

Application No: Y17/1390/SH

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

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

Applicant: Gladman Development Ltd

Date Valid: 14.12.18

Expiry Date: 15.03.18

PEA Date: 28.08.18

Date of Committee: 28.08.18

Officer Contact: Claire Dethier

SUMMARY

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

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

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

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

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

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

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

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

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

1.0 THE PROPOSAL

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

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

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

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

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

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

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

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

The application proposal includes the following:

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

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

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

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

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

3.0 LOCATION AND DESCRIPTION OF SITE

3.1 The application site is located to the north-west of the town of New Romney. New Romney is identified as a strategic town in the Core Strategy Local Plan. The site is bounded to the north-west by Cockreed Lane, to the south-east by the rear of residential properties located on Rolfe Lane and the Romney Marsh Day Centre. Immediately abutting the north-east of the site is the school playing field and beyond that the site known as 'Land opposite Dorland' which is currently being developed as a housing site for 109 dwellings (planning application Y15/0164/SH and Y17/0674/SH). At the south-western extremity of the site, and bordered by Cockreed Lane and Ashford Road, is the former Goddards Garden Centre. This also falls within the area designated as a broad location for development in the CS and it is anticipated that it will be the subject of an application for planning permission for residential development at some point in the future.

3.2 To the north-west the site faces out onto the Brickyard poultry farm and the open countryside of Romney Marsh and to the south-east lies the residential developments of Rolfe Lane and Fairfield Road. Beyond those roads are New Romney Town Centre and High Street.

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

4.0 RELEVANT PLANNING HISTORY

- 4.1 The application site forms part of a larger application site (Y14/1411/SH) that was resolved to be granted planning permission subject to the completion of a S106 agreement by Members at committee on the 6th October 2015. This application sought outline planning permission for the same number of dwellings as the current application. The S106 agreement has not been completed to date due to an area of the site owned by Kent County Council (KCC) being let on a long term lease to a third party. The area of land in question comprises of a playing field which is used by St Nicholas Church of England Primary School. Application Y14/1411/SH proposed to reduce the size of the playing field but compensate for this through the upgrading of the sports facilities on this part of the site.
- 4.2 The application site is also within close proximity to a number of other development sites which are within or adjacent to the CS broad location area including:
- New Romney Potato Company (outline reference Y10/0698/SH and reserved matters reference Y15/0710/SH) for the erection of 55 residential dwellings together with associated car parking, landscaping and open space. This development is near completion.
 - Land opposite Dorland (Outline reference Y15/0164/SH and reserved matters Y17/0674/SH) for the erection of 110 dwellings with supporting infrastructure. This development is currently under construction.
 - Land opposite Dorland (application reference Y18/0327/SH) for the erection of 8 houses. This application is undetermined and due for consideration at the same Committee meeting as this application.

5.0 CONSULTATION RESPONSES

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

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

Responses are summarised below.

5.2 New Romney Town Council

Recommend refusal:

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

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

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

5.4 KCC Highways and Transportation

No objection subject to:

Conditions to address the following:

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

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

Section 106 Agreement

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

5.5 Environment Agency

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

5.6 KCC Flood and Water Management

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

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

change requirement by the Environment Agency dated 19 February 2016.

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

5.7 Romney Marshes Area Internal Drainage Board

No objection:

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

5.8 Natural England

Statutory nature conservation sites – no objection

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

Protected Species

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

Local Sites

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

Biodiversity Enhancements

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

Landscape Enhancement

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

5.9 KCC Ecology

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

Conditions required:

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

5.10 Environmental Health Officer

No objection:

Noise

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

Air quality

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

Contaminated Land

- Recommend standard land contamination condition.

