

Application No: Y18/0327/SH

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

Development: Erection of 8 dwellings.

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

Date Valid: 26.03.18

Expiry Date: 21.05.18

PEA Date: 31.08.18

Date of Committee: 28.08.18

Officer Contact: Miss Louise Daniels

SUMMARY

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

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

1.0 THE PROPOSAL

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

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

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

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

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

3.0 LOCATION AND DESCRIPTION OF SITE

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

4.0 RELEVANT PLANNING HISTORY

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

5.0 CONSULTATION RESPONSES

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

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

Responses are summarised below.

5.2 New Romney Town Council

Recommend refusal. Lack of infrastructure contravenes policy SD1.

5.3 KCC Archaeology

No response received.

5.4 KCC Ecology

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

5.5 F&HDC Building Control

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

5.6 F&HDC Arboricultural Officer

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

5.7 Environmental Health

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

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

5.8 KCC Highways and Transportation

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

No objection subject to conditions requiring:

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

5.9 Environment Agency

No objection subject to conditions regarding flood mitigation.

Romney Marshes Area Internal Drainage Board

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

5.10 Southern Water

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

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

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 13.07.18

7.0 REPRESENTATIONS

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

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

Responses are summarised below:

7.2 One objection was received on the following grounds:

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

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

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

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

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

8.0 RELEVANT POLICY GUIDANCE

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

9.0 APPRAISAL

Relevant Material Planning Considerations

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

Principle of Development

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

Flooding and Drainage

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

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

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

Landscape Impact

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

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

Design and Layout

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

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

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

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

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

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

Highways

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

Neighbouring and Future Amenity

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

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

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

Ecology & Arboriculture

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

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

Archaeology

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

Other

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

Local Finance Considerations

- 10.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the

Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

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

Human Rights

- 10.4 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.
- 10.5 This application is reported to Committee due to an objection from New Romney Town Council.

11.0 BACKGROUND DOCUMENTS

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

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

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

Decision of Committee

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

