

Application No: Y16/0400/SH

Location of Site: Land Adjoining 88 Meehan Road Greatstone Kent

Development: Erection of 13 No. dwellings (including 4 No. affordable dwellings) with associated gardens, parking, and access.

Applicant: Mr Michael Barr

Agent: Kingsley Hughes
Designscape Consultancy Limited
1A The Landway
Bearsted
Maidstone
ME14 4BD

Date Valid: 17.06.16

Expiry Date: 16.09.16

Date of Committee: 31.10.17

Officer Contact: Ms Claire Dethier

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report and the signing of a section 106 agreement in respect of affordable housing, translocation of reptiles/ agreement to not develop the receptor site, primary school contributions and library book stock, with delegated authority given to the Head of Planning to agree the wording of the legal agreement.

1.0 THE PROPOSAL

- 1.0 The proposal is a full application for the erection of thirteen dwellings (including four affordable dwellings) with associated parking, access and gardens. The dwellings have been designed to face into the site and would be arranged either side of a central access road that would continue on from the access road in the adjoining development, which provides vehicular and pedestrian access to Victoria Road. All of the houses to the west of the access road would be detached and three storeys (with the third storey within the roof space) with the exception of a single dwelling on the southern end located nearest to No. 88 Meehan Road which is designed as a bungalow with rooms in the roof space. The dwellings proposed to the east of the access road would all be of a traditional two storey design and form two pairs of semi-detached houses and a single detached house at the southern end.
- 1.1 The development has been designed as a continuation of the development in Prime View (the adjacent site that has already been developed) and the dwellings would be set out in a similar manner, located either side of the access road and facing into the site. The central access road would measure

the same width as the part of the access road within Prime View (5.5m) that it would abut.

- 1.2 The three storey dwellings would contain 3/4 bedrooms and would measure approximately 9.5m to the top of the pitch and approximately 5.7m to the eaves. In terms of design they are modern with large glass gable windows to the front, integral garages, timber windows and doors, reconstituted slate roofs, with an external finish of brick and weatherboarding. All of the proposed dwellings are proposed to be finished in the same palette of materials.
- 1.3 The single bungalow style dwelling at the southern end of the site would contain 2/3 bedrooms and would measure approximately 6.9m to the ridge and 3.0m to the eaves. It is also designed in a modern manner with a large gable window set back behind a projecting part of the building to limit overlooking opportunities. This dwelling was originally proposed to have a large glass gable window feature on the front to match the three storey dwellings proposed. However, officers were concerned that this could result in unacceptable overlooking to No.88 Meehan Road and the plans were amended to restrict this feature to the western side of the elevation, ensuring this feature looks into the application site rather than the rear windows and garden of No.88 Meehan Road.
- 1.4 The two pairs of two storey dwellings located to the eastern side of the site would measure approximately 7.7m to the ridge and 5.1m to the eaves. These are proposed to be of a more traditional design and would feature two bedrooms. These dwellings are being proposed to be made available for affordable housing. The final dwelling located adjacent to these to the south would measure approximately 7.5m to the top of the ridge and 5.1m to the eaves. This would contain 3 bedrooms.
- 1.5 The nearest dwellings to the southern end of the site would be inset by approximately 3.8m on the eastern side of the site and by approximately 2.8m to the western side of the site. At the northern end of the site there would be a separation distance of between approximately 5m and 9m between the existing dwellings in Prime View and the proposed dwellings.
- 1.6 Each dwelling would have a private rear garden area. The gardens range from between 5.7m and 7.5m in length. Outline landscaping proposals have been submitted detailing 5 native trees along the southern end of the site boundary with Meehan Road and native shrubs and climbers along the rest of that boundary. A 1.8m wall is proposed along the length of the site boundary with Meehan Road and a native Hawthorn hedge along the boundary with the agricultural land to the rear of the site. In terms of the access road, this is proposed to be finished in buff coloured resin bound aggregate.
- 1.7 In terms of parking provision, the development proposes two parking spaces for each dwelling, with the exception of the affordable houses, where 1 space per dwelling is proposed. The parking for the three storey dwellings would be provided by way of tandem car port spaces and for all of the other

dwellings the parking would be individual parking spaces. The development also proposes 3 visitor parking spaces.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The site is located within the defined settlement boundary of Greatstone on Sea which is designated as a Primary Village within the Core Strategy Local Plan. The site forms part of a wider allocation for housing development within the adopted Local Plan Review. The allocated site includes the land to the north of this site which has already been developed with ten dwellings and is now known as Prime View as well as land to the south which has also been developed and contains five dwellings. The site is within an area at risk of flooding, with it being identified as being within Flood Zones 2&3 as outlined on the Environment Agency maps, although most of the site is not identified as being at risk from flooding as shown on the Council's adopted Strategic Flood Risk Assessment (SFRA) for 2115 except for a small area to the south west of the site, which is identified to be at low risk, and a very small portion identified as being at moderate risk. The site is also located within an area of archaeological potential and falls within CIL charging zone B.
- 2.2 The site itself is currently a gap in the street scene being located in between No. 88 Meehan Road (a two storey dwelling) and the new development named Prime View which is accessed from Victoria Road. Opposite the site within Meehan Road are dwellings (bungalows) and to the rear of the site is open countryside.
- 2.3 The site itself is currently in a natural state with wild grass. It is generally flat with areas where it rises. There are a few shrubs and bushes on the site. The site is sectioned off from the road with low key post and rail fencing and heras fencing.
- 2.4 The site measures approximately 70m in length by 40m in width.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There is no planning history for this site. However, there have been several planning applications relating to the wider allocation including;
- 3.2 Y11/0812/SH – Erection of 6 three-storey houses with upper floor set within the roofspace and integral car ports, and 2 two-storey houses with integral car ports, and formation of access road with vehicle turning area. This application relates to the site to the north of the application site. Approved with conditions.
- 3.3 Y15/0100/SH - Section 73 application for the removal of condition 13 of planning permission Y11/0812/SH to remove the requirement to meet Code for Sustainable Homes Level 3. This application relates to the site to the north of the application site. Refused.