5.11 Merebrooks (Contamination Consultant)

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

5.12 Arboricultural Manager

No objection:

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

5.13 KCC Archaeology

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

5.14 KCC Public Rights of Way Officer

No objection:

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

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

- Ask for pedestrian access to be considered at detailed stage

5.15 Southern Water

No objection:

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

5.16 Housing Strategy Manager

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

5.17 South Kent Coast Clinical Commissioning Group

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

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

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

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

5.18 KCC Economic Development

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

Request Summary

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

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

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

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

6.0 PUBLICITY

6.1 Neighbours letters expiry date:

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

6.2 Site notice expiry date 31st January 2018.

6.3 Press notice expiry date 1st February 2018.

7.0 REPRESENTATIONS

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

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

Responses are summarised below:

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

Their comments can be summarised as follows:

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

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

8.0 RELEVANT POLICY GUIDANCE

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

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

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

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

- 8.2 The following saved policies of the Shepway District Local Plan Review apply:
SD1, HO1, LR9, LR10, BE1, BE16, CO1, CO5, CO11, U2, U4, U10a, TR11, TR13
- 8.3 The following policies of the Shepway Local Plan Core Strategy apply:
DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD3, CSD4, CSD5, CSD8

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

Policy CSD8

New Romney Strategy

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

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

The strategy for New Romney therefore supports the following:

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

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

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

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

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

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

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

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

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

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

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

8.4 The following Supplementary Planning Documents apply:

- Affordable housing SPD

8.5 The revised National Planning Policy Framework (NPPF) was published on 24th July 2018. The following paragraphs are of particular relevance to this application:

Chapter 2 Achieving sustainable development

8 – Achieving sustainable development

11 – Presumption in favour of sustainable development

Chapter 3 Plan-making

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

Chapter 4 Decision - making

38 – Positive, creative and proactive approach to development proposals

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

55 – Planning conditions

56 – Planning obligations

Chapter 5 Delivering a sufficient supply of homes

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

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

Chapter 5 Rural Housing

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

Chapter 8 Promoting healthy and safe communities

94 – Sufficient choice of school places

96 – Access to network of high quality open spaces

Chapter 9 Promoting sustainable transport

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

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

Chapter 11 Making effective use of land

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

Chapter 11 Achieving appropriate densities

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

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

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

156 – Strategic policies informed by a strategic flood risk assessment

158 – SFRA and sequential test

159 – Exceptions test

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

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

165 – Major developments should incorporate SUDS

Chapter 15 Conserving & enhancing the natural environment

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

175 – Principles for safeguarding biodiversity and irreplaceable habitats

9.0 APPRAISAL

Background

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

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

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

Relevant Material Planning Considerations

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

Conformity with Core Strategy Policy CSD8

9.5 Policy CSD8 is a wide reaching policy with many aspirations. In respect of this site and the broad location allocation, it requires the following aspects to be incorporated into the design of the broad location site;

a. The development as a whole should provide around 300 dwellings (Class C3) and a range and size of residential accommodation, including 30% affordable housing, subject to viability.

9.6 This site, combined with the site to the north-east of the playing field (Land Opposite Dorland) and the former New Romney Potato Company site would provide around 290 dwellings. It is likely that a further development may come forward on the former garden centre site boosting housing numbers further. In addition the applicant has agreed to provide 30% affordable housing on site and a range of unit sizes. The application is considered to be fully compliant with this aspect of the policy.

b. Pedestrian/cyclist linkages southwards to the town centre should be improved and prioritised from the central area of the development, in preference to linkages around the periphery of the site.

9.7 It is unfortunate that this proposal has come forward separate from the land to the north-east containing the existing playing field. This means that currently some of the aspirations of the policy cannot be met, including improved pedestrian/ cycle links to the town centre through the central area of the development. It is clear from the application documents why the applicant has chosen to submit this application and exclude the land to the north-east and whilst it would be preferable for the playing field to have been included in the application, it also is not ideal to prevent the development of this site and the housing from coming forward due to delays on the adjoining land. Waiting for this land to come forward could impact on the Council's ability to maintain a 5 year housing land supply.

9.8 Whilst the site as proposed would fail to meet the overall aspirations of this part of policy CSD8, there would still be opportunities to provide safe and attractive walking and cycling routes within this development at the reserved matters stage. The applicant has also made clear that they are willing and would also like to enable the site to be able to connect through to the land to the north-east at a later date should this become possible. As such, should Members wish to grant planning permission for this scheme, a condition can be applied requiring the spine road to be connected to the neighbouring site.

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

9.9 Due to the outline nature of the application, the precise design considerations would be deferred to the reserved matters stage. With

regards to the internal connection the comments in the above paragraphs regarding point b. above are relevant to this as well.

