

Application No: Y18/1404/FH

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 point from Ashford Road. All matters reserved except for means of access.

Applicant: Gladman Development Ltd

Date Valid: 02.11.18

Expiry Date: 01.02.19

PEA Date: 30.08.19

Date of Committee: 27.08.19

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) and Core Strategy Review 2019 (CSR).

The application site has previously been considered by the Planning and Licensing Committee for the same quantum of development in August last year under reference Y17/1390/SH (the 2017 application) and prior to that as part of a larger site along with land to the north-east (the KCC land containing a playing field) in October 2015 under reference Y14/1411/SH (the 2014 application). The 2017 application was refused planning permission solely on the ground that Members considered that due to the exclusion of the neighbouring KCC site from the application (where the link road would be delivered), the proposal would result in harm to neighbouring amenity. Prior to that, the 2014 application had a resolution to grant planning permission subject to the signing of a S106 agreement. Due to the playing field being leased on a long term basis, this has proven to be incredibly difficult to achieve due to private matters between the school whom the land is leased to; the landowner KCC; and the applicant. As such, despite considerable effort by the applicant and planning officers, the S106 agreement has still not been completed. That was the reason for the 2017 application excluding that part of the broad location from the development and despite ongoing efforts to finalise the legal agreement, is the reason for this subsequent application which still excludes the

land, but is submitted alongside a separate application (reference Y18/1419/FH) which seeks planning permission for the access road on the KCC site.

This site is included within the Development Plan in order to deliver a sufficient number of dwellings going forward to maintain a 5 year housing land supply. As such, the policy has been amended in the CSR in recognition of the fact that part of the broad location site is already being built out and therefore there cannot be a single masterplan. This, combined with the applicant only being able to put suitable measures in place to enable the provision of the link road (but due to land ownership, not being in a position to be able to provide this themselves) and CS policy CSD8 requiring the provision of the link road, is putting delivery of our 5 year housing land supply at risk.

It is clear that the applicants have made every effort to work with all stakeholders to ensure that the link road is brought forward. However, due to significant delays on the part of KCC and the school, the provision of the dwellings that this site would enable cannot be delayed any further, particularly as the proposal constitutes sustainable development.

This application would allow for the link road to be realised at a later date as it provides the necessary infrastructure and connections to allow that to happen.

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 result in increased traffic on surrounding roads, however, following 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 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 Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he 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 at this stage.

1.2 Some Members will recall that a very similar application was before them exactly one year ago for consideration (the 2017 application). That application was recommended for approval by Officers but was refused by the Committee for the following reason:

Due to the exclusion of the neighbouring site from the application, the development fails to address the aims and objectives of part (c) of policy CSD8 of the Core Strategy which requires the development of the broad location to include an internal movement link throughout the broad location site. The off-site mitigation measures proposed to mitigate the harm, caused by the inability of the broad location internal movement link to be delivered, are considered inadequate to overcome the impact of the increased traffic on the local road network that would result, and as such, are contrary to part (g) of Core Strategy policy CSD8 as the additional traffic that would result on local roads would have an unacceptable impact on the amenities on the local residents, contrary to saved policy SD1 of the Shepway District Local Plan Review.

This 2017 application is currently the subject of an appeal that is due to be heard at an informal hearing in October 2019.

1.3 Whilst this application is almost identical to the 2017 application, the key differences are that the current application is accompanied by a noise assessment to address previous concerns regarding traffic noise and it is accompanied by a separate application seeking planning permission for the provision of a link road between this site and the site to the north-east of the playing field, which is being considered concurrently (application reference Y18/1419/FH).

