its implementation, and
- a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason:

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

Environmental Health – No objection subject to conditions relating to site contamination.

20<sup>th</sup> July

1. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to:
  - Human health;
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - Adjoining land,
  - Ground waters and surface waters,
  - Ecological systems,
  - Archaeological sites and ancient monuments; and
- (iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document *Model Procedures for the Management of Land Contamination (Contamination Report 11)*.

3. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority

prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

4. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

5. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors [Kent and Medway Structure Plan Policy NR5 and Dover District Local Plan Policy DD1].

Landscape And Urban Design Officer – No objection subject to conditions.

Arboricultural Manager - No objections to the amended plot layout

K.C.C. (Planning - Archaeology) – No archaeological measures required.

Environment Agency – No objection subject to the following condition:

Minimum ground floor levels will be set at 3.57m ODN as recommended in the Flood Risk Assessment (FRA) with all sleeping accommodation set at first floor level only.

Reason: To protect people and property from the impact of flooding.

Romney Marsh Internal Drainage Board

14 April

Please find attached a map of the IDB and SDC maintained watercourses that form two boundaries of the site. Under IDB Byelaws, the Board will not consent development within 8m of an adopted watercourse when one bank is already developed. This is to maintain access for maintenance in the future using heavy plant.

Any surface water outfalls that discharge into a watercourse (whether adopted or not) will require IDB consent also.

*Please note these comments were received prior to the amended layout.*

Southern Water

13 June

The comments in our response dated 06/06/2016 remain unchanged and valid for the amended details.

Please note that New Romney wastewater treatment works is located 400metres North West from **the** proposed development.

Southern Water endeavours to operate its sewage and sludge treatment works efficiently and in accordance with best practice to prevent pollution. However the very nature of sewage treatment works means that they are not ideal neighbours to sensitive land uses. Development sensitive to odour pollution in close proximity to sewage treatment works can suffer from smells that are inherent in the treatment process.

We therefore ask that the precautionary principle is adopted by Local Planning Authorities to avoid **potential** land-use conflict, **in** accordance with PPS23. This can be achieved by designating an appropriate **buffer zone** around the treatment works within which development sensitive to odour **is** excluded or by a S106 agreement in which the developer funds measures at the works required to control odours. I will describe later how the size of the buffer zone can be determined but will first make reference to PPS23.

Appendix A of PPS23 lists matters that may be material in the consideration of individual planning applications. It includes: the need to separate necessary but potentially polluting and other land uses so as to reduce conflicts, for example by identifying where necessary areas around existing sources of pollution in which proposed new development and uses should be carefully considered in terms of the potential as pollution receptors."

Paragraph 11 states: "Where, for example, new housing is proposed close to a source of potential pollution, the risk of pollution from the normal operation of the process or the potential impacts and the extent to which the proposals address such risks will influence whether or not development should proceed...."

Paragraph 1.23 of Annex 1 advises: "Intending developers and LPAs should also be aware that the effects of odour from sewage treatment works on neighbouring land where people are present may need to be considered."

Paragraph 1.50 of Annex 1 advises: "where a development is planned in or near to an area of existing sources of pollution, it may be appropriate to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990 "

Returning to the question of the size of the buffer zone required, the water industry predicts the dispersion of odours from point sources using computer modelling. Meteorological Office data is used to predict the dispersion of odours throughout a "receptor grid" radiating outwards from the works. Modelling is based on the industry standard for odour of 0.6 parts per billion (ppb) of hydrogen sulphide with a 98-percentile probability. Sensitive development that is subject to levels above this standard is likely to lead to complaints about odour from residents.

KCC Ecology – No objection subject to conditions

18<sup>th</sup> August

*Thank you for requesting advice on this application from KCC's Ecological Advice Service. This service provides advice to planning officers to inform Shepway District Council planning decisions with regard to the potential ecological impacts. Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.*

Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states that *"the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."*

Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."*

Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

We have reviewed the ecological information submitted with the planning application and we advise that insufficient information has been provided to determine the planning application.

### **Great Crested Newts**

When we originally commented on this application we had concerns that insufficient information had been provided to assess the suitability of the site to be used by great crested newts. Particularly as the submitted information had not considered the suitability of the adjacent ditches to be used by GCN and there is known populations of GCN within the Dungeness, Romney Marsh and Rye Bay SSSI.

