

**Application No:** Y15/0164/SH

**Location of Site:** Land Bounded By Cockreed Lane And Rolfe Lane  
(also Known As Land Opposite Dorland) Cockreed Lane New Romney Kent

**Development:** Outline application for development of up to 110 dwellings with supporting infrastructure.

**Applicant:** EA Strategic Land LLP  
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**Agent:** Mr J Waterhouse  
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**Date Received:** 19.02.15

**Expiry Date:** Planning Extension Agreement to 8<sup>th</sup> October 2015

**Date of Committee:** 08.09.15

**Officer Contact:** Mr David Shore

**RECOMMENDATION:** That the Head of Planning and Environmental Health be given delegated authority to grant planning permission, subject to the completion of a section 106 legal agreement with the applicant that secures the social and physical infrastructure and financial contributions detailed within this report and subject to conditions outlined within the report and any additional conditions which he considers to be necessary.

## **1.0 THE PROPOSAL**

- 1.1 The application comprises an outline application for the provision of up to 110 dwellings on Land Bounded by Cockreed Lane And Rolfe Lane (also Known As Land Opposite Dorland) Cockreed Lane, New Romney, Kent.
- 1.2 The application site forms part of land designated within policy CSD8 of the Shepway Core Strategy Local Plan 2013 as a Broad Location for residential development of around 300 dwellings. The application site in totality comprises 5.25 hectares with all matters reserved for future consideration.
- 1.3 The documentation submitted with the applications sets out the key features, which include:
  - Up to 110 dwellings
  - An integrated network of public open spaces;

- Retention of existing water features, mature trees and hedgerows;
- Connectivity across the site into both New Romney and the surrounding countryside including a realignment of the existing public right of way.
- Pedestrian links with the surrounding village to the south and wider landscape.

1.4 The Design Statement, produced by RMA Architects, sets out the context and evaluation and evolution of the proposals and details the design process. In accordance with the requirement set out in Core Strategy Policy CSD8 the proposals were informed by, and are supported by, a masterplan produced for the broad location for development within which the site is located. The masterplan was subject to public and stakeholder consultation during October and November 2014. The proposals presented as part of this application for planning permission have been informed by the feedback received from the pre-application consultation.

1.5 The masterplan was also used to support the development of an application for outline planning permission for up to 117 dwellings on land adjoining the application site, submitted in January 2015 by Gladman Developments Ltd. (ref. Y14/1411/SH).

## **2.0 LOCATION AND DESCRIPTION OF SITE**

2.1 The application site is located to the north west of the town of New Romney (population approximately 7000). The site is bounded to the north by Cockreed Lane and to south by the rear of residential properties in Rolfe Lane and the premises of Romney Marsh Model Engineering Society. To the west lies the school playing field used by the neighbouring St Nicholas Primary School (part of the application site for Y14/14/11/SH) with a screen of mature trees separating the two sites. To the north east lies the former Romney Marsh Potato Company site that has outline planning for residential development (Y10/0689/SH).

2.2 To the north the site faces out onto the open countryside of Romney Marsh and to the south lies New Romney Town Centre and High Street.

2.3 The application site covers an area of 5.25 hectares and is currently used as agricultural land for sheep grazing. There are no current building structures on the site. There is an existing gated access on Rolfe Lane and a public footpath that runs north-south across the site from Cockreed Lane to Rolfe Lane in between existing houses (Nos. 69 and 69 Rolfe Lane). A drainage ditch runs along the north western edge of the site from the public footpath entrance onto Cockreed Lane to the north western corner of the site.

2.4 The site is generally flat, with levels between roughly 2m and 3m AOD.

## **3.0 PLANNING POLICY EVOLUTION & CONTEXT**

3.1 Both the Localism Act 2011 and the National Planning Policy Framework (NPPF) reinforce the plan led system, but also emphasise the role that local communities can play in shaping their environment and the development that is required. The NPPF considers that *'proposals that can demonstrate this in developing the design of the new development should be looked on more favourably'* (Paragraph 66).

3.2 A number of potential sites for residential development, within the vicinity or the application site were identified within the Shepway Core Strategy Local Plan 'Preferred Options' document in the summer of 2009. A consortium of land owners produced a masterplan proposal, setting out how the area might be developed in a comprehensive manner, that was subject to public consultation during 2010 and formed the basis of a further submission to the District Council, in order that the area could be considered for inclusion, either as a strategic site allocation or broad location for development, within the Shepway Local Plan Core Strategy document to be submitted to the Planning Inspectorate. In addition the District Council commissioned the production, by consultants Scott Wilson, of a policy advice document setting out how the area might be developed in a comprehensive manner. This recommended that the development of the area should incorporate the following key principles:-

- The development as a whole should provide around 300 dwellings and provide a range and size of residential accommodation;
- Incorporate KCC land for the re-provision of St Nicholas School playing facilities to be provided within a consolidated area, adjacent to the southern site boundary;
- Ensure that pedestrian linkages southwards to the town centre are improved and prioritised from the central area of the development, in preference to linkages around the periphery of the site irrespective of how the delivery of the development is phased;
- Prioritise linkages for cyclists, particularly towards the town centre;
- Incorporate the realignment of Cockreed Lane through the centre of the core development area (east-west) which will be appropriately designed to 20mph providing local frontage access to new housing and consider frontage to the retained school playing fields. Should the Potato Company site come forward, then the realigned Cockreed Lane should also be incorporated within that parcel of the 'core area';
- Correspondingly, the existing Cockreed Lane connection should be downgraded to facilitate local access only. Closure of part of the lane to avoid through access should also be examined;
- Provide new housing which overlooks the retained playing fields, thereby creating natural surveillance, and surrounding countryside;
- 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;
- Flooding and surface water attenuation for the overall site should be concentrated in the lowest areas of the site. Associated measures should be sensitive and seek to provide visual and nature conservation enhancement for the benefit of the site and local community;

- Identify appropriate off-site mitigation measures to ameliorate highway impacts and manage drainage demands.
- 3.3 The findings contained within the documents identified above were used to inform policy CSD8 of the Core Strategy, which underwent Examination in Public (EiP) before the Planning Inspectorate in May 2012 with a further hearing on modifications in May 2013. The modifications did not relate to the New Romney proposals. A number of New Romney based residents appeared at the EiP in order to participate in the discussion relating to Policy CSD8.
- 3.4 Following the publication of the Inspector's Report in June 2013 Shepway District Council adopted the Core Strategy Local Plan in September 2013. The inspector concluded that :-

*90. The identification of New Romney as the most sustainable location for growth on Romney Marsh is justified by its concentration of services and transport links. Parts of the town are at a comparatively lower risk of flooding than much of the remainder of the Marsh. A sequential assessment of sites in New Romney was undertaken, based on the hazard maps contained in the District wide SFRA. These represent the hazards associated with flooding in respect of flood depth and water velocity, deriving from a modelling exercise that considered a range of scenarios involving potential flood defence breaches and wave overtopping. Climate change effects have been included.*

*91. Land at Cockreed Lane was proposed for allocation at the Plan's Preferred Options stage, and was the subject of a wide range of local objections. Nevertheless, the above-noted assessment suggests that this is the most realistic location to accommodate housing of this scale in the settlement. Subject to the inclusion of a reference to the Shepway SFRA (see below), the EA does not object to policy CSD8. A feasibility study has been undertaken in respect of the Cockreed Lane site<sup>57</sup> and consultation has been carried out.*

*92. As a result of these factors, it is appropriate for the CS to indicate that land at Cockreed Lane is likely to be allocated for development, leaving matters such as site boundaries and more specific infrastructure requirements to be determined at a later stage. While greater certainty could have been achieved if the site had been progressed as a CS allocation, the approach of identifying a broad location for development is consistent with the National Planning Policy Framework. The Council proposes a number of changes to policy CSD8, including the above-noted requirement to accord with the Shepway SFRA and more qualified references to infrastructure requirements, which are needed for reasons of effectiveness.*

- 3.5 Support for residential development on land in the vicinity of Cockreed Lane, New Romney was thus included with policy CSD8 of the Shepway Core Strategy Local Plan that was adopted by the Council in September

2013. Policy CDS8 sets out an overall policy for the development of New Romney to 2031 and is set out in full below :-

## **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.*

#### **4.0 COMMUNITY INVOLVEMENT & PRE-APPLICATION DISCUSSIONS**

4.1 The planning application is supported by a detailed Statement of Community Involvement (SCI) which provides a detailed summary of public consultation carried out by the applicant prior to the submission of the planning application.

4.2 The applicant undertook a number of stakeholder engagement activities prior to the submission of the application. These included :-

- Pre-applications discussions with SDC officers .
- The submission of an Environmental Impact Assessment (EIA) screening request.
- A stakeholder engagement workshop held on 7<sup>th</sup> November 2014 plus a follow up meeting with New Romney Town Council.
- A public consultation event held on 12<sup>th</sup> November 2014 with a promotional flyer being delivered to 1489 households and businesses.

- 4.3 The community consultation process outlined above was undertaken in partnership with Gladman Developments Limited and Kent County Council, the promoters of development on the adjoining site (subject of planning application Y14/1411/SH) and Pentland Homes the developers of the adjoining Romney Marsh Potato Company site, to the north east, also located within the Broad Location identified within Policy CSD8 and granted outline planning permission under reference Y10/0689/SH.