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

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

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

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

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

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

9.13 The whole of the broad location area is situated within Flood Zone 2 and the majority within Flood Zone 3 of the Environment Agency flood maps. Most of the broad location site is identified as being at no risk of flooding according to the SFRA in 2115, with small areas identified as being at low risk and a smaller area at moderate risk. As the proposal reserves layout for later consideration this can be considered further at that stage. The density would allow for the small area of moderate flood risk to be avoided. It is also possible to design in visual and nature conservation enhancements as part of the reserved matters application.

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

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

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

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

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

9.16 A single inclusive and joined up masterplan was developed and submitted for both the previous application on this site and for the site to the north-east of the playing field. However, for all of the reasons outlined above, currently it is not possible to develop the wider broad location site fully in accordance with those principles.

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

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

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

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

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

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

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

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

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

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

Housing Need

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

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

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

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

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

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

Highway Safety

9.25 The application is outline with all matters reserved with the exception of means of access. There is one proposed pedestrian and vehicular access to and from the site under this current application from Ashford Road, opposite the pumping station with a secondary access from Cockreed Lane for emergency use only. The proposed Ashford Road access would have acceptable visibility splays of 2.4m x 48m. Whilst this part of Ashford Road has a 60mph speed limit, the submitted traffic data has shown that due to the bend in the road close to the proposed access, traffic is naturally slowed down to approximately 32mph.

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

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

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

- Two existing traffic calming build outs on Fairfield Road formalised through the provision of signage and road markings (double yellow lines).
- 9.28 Plans have been submitted showing these improvements and Kent County Council Highways and Transportation are content with the measures proposed. They essentially introduce traffic calming through signage giving priority to vehicles from the north of Fairfield Road near the junction with Cannon Street and priority to vehicles from the south near the junction of Fairfield Road with Oak Lodge Road and the provision of double yellow lines.
- 9.29 At the four junctions with Fairfield Road mentioned above, drawings have been submitted showing improved visibility splays by introducing parking restrictions to ensure the visibility splays are kept clear.
- 9.30 All of these measures would need to be formally applied for by the developer through the Traffic Regulation Order (TRO) process. A contribution will be agreed by Kent County Council Highways and Transportation and the applicant and formalised through the legal agreement to fund the application for the TRO. Once the TRO measures are approved and prior to any houses being occupied, the developer would be required to build out the measures. It is possible that following consultation with the local community the TRO measures could be refused by the County. However, if this were to occur, a fallback position would be included in the legal agreement to require the developer to pay KCC Highways and Transportation the monies to carry out the mitigation measures under their duty to maintain the safety and usability of the road.
- 9.31 In addition to these measures, contributions were sought during the previous application on this site to make improvements to other junctions in the area. These related to:
- Capacity Improvements to Station Road/High Street (secured via contribution)
 - Ashford Road/High Street Junction (secured through a condition requiring developer to carry out works, TRO not required)
 - A new footpath along Ashford Road linking the site with the existing footpath along Ashford Road (secured through a condition requiring developer to carry out works, TRO not required)
- 9.32 All of these improvements sought under the previous application are also being sought under this application and would be secured via a combination of the legal agreement and conditions. As such, the proposal is considered to comply with the NPPF para 109 which states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe” and saved policy TR11 of the Local Plan which requires development proposals to ensure that new access is not detrimental to the safety of vehicle traffic, cyclists and pedestrians and that the applicant can demonstrate by means of a

transport impact study that the proposal would not increase the risk of accidents or create delays.

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

Flood Risk

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

(NPPG), the sequential test has been applied at the plan level for development of this site and in accordance with paragraph 162 of the NPPF does not need to be reapplied at the site specific level.