Additional information has been provided detailing that there is reduced potential for GCN to be present within the site for the following reasons:

- Ditches were dry at the time of the updated survey (July 2016)
- The ditches are isolated and have limited connectivity between the proposed development site and the SSSI.

Based on this additional information we are satisfied that there is reduced potential for GCN to be impacted by the proposed works and require no additional information to be provided.

### **Precautionary Mitigation**

The report has highlighted that there is some limited potential for reptiles and breeding birds to be present within the site - particularly within the site boundary. We advise that if planning permission is granted the precautionary mitigation is implemented if planning permission is granted.

### **Enhancements**



One of the principles of the National Planning Policy Framework is that *"opportunities to incorporate biodiversity in and around developments should be encouraged"*.

The report has recommended the inclusion of bat and bird bricks within the proposed houses and insect boxes within the gardens of the proposed dwellings. We advise that if planning permission is granted the recommended enhancements are incorporated in to the site.

14<sup>th</sup> June

Thank you for requesting advice on this application from KCC's Ecological Advice Service. *This service provides advice to planning officers to inform Shepway District Council planning decisions with regard to the potential ecological impacts. Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.*

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We have reviewed the ecological information submitted with the planning application and we advise that insufficient information has been provided to determine the planning application.

**Great Crested Newts**

The submitted information has detailed that due to the lack of ponds within the site and immediate area there is limited potential for Great Crested Newts to be present however when considering the potential impact on GCN the report has not considered the ditches which present within the immediate area.

The Dungeness, Romney Marsh and Rye Bay SSSI citation details that there are populations of GCN within the designated site and the aerial photos indicate that there is some connectivity between the proposed development site and the designated sites. As such we are concerned that there is potential for GCN to be present within the immediate area and the submitted ecological information has not adequately assessed the impact.

As the site provides suitable commuting and foraging habitat for GCN we recommend that the ecological survey is updated to assess the potential for GCN to be present within the site and assess if there is a need for a GCN survey to be carried out.

### **Enhancements**

One of the principles of the National Planning Policy Framework is that *“opportunities to incorporate biodiversity in and around developments should be encouraged”*.

The report has made some recommendations for ecological enhancements but they are just general unspecific enhancements. We recommend that details of appropriate ecological enhancements which can be incorporated in to the proposed development site are provided for comments.

## **5.0 PUBLICITY**

5.1 Neighbours notified by letter. 05/01/2017

5.2 Site Notice. 01/07/2016

5.3 Press Notice. 30/06/2016

## **6.0 REPRESENTATIONS**

6.1 8 letters/emails of objection have been received and are summarised as follows:

- Over development/ over intensification of site.
- Site located outside of settlement boundary within local countryside.
- Unsustainable development remote from services and public transport.
- Design and layout out of keeping and unsympathetic with the surrounding area with incongruous facade and monotonous form that fails to acknowledge the setting.
- Fails to relate well in form and pattern to surroundings and fails to enhance the environment and community.

- Houses are too high.
- Front gardens present an ambiguous area of open grass and parking along the site frontage out of keeping with the street.
- Provision of 28 crossovers would compromise safety and convenience for other road users and undermine any landscaping opportunity.
- Narrow unadopted road unsuited to further development.
- Adie Road has propensity to flood during heavy rain.
- Drainage Strategy falls short of proposing a definitive infiltration drainage solution.
- Applicant does not own all of the land – grass verge belongs to others.
- Noise and disturbance from construction.
- Loss of privacy.
- Loss of light.
- Construction traffic will destroy condition of roads which are in disrepair.
- Site incorporates various wildlife which would be lost.
- Density too high
- Parking insufficient/ loss of on road parking
- Errors/ misleading statements in application
- No consultation has been undertaken by developer

6.2 An email from Councillor Govett has been received questioning the ownership of the grass verge to the roadside boundary of the site and whether the developer has access over the verge.

In response to this, a revised red line site boundary plan has been received from the applicant to include the verge within the site area and notice has been served on the owner of the grass verge.