## **5.0 ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1 Prior to the submission of the planning application on 19<sup>th</sup> February 2015 the applicant submitted a Screening Report, requesting a Screening Opinion for the proposed development from SDC to ascertain whether the development would be 'EIA development' and require the submission of an Environmental Statement.
- 5.2 The Council considered this request, as required by regulation 5(1) of the Town and Country Planning (EIA) Regulations 2011 and responded to the request on 28<sup>th</sup> February 2014.
- 5.3 In considering the development proposed the views of Natural England, English Heritage, the Environment Agency, Kent County Council Highways and Archaeology, Kent Wildlife Trust and SDC Environmental Health were sought. Responses were received from all consultees and all consultee responses received stated that an EIA was not required. These consultee comments provided guidance for the future application and were made available to the applicant.
- 5.4 The Screening Opinion concluded that: *'The Local Planning Authority is of the opinion that an Environmental Impact Assessment is not required for the development described for the reasons set out in this letter and the planning application for the proposed development does not need to be accompanied by an Environmental Statement under the 2011 Regulations'*

## **6.0 RELEVANT PLANNING HISTORY**

- |              |   |   |
|--------------|---|---|
| 90/1286/SH   | - | Outline application for residential development - Refused 29.01.91.   |
| Y02/1291/SH  | - | Outline application for residential development comprising 75 dwellings including siting and means of access. R. 14.02.03.  |
| Y10/0689/SH  | - | Outline application for 48 houses and 8 home worker houses (live work) including retention of an existing dwelling (Greenacres) and off site highway works at the former Romney Marsh Potato Company site. a 07.02.14 |
| Y14/0003/SCR | - | Screening opinion for EASL landholding.   |

- Y14/1411/SH - Outline application for up to 117 dwellings, new proposed vehicular access arrangements, parking, flood attenuation, open space including the retention of 0.7 hectares of existing playing fields and associated works. PCO.
- Y15/0164/SH - Outline application for development of up to 110 dwellings with supporting infrastructure. PCO
- Y15/0710/SH - Reserved matters application for the approval of details relating to appearance, access, landscaping, layout and scale of the outline planning permission Y10/0698/SH for the construction of 55 residential dwellings together with associated car parking, landscaping and open space. PCO.
- Y15/0806/SH - Section 73 application for the variation of condition 5 and removal of conditions 6 and 21 of outline planning permission Y10/0689/SH outline application for 48 houses and 8 home /worker houses (live work) including rotation of an existing dwelling (Greenacres) and off site highway works to Rolfe Lane) in order to reflect the withdrawal of the Code for Sustainable Homes | Romney Marsh Potato Co Ltd Cockreed Lane New Romney. PCO.

## **7.0 CONSULTATION RESPONSES**

### **7.1 St Mary In The Marsh Parish Council**

No objection be raised subject to the infrastructure include facilities and services that will benefit residents of St. Mary in the Marsh parish including additional doctor and pharmacy facilities.

### **7.2 New Romney Town Council**

Recommend refusal – At the present time New Romney Town Council requests full information on proposed improvements to infrastructure. Access/egress onto adjoining roads is dangerous; it is considered that the increase in vehicle numbers will exacerbate matters. The suggested solutions are not the answer to already busy roads.

Whilst appreciating development will take place the Town Council reiterates that the existing infrastructure is inadequate and **MUST BE IMPROVED FIRST**.

Flooding is a major issue, whilst the hole in Rolfe Lane, that appeared in November 2014, has been repaired the possibility remains that further development will add to flooding issues.

### 7.3 NHS Property

Thank you for your e-mail dated 27 April 2015 inviting comments on the above planning application.

NHS Property Services Ltd is now the body which will request Section 106 health care contributions on behalf of NHS England (Kent and Medway Area Team). Just as NHS Kent and Medway has historically worked with Shepway Borough Council our approach is the same securing Section 106 (s106) healthcare contributions and working with our local partners on healthcare issues to ensure that health care provisions improve the health and well being of our population.

NHS Property Services Ltd wishes to continue to apply for such assistance and a healthcare contribution is therefore requested in accordance with recognised Planning Obligations Guidance for Communities and Local Government and the adopted Shepway Borough Council development plans.

Inevitably, any increase in the local population has a knock-on effect in terms of health care and NHS Property Services Ltd would seek to apply this s106 contribution to meet these extra demands placed upon the local primary and community health service.

In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted with the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. The proposed development noted above is expected to result in a need to invest in a number of local surgery premises:

#### **Oak Hall Surgery Church Lane Surgery**

The above surgeries are within a 1 mile radius of the development at Ashford Road. This contribution will be directly related to supporting improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

NHS Property Services Ltd will continue with NHS Kent and Medway formulae for calculating s106 contributions which have been used for some time and are calculated as fair and reasonable. NHS Property Services will not apply for contributions if the units are identified for affordable/social housing.

The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then the assumed occupancy rate of 2.34 persons will be used.

#### **Predicated Occupancy Rates**

|            |   |             |
|------------|---|-------------|
| 1 bed unit | @ | 1.4 persons |
| 2 bed unit | @ | 2 persons   |

|            |   |             |
|------------|---|-------------|
| 3 bed unit | @ | 2.8 persons |
| 4 bed unit | @ | 3.5 persons |
| 5 bed unit | @ | 4.8 persons |

For this particular application the contribution has been calculated as such:

|  |       |
|--|-------|
| Predicted occupancy rates              | 2.34  |
| Total number in planning application   | 110   |
| Total occupancy                        | 257.4 |
| Contribution sought (occupancy x £360) | 92664 |

NHS Property Services therefore seeks a contribution of £92,664 plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

I would be grateful if you could advise me of the Council's decision in due course but please do not hesitate to contact me should you require any further information, or points of clarification.

#### 7.4 Kent Highways Services

Please find enclosed below comments from Kent County Council Highways and Transportation service to the above-referenced planning application.

As a general comment, the local highway authority acknowledges there are two separate planning applications put forward for consideration by Shepway District Council, the Local Planning Authority. In addition, planning consent was granted for 48 residential units and 8 live-work units. A planning application for up to 117 new dwellings has been submitted by Gladman on the adjacent land parcel under planning reference Y14/1411/SH.

Whilst the local highway authority has no overriding concerns about the application, there are action points for the applicant to progress in order for the application to be to the satisfaction of the local highway authority. The principal activity requiring progression concerns the advancement of off-site mitigation to the High Street/Station Road junction.

#### **1. Proposed access arrangements**

Access arrangement drawings for the proposed two points of access as shown on drawing 10-T024 06 dated 19/01/2015 is to the satisfaction of the local highway authority, providing that in respect of the proposed access with Cockreed Lane the visibility splay to the west is cleared of all existing vegetation as part of the access formation works. New planting could then be introduced providing it is maintained to a height of no more than 1 metre height.

#### **2. Access arrangements in the context of the Broad Allocation site**

The document titled '*New Romney Broad Location for Development Masterplan*' document dated January 2015 under the section titled 'Transport' on page 11 (of

11) shows the access arrangements to serve the Broad Location site. The three access arrangements to serve the main body of the site are under promotion in accordance with applications Y14/1411/SH and Y15/0164/SH.

The layout of the internal roads, which will only come forward in detail at the Reserved Matters stage, should outline planning consent be granted, are to be in accordance with the access principles of the masterplan layout, thereby providing a link through the Broad Location site between Ashford Road and Cockreed Lane.

### **3. Possible closure of Cockreed Lane as a through-route**

The local highway authority has identified that a key objective of the access strategy for the Broad Location relates to the closure of Cockreed Lane to through vehicular traffic to provide a dedicated pedestrian/cycle link via Cockreed Lane. The intention is that the route would become bridleway and the associated legal process is through the promotion of a Sec 116 Highway's Act application to the local Magistrate. There would be a need for an element of consultation, and the local highway authority advises that provision is made within the S106 for the local highway authority to lead on the promotion of a proposal to close Cockreed Lane at the two points marked on **Figure 1** below in due course. Taking this approach would enable the local highway authority to engage with local interested representatives, to include tenant farmers.

#### **Figure 1.** Possible points of closure Cockreed Lane

The proposed closure of Cockreed Lane will require a stopping up order to be promoted by the County Council. Given the parallel promotion of more than one site within the broad allocation area, the local highway authority is to secure S106 contributions against the applicants promoting the respective applications under Y14/1411/SH and the application under consideration here. The S106 contribution will include all associated costs, e.g. cost to progress the relevant orders, the officer cost and construction cost.

### **4. Alternative vehicular route if Cockreed Lane (south-western extent) is closed**

Following the proposed closure of Cockreed Lane to vehicular traffic the internal estate road through the broad allocation site will provide a vehicular connection between Ashford Road and Cockreed Lane at a point proximate to Rolfe Lane. The layout of the internal spine road is to provide for a design speed of 20 mph. The local highway authority advises that Cockreed Lane is closed as the two marked points shown in Figure 1 at the point the internal spine road through the Broad Location site is adopted by the local highway authority.

### **5. Speed limit change to Cockreed Lane**

The wider development proposal within the broad allocation area provides an opportunity to seek to lower the speed limit of the section of Cockreed Lane that is to remain open to vehicular traffic. At the current time Cockreed Lane is the subject of a derestricted speed limit, i.e. 60 mph.

On the basis of there being a change in the nature of Cockreed Lane in association with the proposed development, it is felt there is merit for a reduction of the speed limit to 40 mph to be explored with Kent Police, who are responsible for enacting speed limits in practice. The local highway authority feels there is a strong case for a 40 mph speed limit to be supported. Without frontage development on both sides of Cockreed Lane to the junction with St Mary's Road it is considered a reduction to 30 mph would be difficult to support.

