

**Application No:** Y17/1398/SH

**Location of Site:** Land adjoining Millside, Rhee Wall Road, Brenzett, Kent

**Development:** Outline application for the erection of 6 houses with matters of scale, appearance and landscaping reserved for future consideration.

**Applicant:** Mr Leon Coates

**Agent:** Mrs Helen N Whitehead MRICS  
Price Whitehead Chartered Surveyors  
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Kent  
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**Date Valid:** 13.10.16

**Expiry Date:** 08.03.18

**PEA Date:** 31.07.18

**Date of Committee:** 28.08.18

**Officer Contact:** Claire Dethier

## **SUMMARY**

This report considers whether outline planning permission should be granted for 6 houses with matters of 'scale', 'appearance' and 'landscaping' being reserved for future consideration. The current application seeks to establish the number of dwellings, the layout and the access to the development.

Overall the proposed residential use of this parcel of land would be in accordance with the overall objectives of the NPPF and would be consistent with the aims of policies SS1 and SS3 of the Core Strategy which seek to direct development to existing settlements. It is considered that emerging policy RM14 in the draft Places and Policies Local Plan (PPLP) can be afforded moderate weight in this case given that the policy position is reasonably well advanced with no unresolved objections and is consistent with the policies contained within the NPPF. The draft PPLP would redraw the settlement boundary of Brenzett to include the application site.

The layout can provide suitable parking and turning areas and, subject to conditions, the proposed access onto Rhee Wall Road is considered acceptable.

The proposal would not result in harm to the living conditions of neighbours and subject to conditions would not result in harm buried heritage assets. The use of conditions would also ensure that any contamination is properly dealt with and the site-wide drainage would not increase flood risk in the

area. Subject to conditions matters of ecology can be suitably addressed and overall the proposal will result in sustainable housing development.

**RECOMMENDATION: That outline planning permission be granted subject to the conditions at the end of this report and that delegated authority given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary.**

## 1.0 THE PROPOSAL

1.1 This is an outline application for the erection of six houses with matters of the 'access' from Rhee Wall Road and the 'layout' of the site being under consideration at this time. All other matters (design, landscaping and scale) are reserved for future consideration.

This application is supported by the following documents:

- Archaeological Assessment,
- Design, Access, Planning Statement,
- Phase 1 Environmental Assessment,
- Reptile Survey report,
- Water Vole Survey,
- Preliminary Ecological Appraisal,
- Flood Risk Assessment.

1.2 The proposal includes two access points to the site off Rhee Wall Road with approximately 22.2m separation between them.

1.3 Although matters of the scale and design of the houses are not for consideration at this time, indicative drawings of two storey houses have been provided. The layout within the site shows three pairs of semi-detached properties inset about 9.5m from the edge of the site with Rhee Wall Road. The rear gardens of the properties would be approximately 9m in depth. Each dwelling would have an attached garage and the pair of dwellings at the south eastern end of the site would each have an attached double garage. Driveway parking is proposed to the front of each of the garages and a communal access track, with turning areas, is shown on the layout drawing between the house footprints and the street, as are areas of soft landscaping.

1.4 The dwellings would be inset from the south eastern boundary of the site by about 4m to the closest garage flank and from the north western boundary of the site to the closest garage flank by about 18.8m. Between the northernmost house and the north western boundary is an area that is provided to conserve heritage features that are located within the site (probable Second World War anti-tank pimples).

1.5 From the proposed access that is to the south eastern side of the site is proposed a public footpath that would link into the highway footpath that current finishes at Hetton Cottages. This footpath extension is shown on land outside of the application site but within the public highway.

- 1.6 The application form details that the surface water from the site would be drained to the existing watercourse to the rear of the site and it is proposed that foul sewerage disposal would be by sealed cesspool.

