

- a) **DOV/17/00892 - Erection of 17 no. two and three-bedroom dwellings, creation of access roads and parking – Former Greyhound Public House, Dorman Avenue South, Aylesham**

Reason for report: No. of contrary views

- b) **Summary of Recommendation**

Grant Planning Permission subject to conditions and S106 Agreement.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – Location and scale of development must comply with the Settlement Hierarchy.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified at less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Settlement Boundaries. Development not permitted outside urban boundaries unless alternative policies allow.
- DM5 – For applications of 15 dwellings or more, the Council will seek provision of 30% of the total homes to be affordable
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.

Dover District Council Local Plan 'saved' policies (DDLPP)

There are no saved local plan policies that are relevant to this application.

Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

National Planning Policy Framework (NPPF)

- Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 14 states there is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay.
- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to: secure high quality design and a good standard of amenity for all existing and future residents; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling; and focus significant development in locations which are or can be made sustainable.
- Paragraph 49 of the NPPF states that “housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites.
- Chapter four of the NPPF seeks to promote sustainable transport.
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- Chapter seven requires good design, which is a key aspect of sustainable development.

Other Legislation/Documents

- S38(6) of the Planning and Compulsory Purchase Act 2004 - all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise
- Planning (Listed Buildings and Conservation Areas) Act 1990 Section 16 & 66

Affordable Housing Supplementary Planning Document

- Sets out the scale and need for affordable housing, including measures on how to secure this.

Aylesham Masterplan Supplementary Planning Guidance 2005

- The plan was designed to shape the expansion of Aylsham. Whilst the plan does not address this site, it still nonetheless, provides a useful background document to the history of Aylesham and aspirations for the future.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

d) **Relevant Planning History**

DOV/11/00942 Site at Greyhound PH: Erection of 3 pairs of dwellings. APPROVED 19.3.14

e) **Consultee and Third Party Responses**

DDC Environmental Health: Raise no objection to the application. However they comment that in the 10 years which the site has been vacant there have been several reported fly tipping incidents. Accordingly, they recommend a safeguarding condition should contamination be found on the land. **No further comments after re-consultation.**

DDC Principal Infrastructure Delivery Officer: A calculation of an appropriate level of contribution to the SPA mitigation strategy would be **£726**. This figure is indexed up to January 2017.

Regarding a suitable open space contribution - a spreadsheet has been provided with calculations showing the additional open space needs arising from this proposed development. The total requirement is 0.14ha.

Accessible green space 0.086 ha

Outdoor sports facilities 0.045 ha

Children's equipped play space 0.0023 ha

Allotments/Community Gardens 0.008 ha

This site is located less than 1,000m from the site of a skate park proposed by the Parish Council, which has planning consent reference DOV/17/00920. The Parish Council has aspirations to provide a combined skate park, MUGA and outdoor gym facility. DDC has calculated the commuted sum for a skate park covering 0.085 ha as £200,100 (assuming 3% interest). The additional need for equipped play is calculated as 0.0023 ha, so a scaled contribution may be calculated as **£5,414**.

Updated figure for SPA Mitigation: £744.23

DDC Housing: The affordable housing statement submitted with the planning application proposes the provision of 6 units of affordable housing which is in accordance with the Council's affordable housing supplementary planning document requirement for 30% of homes to be provided as affordable housing. The statement proposes that these units should be provided as apartments and the planning application indicates that they will take the form of 4 no. 1 bedroom apartments and 2 no. 2 bedroom apartments for social rent. From a housing need perspective, taking account of evidence contained in the latest Strategic Housing Market assessment report, I can confirm that this proposal would be acceptable.

In relation to the amended scheme for 17 open market dwellings: a financial contribution towards the provision of affordable housing would be the most

pragmatic arrangement in respect of this development. I also agree that it would be sensible to use the methodology set out in the Affordable Housing SPD Addendum to calculate the amount of contribution. I appreciate that the use of the contribution does need to be related to the development but it would be helpful if some flexibility can be provided especially with regard to any stipulation about the geographic location where the money should be used.