- 3.4 Y15/0336/SH - Erection of 4 No. Affordable Homes. This application relates to the site to the north of the application site. Approved with conditions.
- 3.5 Y15/0924/SH - Section 73a application to vary conditions 2, 3, 4, 20 and 21 of planning permission Y11/0812/SH to enable an alternative design and layout supported by updated flood risk assessment. This application included an amendment to the access road reducing the width at the end nearest to the junction with Victoria Road to 4.6m. This application relates to the site to the north of the application site. Approved with conditions.
- 3.6 Y06/0873/SH – Erection of 3 detached dwellings. Approved with conditions. This application relates to the land to the south of the application site.
- 3.7 Y06/0506/SH - Erection of two No. 2 storey detached dwellings with integral garages. This application relates to land to the south of the site. Approved with conditions.

4.0 CONSULTATION RESPONSES

4.1 New Romney Town Council

No Objection. Conditions of any approval should include recommendations/advice put forward by Ecological Advice Service and must be adhered to.

4.2 KCC Economic Development

Contributions have been requested from KCC in respect of primary school provision and library bookstock.

	Per house (x13)	Total	Project
Primary Education (<i>extension cost</i>)	£3324	£43,212.00	Towards Greatstone Primary school expansion
Secondary Education	No current requirement		
Library Bookstock	£48.02	£624.21	Towards additional bookstock required to mitigate the impact of the new borrowers from this development

They also request the following informative:

INFORMATIVE: Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk

4.3 KCC Highways and Transportation

I note the layout plan has been amended to reflect the existing road widths. However, as previously stated, KCC Highways and Transportation do not have control over the existing road and will not adopt the road in the future. I understand concerns have been raised regarding the suitability of the existing road and whether it is able to carry construction vehicles. KCC Highways and Transportation are unable to comment on the suitability of the existing road as we do not hold any information regarding private road construction.

Using Interim Guidance Note 3 standards for car parking the units M1-M7 should have two independently accessible car parking spaces and not tandem parking.

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

4.4 KCC Ecology

We have reviewed the Extended Phase 1 Ecological Habitat Survey, specific species surveys and information provided by consultees and we have the following comments to make:

Reptiles

A reptile survey has been carried out on site and recorded low populations of breeding slow worms and common lizards. The submitted report has detailed that due to the design on the site there is insufficient space to retain the reptile population in-situ.

Natural England Standing Advice provides the following advice about receptor sites:

- a) Receptor site should be larger in area than the habitat being lost (no net conservation loss);
- b) Receptor site should not already have an existing reptile population (surveys must be undertaken to establish this);
- c) Receptor site should be connected to further habitats and ideally other reptile populations;
- d) As close as possible to the donor site;
- e) Enhancements must be undertaken prior to any translocations; 0 Secured long-term through a management regime, and be free from future development.

We highlight that the report hasn't satisfied point b) or point d)

b) The ecologist has provided some information about the suitability of the receptor site but ideally we would expect a reptile survey to be carried out to enable Shepway District Council to understand what the existing population is and what enhancements are required to improve the carrying capacity of the site.

d) While we accept that reptiles do occasionally get translocated to areas not connected to the development site we highlight it is not best practice and it would be preferable if a closer receptor site had been identified.

Some limited information has been provided assessing the suitability of the receptor site and due to the low populations of reptiles recorded it is likely it will have sufficient carrying capacity to support the reptile populations.

As detailed above it would be the preferred approach to carry out the reptile survey prior to determination of the planning application. But if there is a requirement for the application to be determined we advise that the following condition is included:

Prior to works commencing (including vegetation clearance) a detailed reptile mitigation strategy must be submitted for written approval prior to works commencing. It must include the following information:

- *Updated reptile survey of development site (if older than two years)*
- *Reptile survey of receptor site*
- *Translocation methodology*
- *Timings of works*
- *Map of receptor site*
- *Details of enhancements of receptor site*
- *Management to be implemented on donor site following completion of reptile translocation to ensure a reptile population does not*

re-colonise

The works must be carried out as detailed within the submitted document.

We note that the applicant has agreed not to develop the site for at least 5 years if the site is used as a receptor site. We advise that if the site is used as a receptor site it must not be used as a development site in the future.

Badgers

The submitted badger report has assessed that the site is used by foraging badgers and there is one subsidiary sett within the development site - the remaining holes were assessed as being used by foxes.

The proposed development will result in the loss of foraging habitat and the subsidiary sett and we advise that we are satisfied that sufficient information has been provided to determine the application.

There is an area of grassland to the east and north of the development and we are satisfied that if planning permission is granted foraging habitat will be available within the wider area. However we also recommend that the boundaries of the proposed development are planted with species which will enhance foraging for badgers.

The site plan indicates that a hard boundary will be created along the eastern boundary - we recommend that instead a hedgerow is planted with a mixed native species and include species which will enhance foraging for badgers (for example blackthorn).

If planning permission is granted we recommend the following condition is included:

No development shall commence until the methodology for the removal of the badger sett, including details of the licence from NE, have been submitted to and approved in writing by, the LPA. The removal of the badgers sett shall be carried out in strict accordance with the approved details. If the works have not commenced within a year of ecological scoping survey being carried out we advise that the mitigation strategy must be informed by an updated badger survey.

Designated Sites

The proposed development is within 200metres of the following designated sites:

- Dungeness SAC
- Dungeness, Romney Marsh and Rye Bay SSSI, SPA and Ramsar Site.