1.4 The application and accompanying documents are very similar to those provided under the 2017 planning application. Whilst all documents have been updated by the applicants, most remain identical with the exception of;

- Updated Planning Statement explaining recent events
- Updated noise assessment to take into consideration noise from the development if an internal link road were not to be delivered
- Updated air quality assessment
- Updated transport assessment to take into consideration the transport implications if the link road were not to be delivered

1.5 The submitted planning statement provides clarity as to why the current application has come forward stating:

Committee Members' concern focussed on the delivery of a spine road between the three sites covered by policy CSD8 despite appropriate mitigation being agreed with the Local Highways Authority and the proposal including a link for the spine road to be complete should the adjacent parcel of land come forward in the future. The application site forms part of a larger application site (Y14/1411/SH) that was resolved to be approved subject to the completion of a S.106 by the planning committee on the 6th October 2015. The S.106 agreement has stalled due to an area of the site owned by Kent County Council (KCC) being let on a long term lease to a third party. However, the resolution to grant the larger scheme included a condition to secure the delivery of the spine road, as did the permission for the site known as 'Land opposite Dorland' (Y15/0164/SH and Y17/0764/SH) which forms the northeast portion of the allocation and is currently being built out. The same approach was proposed for application Y17/1390/SH which was accepted by both the professional Planning Officers and Highway Officers in recommending the application for approval.

- 1.6 As with the previous application, this current 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.
- 1.7 The application site forms part of land designated within policy CSD8 of the Shepway Core Strategy Local Plan 2013 (CS) and within the same policy of the review of that document (CSR) 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 Sustainable Urban Drainage Systems (SUDS) scheme.
- 1.8 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.
- 1.9 The planning statement also provides 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 children's 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."

1.10 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

1.11 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
- Within flood zones 2&3 as depicted on Environment Agency flood maps
- Mainly at no risk of flooding as shown on the 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 an area of interest to the Romney Marshes Internal Drainage Board
- Within an 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 CS. 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 there is a current undetermined full planning application for the erection of 30 dwellings on that site.
- 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 is 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 (submitted with the 2017 application) shows the ponds draining to this ditch.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The application site forms part of a larger application site (the 2014 application) that the Development Control Committee resolved to grant planning permission for on the 6th October 2015 subject to the completion of a S106 agreement. 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. The 2014 application 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 An application for the site excluding the KCC playing field land and the access road for the same number of dwellings was refused by the Planning and Licensing committee 28th August 2018 relating to one reason due to amenity of existing residents.
- 4.3 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 was approved by the Planning and Licensing Committee and is currently under construction.

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 loss of the previously planned spine road not acceptable.
- The Town Council concur with comments made by Kent Highways dated 23 November 2018
- Support objections raised by Rolfe Lane and Area Residents Association.

- 5.3 St Mary in the Marsh Parish Council (neighbouring Parish Council)
No comments received to date. Members will be updated of any comments received.

- 5.4 KCC Highways and Transportation
No objection.

- 1) The Transport Assessment Addendum has now submitted details of the spine road that will connect with the Pentland Homes site to the east (Y17/0674/SH). The red line location plan is shown on page 14 which shows the location of the spine road to the Pentland Homes site. Page 15 of the document also shows the parameters of the spine road in terms of width and alignment. The area of soft landscaping in between the two roads as shown on page 14 is being adopted by KCC Highways and Transportation so this road linking the two sites can effectively be delivered. As part of any planning permission for this site a condition will be required to show details of how the link between the two sites will be provided.
- 2) An updated accident analysis up to the 30th September 2018 has been undertaken. This does not show a specific crash cluster in the vicinity of the site.
- 3) The emergency access onto Cockreed Lane is now shown in Appendix D of the Transport Assessment Addendum (C14241-001 Revision E).
- 4) The applicant has now agreed to the submission of an application for a Traffic Regulation Order for the proposed parking restrictions along Fairfield Road in line with the plans submitted as part of the original Transport Assessment.
- 5) Plans have now been submitted for the proposed junction improvement for the junction of Ashford Road / High Street and these can be found in Appendix E.

I therefore now have no objections to the application, subject to the following planning conditions being attached to any planning permission granted and the necessary Section 106 agreement.