KCC Highways: Have no objection in principle to the proposals. Whilst not entirely agreeing with the trip generation figures that are indicated in the Transport Statement it is stated that ‘the number of trips likely to be generated will not have a severe impact on the highway.’ Adequate visibility is available at the proposed access points. The following matters were raised to be resolved:

1. The proposed main access to the site requires relocation of not only the bus stop as indicated but also the existing pedestrian crossing point adjacent to the bus stop, which has not been shown on the plans. This will also require relocation of the corresponding dropped kerbs on the opposite side of Dorman Avenue North. Dimensioned details of the necessary highway alterations should be submitted together with a safety audit and designers response to any issues raised. Bearing in mind the arrangement of plots 2-5 and the consequent potential for on-street parking in front of these plots, a bus clearway box should also be provided for the relocated bus stop.
2. As both proposed accesses will remain private they should be provided as suitable width vehicle crossings in the verge/footway rather than bellmouth junctions as shown.

In addition to the above, advice was also given regarding the amount of parking being provided and recommending that end parking spaces should be widened to 2.7m where they are bounded on one side by a fence/walls/landscaping.

Amended plans were received and additional comments made:

The proposed dropped kerbs require relocation in order to work effectively with the relocated bus stop. The safety audit is awaited.

The increase in 2 bed dwellings and decrease in 3 bed dwellings is noted. The total amount of parking is now in accordance with Policy DM13.

Final comments received confirming the proposal is now acceptable subject to conditions.

KCC Flood and Water Management (SUDS): ‘We note the system has been designed to the 1:100+30% Climate Change criteria, as of 19 February 2016, the Environment Agency published new guidance on how to use climate change allowances in flood risk assessments. The guidance can be found at: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

The new allowances for peak rainfall intensities have implications for drainage design and should be included within any drainage strategy prepared to accompany a planning application.

As Local Lead Flood Authority (LLFA), KCC will require that the design accommodates the 1 in 100 year storm with a 20% allowance for climate change and an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%.

This analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk. The design may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or provision of exceedance routes. This will tie into existing designing for exceedance principles.

As part of the detailed design we will require for the developer to submit details of the ground investigation undertaken specifically to confirm that the siting of the soakaway and the results from TP2 tally in terms of infiltration rates and depths.'

KCC LLFA recommend detailed conditions should planning permission be given.

After re-consultation; note the reduction in area covered by dwellings but no further observations.

Environment Agency: The EA have no objection to the proposals subject to conditions requiring the submission of a contaminated land risk assessment, associated remediation strategy and safeguarding condition. **No further comments after re-consultation.**

Southern Water: 'Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

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 lifetime 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.

We request that should this application receive planning approval, the following condition 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.'

After re-consultation: previous comments reiterated.

KCC (Economic Development): have assessed the proposal in terms of provision and delivery of County Council Community Services and seeks the following:

	Per 'Applicable' Flat	Per 'Applicable' House	Project
Libraries	£48.02		Towards Aylesham library

An informative recommends High Speed Fibre Optic Broadband. A contribution towards secondary school provision cannot be sought due to exceeding the CIL pooling should it be taken. **Revised total figure sought reflecting the reduced no. of dwellings (£816.27).**

KCC Archaeology: Aylesham is surrounded by extensive groups of crop-marks and soil-marks which indicate the presence of rich buried archaeological landscapes. It is likely that these landscapes would have originally extended into the built areas of Aylesham and traces may still remain. Recent archaeological evaluation works to the north at Market Place have revealed evidence for small quarry pits of possible Iron Age date and late Bronze Age or Iron Age activity has been identified to the west on Boulevard Courrieres. Large scale archaeological investigations undertaken on the northern edge of Aylesham as part of the village expansion scheme have revealed extensive archaeological remains dating from the prehistoric period to the postmedieval. Notable discoveries include a number of well-appointed cremation burials of Romano-British date.