## **6. Scheme of mitigation High Street/Station Road**

The local highway authority has engaged closely with the promoters of the two parcels subject to 'live' planning applications concerning required improvements to the junction of High Street and Station Road. The local highway authority is agreeable to secure contributions from nearby schemes for development and the County Council would implement the scheme of works.

However, there is first a need to agree a scheme of mitigation and for that scheme to be designed and costed. This is an action on the two site promoters. The County Council may have the scheme costing reviewed by an independent cost consultant, or otherwise agree that any out-turn costs (i.e. if implementation costs were greater than the secured S106 payments) would fall to the respective promoters to cover. This is not uncommon.

## **7. Scheme of mitigation to Ashford Road/High Street junction**

It is expected that the applicant of the proposal promoted under reference Y14/1411/SH will fund improvements shown in amended drawing C14241 002 Rev B, and the promoter of this application (reference Y15/0164/SH) will lead on investigating visibility at the junction of Cockreed Lane and St Mary's Road and be responsible for implementing a scheme of works – assuming a scheme of works is agreed with the local highway authority (refer to point 10 below).

## **8. Scheme of mitigation High Street/Station Road**

The local highway authority has engaged closely with the promoters of the two parcels subject to 'live' planning applications concerning required improvements to the junction of High Street and Station Road. The local highway authority is agreeable to secure contributions from nearby schemes for development, and once the sum is held on account the County Council would implement the scheme of works.

The local highway authority has advised that one option for mitigation could be to stagger the crossing on the High Street, utilising land from the wide footway on the eastern side of the road. The layout of this arrangement is to be examined in greater detail by the respective transport consultants. Once a scheme of mitigation has been agreed that scheme will need to be costed. This is an action on the two site promoters. The County Council may have the scheme costing reviewed by an independent cost consultant, or otherwise agree that any out-turn costs (i.e. if implementation costs were greater than the secured S106 payments) would fall to the respective promoters to cover.

## **9. Visibility query at junction of Cockreed Lane and St Mary's Road**

Looking north along St Mary's Road from the Cockreed Lane arm of this junction raises queries about visibility. As the development will intensify use of this junction the local highway authority is seeking clarification that the junction is a safe and suitable arrangement. The corresponding visibility splay requirements should be shown on an appropriately-scaled drawing.

The local highway authority is of the opinion that a relatively minor modification to the junction layout would bring about a local highway improvement, either through narrowing down the width of the existing bellmouth (which is 23.8 metres width) to improve the alignment of the Cockreed Lane arm, or through a change in priority such that the right-turn manoeuvre out of Cockreed Lane onto St Mary's Road becomes the primary movement.

The only concern associated with the concept of a change in priority relates to the northbound manoeuvre along St Marys Road, which would require a right-turn manoeuvre across the revised principal flow. Such a proposal would also require the addition of signing on the approaches to the junction to advise on the change of priority, along with the use of a change of surface type (colour) on the St Mary's arm. A road safety audit would need to assess any change in junction configuration.

## **10. Town centre audit in accordance with Policy CSD8**

In accordance with policy CSD8 of the Shepway Core Strategy 2013, the promoters of parcels within the Broad Location are required to investigate (and contribute to the implementation of) possible improvements to New Romney town centre. As a starting point for investigation officers of Shepway DC and the local highway authority are to conduct an audit appraisal of the town centre in order to advise the respective applicants on what items require further investigation. A further response will be provided in due course.

### **7.5 Environmental Health**

Environmental Health has no objections to the outline planning application subject to the following conditions:

#### **Contaminated Land**

Environmental Health makes the following recommendations should permission be granted:

1. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- i A survey of the extent, scale and nature of contamination;
- ii An assessment of the potential risks to:
  - Human health
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
  - Adjoining land
  - Ground waters and surface waters
  - Ecological systems
  - Archaeological sites and ancient monuments; and
- iii An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

- a. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.
- b. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

3. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

Environmental Health has no overriding objection to the outline planning application but Environmental Health will comment and may condition when detailed plans have been submitted.

#### 7.6 Arboriculture Manager

Having looked through the outline application detail I can confirm that I have no objections to the proposed development of up to 110 dwellings.

I note that there are a significant amount of mature trees surrounding the site that I would like to be retained as part of the development. In order to ensure this happens I will require a full pre-development tree survey and report to be submitted in accordance with BS5837:2012. The report will need to include the following elements:

- Tree survey schedule
- Tree constraints Plan
- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Tree Protection Plan.

In addition to this I would ask that due consideration is given to the positioning of the dwellings in order to avoid post development pressure for removal or unsympathetic pruning following first occupancy and would advise that gardens and main rooms are orientated to provide the maximum amount of light (both direct sunlight and diffuse skylight).

Furthermore, we will require as a reserved matter a comprehensive landscaping plan for the whole site along with details of public open space and play provision.

#### 7.7 Housing Strategy Manager

- 30% affordable housing onsite
- The tenure mix to be 60% affordable rented and 40% shared equity

The mix of unit types would be:

25% x 1 bed  
40% x 2 bed  
30 x 3 bed  
5% x 4 bed

Would support a proportion of the affordable housing being delivered as a supported housing scheme (potentially an enhanced care scheme). Would want to see this delivered by an affordable housing partner rather than by a market provider.

Given the number of affordable units- would envisage that they would be delivered by a number of affordable housing providers.

Once we have a bit more detail would want to give consideration to the location of the units and the trigger mechanism.

## 7.8 Kent County Council - Heritage

Thank you for your letter consulting us on the outline planning application for 110 dwellings and associated works.

The application site lies to the north of the historic core of New Romney, which was an important medieval market town and one of the original cinque ports. There are known crop marks on this site, some of which form a substantial moated site enclosure and others from smaller enclosures and possible routeways. Archaeological fieldwork on this site located remains associated with 13<sup>th</sup> century activity. The moated enclosure forms know heritage asset (HER No: TR 02 NE 15) and the archaeological fieldwork has provided information on further know archaeological remains on the site itself. There is potential for further remains to survive associated with post medieval or medieval activity. This site also contains palaeo-environmental indicators which contribute to the significance of the archaeology. For example, the water logged conditions can provide the right environment for the preservation of leather, wood, bone, shell, pollen and molluscs etc.

The application is supported by an Archaeological Statement by CgMs which includes a DBA survey, Geophysical Survey and an Archaeological Evaluation Report by ASE. These reports set out the current understanding of the moated site and surrounding archaeology within the application site. Reasonable archaeological assessment has been provided and these are useful reports to guide planning decisions and the details of the scheme. Contrary to the comments of by CgMs in their Archaeological Statement, paragraph 3.6, much of the archaeology does survive, except within the central platform of the moat. Elsewhere the archaeology extends to some depths and seems to be across much of the site. There are important heritage assets on this site and there should be suitable consideration of heritage in the development scheme.

In my view the moated site is of such local importance and is visible tool for the understanding, appreciation and enjoyment of the Heritage of New Romney that it should be preserved in the landscape with a sustainable development around it. However, contrary to earlier Local Plan discussions it seems that the local importance of the moated site and conserving it in an appropriate manner has

been considered not necessary. This is indicated in paragraphs 4.2 and 4.3 of the Archaeological Statement by CgMs and by the illustrative masterplan. The earlier Local Plans discussions were mindful of the guidance in NPPF which highlights in paragraph 126:

126. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- *the desirability of new development making a positive contribution to local character and distinctiveness; and*
- *opportunities to draw on the contribution made by the historic environment to the character of a place.*

But it now seems from the application that there is a presumption in favour of development without appropriate conservation and preservation of the moat. If this is the case there should be reasonable mitigation for heritage. There has been sufficient pre-application examination of the site to inform a more sympathetic development layout which could still reflect the shape of the moat and hopefully preserve as much as possible in-situ. At present the illustrative masterplan does not recognise the moated enclosure and seems to be more informed by the drainage requirements and infrastructure. The area of the moated enclosure has been half incorporated into stream-like flood alleviation works and the rest of the moat is being proposed for housing.

It may be considered that the need to develop the site outweighs the need to conserve the moated enclosure but I would welcome consideration of opportunities to not entirely lose the moat. For example, the form of the moat could be defined through roads or gardens as well as by superficial drainage works, whilst the moat itself is retained beneath the development. I would strongly urge that houses are not placed over the moat ditches themselves.

The development suggests some major drainage works are required but there is no impact assessment to suggest how these drainage works could affect buried palaeo-environmental remains. Prior to any detailed consent, I would welcome an Archaeological Impact Assessment which clearly states the impact of this development on the buried archaeological and palaeo-environmental resource and what mitigation measures would be suitable.

If it is considered to determine this outline application at this stage, I recommend the following conditions are placed on any forthcoming consent :

- 1 *No development shall take place until the applicant, or their agents or successors in title has secured the implementation of.*

- *archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*
- *Following on from the evaluation, and any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.*

*Reason*

To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation *in situ* or by record.

- 1 *No development shall take place until details of foundation designs and other proposals involving below ground excavations on and within 5m of the moated heritage asset have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.*

*Reason*

*To ensure due regard is had to the preservation in situ of important archaeological remains.*

*And*

- 2 *Prior to the occupation of the first dwelling the applicant, or their agents or successors in title, will secure the implementation of a programme of heritage interpretation work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.*

*Reason*

*To ensure dissemination, interpretation and display of heritage within the new development.*

## 7.9 KCC Environment Planning and Enforcement

Kent County Council (KCC) welcomes the opportunity to comment on the planning submitted for residential development at New Romney.

