

APPENDIX 2

DEVELOPMENT CONTROL COMMITTEE 14th JULY 2015

SUPPLEMENTARY INFORMATION TO SCHEDULE OF APPLICATIONS

**1. Y11/0137/SH LAND ADJOINING SIR JOHN MOORE BARRACKS
(Page 9) MILITARY ROAD SANDGATE KENT**

Outline application for the erection of 5 detached houses, including details of layout, scale and access, together with the change of use and conversion of Martello Tower 6 to a residential holiday let and Martello Tower 7 and adjacent underground water tank to a dwelling, together with associated access road and engineering works, parking, landscaping and ancillary outbuilding to serve Martello Tower 6.

Rosemary Sanders, member of the public to speak against the application
Cllr Tim Prater, Sandgate PC to speak on the application
Cllr J Holben, ward councillor, to speak on the application
Roger Joyce, agent to speak in support of the application

**2. Y13/0048/SH LAND 1085 METRES SOUTH WEST LYDD MODEL FLYING
(Page 49) CLUB SITE MIDLEY WALL OLD ROMNEY KENT**

A wind energy development comprising the erection of four wind turbines, each with a maximum height to blade tip of 126.5 metres together with a substation and control building, associated hardstandings, an improved access junction, connecting internal access tracks and water crossings and other related infrastructure, being accompanied by an Environmental Statement.

Mrs B Paine, member of the public, to speak against the application
Representative of Lydd Town Council, to speak on the application

**3. Y14/0850/SH AIRPORT CAFE ASHFORD ROAD SELLINDGE KENT
(Page 152)**

Retrospective application for a change of use to lorry park incorporating extension of existing parking area; and retention of two mobile units for toilet and shower facilities.

Representative of Sellindge Parish Council, to speak on application

**4. Y15/0094/SH NICKOLLS QUARRY DYMCHURCH ROAD HYTHE KENT
(Page 173)**

Section 73 application to remove condition 12 and vary condition 57 of outline planning permission Y06/1079/SH (mixed use development) - removal of condition 12 to enable development to take place without the construction of a pumping station at Grand Redoubt; and variation of condition

57 in relation to the provision of offsite highway improvement works.

Mr S Mellor, applicant's agent, to speak in support of the application

THE SCHEDULE WILL RESUME IN THE FOLLOWING ORDER:

**5. Y15/0248/SH 3 THE FAIRWAY LITTLESTONE NEW ROMNEY KENT
(Page 186)**

Erection of a two storey attached dwelling

**1. Y11/0137/SH LAND ADJOINING SIR JOHN MOORE BARRACKS
(Page 9) MILITARY ROAD SANDGATE KENT**

Additional information received from the applicant

- Removal of 40 of 1000 trees is less than ½ of 1% of the total (woodland management would ensure replanting of more than the number that are removed, and these would be of a more suitable type).
- In 6.23 you mention the overall site area, and this could suggest that the enabling development takes up 10% of the entire area....
- 1.14 – small point, the water tank is not Victorian, we put it at Royal Engineering C20th work.
- The applicant is prepared to enter into a joint working relationship with the Community at large, through the Parish Council, to effect some kind of joint management of the woodland, particularly parcels at the east and the west of the site, effectively putting them into the control of the Local Community
- This would have the effect of controlling any further development along the escarpment, that is seen as a potential consequence of 'creating the precedent' of allowing the enabling development. It also opens the potential for the creation of a 'Community Woodland' in the Encombe woods, to the west of the site, by joining the Encombe woods to the western parcel of this site, and creating further footpath links from the top of Brewers Hill, to Encombe, in a managed parcel of woodland.
- Further, improvements to footpaths, and the suggested interpretation boards, picnic areas, and viewing points could be jointly created by a Community Trust, who could ultimately take a part in the management of the holiday let (Tower 6), making it available for Community use in the unlet periods of the year, allowing interpretation of an authentically restored Tower, on a more permanent basis than the English Heritage Tower in Dymchurch
- The woodland path is an essential link in the ultimate 'Martello Trail' that links Martello Tower No. 1 on the East Cliff, through to the Royal Military Canal walk, taking in all 9 of Shepway's Scheduled Martello Towers, the battery at Seabrook, and the RMC in an unbroken chain of unique

fortifications, with potential interpretation right through the District (and beyond)

3 further comments received from members of the public objecting to the application on the following grounds:

- Why would the restoration of two Martello Towers merit more importance than the qualitative experience of those who live in this community, and who enjoy the beauty of woodlands and a newly refurbished park in which families can play?
- Without the Martello intervention (enabling and s106 manoeuvres), building 5 detached houses in this pristine greenfield site is not appropriate or justified. The enabling development should be located on brownfield land with no risk of destruction to the environment.
- Surely, the residents of Sandgate could have the opportunity to contribute to the Martello restoration, but as it stands, not only will these towers fall into private hands, the historic legacy the Council is so keen to preserve, will no longer be visible nor available for the locals to appreciate, let alone visitors.
- We have entertained many visitors from abroad and this is the first walk we do with them. Without fail, they have all delighted in learning the history of the towers, enjoyed the woodland setting and views of the sea.
- To take this amenity, this wonderful opportunity to share in our local history away from the residents, is just too sad for words. Some will profit from a vote of yes for this blindsiding travesty, but the Sandgate folk will not.
- The building works will drive out bird life. This area is the lungs of Sandgate and should be untouched.
- The area is identified at risk of landslip which may mean the properties will not get insurance.

2. Y13/0048/SH LAND 1085 METRES SOUTH WEST LYDD MODEL FLYING CLUB SITE MIDLEY WALL OLD ROMNEY KENT (Page 49)

ADDITIONAL RECOMMENDATION

There is a discrepancy between the content of recommendation 2 at the start of the report and of that at the end of the report. The version of recommendation 2 at the start of the report is the correct one.

Further, in light of the Ministerial Statement issued on the 18th June, an additional recommendation has been included:

3. Following consultation, it has not been demonstrated that planning impacts identified by affected local communities have been fully addressed and therefore the proposal does not have their backing. To permit it would be contrary to the direction regarding transitional arrangements for existing onshore wind farm planning applications contained within the Ministerial Statement of the 18th June 2015 and as set out in paragraph 33 reference ID: 5-033-150618 of the Planning Practice Guidance section on Renewable and Low Carbon Energy.

SUMMARY

The proposal for four wind turbines, a substation and control building, associated hardstandings, an improved access junction, internal access tracks, water

crossings and other related infrastructure has been assessed under the Habitat Regulations in the form of an Appropriate Assessment. The planning applications have also been assessed under the Town & Country Planning Acts and Environmental Impact Assessment Regulations.

In general, proposals for renewable energy are considered consistent with national policy; however, this is qualified support subject to strict environmental criteria. Further, following a Ministerial Statement and updated guidance set out within the National Planning Practice Guidance, when considering applications for wind energy development, local planning authorities should only grant permission if a) the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and b) following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. Whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority.

The Ministerial Statement also gives direction about transitional arrangements for how existing planning applications for onshore wind farms, which have not yet been decided, should be determined: *“Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.”*

Saved policy U14 of the Shepway District Local Plan Review 2006 sets out a series of criteria that planning applications for wind turbines and other renewable energy developments have to be assessed against. It does not go as far as to direct wind turbines and other energy developments to the Dungeness and Romney Marsh area. Planning applications need to be judged on their merits having regard to policy U14 and national planning guidance, including the recent changes announced by the Government. The Council has started work on a review of its local plan and this includes considering new planning policies for renewable energy development following community consultation and the latest government advice.

At its closest point, the proposed location of the wind farm is approximately 1 km from Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI), a statutory nature conservation site of national importance. This SSSI is a component of nature conservation sites of international importance: Dungeness to Pett Level Special Protection Area (SPA) designated under the EC Birds Directive and Dungeness Special Area of Conservation (SAC) designated under the EC Habitats Directive. It is also part of the proposed Dungeness, Romney Marsh and Rye Bay Ramsar Site, a wetland of international importance to be designated under the Ramsar Convention (pRamsar Site) and the proposed Dungeness, Romney Marsh and Rye Bay Special Protection Area (pSPA). These international sites are part of the Natura 2000 network of European Sites. Therefore, in addition to planning permission, the proposals require an Appropriate Assessment under the Habitat Regulations to assess the effects of the proposal. A report has been carried out by consultants Aecom for the Council, which concludes there will be adverse effects on the integrity of SPA and both the pSPA and pRamsar sites. In these circumstances, the Habitats Regulations require planning permission to be refused unless the proposals are necessary for ‘imperative reasons of overriding public interest’ and there are no alternative solutions.