Recommendations: The submitted planning application is accompanied by an Archaeological DeskBased Assessment which was prepared on behalf of the applicant by CgMs Consulting. This desk-based assessment has not taken account of the recent archaeological works undertaken in and around Aylesham as part of the village expansion scheme. Even in the absence of this information the CgMs Desk-Based Assessment has concluded that the proposed development site has a potential to contain buried archaeological remains. The CgMs study therefore suggests the implementation of a programme of archaeological work.

I agree that the proposed development has the potential to impact remains of archaeological interest and therefore recommend that provision be made in any forthcoming planning consent for a programme of archaeological work.

Natural England: raise no objection but offer advice

After re-consultation: the advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

Kent Fire & Rescue Service: Confirm that the access provided for fire appliances appears to be satisfactory.

NHS Canterbury and Coastal CCG: no comments received

Parish Council:

Letter dated 6.12.17 The Parish Council comments that their initial response was submitted without the benefit of seeing all the application documents. They wish to raise the following concerns:

'While we also accept that any development on the site will look better than the current state of the site, which is an eyesore for the residents and the subject of two

recent small fires, the reality is that we consider the proposed size of the development to be excessive and to be on the side of over-development.

We have some concerns about the access to parking in this area. The proposed change of use of land is in close proximity to a busy road which is located opposite the Baptist Church and/or premises, parking on both sides of the road already causes traffic flow problems, if the number of residents living in the new proposed development had a vehicle each this would have an even greater impact on the use of this roadway and would affect parking in the area.

The proposed development will have an adverse impact on the residents living in the area because of increased traffic, noise levels, and lack of privacy to neighbours overlooked by the development.

Aylesham Parish Council is committed to a careful preservation of the village, which is a delightful setting located between Canterbury and Dover. It's becoming a mixed community which is expanding daily. Whilst we are interested in promoting our village as an ideal location to live, we do not wish to see the village resources being stretched beyond their capabilities.'

Letters dated 6.2.18/8.2.18 Parking has been reduced and now the scheme is 3 spaces short. The PC re-iterate that the site would be over-development and the proposal would have an adverse impact on residents due to increase traffic and lack of parking. If the application is successful they would wish to see any potential S106 contributions go towards the PC's plans for a skate park and outdoor fitness centre.

Public Representations: 27 letters of objection have been received. A summary of the issues raised is as follows:

- Proposed scale of the development is excessive
- Impact on parking in the locality
- Increased traffic on an already busy road – conflict when Baptist Church holds events as it is already difficult to park in Dorman Avenue
- noise
- overlooking – loss of privacy
- the white weather boarding is not appropriate in this location
- more infrastructure needed
- Aylesham has enough houses being built so the site can have fewer houses on it
- Objectors stated the site is an eyesore and requires redevelopment but at a lower density or of a commercial nature
- Lack of facilities for adults and children; more shops and leisure facilities are needed before more village expansion
- A pub is needed in Aylesham and the developers should be asked to explore having a Brewers Fayre or the like on this prime site
- There are no pubs left in Aylesham only a small bar in the Sports Centre
- The site is in the heart of the village and should be reserved for community use, such as a community/youth centre
- Suggest a bike park would be a better use of the site or a home for the elderly (or over 55's to free up family housing) or a proper supermarket
- No secondary school provision – the nearest is 10 miles by bus – there are waiting lists for places
- Not enough doctors

After re-consultation: 4 further letters of objection received raising the following additional issues:-

- The reduction in no.s makes no difference to the privacy concerns that have been raised

Cllr Keen: 'Any development on the site will look better than the current state of the site, which is an eye-sore for the residents and the subject of two recent small fires, but the proposed size of the development is excessive.'