The County Council understands that outline planning permission is sought for development comprising 110 dwellings with supporting infrastructure and sets out comments regarding the following:

KCC sets out comments regarding the following :

1. Planning Policy
2. Education
3. Provision of Delivery of County Council Community Services
4. Biodiversity

## **Planning Policy**

KCC supports the longstanding ambition to regenerate the Romney Marsh area, in particular the town of New Romney which is identified in the Shepway District Council (SDC) Core Strategy Local Plan 2013 as the Primary Strategic Centre for Romney Marsh.

The County Council recognises that if growth in New Romney is to be sustainable, the provision of business and services should be underpinned by an expanded residential base. KCC is fully supportive of proposal which will make a significant contribution to improving the competitiveness of New Romney Town. The introduction of new build residential dwellings will continue to boost the viability of the Town Centre.

The application site is situated to the north/north west of New Romney Town Centre and is identified as a broad location for residential led development under Core Strategy Policy CSD8. Policy CSD8 sets out the policy framework for the development of the site which is to be preceded by the preparation of a masterplan demonstrating compliance with policy objectives and criteria. The County Council recognises the need for a masterplan to avoid piecemeal development which would undermine the policy objectives of the broad location and lead to the unsustainable provision of necessary infrastructure.

## **Education**

Given the number of dwellings, the County Council believes that the expected pupil product from the proposed development is 25 primary and 17 secondary school places. KCC Education has assessed the implications of the proposal, in terms of delivery of its service, and is of the opinion that it will have an additional impact on that service, which will require mitigation through an appropriate financial contribution.

The Planning Act 2008 Part 11 and the Community Infrastructure Levy Regulations 2011 (the CIL Regulations) (Regulation 122) require that requests for developer contributions of various kinds must comply with the following three legal tests :

- Necessary
- Related to the development
- Reasonably related in scale and kind

In the context of the planning application such tests have been duly applied.

KCC Education has assessed the proposal in accordance with the KCC Development Contributions Guide methodology. The proposal gives rise to

additional primary school pupils and the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded.

KCC wishes to inform the District Council that any surplus service capacity has been apportioned between this proposed development and the adjacent development located next to Hope All Saints Centre, Ashford Road, New Romney (application Y14/1411/SH)

The resultant need of net 28 new Primary School places can only be met through the provision of new local primary school accommodation at St Nicholas Primary School, New Romney, and gives rise to the following specific requirements:

**Primary Education – additional 28 pupils**  
**Extension cost per pupil - £8432**  
**Total - £236,096**

**Secondary Education – No current requirement**

For the sake of completeness, evidence supporting the above requirements is appended to this letter (Appendix 1).

### **3. Provision and Delivery of County Council Community Services**

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

A summary of KCC's requests is shown in the table below:

**Community Learning – £21.08 per dwelling. Total £2318.80**  
**Libraries - £48.02 per dwelling. Total £5282.20**  
**Adult Social Care - £73.87 per dwelling. Total £8125.70**

#### *Community Learning*

KCC considers that there is an assessed shortfall in provision for community learning services as the current adult participation in the District Outreach facilities is in excess of current service capacity.

The County Council will mitigate this impact throughout the provision of additional services, equipment and staff in New Romney. Such projects will be delivered as the monies are received to meet the additional demands from the proposed development.

Therefore, KCC requests £21.08 per household to address the direct impact of the proposed development.

#### *Libraries*

There is an assessed shortfall in the provision of book-stock for New Romney as 810 books per 1000 population is below the County average of 1134 books and England and UK figures of 1399 and 1492 respectively.

Therefore the County Council will mitigate this impact through the provision of additional book-stock at New Romney Library serving the proposed development. Such book-stock will be delivered as and when the monies are received and will accord with the District Council's Infrastructure Delivery Plan.

In order to address the direct impact of the proposed development, the County Council requests £48.02 per household.

#### *Adult Social Care*

Facilities for Kent Family and Social Care (FSC) are fully allocated. KCC believes the proposed development will result in a demand upon social services, which FSCs are under statutory obligation to meet however have no additional funding to do so. The proportionate cost of providing additional services for the proposed development is appended to this letter (Appendix 4).

The County Council will mitigate this impact through the provision of new or expanded facilities and services both on site and at Romney Marsh Day Centre, New Romney.

Such mitigation will comprise the following project:

**Project 1: Building Community Capacity** – enhancement of the neighbouring local Romney Marsh Day Centre and Rehabilitation Unit through structural changes to the building to incorporate a centre for tele-health and technology.

Therefore KCC request £73.87 per household and the above project will commence once the funding target has been reached

In addition, KCC requests the delivery of **2 Wheelchair Accessible Homes** (as part of the affordable housing element) to mitigate the impact of the proposed development, with nomination rights given in consultation with KCC Social Care.

#### *Broadband*

The County Council also requests the inclusion of the following condition regarding the provision of *Superfast Fibre Optic Broadband* to each individual dwelling:

*“Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multipoint destinations and all buildings including residential, commercial and community. This shall provide sufficient capacity, including duct sizing to cater for all future phases of development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.”*

#### **4. Biodiversity**

KCC recognises that ecological surveys have been carried out for the proposed site and have confirmed that the following species are present within or adjacent to the site:

Badgers

Bats (foraging/commuting)

Great Crested Newt (GCN)

Grass Snakes

Nesting Birds

Water Voles

KCC would expect the District Council to be satisfied that all necessary surveys have been completed and undertaken by suitably experienced ecologists in accordance with good practice guidelines. The District Council must also be satisfied with survey results, conclusion and mitigation proposals submitted to inform the determination of the application.

#### *Survey Data Anomalies*

With regards GCN survey data, the County Council considers such data for this proposed development to be incomplete. It is therefore recommended that survey results are combined with those associated with the application Y14/1411/SH to ensure the provision of a more detailed understanding of the GCN usage of the proposed development site.

#### *Mitigation*

The County Council believes that although the application has only considered the impacts for the individual proposed development, there is a need to consider the impacts of the adjacent proposed site (application reference Y14/1411/SH). KCC recommends that one mitigation strategy is produced for both proposed developments (Y14/1411/SH and Y15/0164/SH) to ensure that there is a continuous area of suitable habitat for such recorded species.

To date no site plans have been submitted with the planning application. The County Council therefore advises that site plans must be designed to incorporate the requirements of mitigation strategies.

As it stands, the County Council considers that insufficient information has been provided to ensure the maintenance of the favourable conservation of the status of GCN. GCN are European Protected Species and as a result of this, a European Protected Species Mitigation Licence (EPSML) will be required for the proposed development. The Conservation of Habitats and Species Regulations 2010 requires the local planning authority to have regards to the requirements of the Habitats Directive in the exercise of their functions. Therefore, the District Council must consider whether an ESPML will be granted and when granting planning permission, must assess its accordance with the followings tests:

- the development activity must be for the imperative reasons of overriding public interest or for public health and safety

- there must be no satisfactory alternative
- favourable conservation status of the species must be maintained

#### 7.10 Natural England

On the 23/3/2015 I emailed you the response from Natural England regarding another development Y14/1411/SH which we assume is adjacent to this one see below.

This proposed development at Cockreed Lane has potentially the same impacts as the development at Ashford Road, and in fact the 2 developments would act in-combination with one another to potentially increase any recreational pressure on the development site. We are currently waiting for survey results commissioned by Shepway and Rother to see whether there is any potential issue to be addressed.

In the meantime please see below the comments we made about the site at Ashford Road, these same comments apply to this proposal, i.e. that sufficient green space should be provided for this development to ensure that it is sustainable development inline with your greenspace requirement, and that this will provide residents with recreational space for daily dog walks etc.

Please also see below our comments on protected species.

Comments on Y14/1411/SH in italics

*The proposal is located as follows in relation to the nature conservation designations:*

*900m to the Dungeness, Romney Marsh and Rye Bay SSSI*

*2km to Dungeness SAC*

*2km to Dungeness, Romney Marsh and Rye Bay pSPA*

*The proposal has the potential to act in-combination with other developments to increase the recreational pressure on the SSSI, SPA and SAC which may either disturb over-wintering birds SSSI/pSPA or cause trampling on vegetative shingle of the SSSI/SAC. Due to the potential of these indirect in-combination impacts Shepway and Rother have commissioned visitor surveys for the designation site to determine the visitor pressure and whether this is an issue that needs to be addressed strategically.*

*In the interim before we have the outcome of these surveys Natural England will continue to advise on whether development has other direct or in-direct impacts on the designated sites in the area however, as part of delivering sustainable development we would advise Shepway that this development should contribute to the amount of Accessible Natural Green Space for the new residents for their recreational needs/dog walking and enjoyment of nature, this is not mitigation for the potential impacts but should be viewed as sustainable development delivering opportunities for people and wildlife.*

*The applicant is proposing 0.7 ha of open space including playing fields, we would advise the Council that this provision of green space should be in line with the*

*policy in the local plan to ensure that adequate green space is delivered for the resident's needs.*

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

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspect that are not covered by our Standing Advice for European Protected Species or have an difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

#### 7.11 Kent Wildlife Trust

Thank you for consulting Kent Wildlife Trust regarding the outline application for up to 110 dwellings at Land bounded by Cockreed Lane and Rolfe Lane, New Romney, Kent.