## **7.0 RELEVANT POLICY GUIDANCE**

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

7.2 The following policies of the Shepway District Local Plan Review apply:

SD1, BE1, BE16, U2, U3, U4, U10a, TR5, TR11, TR12, H01, C01, C05, C011.

7.3 The following policies of the Shepway Local Plan Core Strategy apply:

DSD, SS1, SS2, SS3, SS5, CSD1, CSD8.

7.4 The following Supplementary Planning Documents and Government Guidance apply:

## 8.0 APPRAISAL

### Relevant Material Planning Considerations

- 8.1 The main issues to be considered in the determination of this application are the acceptability of the principle of development, the visual impact upon the surrounding area, the impact upon the amenities of residents, ecology, flood risk, highways and transportation matters.

### Principle of Development

- 8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Shepway District Local Plan Review, and as such the starting point for consideration of the proposal is policy C01 which relates to development within the countryside. The policy essentially seeks to protect the countryside for its own sake only allowing proposals that essentially require a countryside location unless there is a there is an overriding social or economic need. This policy whilst saved, does pre-date the NPPF and the Council's Core Strategy which focus more on sustainable development.
- 8.3 Policy CSD3 of the Shepway Core Strategy seeks to protect the countryside from inappropriate development that does not require a countryside location although a range of exceptions to this are listed, similar to paragraph 55 of the NPPF, but with a broader range to cover infrastructure. Policy SS1 of the Shepway Core Strategy identifies the strategic priorities for future development being on urban, brownfield sites. Saved policy HO1 of the Shepway Local Plan Review permits housing on previously developed sites or infill within urban areas. Policy SS3 of the Core Strategy requires development within Shepway to be directed towards previously developed land within the urban area. Saved policy SD1 of the Shepway Local Plan (2006) states that the priority is to *"locate new development within or around existing built-up areas, especially on previously developed land, in preference to 'greenfield' sites"*. Core Strategy policy CSD8 also promotes the development of further housing within New Romney during the local plan period in line with Policy SS3.
- 8.4 Whilst the site is located outside of the settlement boundary of New Romney within the countryside, it is important to note that the site is located directly on the settlement boundary edge – the settlement boundary is drawn around the residential curtilages of the adjoining properties either side of the development site. Whilst it is not clear why the site was excluded from the

confines of the settlement given that it is clearly a gap site within the street between existing houses, it has been reasonably common historically to draw settlement boundaries around built development rather than in logical lines. On this basis, there does not appear to have been a policy reason for excluding the site and therefore subject to the tests set out in the NPPF and the Core Strategy, it is appropriate to assess whether the site is sustainable and appropriate in terms of the settlement hierarchy rather than opposing the principle of development on the technicality of it being located outside of the settlement boundary alone.

- 8.5 In terms of sustainability, the site is wedged in between existing residential development on the edge of New Romney, which is identified as a strategic town for Shepway within the Core Strategy. It is identified as this partly due to the range of key services it provides to residents including a primary and secondary school, range of local shops, eateries, doctors surgery, village hall to name but some of the amenities/facilities available. As such, the Council have assessed the town to be a highly sustainable settlement where significant development will be accommodated. Taking this into consideration and balancing the location outside of the settlement boundary, I consider the proposal would result in an efficient use of land in a sustainable location with good connectivity to public services and would contribute to the delivery of the Council's 5 year housing supply. As such, the proposed development would accord with Policies HO1 of the Shepway Local Plan Review and policies SS3 and CSD8 of the Shepway Core Strategy.
- 8.6 In this context, it is considered that the principle of the development is, by virtue of national planning policy as set out in the NPPF and local planning policy as set out in the Shepway Local Plan Review and Core Strategy, acceptable, subject to detailed consideration of whether any adverse impacts of the development would outweigh the benefits of the application in respect of the provision of housing in a sustainable location.

### **Visual Impact**

- 8.7 Policy BE16 requires development proposals to retain important existing landscape features and make appropriate provision for new planting using locally native species of plants wherever possible.
- 8.8 Policy C05 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.
- 8.9 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised.
- 8.10 The site lies within the New Romney area of Local Landscape which is recognised for is open generally flat vista providing long ranging views.