Concerns about parking – the proposed change of land is in close proximity to a busy road which is located opposite the Baptist Church and also the main bus stop. At times when there is an event on in the Baptist Church and/or premises, parking on both sides of the road already causes traffic flow problems, if the number of residents living in the new proposed development had a vehicle each this would have an even greater impact on the use of this roadway and would affect parking in the area.

The proposed development will have an adverse impact on the residents living in the area because of increased traffic, noise levels and of lack of privacy to neighbours overlooked by the development.'

- f)
1. **The Site and Proposal**
 - The Site
 - 1.1 The application site is located on the north-eastern side of Dorman Avenue South within the southern side of the settlement of Aylesham. The site was previously occupied by the Greyhound Public House until it was demolished approximately 8 years ago. Notwithstanding a grant of planning permission for residential development in 2014, the site remains vacant and now has the characteristics of an overgrown neglected open space with little evidence of the previous building and associated car park.
 - 1.2 The site is 0.28 hectare in size and rises gradually from 75.80m AOD at the site entrance to 76.64m AOD to the rear. The site falls within Flood Zone 1.
 - 1.3 The site is roughly rectangular in shape with a 50m frontage to Dorman Avenue South. The site projects to an approximate depth of 67m. The site sits behind the parade of shops at Market View and is separated by the service road that serves these premises. The site is bounded by close board fencing where it adjoins properties in Hyde Place and Queens Road (south-east and north-east). There is Heras fencing across the site frontage and some temporary metal fencing between the application site and the service road. The fencing has collapsed in some areas and the site is therefore accessible. Opposite the site frontage is the Baptist Church and a substantial sub-station that is on the corner with Briar Close.
 - 1.4 The character of the area is mixed with flats, detached, semi-detached and terraced properties within close proximity to the site. The dwellings which back onto the site are generally semi-detached with hipped roofs and date back to the original masterplan period for Aylesham - separation distances are between 10-20m to the edge of the application site.
 - 1.5 There are existing bus stops outside the application site. Bus route 89 serves Aylesham and provides a half-hourly service between Dover and Canterbury.

- 1.6 The nearest railway station is Aylesham which is located approximately half a mile from the application site. Train services operate to Dover, Canterbury, Medway towns, Ashford and London (direct to Victoria). The high speed service to London can be joined from Canterbury or Ashford.
- 1.7 Aylesham is an expanding village with a central core of facilities and services. Market Place is within 100m of the application site. Aylesham has two primary schools, three churches, compact supermarkets, café's, takeaways and a sports centre (with a bar). There is also a modern Health Centre within walking distance from the application site.

The Proposal

1.8 Full planning permission was initially sought for the erection of 13 dwellings and 7 flats together with a central access and two private driveways accessed off Dorman Avenue South. However, following consideration of consultee responses the scheme has been amended with a reduction in the number of units to be provided. It is now proposed to provide 17 dwellings on the site.

1.9 The following documents have been submitted in support of the application:

- Planning Statement & Heritage Statement
- Design & Access Statement
- Statement of Community Involvement
- Drainage Impact and Flood Risk Assessment
- Transport Assessment
- Preliminary Ecology Appraisal
- Archaeological Desk Based assessment
- Affordable Housing Statement

1.10 Detailed drawings have been provided with regard to the internal layout of the site, elevations, proposed access and bus stop relocation details. A Highway Safety Audit has also been submitted.

1.11 The proposal would deliver a development of approximately 60 dwellings per hectare. The dwellings would comprise:

11 x 2 bedroom	Open market housing
6 x 3 bedroom	

1.12 The amended scheme also incorporates a greater amount of soft landscaping and takes on board the requests from the KCC Highway Officer. The key elements of the layout are as follows:

- Three key areas of building concentration
- Landscaped pockets to break up parking layout
- Landscaped margins adjacent to parking courts
- Landscaped frontage to Dorman Avenue South on north side of access
- Landscaping to front of properties 1-5, 12-17
- Single access from Dorman Lane South into the main development
- Existing access closed off
- Active frontage with Dorman Avenue South
- Relocation of existing bus stop and enhancement to bus stop waiting arrangements

2. **Main Issues**

2.1 The main issues for consideration of this application are as follows:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on the highway network
- The impact on residential amenity
- Ecological interests
- Flood Risk & drainage
- Contributions

2.2 The application has been subject to public consultation by the applicants as set out in the Statement of Community Involvement.