I understand that this is an outline planning application and that further details will be available for comment at a later stage. I also appreciate that this planning application is being submitted in advance of the Shepway Draft Local Plan (Regulation 18, Stage 2) and refers to a lack of a 5 year land supply in the district. Nevertheless, it is crucial that potential negative impact upon biodiversity is not ignored and it should be considered and balanced against these land supply policy arguments.

Whilst Kent Wildlife Trust welcomes biodiversity enhancements that are being proposed as part of this application for development, the Trust has considerable concerns, which I shall outline below:

#### **Increasing recreational pressure**

Kent Wildlife Trust is concerned that residential development on this site for up to 110 dwellings and the nearby proposals at land adjoining Hope All Saints Garden Centre (Y14/1411/SH) for an additional 117 dwellings will have a potential cumulative negative impact upon the nearby sites of high conservation value. Along with other residential development proposals in the district, this is likely to lead to an increase in recreational pressure on nearby fragile, protected sites, notably Dungeness SAC and Dungeness to Pett Level SPA (and its proposed extension). Kent Wildlife Trust would wish to see any potential negative impact avoided wherever possible.

The Trust would expect Shepway District Council to make **well-evidenced policy provision** for this increased recreational pressure in its Draft Local Plan, or in the form of an SPA/SAC Access Management and Mitigation Strategy. We would recommend that this should include developer contribution towards provision for site access management on the protected sites concerned, in addition to an increase in wardening, survey and monitoring at these sites. We would also expect sufficient alternative natural green space to be provided. This is an accepted approach for sites of International/European importance for nature conservation.

The Trust understands that Shepway District Council is currently developing an evidence base to support this policy work, in particular carrying out visitor survey at protected sites in its district. We would urge that this should be supplemented by additional survey work on the level of disturbance to birds within the SAC/SPA sites (taking a similar approach to the Bird Disturbance Report undertaken in Pegwell Bay).

We would recommend that Shepway District Council **does not grant planning permission for this planning application in advance of this evidence being available and in advance of supporting policy being in place.**

Should this planning application be approved in advance of forthcoming planning policy, we would recommend that the above policy recommendations be applied to this planning application **individually at full planning application stage and supported by condition.**

In addition to this, any natural green space provision “onsite” for the enhancement of biodiversity and for the purpose of absorbing some of the potential recreational pressure should also be appropriately managed. The Trust would recommend a condition that outlines the need for baseline survey and review of biodiversity status through a Site Management Plan, in order to ensure that any proposed biodiversity enhancement and the effect of recreational pressure is monitored and managed. The following model condition taken from the British Standard for Biodiversity (BS42020:2013) would be appropriate:

*“No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy (as part of the Site Management Plan) has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to (for example “establish the effectiveness of specific biodiversity enhancements” and “measure the impact of recreational pressure”...). The content of the Strategy shall include the following (some suggestions below...):*

- a) *Aims and objectives of monitoring to match the stated purpose.*
- b) *Identification of adequate baseline conditions prior to the start of development.*
- c) *Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.*
- d) *Methods for data gathering and analysis, including location, timing and duration.*

- e) *Responsible persons and lines of communication.*
- f) *Review and publication of results as appropriate.*

### **Presumption in favour of sustainable development**

Kent Wildlife Trust does not accept the argument made that the “presumption in favour of sustainable development” should be applied to this proposal, according to paragraph 14 in the NPPF. We would like to refer Shepway District Council to paragraph 119 in the NPPF:

*“the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directive is being considered, planned or determined”.*

Kent Wildlife Trust would recommend that an Appropriate Assessment is revisited for this development site, being 2 -3km from SAC/SPA protected sites, along with consideration of its cumulative impact alongside other nearby strategic sites. The HRA from the Core Strategy (2013) supports this approach (Core Strategy 2013, paragraph 5.52), as does more recent approaches being taken to cumulative recreational impact upon SAC/SPA sites by Natural England and by local authorities elsewhere in Kent.

### **Amphibian Mitigation**

There is insufficient detail within the Ecological Impact Assessment (EAD Ecological Consultants, Feb 2015) of amphibian mitigation, in particular for the Great Crested Newt. Further information needs to be provided, in particular with regard to the division of the viable habitat by an access road and the inclusion of an “amphibian underpass”.

**In conclusion, the Trust objects to the outline application, subject to the above advice.** I look forward to having the opportunity to comment upon any further amendments.

### 7.12 Environment Agency

Thank you for your consultation which we received on 11 March 2015. Please accept our apologies for the delay in responding to this application.

We have reviewed the information and have **no objection** to the proposal provided the following conditions are added to the planning permission.

**Condition 1:** No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year 20% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall also include:

- Details of how the scheme shall be maintained and managed after completion.
- Demonstration that any land raising will not impede overland flow or exacerbate conditions on adjacent land.

**Reason:** To prevent the increased risk of flooding both on and off site.

**Condition 2:** The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the mitigation measures detailed within the FRA.

- Finished floor levels to be set at a minimum of 3.0 ODN or 300mm above existing ground floor level whichever is the greater. All sleeping accommodation to be at first floor level only.

**Reason:** To reduce the risk and impact of flooding of the proposed development and future occupants.

We are aware that the site experienced flooding during the winter of 2002/01 both in the low-lying north west corner of the site and in the vicinity of the miniature railway to the south east.

It is recommended that the future occupants of this development are registered with our flood warning system.

#### **Advice for developers**

We have produced advice with Natural England and the Forestry Commission on how new development can help improve the environment. This is in line with the national planning policy framework (NPPF) 'the planning system should contribute to and enhance the natural and local environment' (para. 109)

<https://www.gov.uk/government/publications/planning-a-guide-for-developers>

#### **Decision notice request**

We record the outcome of planning decisions and request the decision notice is emailed to [kslplanning@environment-agency.gov.uk](mailto:kslplanning@environment-agency.gov.uk)

If you require any further information please do not hesitate to contact me.

#### **7.13 Romney Marsh Internal Drainage Board**

Section 21 of the Drainage impact Assessment states that all surface water will be attenuated to a greenfield run off rate to replicate the existing situation. The proposed systems will discharge into the Shepway DC maintained Cockreed Lane Lesser Sewer and then flow through the IDB maintained section of the same watercourse before reaching the Wallingham (Main River). Consent will be required under Section 23 Land Drainage Act 1991, and as part of the process the condition of the culvert passing under Cockreed lane will need to be assessed. Application for consent should be made to the IDB as we process SDC consents.

#### **7.14 Southern Water**

Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.

Our initial investigations indicate that there are no public surface water sewers in the immediate vicinity of the site to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

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

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the life time of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

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

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

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

#### 7.15 Affinity Water

No comments received.

#### 7.16 KCC East Kent PROW

The County Council's PROW and Access Service would like to bring to the attention of the applicant the existence of two Public Rights of Way known as Public Footpaths HM211 and HM124 which run immediately through the proposed development.

As a general statement KCC's Public Rights of Way and Access Service are keen to ensure that their interests are represented within any submitted planning applications. The team is committed to working in partnership with the District Council to achieve the aims contained within the Countryside and Coastal Access Improvement Plan and Bold Steps for Kent. Specifically these relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

#### **Walking and Public Access to the Countryside.**

The local area has a sufficient level of Public Rights of Way network available to residents. The above mentioned rights of way are however of high importance and value for the purposes of recreational exercise and the sustainability of the site. The Design and Access statement acknowledges the value of these routes, being identified as the main points of pedestrian access. The current public footpath HM124 is however not considered suitable as a main point of access in its current state. Section 106 contributions must therefore be secured in order for improvements to be made to the path outside of the red line boundary. These should be in addition to improvements made by the developer, inside the red line boundary. The developer is also requested to attempt to secure additional width of a minimum 1 metre to improve the environment of the exit on to Rolfe Lane.

Contributions should also be secured for footway provision on sections of the Ashford Road and Rolf Lane, in accordance with Shepway policy TR6.. In particular these should:

Provide continuity from the exit of Public Footpath 124 to the existing footway alongside Craythorne Lane, providing access to school and town.  
Provide continuity from the existing school playing fields exit onto Rolfe Lane and the Fairfield Road Recreation ground, along Rolfe Lane.

### **Impact on Public Footpaths.**

#### **HM124**

The proposed development will require the diversion of Public Footpath HM124. This should be considered at the earliest opportunity in order to enable the right of way to be available to the public for as long as is reasonably possible. Subject to details of a safe internal road crossing provision, details of the designed surface and width and early progress of the legal diversion, support would be forthcoming to the movement of this right of way into an area of open space.

The County Council's PROW and Access Service are able to assist with the legal procedures required to diver the rout, assuming appropriate costs are covered.

As already mentioned the exit onto Rolfe Lane particularly unattractive in its current state. Improvements should be made and if possible, additional width of at least 1 metre should be obtained to improve the environment.

#### **HM211**

A section of Cockreed Lane should be stopped up in order to reduce the likely effect on traffic increases from the development and existing pedestrian crossing between Public Rights of Way HM211 and HM124. It is requested that the stopped up section of Cockreed Lane is given Public Bridleway status.

### **Cycling Access**

The internal designs for cycle lane crossing of internal junctions as depicted in the transport assessment are supported. It is imperative that these suggestions are carried forward into the detailed design and that any subsequent development in the other phases includes the same design to enable continuity.

### **Open Space**

The proposed Open Space will provide a very valuable amenity and should be made available at the earliest opportunity. The design of connected blocks of open space is well considered and will retain some value both for wildlife and recreation.