## 2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Outside the defined settlement boundary of Brenzett;
- Local Landscape Area (saved policy CO5)
- Within an Area of Archaeological Potential;
- Tree that is subject to a Tree Preservation Order at the boundary of site but within the front garden area of the adjacent property 'Brandet House';
- Partly within Flood Zone 3 and partly within Flood Zone 1 on the Environment Agency Flood Hazard maps;
- Environment Agency detailed flood hazard map shows the site as being at a low risk of flooding from sea/river
- The Folkestone and Hythe District Council Strategic Flood Risk Assessment 2115 (accounting for climate change) shows that the site is not at risk of flooding

## 3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The application site is located outside of but adjoining the settlement boundary of Brenzett on the southwestern side of Rhee Wall Road. The site is north of the roundabout junction of Rhee Wall Road with King Street/Ashford Road and is located between the edge of the built settlement to the southeast and Millside Farm to the northwest. To the north of Millside Farm and opposite and to the rear of the application site is open agricultural land.
- 3.2 The site is approximately 0.26 hectares in area. Its frontage to Rhee Wall Road measures about 87m and the depth of the site is about 30m.
- 3.3 Immediately adjacent to the rear boundary is a watercourse that forms part of the drainage ditch network overseen by the Romney Marshes Internal Drainage Board. Between the front boundary of the application site and the road carriageway is highway verge. Within the front garden of the adjacent property 'Brandet House' is a tree that is subject to a Tree Preservation Order.

## 4.0 RELEVANT PLANNING HISTORY

- 4.1 None.

## 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 [Brenzett Parish Council](#)

Object on the following grounds:

- drainage and sewerage arrangements inadequate,
- farm traffic movements would be a hazard to safety,
- noise and dust from the grain dryers on the adjacent farm,
- congestion and speed of traffic along the road and the additional cars will add to the congestion,
- car parking is a highway hazard,
- lack of provision for children in the village
- the play area in the village is inadequate,
- the site lies outside of the village boundary.

### 5.3 KCC Archaeology

No objection subject to a programme of archaeological works, to be conditioned and interpretation of the on-site heritage would be welcomed.

### 5.4 KCC Ecology

No objection subject to the recommendations to enhance biodiversity on the site. A condition is required so confirmation of enhancements are identified and provided.

### 5.5 Environmental Health

The submitted phase 1 report fulfils part 1 of the standard contamination condition. The rest of the condition needs to be applied. A noise impact assessment will be required at the detailed design stage focussing on the commercial activities of the adjacent farm. Mitigation measures may be required to protect residential amenity.

### 5.6 KCC Highways and Transportation

Following the submission of amended plans showing sight lines for the proposed access points no objection is raised subject to conditions in relation to: the provision of vision splays, the provision of a 1.5m wide footpath from the eastern access to the existing footpath on Rhee Wall Road, provision and retention of car parking, turning areas, suitable surfacing.

### 5.7 Southern Water

There is no public foul sewer in the area. The applicant is advised to examine alternative means of foul sewerage disposal. The EA should be consulted regarding the use of a private wastewater treatment plant or septic tank drainage which disposes of effluent to sub-soil irrigation.

### 5.8 Environment Agency

No objection but informative that sleeping accommodation be at first floor only and flood resilience construction techniques be required to reduce the impact of flooding if it were to occur.

### 5.9 Romney Marsh Internal Drainage Board

Any connection made to the Land Drainage Board watercourse will require Board Consent under Section 23 of the Land Drainage Act 1991 and the discharge rate should not exceed that of the current undeveloped site. The adoption of the SUDS principles to manage discharged from the site has been indicated, therefore the planning department should be satisfied that the principles are applied appropriately and with acknowledgement to the long term management of the chosen system.

## 6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 06.02.18

6.2 Site Notice. Expiry date 13.02.18

## 7.0 REPRESENTATIONS

7.1 Representations 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 Two letters/emails have been received objecting on the following grounds:

- increased surface water flooding of Rhee Wall Road;
- the parking of cars on the proposed footway will be dangerous to pedestrians and vehicle traffic, including neighbours exiting their property;
- the increased traffic from the development will contribute to increased dangerous vehicle numbers on this part of Rhee Wall Road;
- Brenzett has limited amenities for the residents;
- The proposal would place increased demands on the village primary school;
- The site falls outside of the settlement boundary;
- The works, including public footway, will harm the TPO tree in the adjacent garden;
- The adjacent working farm creates noise and dust and works long hours, including for large vehicle movements;
- The site is greenfield;
- Concern the complaints from the new residents will impact the working of the farm;
- If surface water/waste water from the site is directed to the watercourse this will increase the cost for the maintenance of the ditch for the adjacent farm.