3. **Assessment**

Principle

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the development plan comprises the Dover District Core Strategy 2010 and the Dover District Land Allocation Local Plan 2015. The application site falls within the settlement boundary of Aylesham and is previously developed land. The site is not allocated in the Local Plan or Core Strategy for a specific use. The proposal conforms with Policy DM1.

3.2 Paragraph 49 of the NPPF states that 'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.

3.3 Following publication of the Authority Monitoring Report 2016/2017 (December 2017), the Council is able to demonstrate a five year housing land supply. Specifically, the report confirms that the Council has 5.65 year supply of housing land. However, it should be noted that there has been a change with respect to the Council's position regarding housing land supply since receiving an appeal decision on a Public Inquiry that the Council recently defended. In this appeal the Inspector considered the matter of the Council's housing land supply and concluded that Dover District Council, has in-fact, just over 4.5 years of housing land supply. The Council has not challenged this inspector's decision. It is therefore considered that the 'tilted balance' is engaged due to the lack of a 5 year housing supply.

3.4 Relevant policies in the development plan can be out-of-date for reasons other than lack of a 5 year housing land supply and thereby trigger the 'tilted balance' in paragraph 14 of the NPPF. In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy and LALP through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases policies in the plan are out of date. Individual policies may not be but it does provide a secondary reason for the engagement of the 'tilted balance'.

- 3.5 Paragraph 12 of the NPPF is clear in its guidance that the Framework does not change the statutory status of the development plan as the starting point for decision making. Where relevant policies are out of date, planning permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole'.

Impact on Character and Appearance of the Area

- 3.6 Paragraphs 56 and 17 of the NPPF attach great importance to the built environment and require design to take account of the different roles and character of different areas. Paragraph 56 states that good design is a key aspect of sustainable development, which should contribute positively to making places better for people. Paragraph 61 raises the importance of addressing the connections between people and places and the integration of new development into the natural, built and historic environment.
- 3.7 The character of the area displays mixed vernacular and a variance in terms of storey height. The existing materials palette in the locality comprises brickwork under tile; there are also examples of render, tile hanging and weatherboarding. The proposed development would provide small to medium size homes throughout the site. The layout has been informed by the uses that surround the application site and designed to mitigate against overlooking. Bin storage is provided to each dwelling.
- 3.8 At the front of the site are plots 1-5 which form a terrace fronting onto Dorman Avenue South (DAS). Parking is provided for plots 1 & 2 directly off DAS and all other parking is set behind the street frontage thereby providing a less cluttered frontage. Plots 1 to 2 are two storey and plots 3-5 are two and a half storey. The difference in height allows for the roof to be articulated in a less uniform manner with a gable end onto the internal road and a full hip on the elevation closest to the nearest property in Hyde Place.
- 3.9 Plots 6-11 comprises a terrace of town houses with plot 6 being the end terrace at 90 degrees to DAS. The terrace is set at 2.5 storeys high and acts as a screen to the service yard at its rear. These properties are provided with undercroft parking. The dwellings have a continuous ridge with flat roof dormers in the front elevation; the external materials are brick ground floor with weatherboard at first floor. Of particular merit is the side elevation of plot 6 which is prominent within the existing street scene and shows an architectural feature on the elevation.
- 3.10 Midway down the plot there is a 2 bed detached dwelling with a projecting first floor bay window angled and screened to prevent overlooking. The structure has a hipped roof, brick ground floor and weatherboard at first floor level.
- 3.11 At the rear of the site is a pair of semi-detached dwellings and set back to the side of this, is a terrace of three dwellings. The dwellings at the rear of the site are brick and render, which compliments, yet adds variety to the weatherboarding used elsewhere within the development. Fully hipped roofs are used on the semi-detached dwellings and half hipped either end of the terrace. Half hipped roofs are not a feature traditionally found in Aylesham, however, it is not considered that the design will detract from the overall character of the area or development as a whole.
- 3.12 There is a general rhythm to the development which provides welcome pockets of green space between parking areas to soften the hardsurfacing.