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

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

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

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

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

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

Ecology/ biodiversity/ Arboriculture

- 9.44 Whilst the site is outside any national or international sites protected for their wildlife or geology or habitats, the site is located within a Natural England Impact Risk Zone which requires planning applications to be assessed for likely impacts on SSSIs/SACs/SPAs & Ramsar sites. The nearest part of the Ramsar and SSSI sites are approximately 0.8 of a mile from the site and the SPA approximately 1.3 miles. Natural England has confirmed that the application is unlikely to result in any significant effects on any European designated sites and advised that there is no need to carry out screening or an Appropriate Assessment for the development with regard to the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar sites conservation objectives are maintained. Natural England also confirms that the proposal would not have an unacceptable impact on the SSSI of the same name.
- 9.45 The application site has been identified as having populations of the following protected species and habitats present:
- Small population of Great Crested Newts
 - Low numbers of grass snake
 - Low numbers of foraging bats – at least 4 species recorded.
 - Trees contained suitable features to be used by roosting bats – all will be retained at this stage
 - Foraging/breeding birds present on site
 - Badger sets
- 9.46 Saved policy CO11 of the Local Plan explains that planning permission will be refused for development if it is likely to endanger plant or animal life (or its habitat) protected under law. KCC Ecologists have reviewed the submitted ecology and specific species reports. They consider that the hedgerows on site provide the greatest ecological interest on the site currently and are satisfied that the proposed development can retain its ecological interest due to the creation of open space, the planting of additional hedgerows, creation of swales and the retention/enhancement of the site boundaries.
- 9.47 KCC Ecologists have also reviewed the submitted badger survey and are satisfied with the conclusions that if sett 2 is active (there is no conclusive evidence of this) it can be retained on site. The Ecological Officer recommends a condition requiring an updated badger report/mitigation strategy as usage of a site can change quite substantially over 3 or 4 years.
- 9.48 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The development includes the creation of an area of open space, however, detailed landscaping matters are deferred for future consideration but can be incorporated into the scheme.
- 9.49 It is considered that there is a need to ensure that these enhancement measures will be managed appropriately to benefit biodiversity. The creation of any SUDS scheme has potential to provide ecological benefits as well as

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

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

Amenity

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

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

Visual impact/density

9.57 The site is located outside but adjacent to the settlement boundary and within a semi-rural area. The character of the area is somewhat changing with the recent development of the former New Romney Potato Company site and the development of the site to the north of the playing field. The site is also located within the Romney Marsh Local Landscape Area where policy CO5 of the Local Plan states that proposals should protect or enhance the landscape character and functioning of Local Landscape Areas unless the need to secure economic and social well-being outweighs the need to protect the areas local landscape importance. The Romney Marsh Local Landscape Area covers a significant area and the site is on its fringe.

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

9.59 It is accepted that the wider setting of the countryside and local landscape area will be altered as a result of the proposed development. This would be contrary to saved Local Plan policy CO1 which seeks to protect the character of the countryside, but this has been accepted by the allocation of the wider site in the Core Strategy. However, the impact can be mitigated by a sensitively designed scheme and appropriate landscaping and is outweighed by the social and economic needs to provide sufficient housing and maintain a 5 year housing land supply in accordance with policy CSD8 of the Core Strategy and the NPPF.

Archaeology

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

evidence for enclosure drainage ditches and that these are likely to be of local or possibly regional significance. KCC's Archaeological Officer has explained that the archaeological potential is associated with the site's position on the edge of a shingle bank which developed in the later pre-historic period through long-shore drift and that to the rear of this shingle bank areas of saltmarsh, raised bogs and freshwater wetland developed. It was upon this coastal shingle ridge that the New Romney developed and the settlement is considered to have developed as an early medieval port. As such, the Archaeological Officer has recommended that a pre commencement condition requiring a programme of archaeological evaluation and investigation should be attached to any grant of permission.

Contamination

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

Developer contributions/ Impact on local services/ facilities

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

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

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

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

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

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

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

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

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

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

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

Environmental Impact Assessment Regulations 2017

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

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

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

Local Finance Considerations

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

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

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

Human Rights

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

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

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

10.0 BACKGROUND DOCUMENTS

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

RECOMMENDATION –

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

1. 3 year permission for submission of Reserved Matters
2. Development to commence within 2 years of Reserved Matters approval
3. Standard Reserved Matters conditions (details of appearance, landscaping, layout and scale)
4. Approved plans
5. Reserved Matters to provide for no more than 117 dwellings
6. Updated badger report and detailed mitigation strategy
7. Ecological management plan
8. Lighting scheme to minimise impact on bats
9. Noise assessment at reserved matters stage taking into account position of dwellings to Ashford Road
10. Reserved Matters to include following details: layout, circulation, distribution and location of market and affordable units, wheelchair and lifetime homes, finished floor levels, Details of pedestrian/cycle links, parking strategy, open spaces including play area, hard and

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