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 access details onto Ashford Road
- 5) Completion and maintenance of the junction improvement for the junction of Ashford Road / The High Street.
- 6) Completion and maintenance of the improvements to the build outs on Fairfield Road.
- 7) Within 2 months of commencement of development an application for a Traffic Regulation Order prohibiting on-street parking on Fairfield Road in the form of double yellow lines shall be submitted.
- 8) 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);
- 9) Provision and maintenance of the visibility splays;

- 10) Prior to the occupation of 100 dwellings on the site the link road connecting to the adjacent development as shown in drawing number 14241-HYD-XX-XX-DR-TP-0005 Revision P1 shall be implemented and opened to vehicular traffic. Details shall also be submitted showing how the finer connection will also be provided to the adjacent development (Y17/0674/SH)
- 11) Residential travel plan;
- 12) 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

- No objection
- However, the LPA need to be satisfied sequential test been applied
- The submitted FRA interrogated the SFRA and flood risk hazard modelling. The modelling shows the site to be appropriately defended from flooding and only a small portion of the site could be affected in a breach scenario
- Minimum floor levels shall be maintained in accordance with the FRA
- Recommend condition requiring mitigation measures outlined in FRA

5.6 KCC Flood and Water Management

- The outline drainage strategy is sufficient at this stage
- We agree the proposed run off leaving the site is set to 4 litres a second which abides with the requirements of the Romney Marsh internal drainage board
- Recommend climate change allowance of 40% is allowed for rather than 30%
- Future reserved matters applications will need to demonstrate it is possible to incorporate a SUDS scheme within the layout
- Recommend a condition to ensure RM details include this
- 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 comments received.

5.8 Natural England

No objection

- The proposed development will not have significant adverse impacts on designated sites

- The proposal is unlikely to have any significant effects on European protected sites (Dungeness, Romney Marsh and Rye Bay SPA and Dungeness SAC).
- 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

5.9 KCC Ecology

- Sufficient information has been provided to gain a good understanding of the ecological interest and to determine the application.
- The surveys detailed a small population of great crested newts, low numbers of grass stakes and foraging bats, trees with suitable features for roosting bats, foraging/ breeding birds present and evidence of badgers.
- The site is regularly grazed grassland surrounded by hedgerows which provide the greatest ecological interest on the site.
- Satisfied the development can retain ecological interest due to creation of open space
- Disused badger setts and evidence of badgers has been recorded. The badger setts are up to date and valid, however, badgers are highly mobile and they may re-establish in the site – will be a need for updated surveys prior to commencement of works
- Site boundaries must be wide enough to ensure foraging for badgers
- A road through the northern boundary could have a negative impact on foraging badgers, landscaping will be required as a result either side of the road
- If permission granted there will be a need for a site wide mitigation plan to be submitted by condition informed by an updated ecological scoping survey

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

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

- Agree with findings made in air quality screening report – no further air quality constraints required

Contaminated Land

- Recommend standard land contamination condition (part 2 onwards).

5.11 Contamination Consultant

- Submitted report acceptable to deal with part 1 of standard condition
- 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 comments received.

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.
- 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.
- Reference should be made to Southern Water publication 'A Guide to Tree Planting near water mains and sewers'.
- 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 measures to protect public sewers
- 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

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 481.5sqm 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 the Department for Culture, Media and Sport requirement that 'fibre to the premise' broadband connections are available to all premises of gigabit capacity.		

6.0 PUBLICITY

6.1 Neighbour letters expiry date 16th December 2018 and 13th August 2019.

6.2 Site notice expiry date 10th December 2018.

6.3 Press notice expiry date 20th December 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 3 letters have been received from neighbouring residents following two rounds of consultation. The letters received are from two residents and include comments from Rolfe Lane and Area Residents Association.