Comments are made in reference to the following planning policy;

- **National Policy Framework Section 75**, states that planning policies should look to protect and enhance public right of way and access.
- **NPF 35**, Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to

- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones
- **SDC Policy TR6, TR11, LR8, C01**

**The applicant should be reminded that planning consent does not confer a right to disturb or divert any public right of way at any time without the express permission of the Highways Authority, in this case Kent County Council's PROW and Access Service.**

**This response is made on behalf of Kent County Council Countryside Access Group. The views expressed should be considered only as the response of the County Council in respect of public rights of way and countryside access matters relating to the application.**

#### 7.17 The East Kent Badger Group

We note that this is an outline application and would appreciate, when the full application is made, that you send anything appertaining to badgers and setts to us. We would also appreciate a report when it is done.

#### 7.18 English Heritage (South East Region)

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

### **Recommendation**

**The application(s) should be determined in accordance with national and local policy guidance, and on the basis of you specialist conservation advice.**

## **8.0 PUBLICITY**

8.1 Neighbours notified by letter. Expiry date 01.04.15

8.2 Site Notice. Expiry date 08.04.15

8.3 Press Notice. Expiry date 08.04.15

## **9.0 REPRESENTATIONS**

9.1 20 letters/emails received objecting on the following grounds:

### **Neighbour representations**

- Swales and ponds, when full, could represent a hazard to local resident, particularly children.
- Would constitute development in a flood plain.
- Increased risk of flooding for local residents.
- Proposal could cause subsidence as evidenced by recent sink hole.
- Site not capable of accommodating the development.
- Insufficient junction capacity to accommodate the development endangering highway safety.
- Narrow lanes surrounding the site cannot accommodate the development.
- Pedestrian access to the town not clearly defined.
- Insufficient community infrastructure including education, health provision and public transport.
- Lack of employment opportunities in the local area will mean that the site will be a dormitory area.
- Out of keeping with the rural character of the area.
- Out of keeping with the historic character of the area.
- No need for this level of housing in the area.
- Loss of agricultural land.
- More suitable sites available within the local area.
- Many properties already for sale within the area.
- Previously denied planning permission for the area.
- Would exacerbate traffic problems associated with St Nicholas Primary School.
- Affordable housing would result in an extra burden on social services budgets.
- Potential loss of ecology.

## **10.0 RELEVANT POLICY GUIDANCE**

- 10.1 The following policies of the Shepway District Local Plan Review apply: SD1, HO1, LR8, LR9, LR10, BE1, BE16, U2, U4, TR5, TR6, TR11, TR13, CO11.
- 10.2 The following policies of the Core Strategy Local Plan apply: DSD, SS1, SS2, SS3, SS5, CSD1, CSD4, CSD5, CSD8
- 10.3 The following Supplementary Planning Documents and Government Guidance apply:
- National Planning Policy Framework  
National Planning Policy Guidance  
Kent Design Guide & associated appendices  
Affordable Housing SPD
- 10.4 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that the determination of any planning application shall be in accordance with the development plan, unless material considerations indicate otherwise.

10.5 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied, replacing a large number of Planning Policy Statements and Planning Policy Guidance, amassed over the last 20 years. As set out in Section 38(6) (above) Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and the NPPF forms a material consideration in plan formulation and decision taking.

10.6 The NPPF identifies that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles include the following points which are particularly relevant to this planning application.:

*Planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.*

*Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*

10.7 Central to the NPPF (paragraphs 14 and 17) is a presumption in favour of sustainable development, for decision taking this means:

Approving development that accords with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within this framework taken as a whole, or
- Specific policies in this Framework indicate development should be restricted.

10.8 Paragraphs 186 and 187 make it clear that Local Planning Authorities should approach decision taking in a positive way to foster the delivery of sustainable development. The relationship between decision making and plan making should be seamless, translating plans into high quality development on the ground. The NPPF stipulates that local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible. Local Planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental considerations of the area

10.9 Policy CSD8 states that land to the north of New Romney Town Centre forms a broad location for residential development as part of the overall planning policy for the town. Such development 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.*

10.10 In addition to policy CSD8 the Core Strategy Local Plan policies listed below are material considerations for this application, and are summarised as follows:

Policy DSD – A presumption in favour of sustainable development

Policy SS1 – identifies the strategic priorities for the Romney Marsh Character Area that is accommodating development at the towns of New Romney and Lydd, and at sustainable villages; improving communications; protecting and enhancing the coast and the many special habitats and landscapes, especially at Dungeness; and avoiding further co-joining of settlements and localities at the most acute risk to life and property from tidal flooding.

Policy SS2 – sets out the plans requirement of delivering 7000-8000 dwellings within the district between 2006/7-2025/6.

Policy SS3 – requires development within Shepway to be directed towards existing sustainable settlements to protect the open countryside and countryside and identifies that changes in settlements will be managed in a form that contributes to their role within the settlement hierarchy and local place shaping objectives to promote the creation of vibrant and distinct communities.

Policy SS5 – Requires development to provide, contribute to or otherwise address Shepway's current and future infrastructure needs.

Policy CSD1 – Requires that subject to viability all housing development should include a broad range of tenures wherever practical. Developments of more than 15 units should provide 30% affordable housing, subject to viability and the location of affordable housing should not be concentrated in one location, and must be designed to integrate in function and appearance with private housing and existing properties.

Policy CSD4 – Requires an increase in the quantity and quality of green infrastructure and biodiversity.

Policy CSD5 - Requires all new homes to contribute towards sustainable water resource management, maintaining or improving the quality and quantity of surface and ground water bodies. All new homes to include design measures to restrict maximum water use to 105 l/person/day. New developments cannot increase peak rate and surface water runoff above existing surface water rates and SUDS schemes should be included.

In addition the following saved policies from the Shepway District Local Plan 2006 are also material considerations in determining this planning application:

Policy SD1 – overarching policy to deliver sustainable development.

Policy LR8 – Requires designated Public Rights of Way to be properly integrated into the design and layout of development sites.

Policy LR9 – Seeks to protect existing open space and ensure appropriate levels of new open space are provided within developments at a minimum standard of 2.43Ha per 1000 population. Where such standards can't be met, a commuted sum could be paid to improve or extend existing open space.

Policy LR10 – Seeks to ensure all residential development in which children are expected to live makes adequate provision for play space.

Policy BE1 – requires a high standard of layout, design and choice of material for all new development.

Policy BE16 – requires development to retain important existing landscape features and make appropriate provision for new planting using locally native species of plants wherever possible.

Policy U2 – Requires main drainage disposal for sewage and wastewater.

Policy U4 – Protection of ground and surface water resources

Policy TR2 – seeks to ensure major developments include appropriate bus access and provision.

Policy TR5 – requires the provision of cycle facilities and routes within new developments.

Policy TR6 – requires the layout and design of development to provide for safe, attractive and convenient pedestrian routes.

Policy TR11 – Requires new accesses and intensified accesses on to the public highway to be safe for all road users and meet highway standards.

Policy TR13 – Requires development with significant transport implications to submit travel plans.

Policy C011 – provides protection to protected species and their habitat.

## **11.0 APPRAISAL**

### **General Principles**

- 11.1 This application for planning permission is for the development of up to 110 dwellings on Land Bounded by Cockreed Lane and Rolfe Lane in New Romney.
- 11.2 As set in section 4 of the report the development of these proposals date back to 2009 and there has been a number of opportunities for public/stakeholder engagement.
- 11.3 This application for planning permission has been submitted within the context of a national and local planning policy framework, that is seeking to secure the implementation of sustainable development and in particular the delivery of new homes. The policy context is covered in detail in Sections 3 and 10 of this report. The Government's Commitment to the need to build more homes to keep up with growing demand was further confirmed in its recent publication Fixing the Foundations : Creating and more prosperous nation.
- 11.4 In particular it is important to note the presumption in favour of sustainable development, as set out in the National Planning Policy Framework (NPPF) and in particular the requirement that proposals that accord with the development plan should be approved without delay.

- 11.5 The Shepway District Local Plan was adopted by the Council in September 2013 and forms, along with 'saved' policies from the Shepway District Local Plan Review, the development plan for the District.
- 11.6 As previously detailed in the report, the adopted Core Strategy policy most relevant to this application is policy CSD8 that supports the development of around 300 homes within a broad location for development to the North West of the New Romney, within which the application site is located. Given the general policy support the key issues for the committee to consider are not those related to the principle of residential development on this site but whether the proposals are in general conformity with Policy CSD8 and, given that the application is for outline planning permission, whether the final details of the scheme can be effectively controlled, at this stage, via the appropriate use of planning conditions and a S106 agreement.
- 11.7 The appraisal will now consider key issues associated with this proposal, based on the framework provided by Policy CSD8, before summarising and concluding.

### **Key Issues**

#### **Consistency with a Single Masterplan**

- 11.8 Policy CSD8 states that any planning application for the broad location should be preceded by, and consistent with, a single masterplan, addressing the objectives set out in the policy and produced in consultation with the local community, the district councils and key stakeholders. The New Romney Broad Location for Development Masterplan was published in January 2015, following public and stakeholder consultation, and used to inform the proposals set out in this application.