There are no protected trees or other landscape designations constraining this site. Whilst it is acknowledged that the site has a certain visual amenity value and possesses some of the attributes associated with the character area, the proposed development would not significantly impact on the character area as a whole as the site currently reads as a separate parcel of land distinct from the fields to the rear left over following development. Its character from the street reads as semi-rural land abutting open countryside due to its mown character. Taking this and the location of the site wedged in between an established built up urban area, the harm and visual impact to the local landscape area is considered to be low and outweighed by the benefits of the scheme. Should Members support this application, it is recommended a landscaping condition be imposed requiring measures to strengthen the vegetation to the rear boundary.

## **Design and Layout**

- 8.11 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.
- 8.12 Paragraph 17 states that Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.13 Paragraph 56 attaches great importance to the design of the built environment and considers it key to sustainable development. It is indivisible from good planning and should contribute positively towards making places better for people.
- 8.14 Paragraph 58 states that developments should function well and add to the overall quality of an area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and be visually attractive as a result of good architecture and appropriate landscaping.
- 8.15 The Kent Design Guide (2005) (KDG) emphasises that design solutions should be appropriate to context and the character of the locality. Development should reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; form a harmonious composition with surrounding buildings or landscape features; and seek to achieve a sustainable pattern and form of development to reduce the need to travel and improve the local context.
- 8.16 Some comments have been received stating that the proposed layout and massing proposed exceeds the density of the surrounding houses within the street. Whilst that is the case, the layout, which follows the pattern of development and building line of the houses on the north side of Adie Road is appropriate and the density does not result in a cramped over-

development of the site. In addition, the road features a mix of dwelling types and as such 2 storey semi-detached house types would be appropriate in this location.

- 8.17 In terms of the design, the balanced symmetrical design of the front elevations of the semi detached houses is appealing incorporating a 1920's / 30's style in keeping with the general character of the area. The mix of red brick and weatherboarding materials on the first floor front elevation would provide aesthetic interest to the design fronting the public road. The rear elevation would provide detailed soldier courses over the ground floor windows and the elevations suggest that there are pronounced eaves that compliment the design.
- 8.18 It is considered, therefore, that the scale, density, and massing is appropriate to the site and location and reflect the quality applied to the detailing and appearance of the scheme.

### **Neighbouring Amenity**

- 8.19 Policy SD1 of the Shepway District Local Plan Review states that all development proposals should safeguard and enhance the amenity of residents.
- 8.20 Paragraph 17 of the NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.21 The residential properties most affected by the proposed development would be no.17 Adie Road situated adjacent to the north west end of the site (plot 1) and no.49 Adie Road situated to the north east end of the site (plot 14).
- 8.22 The layout of the development shows a standard pattern of development continuing the built form of the houses along Adie Road. The distance between the side elevation of plot 1 and the side of no. 17 Adie Road would be approximately 12.6 metres and the distance between the side of plot 14 and no.49 Adie Road would be approximately 17.6 metres. These distances would provide sufficient separation to avoid any overshadowing, overlooking and loss of privacy where first floor side windows to en-suites and bathrooms would be fitted with obscure glazed glass and conditioned as such. A larger side and rear garden is proposed between plot 14 and no.49 Adie Road providing a further layer of privacy and separation between these houses.
- 8.23 The impact upon surrounding residential amenity will be very limited due to the proposals sympathetic layout following the built form of the street. Similarly, there would be very little, if any, harm caused by noise and disturbance from the occupation of the development, only from the construction of the development albeit for a temporary period and during working hours which is standard during the course of any building works.
- 8.24 With regards the impact on future occupiers of the site, Southern Water has brought to our attention that the New Romney wastewater treatment works

is located 400metres North West from the application site and may be subject to smells from the treatment process. It is considered that the application site is a sufficient distance away to not be significantly affected from the plant as well as the site being located within an existing residential area. In addition a site visit to the area in the afternoon did not pick up any odours from the sewage plant.

- 8.25 As such, it is considered that the proposed development would accord with Policy SD1 of the Shepway District Local Plan Review and paragraph 17 of the NPPF.

## **Ecology**

- 8.26 The Conservation of Habitat and Species Regulations 2010 (as amended) contain certain prohibitions against activities affecting European Protected Species.

- 8.27 The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission.