7.3 One letter of support has been received stating the following reasons:

- The development is low key and in keeping with the rural amenity;
- The site affords more opportunity for first time buyers.

## 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, BE1, BE5, BE16, U10a, TR5, TR11, TR12, CO1, CO5, CO11
- 8.3 The following policies of the Shepway Core Strategy Local Plan apply: DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD4, CSD5 and CSD9.
- 8.4 The following paragraphs of the National Planning Policy Framework 2018 are of particular relevance to this application: 8, 11, 47, 48, 55, 65, 68, 72, 78, 79, 84, 122, 127, 155, 156, 157, 158, 170, 174, 178, 184

## **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 outside the current defined settlement boundary and whether the number of units proposed and the layout is acceptable for this site.
- 9.2 In addition matters of the visual impact of the development, amenities of local residents and future residents, ecology, trees, flood risk, highways matters and archaeology are also material considerations.

### **Emerging Policy**

- 9.3 The site is proposed to be allocated for residential development in the emerging Places and Policies Local Plan (PPLP), reference policy RM14. Paragraph 48 of the NPPF advises that decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation of the plan; the extent which there are unresolved objections to relevant policies; and the degree of consistency of the emerging policies in the plan to the policies in the NPPF.
- 9.4 The emerging Places and Policies Local Plan is at a relatively advanced stage of preparation. The Submission Draft of the Plan has been out to public consultation under Regulation 19, having already been through the Regulation 18 Preferred Options consultation. There are currently no unresolved objections relating to policy RM14 (previously numbered RM13) from the consultation. The Plan will shortly be submitted to the Secretary of State for independent examination in public.
- 9.5 The PPLP also proposes to amend the settlement boundary for Brenzett to incorporate this site, as illustrated in Picture 3.20 in the Places and Policies Local Plan Submission Draft – Proposed Changes to Policies Map document.

### **Principle**

- 9.6 At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). Paragraph 79 of the NPPF relates to the promotion of sustainable development in rural areas and

sets out that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Likewise, policy SS1 of the Core Strategy seeks to direct development to existing settlements, and policy SS3 seeks to protect the open countryside and coastline in accordance with policy SS1.

- 9.7 The Core Strategy identifies that the strategic priority for the Romney Marsh area is to accommodate development in the towns of New Romney and Lydd, and at sustainable villages. Brenzett is identified in the Core Strategy as a primary village which is able to contribute to strategic aims and local need with the potential to grow and serve residents, visitors and neighbourhoods in the locality.
- 9.8 There are limited development opportunities within the settlement confines of Brenzett and this is a sustainable location as it is on the edge of the settlement and extends the existing line of built development along the Rhee Wall up to the farm. Given this and that there is no availability of alternative sites within the settlement confines of the village; and that the emerging Places and Policies Local Plan includes this site within the emerging settlement boundary, together with the residential allocation of the site in the emerging Plan; the location of this site is, in principle, considered to be a sustainable one for a rural location and it is considered that the principle of development on this site is acceptable in planning policy terms. The site is not isolated as it is adjacent to other development and on the edge of the village. As such, the proposed small-scale development of this site meets the requirements of the NPPF and policies SS1 and SS3 of the Core Strategy.