#### **Quantum of Development and Affordable Housing**

- 11.9 Policy CSD8 requires the broad location to provide around 300 dwellings (Class C3) and a range and size of residential accommodation, including 30% affordable housing subject to viability. Progress to date on the development of the proposals for the broad location has been as follows :-
- *Grant of outline planning permission for 48 houses and 8 home worker houses (live work) including retention of an existing dwelling (Greenacres) and off site highway works at the former Romney Marsh Potato Company site (Y10/0698/SH)*
  - *The submission of a reserved matters application for the approval of details relating to appearance, access, landscaping, layout and scale of the outline planning permission Y10/0698/SH for the construction of 55 residential dwellings together with associated car parking, landscaping and open space.*

- *The submission of an outline application for development of up to 117 dwellings, new proposed vehicular access arrangements, parking, flood attenuation, open space including the retention of 0.7 hectares of existing playing fields and associated works. Land Adjoining Hope All Saints Garden Centre Ashford Road New Romney Kent*

11.10 The Council has therefore approved or received proposals for up to 282 new dwellings related to the broad location for development as set out in Policy CSD8. It anticipated that a further application for planning permission for approximately 15 dwellings will, at some point, be submitted for the former Garden Centre site that adjoins the application site to the north. The design statement sets out the general location for development. The density of development proposed (up to 21 dph) is considered appropriate given the setting and location of the site. The proposed quantum of development, of up to 110 dwellings, is therefore considered to be consistent with Policy CSD8 and if delivered alongside the other proposals listed above will make a major contribution to the delivery of the overall target set out in the policy.

11.11 Policy CSD8 states that 30% affordable housing should be provided within the development, subject to viability. The applicant has indicated that this level of affordable housing will be provided with no viability assessment having been submitted with the application. It is intended that a requirement for an affordable housing level consistent with adopted policy will be incorporated into the S106 agreement for the application. The agreement will also specify appropriate trigger mechanisms determined in consultation with the Council's Housing Strategy Manager. Should this application be approved then further details of tenure mix and unit size will be submitted and considered at the reserved matters stage.

### **Layout and mix section**

11.12 Although not being determined at this stage the detailed layout would follow the principles set out in the framework provided by the overall Development Masterplan and the site specific Design Statement and the Council will be looking for a scheme that produces high quality place making and meets recognised standards such as the Building for Life criteria, a tool for assessing the design quality of homes and neighbourhoods.

11.13 It is intended that the District Council carry out Building for Life assessments on the proposed layout when it is put forward at the reserved matters stage.

11.14 In addition the Council will seek to apply, at the reserved matters stage, the principles set out in Core Strategy Policy CSD2 that seeks to ensure that at least half of new homes will be three bedroom or larger and that on major development sites at least 20% of market homes should meet the Lifetime Homes standard. The Lifetime Homes Standard has now been replaced but the local authority will ensure that the same principles are achieved,

including ensuring that a proportion of homes are wheelchair accessible, through compliance with part M of the building regulations.

### **Pedestrian and Cycle Linkages.**

- 11.15 Policy CSD8 requires that pedestrian/cycle 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. The Design Statement sets out an access and layout strategy that proposes a realignment of the existing public right of way in order to create a new pedestrian/cycle link across the site from Cockreed Lane to Rolfe Lane. Links are also shown with the adjoining site (subject of Y14/1411/SH) with an overall scheme for the broad location set out in the Development Masterplan. In addition a proposed alignment for the public right of way was submitted as part of the application (ref. 1518\_0151). Separate consent will be required from KCC in order to change the alignment of the public right of way.
- 11.16 It is recommended that the submission of further details relating to pedestrian/cycle links across the site and onto the adjoining highway/footpath network be covered by condition.

### **Internal Connection Providing a New Movement Link**

- 11.17 The Design and Statement sets out the proposal for a movement corridor, catering for vehicular traffic, pedestrians and cyclists, through the site that it is intended be design to a 20mph standard. This concept is also set out in the Develop Masterplan. The layout of the internal roads, will only come forward in detail at the reserved matters stage. Should outline planning consent be granted, this will need to be in accordance with the access principles of the masterplan layout, thereby providing a link through the Broad Location between Ashford Road and Cockreed Lane. It is recommended that this issue be covered by planning condition.
- 11.18 This also introduces the possibility of being able to declassifying a section of Cockreed Lane (a stretch of highway from the Cockreed Lane/Hope Lane in a westerly direction without compromising existing owners access rights) to a bridleway/ cycleway/footpath so that all through traffic is channelled through the Broad Location. This change could be secured through a TRO by the Highways Authority at the completion of the overall development of the broad location.

### **Archaeology**

- 11.19 Located on the north western part of the site are a number of crop marks some of which form a substantial moated enclosure site and other forms smaller enclosures and possible routeways. Archaeological fieldwork on this site located remains associated with 13<sup>th</sup> Century Activity. The moated enclosure forms a known heritage asset (HER No; TR02 NE15) but is not a designated heritage asset with the application being supported by a

detailed desk based assessment, archaeological report and geophysical survey.

- 11.20 Paragraph 135 of the NPPF states that *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*
- 11.21 In other words when considering detailed proposals for the site it will be necessary for the Local Plan authority to balance the effect of the proposal on this non-designated moated structure against the other objective of the scheme including the delivery of new homes, the delivery of a cohesive layout based on the principles of good urban design and the delivery of supporting infrastructure including sustainable drainage provision and open space.
- 11.22 It will only be possible to judge the overall effect of any development on the non-designated heritage asset at the reserved matters stage, when a detail scheme will be submitted. At this point it will be necessary to agree, based on further archaeological field work, the extent to which the moat should be preserved in situ, balanced against the other aspects of the development. This assessment will also need to take into account the effect of foundations and below ground excavations within the vicinity of the moat.
- 11.23 The development of the site will provide an opportunity, through further survey and excavation work, to learn more about the nature of the moat structure. It is important that this knowledge is made available to the local community through a programme of heritage interpretation work.
- 11.24 Kent County Council's Senior Archaeological Officer, whilst expressing concern over the potential loss of the non-designated heritage asset, has suggested a number of planning conditions, covering the issues identified above, should it be necessary to grant planning permission at this stage. It is recommended that they be included as a part of any outline planning permission granted for the scheme. Such an approach would be consistent with the NPPF which supports the use of conditions to ensure a proportionate programme of heritage asset recording.

### **Flooding Risk and Surface Water Attenuation**

- 11.25 As with the vast majority of the Romney Marsh area and 55% of the District of Shepway the application site is located within the Environment Agency's flood zone 3a. The NPPF states that Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to

ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

- 11.26 Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change.
- 11.27 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 and, by applying a sequential test at the plan level identifies via the Strategic Flood Risk Assessment hazard maps that land within the Broad Location is the most sequentially suitable for residential development within this identified character area (policies CSD8 and SS3). Further development within the Romney Marsh will be allocated in accordance with the Sequential Test via the Shepway Places and Policies Local Plan that was subject to an issues and options stage consultation earlier in the year. As such and in accordance with the NPPF and retained PPS25 Practise Guide, the sequential test has been applied at the plan level for development of this site and does not need to be reapplied at the site specific level.
- 11.28 With regard to the Exception Test, it is considered that this site meets two of the three tests. Firstly, the site has wider sustainability benefits, and secondly the development proposed is considered to be safe. The Environment Agency's comments are set out in section 4.4 of this report. These raise no objection however recommend a ground finish floor level of at least 3.0 ODN with all sleeping accommodation to be set at first floor level and the incorporation of flood protection measures. Both can be achieved via appropriate conditions.
- 11.29 In addition the revised Shepway Strategic Flood Risk Assessment shows, based on the 2115 with climate change scenario, a small area of the eastern part of the site to have a low hazard rating with the remainder having a zero hazard rating.
- 11.30 Southern Water Services, The Romney Marsh Internal Drainage Board and the Environment Agency raise no objection to principle of the development subject to controlling surface water attenuation and therefore surface and foul water details can be dealt with by condition.

### **Visual and Residential Amenity**

- 11.31 The detailed layout 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. At that stage detailed assessment will be made of the inter-relationship of proposed dwellings to existing dwellings including issues relating to outlook, light, privacy and screening.

11.32 Although the strategic elements of landscaping are identified in the master plan and the design statement submitted with this outline application, the Reserved Matters application will set out in more detailed how this strategy will be implemented so as to ensure that the new buildings are assimilated sensitively into the existing local environment.

11.33 In addition a detailed landscaping scheme will be required at the Reserved Matters stage that will need to ensure that there is a seamless integration with the open countryside to the north and that local and long distance views are protected.

### **Highways and Transportation**

11.34 The application has been supported by a detailed Transport Assessment (TA), submitted in accordance with the scoping agreed with Kent Highway Services (KHS) pre-application stage. Further discussion have been ongoing with KHS as part of the process of developing two planning applications for the broad location (Y14/1411/SH and Y15/0164/SH). This has identified the need for the following off site highway improvement being required to support this development of the broad location.

- Improvements to Station Road/High Street
- Ashford Road/High Street Junction
- Cockreed Lane/St Mary's Road junction
- A new footpath along Ashford Road

11.35 Detailed schemes have been agreed between the applicant and KHS with the contribution from each application being as follows :-

Y15/0164/SH

Improvements to Station Road/High Street (delivered by KHS)  
Cockreed Lane/St Mary's Road junction (via s278 agreement)

Y14/1411/SH

Station Road/High Street (delivered by KHS)  
Ashford Road/High Street (via s278 agreement)  
Ashford Road footpath.

11.36 The site is well located in terms of access to the High Street where bus services can be readily accessed. Stagecoach have however indicated the need for a number of improvements to bus facilities within the High Street which could be funded as part of a package of High Street improvement delivered using development contributions associated with this application.