- 8.28 Paragraph 109 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 Policy C011 of the Shepway District 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;

- i. there is a need for development which outweighs these nature conservation considerations and
- ii. measures will be taken to minimise impacts and fully compensate for remaining adverse affects.

- 8.29 A Preliminary Ecological Assessment was submitted concluding that the site generally had a lack of suitable habitat for protected species, however, it failed to acknowledge the potential for Great Crested Newts on the site. The applicants submitted a revised Preliminary Ecological Assessment dated 20 July 2016 in support of the application. Kent County Council Ecology Officer have been consulted and are satisfied that there is reduced potential for Great Crested Newts to be impacted by the proposed works due to the ditches being isolated from a wider network and because they were dry at the time of the survey being carried out. However, the submitted report has highlighted that there is some limited potential for reptiles and breeding birds to be present within the site, particularly within the site boundary and advise that precautionary mitigation be implemented if planning permission is granted and secured by a condition.

- 8.30 With regards biodiversity enhancements to the site, the report has recommended the inclusion of bat and bird bricks within the proposed



houses and insect boxes within the gardens of the proposed dwellings and these would be secured by condition.

- 8.31 Overall it is considered that subject to conditions, the proposed development would have a negligible impact on the wider nature conservation importance of the site and that precautionary mitigation measures and enhancements would improve the ecological value of the site in accordance with national and local planning policy.

### **Highways**

- 8.32 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. Policy TR5 refers to the provision of cycle storage facilities and TR12 refers to car parking standards.

- 8.33 The proposed layout shows the 3 bed houses to accommodate 2 off street tandem parking spaces at the front of each house. In addition, 3 off street visitor spaces are proposed between plot 14 and no.49 Adie Road. Details of provision of secure cycle storage facilities are recommended to be secured by condition. KCC Highways have been consulted and raise no objection to the proposal subject to conditions.

- 8.34 As such, it is considered that the proposed development would accord with Policies TR5, TR11 and TR12 of the Shepway Local Plan Review.

### **Affordable Housing**

- 8.35 Policy CSD1 of the Shepway Core Strategy Local Plan states that development proposing 10 to 14 dwellings (net gain) should provide at least two affordable dwellings on-site, subject to viability.

- 8.36 The proposed development of 14 units would, therefore, require the provision of 2 affordable houses which can be provided on site, the tenure of which to be agreed and secured via a Section 106 legal agreement. No statement of viability has been submitted by the applicant to justify the relaxation of this policy.

- 8.37 As such, it is considered that the proposal would be acceptable subject to the completion of an acceptable legal agreement to secure the provision of 2 on-site affordable units in accordance with Policy CSD1 of the Shepway Core Strategy Local Plan.

### **Flooding/Drainage**

- 8.38 Policy SS3 of the Shepway Core Strategy Local Plan states 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, site-specific evidence will be required in the form of a detailed flood risk assessment to demonstrate that the proposal is safe and meets with the sequential approach within the character area of Shepway and (if

required) exception tests set out in national policy. It will utilise the Shepway Strategic Flood Risk Assessment (SFRA) and provide further information.

- 8.39 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.
- 8.40 The site is located within flood zones 2 & 3 as shown on the Environment Agency's flood risk maps and is within an area benefiting from flood defences. The application is accompanied by a flood risk assessment which assesses the residual risk from flooding to the site and concludes that the development would be safe and would not increase flood risk elsewhere.
- 8.41 The NPPF requires the application of the Sequential and Exception Tests in areas at risk of flooding which is informed by the District's Strategic Flood Risk Assessment.
- 8.42 The Shepway SFRA shows the application site (and indeed most of the centre of New Romney) to be outside the area at risk of flooding based on 2015. The 2115 standard inclusive of climate change shows the site to be at a low to moderate hazard level of risk from flooding and in an area protected by flood defences. As such, it is considered that the risk of flooding at the site based on this modelling would be low. Whilst a sequential test has not been submitted, it is considered that it is unlikely that there would be a more suitable, available, alternative site within the Romney Marsh character area which could accommodate 14 houses and benefit from a lower risk of flooding than the application site and it would be unreasonable to justify refusal of planning permission on this basis. The Environment Agency raise no objection to the scheme subject to the sequential test being satisfied and a condition requiring a finished floor level of 3.57 ODN. As such, it is considered that the proposed development would be safe from flooding both now and up to 2115 and passes the Sequential Test and that the Exception Test should be applied.
- 8.43 In order to pass the Exception Test, it must be shown that the development is safe, provides wider sustainability benefits to the community and is located on previously development land. The FRA submitted with the application proposes mitigation measures to ensure future occupants benefit from safe evacuation in the event of flooding. The applicants have also submitted an exception test report setting out the wider sustainable community benefits of the proposal as follows:
- The site is close to services such as shops, restaurants, bus routes and RHDR railway which will benefit from additional custom.
  - Close to primary and secondary schools with capacity to accommodate additional places.