The North Kent Environmental Planning Group (NKEPG) have produced the North Kent Bird Disturbance Report which focuses on the impacts of recreational activities on the three SPA and Ramsar sites within North Kent. These studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPAs. Although the study did not focus on the above SPA/Ramsar sites the findings of the study do relate to coastal SPAs.

Some additional information has been provided to assess the impact and it has highlighted that there are areas of existing recreation within the immediate area that future residents may utilise. We accept that it is unlikely that individually this development will have a likely significant effect on the designated sites.

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 recommendations for ecological enhancements to be incorporated in to the site. We advise that if planning permission is granted the following condition is included:

Prior to occupation of the first dwelling hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. This will include clear ecological enhancement for breeding birds, badgers and bats and shall include provision of bat boxes, bird boxes and native planting. The approved details will be implemented and thereafter retained."

4.5 Environmental Health

Environmental Health has no objection to the above planning application subject to the following conditions:

With reference to this application Environmental Health make the following recommendations:

- 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.

4.6 Arboricultural Manager

I can confirm that I have no objections to the proposed development. Landscaping details will need to be submitted for approval.

4.7 KCC. Archaeology

Archaeological background

The First Edition Ordnance Survey map indicates substantial earthworks in the area. These earthworks appear to represent land divisions/boundaries associated with past reclamation or sea defence works. The date of these earthworks is uncertain and they may be of different dates and/or phases, although they are likely to be of medieval, post medieval or later date. The submitted topographical survey suggests that part of these earthworks survives as an upstanding feature within the development site. Further information associated with their construction and use may also survive buried within the site.

Recommendations

The proposed development will impact upon the upstanding historic earthworks, as well as potentially impact upon buried archaeological remains. I therefore recommend that provision is made in any forthcoming planning consent for a programme of archaeological work. The following planning condition covers what would be required:

AR1 *No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.*

Reason: To ensure that features of archaeological interest are properly examined and recorded.

4.8 Environment Agency

We have no objection to this proposal providing the following conditions are imposed on any planning permission granted:

Condition

Ground finished floor levels for all living accommodation to be set a minimum of 300mm above existing ground level.

Reason

To reduce the risk of flooding to the proposed development from localised overland flow.

Additional Information

The site is situated within an area which is considered to be at significant risk from tidal flooding and is classified as lying within Flood Zone 3a by our flood risk maps.

In accordance with the National Planning Policy Framework (NPPF), the proposal should be subject to the Sequential Test. This risk based test is applied at all stages of the planning process to steer new development to areas at the lowest probability of flooding. The Sequential Test needs to be applied by you and you should decide whether or not this site is acceptable.

The proposal is also subject to the Exception Test *if* the Sequential Test has been passed. Part C of the Exception Test requires that the development is 'safe'.

Whilst we are satisfied that the flood risk to the proposed development has been adequately assessed and that the site and its occupants should remain safe during the design flood event, we would strongly recommend all sleeping accommodation set at first floor level. This is because the site remains in Flood Zone 3 and modelling and climate change allowances are regularly subject to change. However as the proposal is just for a 1 study/bedroom and the dwellings are all to be two-storey, we are not objecting in this instance.

4.9 Romney Marshes Internal Drainage Board

No comments received.

4.10 Southern Water

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:
"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 303 0119) or www.southernwater.co.uk".

There are no public surface water dedicated sewers in the immediate vicinity of the site. Alternative means of draining surface water from this development are required.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site

4.11 East Kent Area Office PROW and Access Service

Public Right of Way HR12 passes adjacent to the proposed site as shown on the attached extract of the Network Map of Kent. The Network Map is a working copy of the Definitive Map. The existence of the right of way is a material consideration.

The public bridleway passes adjacent to the proposed site. As the application is for the erection of 13 dwellings within the curtilage highlighted on the uploaded plans, there is unlikely to be a significant impact on the path and therefore I raise no objections to the application.

I would take this opportunity to bring the applicant's attention to the following general informatives:

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
- 3 No hedging or shrubs should be planted within 1.5 metres of the edge of the public path.

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

4.12 Kent County Council SUDS

The application is supported by a Flood Risk Assessment prepared by Herrington Consultants (June 2016). The development will result in an increase in impermeable surfaces which will result in an increase in site runoff. The FRA has proposed a solution to attenuate these flows and connect to the public combined sewer in Meehan Road. The FRA acknowledges that infiltration may be feasible but no site-specific ground investigation has been undertaken.

Although we can confirm that this is likely to be a generally acceptable approach, further ground investigation works should be undertaken, with a view to enabling the discharge from as much of the site to the ground as possible. Wherever feasible, drainage from a site should seek to mimic the pre-development situation. In this case we would encourage the use of any feature that would reduce the requirement for discharge to the combined sewer. However, any infiltration feature should only be permitted where the receiving ground has been demonstrated to be uncontaminated and suitably stable, and where the approval of the Environment Agency has been obtained.

At the detailed design stage, we would wish to see a detailed surface water management strategy that:

- Has been designed to accommodate all rainfall durations and intensities for any event up to (and including) the climate-change adjusted critical 100yr storm.

- Takes account of the Environment Agency's latest Climate Change guidance (please see the note at the bottom of this response)
- Maximises the use of infiltration, if feasible
- Considers the flow routing and accommodation of any rainfall event that may exceed the design parameters.
- Considers the drainage from the access road and internal highway and the requirements of the adopting authority.

At the detailed design stage, the applicant should also demonstrate that the ongoing maintenance has been fully considered and that the formal agreement of any adopting authority has been obtained. The type of attenuation structure, if required may have implications for the ability to discharge to the combined sewer. This must be considered in developing the final design.

Accordingly, we would recommend that the following Conditions area attached should your Authority be minded to grant permission to this development.