- 11.37 The development of the broad location provides an opportunity to close Cockreed Lane to through traffic in the long term. It is also proposed, as part of the road safety audit, for the Cockreed Lane/St Mary's Road junction that the speed limit along this section of St Mary's Road be reduced to 30mph. Road safety will be further improved due to the 20mph spine road, that will run through the site, being built to modern safety standards.
- 11.38 Overall it is considered that the proposal will not reduce highway safety but have the potential to provide a safer and more pleasant and safer environment for motorists, pedestrians and cyclists within the vicinity of the site.

### **Ecology**

- 11.39 The scheme is supported by an ecological appraisal that demonstrates there to be no major constraints on site. A planning condition is however necessary requiring a detailed biological and ecological enhancement scheme to be submitted for approval in accordance with the requirements of Core Strategy Policy CSD4 and to ensure that adequate protection is afforded to protected species in accordance with Natural England's standing advice.
- 11.40 A Habitat Regulation Assessment was submitted in respect of application Y14/1411/SH that took into account the proposal residential development set out in this application. This concluded that significant effects on European designated sites are unlikely to occur, either alone or in combination. This conclusion is supported by Natural England. An Appropriate Assessment is not therefore required nor is a contribution to the Dungeness Sustainable Access Strategy.

### **Sustainability of Buildings**

- 11.41 Following a review of technical housing standards, the Government has withdrawn the Code for Sustainable Homes. The changes are the culmination of the Housing Standards Review, published by Central Government on 27<sup>th</sup> March 2015. Core Strategy Policy CSD5 sets out that planning applications for the construction of new dwellings should include specific design features and demonstrate a maximum level of usage of 105 litres per person per day. Where there is a clear local need, local planning authorities can set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations optional requirement of 110 litres per person per day (as SDC have effectively done) and this can be controlled via condition.

### **Infrastructure and S106 Requirements**

- 11.42 The development of Policy CSD8 and the proposals set out in this application have highlighted the need for a number of physical and community infrastructure improvements to support the scheme proposed.

The table below sets out the Heads of Terms for infrastructure requirements agreed with the applicant that accords with policies CSD8 and SS5 of the Core Strategy Local Plan.

11.43 Should the committee agree to grant planning permission it is intended that further discussions will be held with local stakeholders , including New Romney Town Council, in order to determine the exact proportioning of these contributions against the different categories (for example open space and High Street improvements) prior to the finalisation of the S106 agreement.

| <b>Infrastructure</b>  | <b>Amount or Provision – Y15/0164/SH</b>  |
|--|---|
| S278 works to Cockreed Lane St. Mary's Road junction.  | Draft costings for the following off-site junction improvements:<br>St Mary's Rd/Cockreed Lane - £43,000*<br><br>*figure could rise by £12,000 if additional lighting is required as part of the RSA                      |
| High Street/Station Road improvements – delivered by KCC   | High St/Church Rd/Station Road - £131,000**<br><br>** figure could rise by up to £75,000 if KCC require full maintenance provision<br><br>Cost per dwelling (based on 227 units) = £907                                   |
| Contribution to improvement to open space facilities at St Martin's Field and Fairfield Road Recreation Ground | LR10 contribution £163,350.00<br><br>Based on 11,844 sq.m of open space   |
| High Street Improvements   | Cost per dwelling = £688 per dwelling<br>Further public consultation to inform the nature of any improvements.<br><br>Includes the potential for bus facility improvements subject to further discussions with Stagecoach |
| Off site and on site PROW improvements   | To be determined  |
| Health in Oak Hall Surgery and Church Lane Surgery.  | Y15/0164/SH = £64,864.8<br><br>(note figure reduced from £92,664 set out in NHS letter to   |

|                    |   |
|--------------------|---|
|                    | reflect 30% affordable housing as per NHS practice)   |
|                    | Cost per dwelling = £842  |
| KCC<br>Y15/0164/SH | - Primary Education - £ £236,096<br>Community Learning - £2,318.80<br>Libraries - £5,282.20<br>Adult Social Care - £ £8,125.70<br><br>Total = £251882.7<br>Cost per dwelling = £2289.29 |
|                    | Total cost per dwelling = £5199.29 (plus LR9/LR10 contribution approx £1300)  |

11.44 As well as the contributions identified above the S106 agreement will also need to cover the following :-

- Provision of 30% affordable housing.
- Management company for maintenance of open space, onsite play equipment and SUDS.
- Delivery of High Street/Station Road junction.
- Spine road limit of 20mph.

11.45 It is considered that the s106 requirements above meet with paragraph 122 of the 2010 Community Infrastructure Levy Regulations, also set out within paragraph 204 of the NPPF which states that all developer contributions must meet the following tests and be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

### Other Issues

11.46 In addition to the issues already identified, and in order to address issues raised by stakeholders as part of the consultation process, conditions will be required on any planning consent covering the following.

- Mitigation of the impacts of construction
- Land contamination and environmental health
- Provision for superfast broadband

## 12.0 Human Rights

12.1 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.

- 12.2 This application is reported to Committee due to its strategic significance to the district and due to the objection from New Romney Town Council

### **13.0 SUMMARY AND CONCLUSIONS**

- 13.1 The proposals presented as part of this application for planning permission have been developed over a long period of time with the principle of residential development on this site having been agreed through the adoption of Core Strategy Policy CSD8, as part of a broad location for development. There have been a number of opportunities for the public/stakeholder engagement throughout the pre-application development period.
- 13.2 The application needs to be considered against a backdrop of national and local planning policy that is seeking to deliver both market and affordable housing to meet a growing demand for housing evidenced by high house prices and a general affordability gap. The site itself is well located, being in close proximity to New Romney High Street, local education provision, public transport services and a range of other services provided within the High Street.
- 13.3 The application is for full outline planning permission with much of the detail of the scheme to be submitted at the Reserved Matter stage. Nevertheless it is clear that there are a number of infrastructure issues that need to be addressed most notably in relation to sustainable drainage provision and flood risk, local highway capacity and community infrastructure provision. The relevant statutory agencies have considered the details submitted with the application and are satisfied that these issue can be addressed through appropriately worded planning conditions and the provision of S106 and S278 agreements. Overall the scheme will contribute approximately £700,000 (roughly £7000 per dwelling) to improve local infrastructure, in addition to that provided on site.
- 13.4 In terms of the scheme itself it is considered that the broad location has the potential to deliver a high quality, well connected scheme, that is in keeping with the general character of the town, with access to high quality open space both on site and within walking distance. The proposed vehicular/pedestrian spine route should provide for an attractive and safe route through the site that has the potential to reduce traffic flows along Cockreed Lane
- 13.5 Having regard to all of the sections set out in detail above, there is no reason that the development should not proceed in a timely and controlled manner. Given that application is for outline planning permission there will

be the opportunity for the Council to consider and scrutinise a range of further detailed information associated with the application, at the reserved matters stage, at an appropriate point in the future

13.6 The application conforms with national planning policies contained in the NPPF and the Council's own planning policies and strategies, as set out in the Core Strategy Local Plan and those policies retained in the Shepway District Local Plan Review. The scheme brings to fruition a major element of the Council's Core Strategy for housing provision within the Romney Marsh Character Area alongside significant investment in infrastructure and improvements to the town.

## **14.0 BACKGROUND DOCUMENTS**

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

**RECOMMENDATION – That the Head of Planning and Environmental Health be authorised under delegated authority to grant planning permission, subject to the completion of a section 106 legal agreement with the applicant that secures the social and physical infrastructure and financial contributions detailed within this report and subject to conditions outlined within the report and any additional conditions which he considers to be necessary.**

### **Draft conditions:**

- 3 year permission for submission of RMs, development to commence within 2 years of RM approval
- Standard RM's conditions (access, appearance, layout, landscaping and scale)
- Approved plans
- RMs to provide for no more than 110 dwellings
- RMs to include following details: layout, access and circulation, distribution and location of market and affordable units, wheelchair and lifetime\* homes, finished floor levels, parking strategy, open spaces, hard and soft landscaping
- RMs to be in accordance with the principles of the masterplan.
- Management plan for onsite open space
- Vehicle parking in accordance with IGN3
- Details of tree and hedgerow protection measures
- All materials, including windows and front doors
- Detailed design of properties and services
- Vehicle turning areas
- Delivery of High Street/Station Road junction

- Implementation of spine road.
- Archaeology
- Site contamination study and potential remediation.
- Submission of foul and surface water sewerage disposal details.
- Delivery of playing pitch improvements (including changing facilities)
- Finished floor levels and sleeping accommodation.
- Sustainable surface water drainage scheme.
- Foul and surface water sewerage disposal
- Ecological enhancement scheme
- Details of earthworks
- Submission of tree survey and report
- Water efficiency 110 l/p/day
- Detailed landscaping scheme including play equipment.
- Greenfield run off rate 4l/s/ha
- Diversion of public sewer
- Superfast broadband provision
- Internal layout of roads
- Site Waste Management Plans
- Construction and Environment Management Plans
- Restriction on HGV delivery times as required by KCC Highways
- Completion of highway works
- Cycle parking @1 secure covered space per bedroom
- Details of pedestrian/cycle links.
- All street and footway lighting
- Removal of PD rights – A, B, D, E and F
- Piling condition

### **Informatives**

Requirement for application to connect to public sewer.  
Street naming and numbering

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Decision of Committee

Y15/0164/SH  
Land opposite Dorland  
Cockreed Lane  
New Romney