Their comments can be summarised as follows:

- Existing traffic concerns on Ashford Road and Cockreed Lane, a single track road
- Ashford Road has no pavement and blind bends
- Support objection by Kent Highway Services November 2018
- Traffic monitoring out of date
- Nothing to guarantee the link road will come forward
- What would the construction traffic route be? Another 4 years of construction traffic for residents.
- Any S016 agreement should include emphasis on less car journeys and encourage sustainable modes of transport
- Funding should be provided towards a stagecoach trial of a peak shuttle bus from New Romney to Ashford
- A sizeable contribution should be required towards road/ pavement maintenance to maintain roads impacted by use of construction vehicles
- Need a condition requiring link road to be constructed at same time as the houses
- Local schools at full capacity
- Poor existing services in New Romney
- No consideration of dangers to existing properties and residents
- Health Impact statement says green space is good for health yet building on green space
- Would like a mix of design and size to meet needs of local community and up to 30% affordable housing
- Applicants could have appealed the previous decision

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.

The Submission draft of the Placed and Policies Local Plan (PPLP) February 2018 was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation

between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

The following policies of the Places and Policies Local Plan Submission Draft apply:

HB1, HB2, HB3, HB4, C1, C3, C4, T1, T2, T5, NE1, NE2, NE3, CC3, HW2, HW4 and HE2.

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

There were 7 objections received to the review of policy CSD8 which relate generally to concerns regarding existing infrastructure issues and do not relate to the proposed changes to the policy, but to the overall aims of the policy, which are not changing under this review. As such, the policy can be considered to hold weight at this stage in its development.

The following policies of the Submission draft of the Core Strategy Review apply:

DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD3, CSD4, CSD5, CSD8

As with the Shepway Local Plan Core Strategy, Policy CSD8 remains particularly relevant to this case in the Core Strategy Review. The policy remains similar to the policy within the adopted Core Strategy but has been revised to add the following wording:

The layout and design of any proposals for the remaining undeveloped two parcels of land under the broad location must take into account the potential development of the adjoining land parcel and the existing development. In particular the internal road layout of the two parcels allocated to the south-east of Cockreed Lane shall not prejudice the future delivery of a 'link' road (criterion C above) to provide a vehicular connection between the two parcels and the developed part of the broad location to the north-east.

8.4 The following Supplementary Planning Documents apply:

- Affordable housing SPD

8.5 The revised National Planning Policy Framework (NPPF) was published in February 2019. 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 must be necessary

56 – Planning obligations must meet the tests

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

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

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

180 – Mitigate and reduce to a minimum adverse impacts from noise and avoid noise giving rise to significant adverse impacts on health and the quality of life

9.0 APPRAISAL

Background

9.1 As outlined in the planning history section of this report, this site (initially as part of a wider site and last year the same site) has already been considered by the Planning and Licensing Committee originally back in October 2015 (the 2014 application) and subsequently in August 2018. The initial application (the 2014 application) sought outline planning permission for the same quantum of development (up to 117 dwellings and associated infrastructure) as the current application with the key difference being that all matters were reserved for future consideration and that the site included the playing field land 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 (the Pentland scheme currently being built out) and proposed a vision for the wider land to promote an integrated development with a single road going from Ashford Road through the current application site to the Pentland site. The masterplan vision for the access road was in accordance with part C of the adopted 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 2014 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. As explained earlier in this report, this agreement has never been able to be fully progressed by the applicant, despite their best efforts, due to lease issues with respect to the playing field part of the former site. The 2014 application, had it been granted planning permission, would have been required to connect to the neighbouring development road at an appropriate point in time.

9.2 The 2017 application also sought outline planning permission for the same quantum of development as the current application with the key difference

being that the current application has been accompanied by a report carried out by an acoustic consultant specifically assessing the impact of road traffic in respect of noise as a result of the development. This report directly addresses the single reason for refusal which related to the impact the increase in traffic on surrounding roads would have on amenity. The 2017 decision stated:

Due to the exclusion of the neighbouring site from the application, the development fails to address the aims and objectives of part (c) of policy CSD8 of the Core Strategy which requires the development of the broad location to include an internal movement link throughout the broad location site. The off-site mitigation measures proposed to mitigate the harm, caused by the inability of the broad location internal movement link to be delivered, are considered inadequate to overcome the impact of the increased traffic on the local road network that would result, and as such, are contrary to part (g) of Core Strategy policy CSD8 as the additional traffic that would result on local roads would have an unacceptable impact on the amenities on the local residents, contrary to saved policy SD1 of the Shepway District Local Plan Review.