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 on the Flood Risk Assessment (Herringtons, June 2016) and shall 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 preferentially disposed of on site with any excess runoff being discharged at an agreed rate to the receiving private sewer network.
- 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:
 - i) a timetable for its implementation, and
 - ii) 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 confirm compliance with the NPPF, ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure the ongoing efficacy of the site-wide drainage provisions

5.0 PUBLICITY

- 5.1 Neighbours notified by letter. Expiry date 13 July 2016. Reconsultations 27 June 2017 and 3 July 2017.
- 5.2 Site Notice. Expiry date 2 August 2016
- 5.3 Press Notice. Expiry date 28 July 2016

6.0 REPRESENTATIONS

6.1 Several letters/emails have been received from seven different objectors objecting on the following grounds:

- Site plan red line does not include access to highway
- Would result in 130% increase in cars using private access road
- Two cars cannot pass
- No radii splays
- Safe/ suitable access not achieved
- Had no notification of planning application
- Concerns about structure of existing private road not being able to cope with additional traffic – concerned about damage to submerged sewerage tank and health and safety
- Road has been designed to accommodate occasional HGV use i.e. once a week for refuse vehicles and occasional deliveries
- Development would result in premature failure of road structure
- Road structure sensitive to dirt and debris from construction works reducing life of the pavement
- Far better access would be from Meehan Road
- Road is permeable surface with no separate drain
- Sewer in Prime View development cannot take additional waste
- There is already a lot of on road parking in Victoria Road
- Can Victoria Road accommodate the additional traffic?
- Concerned about additional costs for residents in Prime View who have to pay maintenance for shared areas
- Do not object to the houses, but object to them gaining access through our road
- Believed our road would be small and gated
- Drainage will be an issue
- Like you to consider the wildlife on the plot – badgers, foxes, rabbits
- There will be no countryside left soon in our little town
- Noise will affect us
- Fear for safety of children living near building site
- Site layout plan is inaccurate – width of existing access road wrong
- Ecological report fails to note presence of badgers and reptiles on the site
- Application should be refused on grounds it would not provide a means of vehicular access that would safeguard the safety and free of traffic on the site and on adjacent highways
- Notice placed has gone
- What safeguards are in place to ensure social housing goes to those who need it?

- Land is unregistered – should have been advertised in the paper
- NPPF states a safe and suitable access needs to be achieved
- NPPF also states you must minimise the risk and effects of land stability on public, infrastructure
- Snakes on the land

6.2 In addition, a further letter of objection was received from East Kent Badger Group. They object on the basis they consider there to be a badger sett on the site.

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: HO1, BE1, BE16, CO11, U2, U4, U10, LR9, TR5, TR11 and TR12.

7.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD5 and CSD8.

7.4 The following Government Guidance applies:

National Planning Policy Framework, in particular the following paragraphs 7, 11, 14, 17, 47 and 50.

8.0 APPRAISAL

Principle

8.1 This site along with land to north and south of the site are allocated within the adopted Local Plan Review for housing development. The allocated land to the north of the application site has already been developed with ten dwellings, as has the land to the south which contains five dwellings.

8.2 Saved Policy HO1 of the Shepway District Local Plan Review states that residential development will be permitted on sites which form part of the land supply (detailed at Appendix 2) or allocated new sites. In Appendix 2 the application site together with the adjoining land to the south is identified as housing site North of Meehan Road and Armada Court, Littlestone. Planning policy is generally supportive in principle of infill development and making the most efficient use of land in sustainable locations. Therefore the principle of developing this site for residential use has already been established and it remains to consider all other material considerations. Irrespective of that, the site is located within the settlement boundary of Greatstone which is identified as a Primary Village within the Core Strategy Local Plan, as such its role is to *“To contribute to strategic aims and local needs; and as settlements with the potential to grow and serve residents, visitors and neighbourhoods in the locality with rural business and community facilities.”* This designation recognises the sustainable location of

Greatstone which has good access to local shops, services and the wider transport network, including bus routes into New Romney Town, Hythe and Folkestone town centre.

Relevant Material Planning Considerations

- 8.3 The main issues to consider in relation to this application are whether the design and density of the scheme is acceptable, visual amenity, whether the proposal results in unacceptable harm to existing or proposed amenity, flood risk and drainage issues, highway safety/ convenience impacts, impact on protected species/ ecology, landscaping and affordable housing.

Visual Amenity/Design

- 8.4 This application, in terms of layout, has been designed to appear as a continuation of the development that fronts Victoria Road (known as Prime View) which was granted planning permission in 2012. The layout facing into the site would mirror that of the neighbouring development and the access road would also continue on from that development. In addition, the garden sizes for the dwellings are of a very similar size to those on the neighbouring development. As such it is considered the layout of the scheme is appropriate and in keeping with the layout and density of neighbouring development. In terms of design, again inspiration has been taken from the neighbouring development (Prime View) and the design of the three storey dwellings are very similar to those on the neighbouring site with front gable features finished in the same materials (brick and weatherboarding with reconstituted slate roofs). The proposed two storey dwellings have also been designed in a very similar manner to those within Prime View with similar materials, except the current application proposes brickwork with weatherboarding and reconstituted slate, as opposed to render.
- 8.5 This scheme also proposes a one and half storey dwelling at the southern most part of the site which is of a very similar design and materials to the three storey dwellings that is would be sited adjacent to, it would simply be shorter. Officers consider this would not result in harm to the character of the proposed street scene or from wider view points as although it is only one and a half storeys, it matches the character of the neighbouring dwellings.
- 8.6 In terms of street scene, the dwellings would face into the site creating a new street scene, however, the rear of the dwellings would also be visible from Meehan Road. Due to the design of the scheme as a continuation of the existing development it is considered in street scene terms the development would appear appropriate and complimentary to this residential area.