## **Design and Layout**

- 9.9 The application site forms part of a larger allocation under policy RM14, which also includes land to the southwest. The draft policy identifies that that the two sites together have an estimated capacity of 40 dwellings, with the northern part, the subject of this application, having an estimated capacity of 6 dwellings if the sites are developed separately. The layout plan submitted with the application shows that six dwellings, comprised of three pairs of semi-detached dwellings, can be satisfactorily accommodated on the site.
- 9.10 Design is not a matter for approval at this stage as it is reserved for future consideration. However, the applicant has provided an illustrative street scene drawing of traditionally styled two storey semi-detached houses which helps to illustrate how the six dwellings would be accommodated on the site. The indicative streetscene elevation demonstrates that a strong frontage can be achieved to Rhee Wall Road in accordance with the aims of emerging policy RM14. At the north western end of the site, between the last house and 'Millside' a wider gap is maintained which will allow for the protection and preservation in situ of the probable Second World War anti-tank ditches, as required by KCC Archaeology.
- 9.11 The layout allows for waste/recycling storage on each plot. The layout is such that there are no foundations to be constructed close to the protected tree within the adjacent property 'Brandet House' and allows sufficient area for the planting of soft landscaping.
- 9.12 Based on the footprint of the buildings shown on the layout drawing, which shows an acceptable spacing between the dwellings so as to sit comfortably within the existing street scene, it is considered that the layout of the proposed development will allow for dwellings of a suitable scale and appearance to come forward at reserved matters stage, whilst avoiding harm to the in-situ heritage asset.

## Visual Impact

9.13 The site is located within the flat Romney Marsh landscape and within the Local Landscape Area of the Marsh. The provision of two storey houses is considered acceptable in terms of the impact on the landscape as this is not an isolated site. It is located on the edge of the village and will extend the existing line of built development along the Rhee Wall. The development will be viewed against the back drop of the existing buildings along the Rhee Wall and the development immediately to the south east in Moore Close. Detailed design is not a matter for consideration at this stage, but in principle two storey dwellings would be in keeping with the neighbouring development along the Rhee Wall and in Moore Close – which comprises a mixture of two storey and single storey properties of varying designs. Therefore, in terms of visual impact on the streetscene and landscape the proposal is considered acceptable and in accordance with saved policies BE1, C01 and CO5.

## Highway Safety

9.14 The proposed layout will allow for a level of parking provision on the site that would meet the adopted vehicle parking standards and also provide suitable turning space within the site for cars and a maintenance vehicle to empty the proposed sealed cesspools.

9.15 Saved policy TR11 of Local Plan Review sets out the criteria for proposals which involve the formation of a new access or intensification of an existing access. Two access points are proposed into/out of the site, with approximately 22.2m separation between them. The applicant has provided sightline drawings for these access points which are acceptable to KCC Highways and Transportation. The provision and management/retention of these sightlines can be achieved by planning condition.

9.16 Policy RM14 of the draft PPLP requires a footpath and appropriate lighting to be provided on Rhee Wall Road to connect to the existing footway to the east. The submitted drawings included a 1.5m wide footpath on highway land outside of the application site. The provision of this footpath extension can be secured by planning condition, as can highway lighting.

## Drainage

9.17 The foul drainage for the site has been latterly proposed to be a single sealed tank within the rear garden of each property. This would allow each individual dwelling to be responsible for their own waste collection, and avoid the need for a management company. The installation would also be more straightforward as there would be no requirement for structural loading over the tanks.

9.18 The agent advises that they have not proposed cesspool tanks for combined use as, while there is sufficient space to accommodate the three tanks that would be required below the access road way, there would be significant structural cost due to the road loads above.

9.19 The agent also has provided tracking information for a maintenance vehicle to empty the sealed cesspools. This matter can be the subject of a planning condition and it is considered that acceptable provision can be made for foul drainage for the development.

9.20 Surface water drainage is proposed to be by a SUDS system with discharge in the watercourse to the rear of the site. The Internal Drainage Board responsible for the watercourse does not have



any objection to this and the details of the SUDS system and its long term management can be required by condition.