All other aspects of the proposal, including highway safety, were considered to be acceptable by the Planning Committee.

- 9.3 In addition, there is a separate undetermined application for the adjoining site (the KCC playing field site) which is also to be considered on this agenda under application reference Y18/1419/FH running concurrently with this application. The same applicant is seeking planning permission for the engineering works required to provide a link road between the current application site and the Pentland Homes site to the north-east of the playing field.

Relevant Material Planning Considerations

- 9.4 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 CS policy CSD8 and emerging CSR policy CSD8. 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.
- 9.5 When deciding to include this site within the broad location, the Council considered it to be a sustainable option when compared with other possible locations within the District and a sustainability appraisal of the CS was undertaken. Whilst the site is outside of the planning policy identified settlement boundary, it is adjacent to the New Romney settlement boundary and forms a natural extension to the town. New Romney is identified as a Strategic Town in the CS where it is identified as being suitable for expansion from its current built limits. Table 4.2 linked to policy SS3 of the CS and the emerging 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, being within walking distance of key services, facilities and shops. The NPPF has a presumption in favour of sustainable development 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.

Conformity with Core Strategy Policy CSD8 and emerging Core Strategy Policy CSD8

- 9.6 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.*
- 9.7 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 (there is a current undetermined application on this site). 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.*
- 9.8 This proposal, along with the site to the north-east of the playing field has come forward separately from the land containing the existing playing field. This means that currently some of the aspirations of the policy cannot directly be met by the application 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. Whilst it would be preferable for the

playing field to have been included within this application, its inclusion in the original application is holding up delivery of housing on the site and the delivery of these dwellings is required to meet the district's housing need. The inability to bring forward the adjoining land is not within the applicant's control, hence why in the CSR, policy CSD8 is drafted to include wording that says the remaining parcels of land within the broad location should not preclude the access road coming forward, in recognition of difficult land ownership issues. Waiting for this land to come forward is likely to have a significant impact on the Council's ability to maintain a 5 year housing land supply.

9.9 In applying for planning permission for the provision of engineering operations in respect of the link road on the adjoining site, the applicant is seeking to demonstrate there would still be opportunities for the link road to be brought forward at a later date. In addition, the applicant highlights that safe and attractive walking and cycling routes will be provided within this development. The applicant has also made it clear that their preference is for 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, in granting planning permission for this scheme, a condition can be applied requiring the spine road to be connected to the neighbouring site if the link road is provided at a later date.

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.

9.10 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.

9.11 As with the proposed link road to the neighbouring site, this is currently out of the control of the applicant as the land on which this would be provided is owned by KCC and leased to the school. The applicant and Planning Case Officer have worked together to seek a resolution to the outstanding S106 agreement relating to the 2014 application with both KCC and the school. However, a finalised agreement has not been forthcoming from the school and KCC. Members will note 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.

9.12 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. 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 and a condition is proposed.

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 by the Council's SFRA as being at no risk of flooding in 2115 when taking into account climate change, with small areas identified as being at low risk and a smaller area at moderate risk. As the proposal reserves layout for later consideration the layout in relation to the flood risk areas can be considered further at that stage. The density would allow for the small area of moderate flood risk to be avoided for dwelling. 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.

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.

- 9.15 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.

- 9.16 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.