Neighbouring Amenity

- 8.7 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.

- 8.8 In terms of impact on existing neighbouring properties, there is sufficient separation distance (a minimum of 5m) between the properties located within the Prime View development to ensure no significant overlooking or overshadowing would occur. Several neighbouring residents within the adjoining development have raised concerns about the use of the private access road that serves that development and is proposed to be extended to serve the current proposal. Whilst the concerns that have been raised largely relate to private legal matters, which will be discussed later in the report, the use of the access road is a relevant consideration in terms of noise and disturbance. It is noted that the Prime View development is a relatively small development of ten dwellings and the use of this access road by an additional thirteen dwellings would result in additional vehicle movements and an element of noise. This, however, would not be at a level that would result in such detriment to neighbouring amenity to warrant refusal of this application and is no different to the situation that occurs in roads throughout the country.
- 8.9 To the southern end of the site, the site abuts the boundary with No. 88 Meehan Road, a two storey dwelling. The dwelling proposed in the south-east corner of the site would be sited roughly in line with this property (the proposed rear elevation of the new dwelling and would be in line with the front elevation of No. 88 Meehan Road). As such, it is not considered this property would result in any significant harm to the amenity of the neighbouring property as there would be no increase in overlooking above that which already exists and no overshadowing issues. However, as referred to earlier in the report, officers did have concerns that the one and half storey dwelling proposed in the south west corner of the site would result in significant overlooking to the rear windows and garden of No. 88 Meehan Road due to the large front gable window feature. However, with the amendments to the windows on the front elevation set out at paragraph 1.3 of the report ensuring the western section would be obscured glazed and non-opening, officers are now content that this would be acceptable and would not result in significant harm.
- 8.10 There are also dwellings located to the east of the site on the eastern side of Meehan Road. Due to the proposed rear gardens which would abut the eastern site boundary and the intervening road, there is considered to be a significant space separation. As such, no significant amenity issues would arise.

Flooding/Drainage

- 8.11 Policy SS3 of the Shepway Core Strategy directs that no new residential development should take place in areas identified as at 'extreme' flood risk in the Council's SFRA, when taking into account climate change. Whilst the site is located within a high risk flooding area as shown on the Environment Agency's flooding maps, on the Council's more detailed SFRA maps, the flood risk is much lower. The 2115 map shows most of the site not to be at risk of flooding except for a small area to the south west, which is identified

to be at low risk, and a very small portion identified as being at moderate risk. The area identified as being at moderate risk would only affect a very small part of the rear garden of the one and a half storey property located at the southern end of the site. Therefore this is not considered to be an issue.

- 8.12 Shepway Core Strategy policy SS3, at point c., requires that all development within Environment Agency flood zones should submit a Flood Risk Assessment with the planning application. The policy states that the FRA should demonstrate the development would be safe and passes the sequential approach within the 'applicable character area of Shepway and (if required) passes the exceptions tests set out in national policy'. The Sequential Test is to be undertaken in order to steer new development to areas at the lowest probability of flooding. The NPPG states in its section of sequential testing 'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered.' As the site falls within Flood Zones 2&3 the sequential test is required to be carried out.
- 8.13 The NPPF (paragraph 100) 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 elsewhere.' It advises that the SFRA should be used to assist in determining whether there are other reasonably available sites in a lesser area of flooding. The vulnerability classification for the development within the NPPG table is 'more vulnerable'. 'More Vulnerable' development within Flood Zone 3a needs to pass the Exceptions Test but if within flood zone 3b is not acceptable in principle. In this case the site falls within Flood Zone 3a.
- 8.14 Under policy SS1 of the Core Strategy the site falls within the Romney Marsh Character Area, which seeks for new development to be accommodated at the towns of New Romney and Lydd and sustainable villages, but avoiding localities at most acute risk to life and property from tidal flooding. Paragraph 4.72 of the Shepway Core Strategy recognises that residential development within Flood Zones 2 and 3 will be necessary to support sustainable growth of the district subject to the principles of spatial strategy and national policy. It states that within this character area if no reasonably available alternative sites are available then consideration should be given to minimising hazards to life and property.
- 8.15 The main source of flood risk on this site is from tidal flooding as depicted on the Environment Agency flood zone maps zones 2&3. However, the site is currently protected from a tidal event defense infrastructure offering a high standard of protection. This is reflected in the more detailed SFRA maps which shows this site to be at low risk of flooding. However, despite the unlikely event that this site would flood, it is still necessary to apply the sequential test.
- 8.16 Whilst the application site is allocated for housing development in the District Plan, the allocation was carried forward from the Shepway District Local Plan (adopted in October 1997) and, as such, the allocation was prior to the requirement for Sequential/Exception Testing as advocated in the now

withdrawn Government guidance in PPS25 and replaced by the current National Planning Policy Framework and Technical Guidance. As such, the site was not sequentially tested when it was allocated for housing and, as a result, it needs to be tested now.