- 3.13 In conclusion, it is considered that the reduction in dwelling no.s together with the design of the dwellings in aesthetic terms would not cause harm to the character and appearance of the area.

Highway Impact

- 3.14 A detailed Transport Assessment accompanied the planning application and has been considered by Kent Highways. The report considers the transport effects of the existing site and that of the proposed development. Concerns have been raised by the residents with regard to the impact of the development on on-street parking in the locality.
- 3.15 Policy DM13 of the Core Strategy states that provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives.
- 3.16 The proposed development would provide 23 car parking spaces. This adheres to the requirements of Policy DM13. Officers are also satisfied that the car parking spaces adhere to design requirements as sought by Kent Highways. A suitable pre-commencement condition will be imposed to ensure that car parking is provided in adherence with the comments made by KCC Highways.
- 3.17 There is one access proposed into the site from Dorman Avenue South. This is acceptable in highway terms. The site has good pedestrian links with footways on both sides linking to the local amenity facilities and benefits from street lighting. There are north and south bound bus stops opposite the site which serve the Stagecoach 89B service between Dover and Canterbury with a regular service at approximately every 30m minute intervals. The railway station is a 10 minute walk away.
- 3.18 Whilst the development will inevitably increase the volume of traffic on the local road network, it is not considered that there will be a significant impact on highway safety and the additional vehicle movements will be absorbed into the road system without causing severe harm. The site is in a very sustainable location and well served by public transport and local amenities.
- 3.19 The development would give rise to highway alterations outside the application site. These entail alterations around the bus stop and the need to provide dropped kerbs, new footpath and the provision of a bus stop clearway painted on the road. The full details are provided in the Highway Safety Audit which is acceptable to the KCC Highway Officer.
- 3.20 In light of the above considerations, it is considered that the scheme would be acceptable in terms of highway safety and parking.

Residential Amenity

- 3.21 Representations have been made regarding the impact of the proposed development on the existing properties in Hyde Place and Queens Road. The impact on dwellings on Queens Road was one of the key reasons why amendments were sought on the scheme.
- 3.22 Paragraph 17 of the NPPF outlines that one of the core principles of sustainable development is to always seek to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings.

- 3.23 The application site is bordered by existing properties. The proposed layout of the site together with orientation of proposed dwellings has been designed and amended to take account of existing properties. The proposed apartment block was previously designed and orientated to respect existing dwellings in Queens Road; however the distance between the existing and proposed buildings was tight and could have created a sense of enclosure to the dwellings in Queens Road. Due to the slightly elevated position of the site in contrast to the dwellings on Queens Road, the situation would likely be exacerbated. The revised scheme has replaced the apartments with a terrace of three dwellings which are angled at approximately 90 degrees to the nearest dwellings (no.2 & 4) in Queens Road. The separation distance now ranges from 18m to 30m between existing and proposed buildings. In addition to the distance, the angle of the terraced block helps mitigate direct overlooking and a sense of loss of privacy. This part of the site has involved careful design as it is irregular in shape and in its relationship to the existing dwellings which back onto the site.
- 3.24 Plots 12 & 13 have been orientated such that the outlook is away from the rear of the closest dwelling (no. 2a Queens Road); there are no side windows in the elevation that is orientated towards this property. The properties 2a and 2b are set at a lower level to the application site and therefore it is the angling of the new dwellings which is critical in minimising the impact. On balance, it is considered that demonstrable harm would not be caused to these dwellings. Plots 14 and 17 have side/rear elevations which back onto gardens in Hyde Place; there are no openings in these elevations and there are separation distances of 21m -22m respectively to the rear of those dwellings in Hyde Place. Due to the absence of any openings there will be no loss of privacy afforded to existing dwellings and the distance is sufficient not give rise to oppressiveness or sense of enclosure.
- 3.25 Plot 1 has a side elevation at the rear of no. 3 Hyde Place, again the orientation mitigates the impact as no. 3 is at an angle on the corner of Dorman Avenue South and Hyde Place; there are no windows proposed on the side elevation of plot 1.
- 3.26 In light of the above, it is considered that, on balance, the proposed development could be delivered without unacceptably compromising loss of residential amenity to existing residents in terms of loss of light, outlook or privacy.