- Provision of family housing which would contribute to the health and prosperity of the area.
- The development would prevent gypsies occupying the site illegally as has happened in the past.

8.44 In addition, it is considered that the provision of 14 houses would contribute significantly to the delivery of the Council's 5 year housing supply. In light of the above, the proposals pass the Sequential and Exception Tests and meet the requirements of policy SS3 in respect of flood risk. The site is considered to be in a good location for residential development with no significant risk of flooding.

8.45 With regards drainage, the applicants have submitted a surface water drainage strategy to provide a sustainable urban drainage system recommending either an infiltration system or attenuation system with discharge to local watercourse accommodated on the site should infiltration not be possible. Kent County Council as Lead Local Flood Authority have been consulted and consider the proposed development would provide for appropriate surface water management within the site subject to a condition requiring the submission of a detailed sustainable surface water drainage scheme.

### **Local Finance Considerations**

8.46 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.

8.47 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 six years through the New Homes Bonus. The Government has consulted councils earlier in the year seeking to reform the New Homes Bonus to be paid over 4 years instead of 6 years, with a possible transition to 5 years. As such only a 4 year value for the New Homes Bonus has been calculated. In this case, the minimum value of the New Homes Bonus as a result of the proposed development is estimated to be approximately £15,227.00 per annum for 4 years (subject to consultation outcome). New Homes Bonus payments are not considered to be a material consideration in the determination of this application.

8.48 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 £50 per square metre for new dwellings. Thus, based on a gross internal

floorspace calculation of 1358sqm, this development would be liable for a CIL charge of £67,900.00 to be paid within 60 days of commencement.

### **Other Issues**

- 8.49 Local residents have raised the matter of surface water flooding within Adie Road and the poorly maintained road surface which would potentially be damaged further.
- 8.50 These are matters for whoever is responsible for the management of the street, road surface and road surface water drainage and are not the responsibility of the applicant due to being beyond their control. The submission of a detailed surface water drainage strategy for the site should incorporate measures to ensure that surface water produced within the site shall not flow onto adjoining land and the street.

### **Human Rights**

- 8.51 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.
- 8.52 This application is reported to Committee as New Romney Town Council have objected to the proposed development.

## **9.0 SUMMARY**

- 9.1 Given the sites location within an existing residential area directly on edge of New Romney, providing a range of key services, amenities local facilities, the proposal would result in an efficient use of land in a sustainable location with good connectivity to public services and would contribute to the delivery of the Council's 5 year housing supply.
- 9.2 The site has infill potential to continue the built form and pattern of development within the street and together with the imposition of a landscaping condition requiring measures to strengthen the vegetation to the rear boundary, the landscape visual impact of the proposal would be low. Similarly, the impact upon surrounding residential amenity will be very limited due to the proposals sympathetic layout following the built form of the street.
- 9.3 With regard to ecology, it is considered that subject to conditions requiring biodiversity enhancements, the proposed development would have a negligible impact on the wider nature conservation importance of the site and that enhancements would improve the ecological value of the site in accordance with national and local planning policy.

- 9.4 Whilst the site is located in flood zones 2 and 3, the District's Strategic Flood Risk Assessment shows the application site to be outside the area at risk of flooding based on 2015 standards and inclusive of climate change up to 2115, shows the site to be at a low to moderate hazard level and thus of low risk of flooding. With regards drainage, a sustainable urban drainage system would provide for appropriate surface water management within the site. The Environment Agency and Kent County Council raise no objection to the proposal subject to conditions.