- 8.17 Moving to the application of the sequential test, as part of this application officers have considered whether there other reasonably available sites for a proposal of this type and size elsewhere within the character area, which are at lower probability of flooding. In assessing this the flooding vulnerability as set out within the SFRA for the year 2115 was considered and all similar sites within the character area with a valid planning permission or site allocation were looked at. Research found that there were no other sites capable of accommodating 13 units that were reasonably available and at a lower risk of flooding within the character area.
- 8.18 As such, officers consider the proposal meets the requirements of the sequential test the exceptions test (paragraph 102 NPPF) needs to be applied. This requires the following to be considered:
1. 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 where one has been prepared; and
 2. 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.
- 8.19 In terms of the first part of the exceptions test the site is within the settlement boundary where the provision of housing is generally considered to be sustainable. Greatstone is considered to be a sustainable settlement as highlighted within the core strategy and the provision of additional houses within this settlement will have wider benefits of helping to sustain local services with extra footfall. As such the proposal is considered to meet the first point of the Exceptions Test of the NPPF.
- 8.20 With respect to the second part of the Exceptions Test a Flood Risk Assessment (FRA) has been submitted in support of the application. Paragraph 103 of the NPPF states the FRA needs to demonstrate that the most vulnerable development is located within the areas of lowest flood risk on the site - in this case the whole site is within Flood Zones 2&3. Para 103 then says that the development should be appropriately resilient and resistant to flooding and residual risk should be safely managed and priority given to SUDs drainage systems. In this case, the submitted Flood Risk Assessment details basic flood risk mitigation measures to be incorporated such as no sleeping accommodation on the ground floor and minimum finished floor levels. As such, it is considered that risk to life would be greatly minimised during a flood event and the FRA also concludes that the development with appropriate mitigation would be safe and would not increase the flood risk at the site or elsewhere.

- 8.21 Therefore subject the use of suitably worded planning conditions to incorporate these recommendations, it is considered that the proposal passes the sequential and exceptions tests and is also compliant with policies SS1 and SS3 of the Shepway Core Strategy and paragraphs 100 to 103 of the NPPF.
- 8.22 In respect of drainage, the application details that the development would be connected to the mains drainage and that they would seek to incorporate a SUDS surface water drainage scheme. KCC SUDS are generally supportive of this approach and consider it acceptable, however, have recommended conditions be applied requiring further information to ensure this approach is appropriate.
- 8.23 It is noted that concerns have been raised by neighbouring residents in respect of drainage. However, Southern Water have not raised any concerns in respect of connecting to the mains sewer and KCC SUDS are content that an appropriate scheme can be designed to deal with surface water. As such, flood risk and drainage are considered to be acceptable.

Highway Safety/ Convenience

- 8.24 The application proposes to extend the existing access road (named 'Prime View') to serve the proposed development. The existing access road is not currently adopted, and is not to be offered for adoption in future, and on this matter the local highway authority has confirmed that it would not require the access road to be adopted if the application under consideration were to be approved and be built out.
- 8.25 The existing access road at the end nearest to the junction with Victoria Road measures approximately 4.7m in width with a footpath either side measuring 1.8m in width. The access road widens upon entering further into the site to a measured width of 5.5m. The extension to the access road would continue at this wider point.
- 8.26 Concerns have been raised by neighbouring residents in respect of the suitability of the vehicular access, as they state that the access point is not wide enough to allow for two vehicles to pass one another. The access from Victoria Road was originally approved at a width of 5.5m under the 2011 planning permission. The access arrangement was subsequently modified as part of an approved section 73 amendment application determined in 2015 which granted approval for a width of 4.8 metres at the end closest to Victoria Road.
- 8.27 The residential scheme under consideration proposes to increase the use of the access to serve a larger development of an additional thirteen houses (giving a total of 23 housing units). paragraph 32 of the NPPF advises that development should only be refused on transport grounds if it gives rise to a severe residual cumulative impact.
- 8.28 In respect of parking, the development proposes two parking spaces for all of the dwellings with the exception of the 2-bed affordable housing units, which would have 1 space each. This all meets the requirements of the

local highway authority with the exception of the three storey dwellings which would provide the parking spaces in the way of tandem parking. Whilst officers understand the desire of Kent Highways to ensure these are easily useable, by providing two independently accessible spaces, this arrangement was accepted on the adjacent scheme where the officer noted the despite the tandem approach, each dwelling provides at least two off-road parking spaces and cycle parking for each dwelling can be secured. As such, whilst this is not considered to be ideal, it is considered to be an acceptable approach.

- 8.29 Given the concerns raised regarding the suitability of the access to serve the additional dwellings Kent Highways and Transportation have been requested to provide further comments on this. They have advised that at a potential overall development size of 23 units, the total traffic movements associated with this would be low. Vehicle flows from site would also be largely tidal (i.e. majority 'out' in the morning and 'in' in the evening) and as such even if road width were prohibitively narrow this, would cause little in the way of conflict. The road width at the site frontage, with accompanying footway falls within the parameters for a Minor Access Way (which in fact can be down to as little as 3m subject to tracking and overtaking spaces being provided). There is sufficient room for two cars to pass and further into the site the traffic speeds will be very low. Victoria Road has low background traffic flows and being dead straight has very good visibility at the site frontage. In the event that a larger vehicle arrives at site or needs to exit site, then any other vehicles needing to wait on Victoria road to allow for manoeuvring can do so safely without causing a highway safety concern.
- 8.30 Given the above comments there is no evidence that the development will give rise to severe residual cumulative impact and, therefore, there it would be unreasonable to refuse planning permission on transport grounds.

Ecology

- 8.31 The site consists of rough grassland and scrub bordered by residential development and it was noted by neighbouring residents that some protected species may be present on the site. As such, a phase 1 ecology survey and badger report were requested and submitted. These confirmed the presence of reptiles (slow worms and common lizards) on the site and a badger sett. Due to insufficient space on the development site, it has been necessary for the applicant to find a site to translocate the reptiles to; a site which is also within the applicant's ownership and to which he has agreed he would not develop. The translocation of the reptiles to the receptor site and the agreement not to develop the site are set out in the draft section 106 agreement that officers are recommending be signed should the Committee resolve to grant planning permission.
- 8.32 In terms of the badger sett, the proposed development will result in the loss of foraging habitat and the subsidiary sett. However, KCC Ecology are content that there is an area of grassland to the east and north of the developable area and that foraging habitat will be available within the wider area. However they also recommend that the boundaries of the proposed development are planted with species which will enhance foraging for

badgers. This can be covered by condition. As such, it is considered that the development would not have an unacceptable impact on ecology.