- 9.17 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 open space on site (including play space)

9.18 To conclude, the application is broadly compliant with the aims and aspirations of Policy CSD8 of the CS and emerging CSR policy CSD8. Any areas that the applicant is not able to comply with are due to matters of land ownership which are outside of their control and which they have worked to overcome without success. Despite this, 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. A condition is recommended 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 current 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

9.19 The Adopted Core Strategy is the overarching planning policy document that sets out the long-term vision and strategic policies for the district. It sets out economic, social and environmental aims for the district and the amount and type of development and strategic development locations for major developments. For residential development, it identifies a core objective to deliver a minimum of 350 dwellings a year on average until 2031. For the first 20 years of the plan period (2006/07 – 2025/26) a target of 8,000 dwellings is set, with a minimum requirement of 7,000 dwellings. The Core Strategy specifies a requirement that approximately 10% of new dwellings should be located in the Romney Marsh area, which equates to 800 of the overall target need of 8,000 homes to 2026 required by Policy SS2.

9.20 The emerging Core Strategy Review (2019) plans for a longer period up to 2037. In planning for this period, the Council undertook a Strategic Housing Market Assessment (SHMA) for the district, working in partnership with Dover District Council. The SHMA determined that the local housing need for the district stands at 633 new homes a year.

9.21 While the Council was preparing the Core Strategy Review, the government consulted on the introduction of a standard national methodology for calculating housing need. Following this consultation, the Ministry of Housing, Communities and Local Government (MHCLG) prepared and consulted on a revised draft of the National Planning Policy Framework. An updated version of the NPPF was published in July 2018. Regarding new housing, this states that, *"To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional*

circumstances justify an alternative approach which also reflects current and future demographic trends and market signals". This version of the NPPF has since been updated in February 2019.

- 9.22 The national methodology for housing need factors in the latest household projections and information on housing affordability to arrive at a figure for the minimum number of new homes that local authorities should plan for. At the time of preparing the Submission Draft Core Strategy Review, the latest household projection and affordability ratio for this district indicates that the council should plan for 676 new homes a year. Given this, the Core Strategy Review plans for a total of 12,845 new homes over the period 2018/19 to 2036/37. This will provide for the minimum amount of new development required by national planning policy.
- 9.23 The standard method for assessing housing need was updated in February 2019 which was after the publication of the Submission Draft Core Strategy Review. However, the application site is already accounted for in the future housing land supply as it was already an allocated site in the Core Strategy, so if the site doesn't come forward, there would be a deficit of 117 units which would result in the Council's 5 year housing supply being put at risk.
- 9.24 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."*
- 9.25 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."*
- 9.26 These appeals are evidence that even where there is an existence of a 5 year housing land supply, this 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 of the aspirations of CS policy CSD8, as set out above, the reason for this is outside the applicant's control and it is considered that any disbenefits in that respect are outweighed by the need to bring forward the development of the 117 dwellings that the application would provide for.

Highway Safety

9.27 The application is outline with but with means of access for consideration at this stage. There is one proposed pedestrian and vehicular access proposed to and from the site under this current application from Ashford Road, opposite the pumping station, with a secondary access from Cockreed Lane proposed 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.

9.28 The application has been supported by a detailed Transport Assessment (TA), Travel Plan and road safety audit. During the processing of the 2017 planning application on the site for the same development, discussions took place with Kent County Council Highways and Transportation to ensure that the loss of the link road from the scheme (which would have given the option for vehicles to enter and exit the site from both Ashford Road and Cockreed Lane), would not result in unacceptable traffic flows to Cockreed Lane and Rolfe Lane. All measures requested by KCC and agreed to by the applicant during the processing of the 2017 application remain identical for this application.

9.29 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 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).

9.30 Plans were submitted to show these improvements and Kent County Council Highways and Transportation were content that the measures proposed were acceptable in highway safety terms and raised no objection. The measures were essentially to 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. 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.

- 9.31 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.
- 9.32 In addition to these measures, contributions were sought during the previous two applications 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)
- 9.33 All of these improvements sought under the previous applications 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 In addition, 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 highway safety issues or significant highway impacts sufficient to reasonably justify refusing planning permission.