### **Amenity**

- 9.21 Given the size of the property footprints, their layout within the site all fronting the street and the garden sizes there is no reason to conclude that dwellings with acceptable living conditions for future occupiers could not be achieved at reserved matters stage.
- 9.22 The position of a row of dwellings fronting the road will not cause unacceptable impacts in terms of overbearing and loss of light and it will be possible to provide a design that does not result in unacceptable overlooking of neighbouring properties.
- 9.23 Both the Parish Council and the neighbours have raised the matter of the impact of potential noise and dust from the adjacent working farm impacting on the future occupiers of the dwellings being considered and the possibility of complaints from future occupiers curtailing farming activities, to the detriment of the farm working and rural economy. The Council's Environmental Protection Officer has considered the matter and advises that the farm has not resulted in complaints being received from dwellings to the southeast and whilst an acoustic assessment should be required by planning condition it would be expected that satisfactory mitigation of noise can be achieved at the reserved matters stage for example by type of glazing, building layout, room layout, acoustic fencing, etc. In respect to dust being created during the harvest season the Environmental Protection Officer notes that the separation of the proposed houses from the farm, due to the area retained for the protection of the World War two heritage, will assist in lessening any short term dust within gardens. Subject to the production of an acoustic assessment which will inform the reserved matters application and the provision of any identified noise mitigation measures, it is considered that any noise impacts from the farm can be satisfactorily mitigated.

### **Contamination**

- 9.24 Saved policy U10a of the Local Plan Review relates to the potential for the contamination of water resources or harm to human health from development. The NPPF paragraph 178 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.
- 9.25 In this case a Phase 1 land contamination report was submitted with the application that has been reviewed by the Council's land contamination consultants. They advise that the submitted phase 1 report fulfils part 1 of the Council's standard contamination condition. The remainder of the condition, requiring further investigation, any required mitigation, dealing with unexpected contamination discovered during groundworks, needs to form part of any planning permission.

### **Ecology**

- 9.26 Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environmental by minimising the impacts on biodiversity where possible and saved policy CO11 of the Local Plan Review states that planning permission will not be granted for development if it is likely to endanger protected species or cause the loss of, or damage to, habitats and landscape features of importance for nature conservation, unless the need for development outweighs these nature conservation considerations and measures will be taken to minimise impacts and fully compensate for remaining adverse effects.

9.27 In this case a habitat survey and species surveys for reptiles and water voles have been submitted. It is noted that the vegetation on the site, as seen at the officer site visit, was cleared prior to the various surveys taking place and may have led to a displacement of species on the site prior to the surveys being undertaken. However, on the basis of the submitted surveys the KCC Ecologist does not object to the proposal subject to the recommendations of the ecological reports to enhance biodiversity on the site. A condition is therefore required so enhancements are identified and provided and conditions are also required that the site is resurveyed if no development on the site has commenced within 2 years of the date of the planning permission given the existing land use, proximity to a watercourse and historic unmaintained nature of the site.

## **Flood Risk**

9.28 The site is located on the boundary of Flood Zone 3 on the Environment Agency Flood Hazard maps and mostly within Flood Zone 1. The Environment Agency's detailed flood hazard map shows the site as being at a low risk of flooding from sea/river. The Council's Strategic Flood Risk Assessment shows that the site is not at risk of flooding in 2115 when accounting for climate change.

9.29 The NPPF (paragraphs 155 to 158) advocates a risk based approach to planning for development in areas of flood risk. This includes reducing the adverse impacts of flooding by avoiding inappropriate development in areas at risk of flooding. This is carried out by the requirement for each development to be assessed against the sequential test and, if required, the exceptions test.

9.30 The sequential test seeks to direct development to sites at the lowest probability of flooding as informed by the Council's Strategic Flood Risk Assessment (SFRA). Only when these sites have been developed should higher risk sites then be considered for development.

9.31 In this case the proposed residential development is classed as being a 'more vulnerable' class of development in the EA 'flood risk vulnerability classification' list. However, 'more vulnerable' development is shown to be 'appropriate' in Flood Zone 1 on the EA flood Risk compatibility table and therefore no exceptions test is required to be carried out. Sequentially the application site is considered to be acceptable as the SFRA shows that the site is not at risk of flooding and, as such, no objection to the proposal is raised on the grounds of flood risk.

9.32 It is also noted that EA recommends that sleeping accommodation in any dwellings on this site be at first floor only and flood resilience construction techniques be required to reduce the impact of flooding if it were to occur. This is a recommendation only and not a requirement and as such can be advised by an informative on any resultant planning permission.

## **Archaeology**

9.33 Saved policy SD1 of the Local Plan Review and paragraph 184 of the NPPF require conservation where possible and field evaluation where necessary of archaeological interests affect by development.