Affordable Housing

8.33 Policy CSD1 of the Core Strategy Local Plan states that for residential developments of 10 -14 dwellings, at least two affordable dwellings should be provided, subject to viability. In this case, the application is proposing the provision of 4 affordable dwellings which exceeds this requirement. As such, this is considered to be acceptable and should the Committee resolve to grant planning permission this would be secured by way of a S106 agreement.

Archaeology/Contamination/Landscape etc

8.34 In respect of archaeology, the site is located within an area of archaeological potential. KCC Archaeology note that there are likely to be remains on the site of medieval, post medieval or a later date. They also note that the submitted topographical survey suggests that part of these earthworks survives as an upstanding feature within the development site. As such, they have recommended a condition be attached to any grant of permission requiring an archaeological programme be submitted and approved. On this basis, the application is considered acceptable in respect of harm to buried archaeological remains.

8.35 In respect of contaminated land, the site is not known to be contaminated, and no past uses are known. However, in order to safeguard any future residents, Environmental Health Officers have recommended a condition requiring a contamination study be undertaken before the commencement of works.

8.36 With regard to landscaping, the application has been accompanied by an outline landscape proposal detailing hard and soft landscaping of the site. As it is titled 'outline' and lacks detail of species of trees proposed, It is would recommended that if permission were granted a condition requiring full details be imposed.

Public open space and play space

8.37 Saved policy LR9 of the Shepway Local Plan Review expects proposals for residential development of less than 25 dwellings to provide for open space in the way of financial contributions. In calculating a contribution, the size of the development is taken into consideration. However, as part of the evidence base for the emerging Places and Policies Local Plan, an open space study has been undertaken which shows there is not a deficit of open space in this area. As such it is not considered reasonable to require contributions in this case.

8.38 Saved policy LR10 of the Shepway Local Plan Review also expects residential developments to provide child play space if the number of child bed space exceeds 20. In this case, the proposal is under the threshold and contributions cannot be requested.

KCC contributions

8.39 In addition, Kent County Council has requested contributions towards primary education in respect of the expansion of Greatstone Primary and towards bookstock for the mobile library service that attends Greatstone. These can be collected through a S106 agreement.

Other Issues

8.40 Several neighbouring residents have raised significant concern regarding the construction of the existing access road and its ability to cope with the additional traffic that would be generated as a result of this proposal. Particular concern has been raised that the road is unsuitable for construction traffic and that damage to the road could also result in damage to sewers beneath the road. This concern has been raised by a qualified engineer on behalf of the neighbouring development. This is a private road as it has not been adopted by Kent County Council, nor were they involved in its construction and so cannot offer any advice regarding the strength or suitability of the road. It is understood that the applicant has a legal right of access over the road. The right to use the road and the extent of that use is a private matter between the owner of the road and the developer. This has been confirmed by the Council's Solicitor. Damage to the road and to any services that run beneath it are also a private matter between the road owner and the developer, they are a civil matter and not a material planning consideration. Planning permission cannot be refused on those grounds. In addition, some residents have objected on the basis that they do not wish for access to be through their site. This report discusses this in terms of noise and disturbance and highway safety and concludes this to be acceptable.

Local Finance Considerations

8.41 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.

8.42 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a 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 space.

8.43 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 £15,907 for one year and £63,628 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

- 8.44 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.
- 8.45 This application is reported to Committee at the request of Cllr Govett. The reason for calling it to committee was to consider the concerns raised by neighbouring residents in respect of the sustainability of the new development specifically in terms of suitability of the access road across the existing development Prime View.

9.0 SUMMARY

- 9.1 This application seeks full planning permission for the erection of 13 dwellings on an allocated site for housing. In terms of design, density and layout the dwellings would be very similar to those granted originally in 2011 and subsequently modified in 2015 on the neighbouring site and as such are considered to be suitable and acceptable in this respect.
- 9.2 The suitability of the access road to serve the larger development has been considered and is considered to be acceptable in width given it already serves the existing houses. Issues relating to the structural suitability of the road, potential damage to it and rights of access are not material planning considerations and cannot be taken into consideration.

- 9.3 The site is located within flood zones 2&3, however, is shown to be generally at low risk of flooding on the 2115 SFRA. The Environment Agency has not raised objection and it is considered that the proposal passes the sequential and exceptions tests.
- 9.4 There are protected species on the site including reptiles and also a badger sett. Following the submission of reports in this respect, KCC Ecology are content that the development could be approved subject to the provision of a receptor site and conditions resolving other ecological issues.
- 9.5 In addition, the site is located within an area of archaeological potential, however, KCC Archaeology are content that the development could go ahead subject to a pre-commencement programme of archaeological works being submitted.
- 9.6 The scheme proposes four affordable dwellings, which exceeds the requirements as set out in local policy and would also make contributions towards the expansion of Greatstone Primary School and library bookstock.

Local Finance Considerations

- 9.7 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.
- 9.8 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £100 per square metre for new residential floor space. A CIL self-build exemption form has been submitted to the Council and as such there will be an exemption from the CIL levy.
- 9.9 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 £15,907 for one year and £63,628 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.

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 planning permission be granted to the following conditions and the signing of a S106 agreement in respect of affordable housing, translocation of reptiles/ agreement to not develop the receptor site and in respect of primary school contributions and library book stock.

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. Submitted plans condition.
3. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that features of archaeological interest are properly examined and recorded.

4. No development shall take place 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 on the Flood Risk Assessment (Herringtons, June 2016) and shall 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 preferentially disposed of on site with any excess runoff being discharged at an agreed rate to the receiving private sewer network.