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 (when taking into account climate change) with small sections at low and moderate risk.
- 9.35 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 north-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.
- 9.36 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, CS policy SS3 and emerging CSR policy SS3 state "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 the district 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 and the Core Strategy review both of which are at an advanced stage in their 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.
- 9.37 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

9.38 As was the case when this matter was considered by Members back in 2015 (the 2014 application) and 2018 (the 2017 application), 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 CS 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 floor finished 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. KCC as the lead flood authority have not raised objection to the proposal subject to a suitable SUDS scheme being employed. As such, the development is considered to pass the exceptions test.

9.39 With regard to foul drainage, the applicants intend to connect to the main sewers in the area. Southern Water has a legal requirement to ensure this is possible and the infrastructure is in place to ensure this and has raised no objection.

9.40 It is considered that subject to appropriate conditions the development meets the requirements of policy SS3 of the CS and emerging CSR and the NPPF with regards to flood risk.

Ecology/ biodiversity/ Arboriculture

9.41 Whilst the site is outside any national or international sites protected for their wildlife, 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. As such the proposal would ensure that these conservation objectives are maintained.

Natural England also confirms that the proposal would not have an unacceptable impact on the SSSI.

9.42 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

9.43 Saved policy CO11 of the Local Plan Review and policy NE3 of the emerging Places and Policies 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.

9.44 KCC Ecologists have also reviewed the submitted badger survey and have recommended a condition requiring an updated badger report/mitigation strategy as usage of a site can change quite substantially over 3 or 4 years.

9.45 One of the principles of the National Planning Policy Framework is that net gains in biodiversity should be sought through development. 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.

9.46 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.

9.47 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 located centrally within the site; the tree cover is to the fringes of the site; and 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.

- 9.48 To conclude, the scheme is considered to comply with the aims of the NPPF and policy CO11 of the adopted Local Plan and emerging policy NE2 of the Places and Policies 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

- 9.49 Saved policy SD1 of the Shepway District Local Plan Review and the NPPF (paragraph 127) require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development.

The emerging places and policies local plan at paragraph 9.64 describes amenity as *“Amenity is usually understood to mean the effect of a development on visual and aural factors in the immediate neighbourhood or vicinity of a site.”*

- 9.50 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 and, in terms of noise from traffic associated with the development, properties within Ashford Road. 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.
- 9.51 The direct impact upon surrounding residential amenity in terms of impact upon outlook, light and privacy 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 and this was the reason for refusal of the 2017 application. Members were concerned that in the absence of the link road there would be additional traffic within surrounding roads which would result in noise amenity issues to existing properties. The applicant has submitted a noise survey specifically to address this concern. The survey identified residential properties surrounding the site and affected roads in the area (Ashford Road, Cockreed Lane and Fairfield Road) and noise modelling software and traffic flow data were used to assess the likely impact. The data collected was assessed taking into consideration the guidance as set out within the NPPF 2019 and noise policy statement for England as well as other noise guidance and was assessed against a number of criteria as set out in the guidance. The report concluded that any increase in noise as a result of the development would result in a negligible impact below perception levels. The Council’s Environmental Health Officer agrees with this conclusion and that noise levels would not be significant enough to warrant refusal.

- 9.52 The applicants have also undertaken an Air Quality Assessment to assess the impact of the proposed development on air quality. The Assessment considered likely impacts from dust, odour and additional traffic and considered its impacts upon existing residential properties and the residents of the proposed properties. This was based upon comparing the existing situation and likely increase in pollution. The Assessment concludes that the greatest impact on air quality from the development would be from car fumes, however, concludes that this impact would not be significantly detrimental.
- 9.53 As such, it is considered that any impact on existing amenity would not be significant enough to justify refusing planning permission and it would be very difficult to successfully defend such a reason for refusal on appeal as the Council does not have any evidence to dispute the findings of the applicant's reports.