## **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).

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### **RECOMMENDATION – That planning permission be granted subject to the completion of an acceptable Section 106 legal agreement and the following conditions:**

1. The development must be begun within three years of the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Approved plan numbers. The development hereby permitted shall not be carried out except in complete accordance with the details shown on plans numbered DS/1856/1b, DS/1856/2, DS/1856/3, Flood Risk Assessment dated 22 March 2016, Exception Test dated 16 December 2016, Surface Water Drainage Strategy dated 21 July 2016, Preliminary Ecological Assessment dated 22 March 2016.

Reason: For the avoidance of doubt 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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted inclusive of colour, window/door details, and surface treatment have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of visual amenity in accordance with policies SD1, BE1, BE4 and BE5 of the Shepway District Local Plan Review.

4. No development shall take place until full details of both hard and soft landscape works inclusive of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority including planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme and maintenance schedule. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason: In order to protect and enhance the appearance of the area in accordance with policies SD1, BE4 and BE16 of the Shepway District Local Plan Review.

5. Prior to commencement of development, a detailed sustainable surface water drainage scheme shall be submitted to (and approved in writing by) the local planning authority based upon the principles set out in the approved Drainage Strategy dated 21st July 2016 and demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a timetable for its implementation, and
- a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

6. 1. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given

those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

2. If the desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to:
  - Human health;
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - Adjoining land,
  - Ground waters and surface waters,
  - Ecological systems,
  - Archaeological sites and ancient monuments; and
- (iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

3. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

4. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation

scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

5. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with the requirements of policy U10a of the Shepway District Local Plan Review.

7. Prior to commencement of development, a construction method statement for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme. The matters addressed in the Statement shall include:-

- (i) Code of Construction Practice;
- (ii) Hours of working for construction and a method statement for any piling or other noisy construction activities, or the installation of any large static construction equipment such as cranes;
- (iii) The location of work compounds;
- (iv) Means of preventing transfer of mud onto the public highway;
- (v) Parking for contractors vehicles;
- (vi) Delivery arrangements.

The approved measures shall be permanently retained throughout the development.

Reason: In the interests of the amenities of the locality and highway safety in accordance with policies SD1, BE1 and TR11 of the Shepway District Local Plan Review.

8. Prior to any part of the development reaching slab level, full details of bat and bird bricks to be inserted to each house and insect boxes within the gardens shall be submitted to and approved in writing by the local planning



authority. The work shall be implemented prior to the occupation of the last dwelling and thereafter managed and permanently maintained in accordance with the approved details.

Reason: In the interests of protecting and enhancing biodiversity in and around the site in accordance with policy C011 of the Shepway District Local Plan Review.

9. Prior to the occupation of the development, full details of the secure cycle storage sheds within the rear gardens shall be submitted to and approved in writing by the local planning authority and implemented in full accordance with the approved details.

Reason: In the interests of providing an alternative and sustainable form of transport.

10. The first floor side windows to each house serving bathrooms and en-suite bathrooms shall be fitted with obscured glass of a type that is impenetrable to sight and permanently retained as such in perpetuity.

Reason: To minimise inter-looking and overlooking onto adjoining properties and maintain privacy in accordance with policy SD1 of the Shepway District Local Plan Review.

11. All dwellings hereby permitted shall be connected to the mains drainage sewerage system prior to first occupation.

Reason: In the interests of sustainability and to prevent contamination of the surrounding land in accordance with policies SD1, U1a, U2 and U4 of the Shepway District Local Plan Review.

12. The development hereby permitted shall provide finished floor levels set at 3.57m ODN as recommended in the submitted Flood Risk Assessment (FRA) with all sleeping accommodation set at first floor level only and shall be maintained as such in perpetuity.

Reason: To protect people and property from the impact of flooding.

13. The car parking spaces and surfacing materials for each house as shown on plan no. DS/1856/1b shall be used for the parking cars and for no other purpose and permanently retained as such in perpetuity.

Reason: To ensure that car parking spaces are made available for the lifetime of the development.