Ecology

- 3.27 Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 3.28 The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible." Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the

decision.” A preliminary ecological appraisal accompanies the application documents.

- 3.29 There are no ponds within 500m of the application site and it is not considered suitable habitat for great crested newts. The site has recently been cleared and is considered to have low ecological value. This being said, a precautionary approach should be taken with regard to full clearance of the vegetation and shrub borders. Mitigation is recommended with respect to the bird nesting season and the active period for reptiles.
- 3.30 The ecological survey makes suggestions for ecological enhancements as required by the NPPF. The recommendations include ornamental planting to provide a source of nectar and pollen for insects and berries for birds; bird nest boxes to be provided within the site; bat roosting opportunities and sensitive lighting design to minimise the impact on commuting bats.
- 3.31 The site is over the threshold of 15 units where development would be expected to provide mitigation against the cumulative impacts of development on the Pegwell Bay and Sandwich Bay SPA and Ramsar Site. The Land Allocations Local Plan sets out a mitigation strategy to avoid potential impacts brought about by cumulative development within the district, comprising a financial contribution to provide monitoring and wardening at Sandwich Bay and towards the Pegwell Bay and Sandwich Bay Disturbance Study. Should permission be granted, a contribution towards this mitigation will need to be secured by legal agreement. Consequently, it is not considered that the development would cause a likely significant effect on the SAC or SPA.
- 3.32 It is considered that the proposed development can be mitigated against such that ecological interests will not be harmed.

Flooding and Drainage

- 3.33 The application is accompanied by a Drainage Impact and Flood Risk Assessment Report. Southern Water advises that there is currently adequate capacity in the local network to provide foul sewage disposal to service the proposed development.
- 3.34 The submitted report provides an analysis of the use of a positive drainage system with a SUDS solution for the disposal of surface water discharge. An intrusive site investigation report has been prepared for the site which confirms that the use of shallow soakaways would be a viable solution for the site. An outline SUDS Design is included on the drainage strategy drawing as drawing 16633-A3-03. The SUDS solution is designed to cater for a 1in100 year return period with a 30% allowance for climate change.
- 3.35 The site falls within Flood Zone 1 (land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year) where residential development is acceptable in principle.
- 3.36 Therefore, in light of the above information, it is considered that there will be no adverse impact caused by the development with respect to flooding, foul and surface water matters. Planning conditions can secure the detailed elements.

Other Matters

Contributions

3.37 Requests have been received for financial and other contributions to be made through a S106 Agreement to enable the development to be granted planning permission. The CIL Regulations apply to planning obligations entered into under Section 106 of the Town and Country Planning Act 1990. Regulation 122 of the Regulations requires the obligation to be:

- (i) Necessary to make the development acceptable in planning terms;
- (ii) Directly related to the development; and
- (iii) Fairly and reasonably related in scale and kind to the development.