9.34 Notwithstanding the matter of the World War two anti-tank pimples in the north western part of the site, the KCC Archaeologist is not in agreement with the conclusions of the applicant's Archaeological Desk-Based Assessment. He notes that the quality of the assessment is poor and

it has failed to consider the potential range of geoarchaeological, palaeoenvironmental and archaeological deposits and sequences that might be expected in the area. So whilst the desk-based assessment concludes that no further archaeological work is required this is not agreed.

- 9.35 The KCC Archaeologist advises that the site is located on Walland Marsh, part of an extensive area of reclaimed marshland which, along with Romney Marsh proper and Denge Marsh, make up the Romney Marsh. The formation of this marsh is a result of complex coastal geomorphological processes, represented by sequences of geoarchaeologically and palaeoenvironmentally interesting deposits. The Rhee Wall, which bounds the site to the north-east, probably has its origins in the thirteenth century when a canal was cut between New Romney and Appledore, in order to provide water to flush out the harbour at Romney, as well as to provide a shipping channel between the two towns. The canal seemingly fell out of use in the fifteenth century, but its raised banks continued to provide an overland route across the marsh and is still followed here by the modern road (B2080). The reclaimed marshland has been long recognised as providing fertile agricultural land and in the fourteenth to seventeenth centuries the area was renowned for its sheep pasture. Historic mapping shows a former corn mill just to the north-west of the site in question.
- 9.36 The KCC Archaeologist concludes that the proposed development has the potential to affect remains of archaeological interest and therefore recommends that a planning condition be used on any grant of planning permission to require a programme of archaeological work, to be agreed in conjunction with KCC Archaeology. It is also suggested that a publically accessible scheme is sought to provide on-site interpretation of the Second World War heritage, so that its significance can continue to be appreciated and enjoyed.

### **Loss of Agricultural Land**

- 9.37 Paragraph 170 of the NPPF seeks to ensure that the best and most versatile agricultural land is retained for agricultural use and case law guides that the 'significance' of any harm on the function of the agricultural land should be realised. In this case the field is currently classed as agricultural land grade 1 land however, the conversion of this land area will not significantly harm the overall functioning of the agricultural use of the surrounding area due to its relatively small scale and this loss would have been taken into account when allocating the site in the draft PPLP.

### **Other Issues**

- 9.38 Draft policy RM14 sets out a number of criteria which the development of the site should be assessed against when the policy is adopted. The criteria relating to vehicular access, footpath and lighting, strong frontage to Rhee Walls retention of existing trees and hedgerows, existing watercourse, surface water drainage, ecology and archaeology are either appropriately dealt with in the outline application or can be covered by condition.

- 9.39 The remaining criteria are discussed below.

1. Masterplan approach to demonstrate how the sites integrate with each other and the existing settlement – this site is being applied for separately from the adjoining site to the south and no masterplan has been provided with the application to show how it would integrate with the site to the south. However, although the policy overall carries reasonable weight given the relatively advanced stage of the Plan, this particular criteria carries less weight as there is an outstanding

objection which requests that it be reworded to read: ***The layout and design approach takes into account the potential development of the adjoining land parcel and the existing settlement.*** As a result, this criteria may be altered following Examination of the Plan and therefore carries less weight at this stage. Given this it is not considered that it would be reasonable to refuse planning permission on the lack of a masterplan.