## **INFORMATIVES**

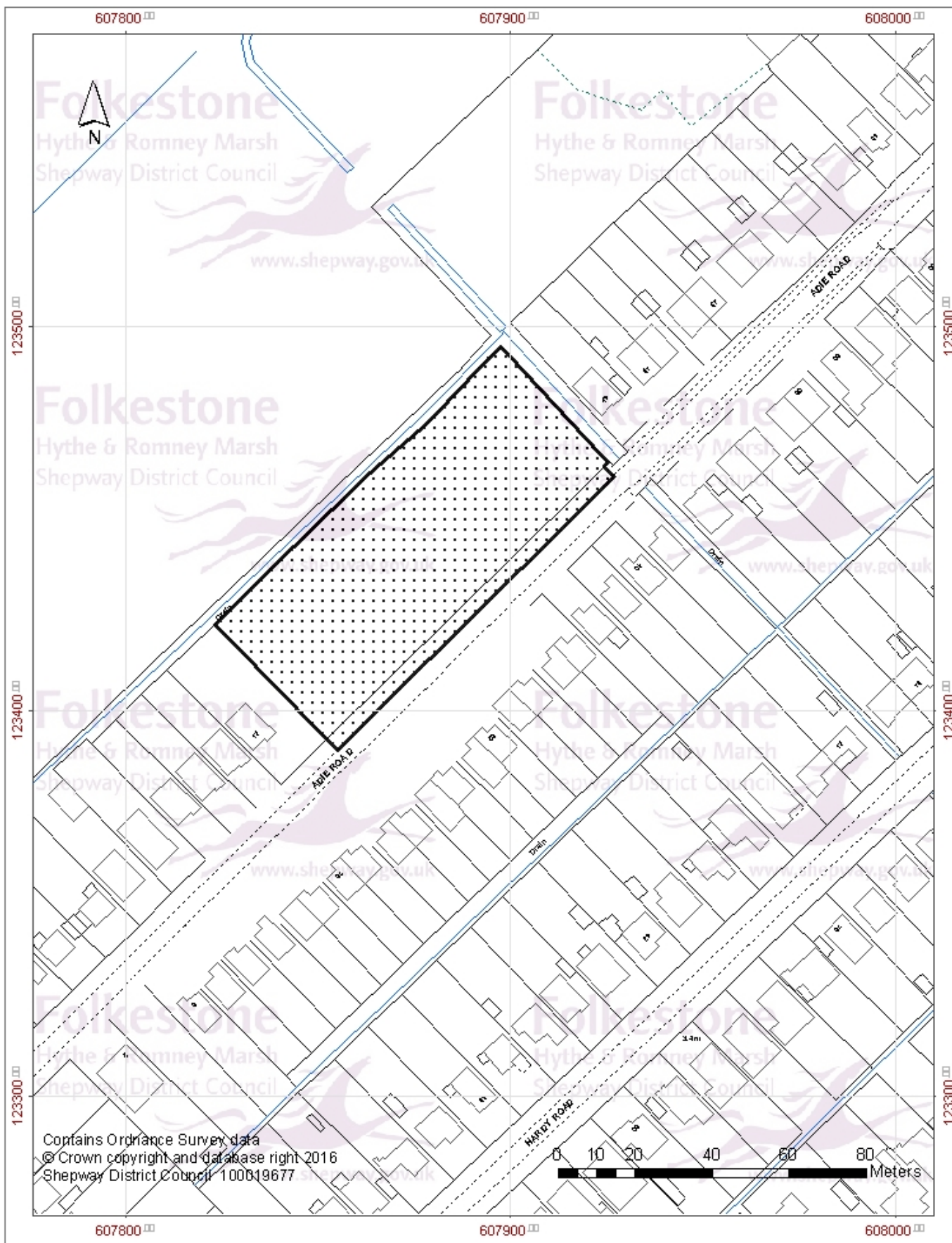
1. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove,

Otterbourne, Hampshire S021 2SW (Tel: 0330 3030119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

2. Kent Fire and Rescue Service recommends that domestic sprinkler installation is considered within the building.
3. Your attention is drawn to the need to contact the Council's Building Control Unit on 01303 853418 in order to have the new properties formally addressed.

### **Decision of Committee**

Y16/0355/SH  
Land adjacent 49 Adie Road  
Greatstone



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Shepway District Council 100019677

0 10 20 40 60 80 Meters