3.38 There is a request of £48.02 per dwelling sought by Kent County Council towards Aylesham Library book stock. It is stated that borrower numbers are in excess of capacity and to in order to mitigate against the development enhancements are necessary. As such the appropriate contribution should be secured.

3.39 Thanet Coast and Sandwich Bay Ramsar and SPA sites and Sandwich Bay SAC. Given the size of the development contributions would be sought per dwelling as follows.

No. of bedrooms	Total contribution
2 (x11)	£37.21
3 (x6)	£55.82

Total for proposed dwellings £744.23

3.40 The proposal gives rise to a need for additional open space. As detailed in the consultee section of this report, there is a scheme for a skate park to be provided by the Parish Council. A contribution towards this by the developer would meet the tests of CIL. The appropriate contribution would be **£5,414**.

3.41 Turning to the Council's policy with regard to the provision of affordable housing, developments of 15 and above dwellings would normally be expected to provide 30% on site provision. The larger scheme for 20 units proposed a block of six affordable apartments. However, having reduced the scale of the development to 17 units it would be unlikely that a housing provider would take on a couple of units within a development of this nature. Furthermore, Aylesham will be delivering a number of affordable units through the expansion phases and it is therefore considered justifiable to seek a contribution towards off-site provision.

3.42 Policy DM5 (Provision of Affordable Housing) of the Core Strategy states '*The Council will seek applications for residential developments of 15 or more dwellings to provide 30% of the total homes proposed as affordable homes, in home types that will address prioritised need, and for developments between 5 and 14 homes to make a contribution towards the provision of affordable housing. Affordable housing should be provided on the application site except in relation to developments of 5 to 14 dwellings which may provide either on-site affordable housing or a broadly equivalent financial contribution, or a combination of both. The exact amount of affordable housing, or financial contribution, to be delivered from any specific scheme will be determined by economic viability having regard to individual site and market conditions.*' Whilst this scheme falls above the threshold, consultation with the Council's Housing Officer supports this approach on this development.

3.43 Schemes of 10-14 units are covered by the Council's Affordable Housing SPD Addendum. The Addendum provides the basis on which the financial contribution should be calculated. The contribution is based on the OMV of the units and the GDV of the scheme. It falls to be considered whether the OMV figures provided are accurate as a contribution would ordinarily be sought to a value equivalent to 5% of the GDV. This will be the basis for securing and agreeing the level of off-site contribution.

3.44 All of the above contributions are CIL compliant.

4. **Conclusion**

4.1 In light of the above, taking into regard the tilted balance, it is considered that the proposal is acceptable.

4.2 The proposal would not result in demonstrable harm to the character of the area, residential amenity, highways or ecology. The proposal represents a highly sustainable form of development and would bring about public benefits by providing much needed affordable housing contribution.

4.3 Overall the development is consistent with the aims and objectives of the NPPF and Development Plan. At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through plan making and decision taking. In achieving sustainable development, the proposal would perform a social, economic and environmental role in line with the objectives of paragraph 7.

4.4 For the reasons given above it is considered that this application is acceptable, and as such that Members give this proposal favourable consideration, and grant delegated powers to approve, subject to the completion of a suitable S106 agreement, and the imposition of safeguarding conditions that relate to the matters set out below.

g) **Recommendation**

- I Subject to the completion of a S106 Agreement PERMISSION BE GRANTED subject to conditions to include: 1) time limit; 2) approved plans; 3) samples; 4) cycle and bin storage; 5) parking/turning; 6) construction management plan; 7) archaeology; 8) foul and sewage disposal details; 9) landscaping scheme; 10) landscape implementation; 11) details of finished ground floor levels; 12) finished surfacing to vehicle and pedestrian access routes, parking areas, kerbs; 13) SUDS management; 14) hard and soft landscaping; 15) ecological enhancements; 16) details of boundary treatment; 17) submission of external lighting; 18) contamination; 19) PD rights windows
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and the S106/legal agreement and matters in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Amanda Marks