2. Preferred vehicular access is from Rhee Wall with an alternative access from Moore Close – access to the application site is from Rhee Wall, however the proposed layout will preclude access through to the southern section of the allocation. As above, there has also been an objection to the wording of this criteria so it also carries less weight and may be subject to change at Examination. Given this it is not considered that it would be reasonable to refuse planning permission on this basis. The estimated capacity of the two sites is determined by access / highways reasons. In their comments on the SHLAA for the original Moore Close site, KCC Highways commented that the access from Moore Close could only accommodate another 20 units, hence the allocation would be restricted to 20 dwellings without a secondary, emergency access that could be provided off Rhee Wall Road. Therefore, if the development of the application site prevents a future access to the larger parcel of land off Moore Close, the remaining allocation can still be developed but it would be restricted to 20 dwellings (hence the estimated capacity in the policy).
5. An appropriate number of self build/custom build plots in accordance with HB4 - the self build requirement of HB4 does not apply to this site because the number of dwellings falls below the trigger of 20.
7. Existing watercourses are to be integrated into the development – this criterion was included to ensure that applicants were mindful of the existing watercourses on the two sites in the design of the development. In this instance, the applicant should be mindful that an existing watercourse runs along the rear boundary, however this is unlikely to impact upon design as a result.
11. The design of the development preserves or enhances the setting of the nearby Grade II listed buildings – the detailed design will be dealt with at the reserved matters stage but given the distance and relationship of this part of the allocated site to the nearest listed building, Myrtle Trees, it is considered that the setting of the listed building will be preserved.
12. Odour assessment to inform the masterplanning to ensure adequate distance from waste water treatment works – Southern Water requested this criterion during the Preferred Options consultation. Southern Water has now confirmed that this representation was made in error and that an odour assessment is not required as confirmation of this). As a result, this criterion will be removed from the policy following the Examination of the PPLP.

### **Local Finance Considerations**

- 9.39 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.
- 9.40 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. New Homes Bonus payments are not considered to be a material consideration in the determination of this application.

- 9.41 In accordance with policy SS5 of the Shepway Core Strategy Local Plan, the Council has introduced a CIL scheme that in part replaces planning obligations for infrastructure improvements in the area. The site is located in charging zone B and the CIL levy in the application area is charged at £54.70 per square metre for new dwellings. The calculation cannot be finalised until reserved matters stage as the total floor area of the buildings is not yet known.

## Human Rights

- 9.42 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.

- 9.43 This application is reported to Committee due to objection from Brenzett Parish Council.

## 10.0 BACKGROUND DOCUMENTS

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

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**RECOMMENDATION – That outline planning permission be granted subject to the following conditions and that delegated authority given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary:**

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission.

Reason:

As required by Section 92 of the Town and Country Planning Act 1990.

2. Approval of the details of the 'scale', 'appearance' and 'landscaping' hereinafter called "the reserved matters", shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

Reason:

Such details are necessary for the full consideration of the proposal and have not, so far, been submitted and in order to ensure the satisfactory implementation of the development in the accordance with the aims of policy SD1 of the Shepway District Local Plan Review.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:

As required by Section 92 of the Town and Country Planning Act 1990 (as amended).

4. Approved plans
5. Parking/turning of cars and parking of bicycles in accordance with Interim Guidance Note 3 - Residential Parking". Including surfacing and drainage of the access road/parking/turning areas.
6. Biodiversity enhancement measures and their maintenance
7. Waste and recycling facilities
8. Contamination
9. Water efficiency measures
10. High Speed Fibre Optic broadband (minimal internal speed of 100mb)
11. Measures to prevent debris and spoil being deposited on the public highway
12. Works to trees and shrubs on site shall not take place during bird-breeding season.
13. If development has not commenced within two years of the date of this outline planning a further phase 1 habitat survey is required.
14. Installation of a sealed cesspool for each dwelling.
15. Details of surface water drainage to include Sustainable Urban Drainage System (SUDs) and ongoing maintenance/management.
16. Provision of vision splays for the access points.
17. Provision of highway footway extension.
18. Details of highway lighting for the footpath.
19. Acoustic assessment.
20. Programme of archaeological work and details of a publically accessible scheme to provide on-site interpretation of the Second World War heritage.
21. Provision, retention and maintenance/management of buffer strip to north western boundary.
22. Tree protection measures for TPO tree.
23. Landscaping
24. Boundary treatment
25. Reserved Matters to provide for no more than 6 dwellings

Informatives

1. Street naming and numbering
  2. Sleeping accommodation to be at first floor only and flood resilience construction techniques required to reduce the impact of flooding if it were to occur.
  3. Any connection made to the Land Drainage Board watercourse will require Board Consent under Section 23 of the Land Drainage Act 1991 and the discharge rate should not exceed that of the current undeveloped site.
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Y17/1398/SH  
Land adjoining Millside  
Rhee Wall Road  
Brenzett