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:

1. a timetable for its implementation, and
2. 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 confirm compliance with the NPPF, ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure the ongoing efficacy of the site-wide drainage provisions

5. No development shall take place (including vegetation clearance) until a detailed reptile mitigation strategy has been submitted to the Local Planning Authority for written approval. It must include the following information:

- Updated reptile survey of development site (if older than two years)
- Reptile survey of receptor site
- Translocation methodology
- Timings of works
- Map of receptor site
- Details of enhancements of receptor site
- Management to be implemented on donor site following completion of reptile translocation to ensure a reptile population does not re-colonise

The works shall then be carried out in accordance with the agreed details and timings of works.

Reason: In the interests of ensuring ecology is not harmed.

6. Development shall not commence until the methodology for the removal of the badger sett, including details of the licence from Natural England and a timetable for the works, have been submitted to and approved in writing by, the Local Planning Authority. The removal of the badger sett shall be carried out in strict accordance with the approved details and timetable. If the works have not commenced within a year of ecological scoping survey being carried out we advise that the mitigation strategy must be informed by an updated badger survey.
7. 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:

(iv) A survey of the extent, scale and nature of contamination;

(v) 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

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

8. Construction of the development shall not commence until details of the proposed means of foul water and sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

9.

Reason:

To ensure drainage is adequately dealt with.

10. Prior to the commencement of development full details of existing and proposed ground levels and finished slab and floor levels together with full

details of the roof ridge lines and eaves levels of the buildings hereby permitted in relation to the neighbouring properties in Prime View and Meehan Road/Hamilton Close shall be submitted to the Local Planning Authority for approval and the work shall be undertaken in accordance with the approved details.

Reason:

To ensure control over the height of the buildings when constructed and to minimise the impact on the adjoining properties and the visual amenities of the locality in accordance with saved policies SD1 and BE1 of the Shepway District Local Plan Review.

11. Prior to the commencement of development full details of existing and proposed ground levels and finished slab and floor levels together with full details of the roof ridge lines and eaves levels of the buildings hereby permitted in relation to the neighbouring properties in Prime View and Meehan Road/Hamilton Close shall be submitted to the Local Planning Authority for approval and the work shall be undertaken in accordance with the approved details.

Reason:

To ensure control over the height of the buildings when constructed and to minimise the impact on the adjoining properties and the visual amenities of the locality in accordance with saved policies SD1 and BE1 of the Shepway District Local Plan Review.

12. No work above slab level shall take place on the construction of the dwellings hereby permitted until samples of the materials to be used in the construction of their external surfaces have been submitted to, and approved in writing by, the Local Planning Authority. The development shall then 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.

13. The areas shown on the approved plans as vehicle turning and parking areas shall be paved and drained before the dwellings hereby approved are first occupied and shall be retained for the use of the occupiers of, and the visitors to, the dwellings and no permanent development whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order) shall be carried out on those areas of land or in such a position to preclude their use.

Reason: It is necessary to make provision for adequate off street parking to prevent obstruction of the neighbouring highway and to safeguard the amenities of adjoining areas in accordance with saved policy TR12 of the Shepway District Local Plan Review.

14. Details of the facilities for storage and collection of refuse and recyclables shall be submitted to and approved in writing by the Local Planning Authority and the approved facilities provided before the development is first occupied.

Thereafter the approved facilities shall be kept available for use by the occupants of the development.

Reason:

To ensure adequate means of refuse and recycling collection in the interests of the amenities of residents and sustainability.

15. Details of secure covered bicycle storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority. The facilities shall be provided prior to the occupation of each dwelling, with a minimum provision of 1 space per bedroom and retained and maintained thereafter.

Reason:

To ensure that facilities are available for the parking of bicycles to encourage travel to and from the site by means other than the private motor car in accordance with saved policy TR5 of the Shepway District Local Plan Review.

16. Construction shall not commence until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving the development will achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator.

The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason: In accordance with the requirements of policies CSD5 and SS3 of the Shepway Core Strategy Local Plan 2013 which identify Shepway as a water scarcity area and require all new dwellings to incorporate water efficiency measures.

Water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings' <https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings>

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting those Orders) no development falling within Classes A, B, D, E and F of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to retain control over future development of the approved dwellings due to the sensitivity of the location and relationship between properties in accordance with saved policies SD1, BE1 and HO1 of the Shepway District Local Plan Review.

18. The car ports hereby permitted shall, after construction, be retained for parking purposes in association with the premises on the application site at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the car ports as identified on the approved plans shall not be further altered through the addition of further doors, walls or fences or any other means of enclosure without the prior permission of the Local Planning Authority in writing.

Reason:

To ensure that the covered space is retained available for the storage of a vehicle when not in use in order to meet the needs of the development and prevent the displacement of car parking and subsequent inappropriate car parking. Fences and walls within such car barn structures may adversely affect the external visual appearance of the car barn, in accordance with policies SD1, BE1 and TR11 of the Shepway District Local Plan Review.

19. Notwithstanding the submitted outline landscaping scheme, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority including an implementation programme and maintenance schedule. The details submitted shall include indications of all existing trees, shrubs and hedgerows on the land and details of any to be retained together with measures for their protection in the course of development. 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 and BE16 of the Shepway District Local Plan Review.

20. Soft landscape works shall include 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.

Reason:

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

21. A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed prior to the first occupation of any dwelling hereby permitted or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and the amenity of residents in accordance with policies SD1 and BE1 of the Shepway District Local Plan Review.

22. Ground finished floor levels for all living accommodation shall be set a minimum of 300mm above existing ground level and shall be retained as such at all times and there shall be no sleeping accommodation at ground floor in any of the dwellings hereby permitted.

Reason:

To reduce the risk of flooding to the proposed development and prevent risk to life.

Decision of Committee

Y16/0400/SH
Land adjoining 88 Meehan Road
Greatstone