Visual impact/density

- 9.54 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-east of the playing field. The site is also located within the Romney Marsh Local Landscape Area where policy CO5 of the saved Local Plan Review and NE3 of the emerging Places and Policies Local Plan state 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 area's local landscape importance. The Romney Marsh Local Landscape Area covers a significant area and the site is on its fringe.
- 9.55 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 and that incorporates suitable landscaping and green areas ensuring that the new buildings are assimilated sensitively into the existing local environment.
- 9.56 It is accepted that the wider setting of the countryside and local landscape area will be altered as a result of the proposed development. Although on one had this would be contrary to saved Local Plan policy CO1 which seeks to protect the character of the countryside, it has been accepted by the allocation of the wider site in the Core Strategy. It is considered that the impact can be mitigated to an acceptable level by a sensitively designed scheme and appropriate landscaping and that any residual impact will be outweighed by the social and economic needs to provide sufficient sustainable housing in this part of the district and maintain a 5 year housing land supply, in accordance with CS policy CSD8 and the NPPF.

Archaeology

9.57 The application site falls within an area of archaeological potential which 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 town of 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

9.58 The Council's contamination consultants have been consulted on the phase 1 land contamination assessment submitted with the application and consider the report acceptably addresses the requirements of stage 1 of the Council's contamination condition. 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

9.59 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.

9.60 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. CS policy CSD8 is up to date and requires the provision of 30% affordable housing as does emerging policy CSD8 of the CSR. They also require 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 to access the High Street; improving the setting of historic buildings and minimising the environmental impact of through traffic within the High Street; contributions towards community facilities required to serve the needs of the town; and contributions towards skills/ training in the Romney Marsh area.

9.61 The application was accompanied by a draft heads of terms for the legal agreement which included the provision of 30% affordable housing and the provision and maintenance of on-site 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. In total the contributions that would be secured if planning permission is granted 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	£2,465.95
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	£5,617.85
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	£8,642.79

or improving adult social care services by providing additional services and staff at Romney Marsh Day Centre and Rehabilitation Unit	
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

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 CS. 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

- 9.61 The development also proposes open space and play space on site and therefore addresses the requirements of saved policies LR9 and LR10 of the Local Plan Review. 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 the S.106 agreement.
- 9.62 NHS England has been consulted and has 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.
- 9.63 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.

- 9.64 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 CS and SS5 of the emerging CSR and paragraph 57 of the NPPF.
- 9.65 This application is reported to Committee due to the views of New Romney Town Council

Environmental Impact Assessment Regulations 2017

- 9.66 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

- 9.67 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.
- 9.68 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.
- 9.69 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 £166,528 (includes £10,080 Affordable Homes premium) for one year and £666,122 (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

9.70 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.

Public Sector Equality Duty

9.71 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

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 at the end of the report 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 Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he 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/ conformity with masterplan/ RM for no more than 117 dwellings
 5. Updated badger report and detailed mitigation strategy
 6. Ecological management plan
 7. Lighting scheme to minimise impact on bats
 8. Noise assessment at reserved matters stage taking into account position of dwellings to Ashford Road
 9. Management plan for onsite open space to incorporate SUDS
 10. Vehicle parking in accordance with IGN3 and space for cycle parking
 11. Provision, completion and maintenance of the access onto Ashford Road prior to occupation of any dwelling
 12. Delivery and maintenance of High Street/Station Road junction
 13. Implementation of spine road if/ when adjoining site comes forward
 14. Completion and maintenance of the improvements to the build outs on Fairfield Road
 15. Traffic Regulation Order to provide double yellow lines in Fairfield Road
 16. Provision of footpath
 17. Travel plan
 18. Tree and hedgerow protection measures
 19. All materials, including windows and front doors
 20. A programme of archaeological evaluation and investigation
 21. Standard contamination condition parts 2-5
 22. 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/ No sleeping accommodation on ground floor
 23. Sustainable surface water drainage scheme (SUDS)
 24. SUDS Drainage management and maintenance and verification report
 25. Water efficiency
 26. Superfast broadband provision
 27. Construction and Environment Management Plans
 28. Piling condition
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DCL/19/11

Y18/1404/FH
Land adjoining Hope All Saints Garden Centre
Ashford Road
New Romney