With regard to the wider ecological considerations of the site, the proposal has been assessed and the main potential impacts identified related to construction activities and the network of ditches within the proposal site and the species that they may support. With the proposed mitigation and appropriate conditions and measures that can be incorporated into the Construction Environmental management Plan (CEMP) the impact upon the ecology of the site and surrounding area is considered likely to be negligible, both in isolation and in combination with other schemes, with potential positive effects from the implementation of a suitable Habitat Management Plan.

With regard to landscape and visual effects, the Council commissioned an independent review of the Landscape and Visual Impact Assessment (LVIA) by Gillespies. The Environmental Statement (ES) concludes that the proposal would respect the scale and composition of the landscape and would relate to the operational Little Cheyne Court wind farm. Significant landscape and visual effects would be localised in extent, predominantly reinforcing and slightly extending the effects of the LCC wind farm, but in landscape and visual terms, the application site has the potential to accommodate the scale of development proposed, a view reinforced by Gillespies.

Noise and vibration, aviation, shadow flicker / safety, transport and access, built heritage and archaeology, and hydrology effects have all been assessed and are considered acceptable, subject to conditions.

Given the above the application it is recommended that the Council adopt the Appropriate Assessment under the Habitat Regulations attached as Appendix 2 to this report and defend the appeal against non determination of application Y13/0048/SH, advising the Planning Inspectorate that the District Council would have refused the application for the reasons set out at the beginning of the report and above.

REPRESENTATIONS

Six additional representations received objecting to the proposal on the following grounds:

- Wind turbines are not cost effective;
- They should be positioned out at sea;
- The Marsh has rare birds and great soil which is wasted on wind turbines;
- The Marsh is a unique landscape that would be adversely affected by the proposal;
- Industrialisation of the Marsh;
- Impact on endangered bird species;
- Insufficient evidence to assess impact on birds, or in-combination impacts;
- Degradation of visual amenity;
- Wind power is inefficient;
- Romney Marsh has fulfilled its renewable energy obligations.

3. Y14/0850/SH AIRPORT CAFE ASHFORD ROAD SELLINDGE KENT (Page 152)

CONSULTATION RESPONSES

Stanford Parish Council

Stanford Parish Council submitted comments on 29 August concerning this application. These concerns are still current. No Councillor wishes to attend to speak at the Development Committee meeting on 14th July.

REPRESENTATIONS

In total 6 letters/emails have been received objecting to the application on the grounds set out at paragraph 6.0 of the officer's report and the following grounds:

- Lympe Industrial Estate, Stop 24 and Eurotunnel site all have better road structure in place for lorries
- There have been two lorry accidents this year, in one a man was killed
- Increased rubbish
- Causing increased lorry parking on pavements and verges in Sellindge and Lympe
- Surface of lorry park produces large amounts of dust
- Account needs to be taken of permission granted for anaerobic digester opposite

4. Y15/0094/SH NICKOLLS QUARRY DYMCHURCH ROAD HYTHE KENT (Page 173)

CONSULTATION RESPONSES

Stanford Parish Council

Stanford Parish Council submitted comments on 29 June concerning this application. No Councillor wishes to attend to speak at the Development Committee meeting on 14th July.

5. Y15/0248/SH 3 THE FAIRWAY LITTLESTONE NEW ROMNEY KENT (Page 186)

Replace paragraphs 2.1 and 8.6 – 8.7 of the officer's report with the following:

- 2.1 The site is located within the urban confines of Littlestone and within an established residential area. To the north east (Blenheim Road) and the north west (Marlborough Close) of the site are terraced dwellings. Directly opposite the application site in 'The Fairway' are detached bungalows.
- 8.6 In this case the 'The Fairway' consists of detached bungalows close to the site and detached two-storey dwellings further along 'The Fairway'. As such dwellings numbered 1, 3, 5 and 7, which are two-storey semi-detached dwellings, are already out-of-character with dwellings within the immediate vicinity of 'The Fairway'. However, to the rear of these dwellings are terraced dwellings of Victorian build (Blenheim Road) and also dating more closely to the date of 'The Fairway' development (Marlborough Close).
- 8.7 As such the proposal is considered to be reasonably tied in its location and building form to these other terraces that are in close proximity and therefore there is no objection to the closing up of the gap between 3 and 5 The Fairway.