

- a) **DOV/19/00821 – Section 73 application for variation and removal of conditions in relation to planning permission 15/00068. Variations in respect of 1 (amended drawings), 58 (phasing), 62 (numbers of dwellings), 66 (design addendum), 71 (Travel Plan), 72 (Village Traffic Impact Assessments), 73 (Junction Improvements), 82 (ecology), 83 (ecology), 84 (ecology), 85 (ecology), 95 (allotments), 99 (playing pitch at Hill Crescent), 100 (surface water details), 112 (sound insulation), 121 (construction method statement). Removal of conditions 2-56 (full permission), 61 (sales marketing), 65 (live work units), 67 (phasing plan), 69 (public realm management), 70 (maximum number of vehicle parking), 74 (road details), 77 (sight lines), 78 (sight lines), 80 (underground services), 92 (earthworks), 103 (soakaway suitability), 104 (code for sustainable homes), 105 (BREEAM), 106 (renewable energy statement), 107 (live work units), 108 (workforce scheme), 109 (waste management plan), 110 (site environmental plan), 113 (traffic noise mitigation), 122 (construction method statement) - Aylesham Village Expansion, Aylesham**

Reason for report: Number of public representations

b) **Summary of Recommendation**

Planning Permission be granted.

c) **Planning Policies and Guidance**

Core Strategy Policies

- CP4 - Developments of 10 or more dwellings should provide 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 to less than 30dph.
- CP6 - Development that generates a demand for infrastructure will only be permitted if the necessary infrastructure is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM5 - Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- 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.
- DM12 - Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation.
- 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.
- DM25 - Proposals that result in the loss of open space will not be permitted unless certain criteria are met.

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.

Dover District Local Plan 2002 (Saved Policies)

- AY1 – Land is allocated for up to 1000 dwellings, petrol filling station, formal playing fields and associated children’s play, employment land, a primary school and food retail.
- AY2 – An outline proposal for the strategic expansion of Aylesham should cover the whole development area and be accompanied by and based on a master plan.
- AY3 – Proposals for residential development in the development area will be permitted provided: the overall net density shall be at a minimum of 30 dwellings per hectare; at least 15 percent of all dwellings are for affordable housing; provision is made for children’s play; and the development has variety in design, is energy efficient and avoids standard estate layouts.
- AY7 – Sets out requirements for structural landscaping and long term management of all open space.
- AY8 – Land is allocated to meet additional primary school provision.
- AY10 – Proposals will not be permitted unless they include provision for a spinal footpath and cycle network, extending where practicable into the existing settlement.

Aylesham SPG 2005

- A supplementary planning guidance document aims to guide and inform the physical aspects of the development to bring about high quality cohesive place that will be perceived as a carefully considered whole rather than an isolated village expansion.
- The SPG defines a masterplan and the preliminary design code for a number of opportunity sites in the village. The document does depart from some of the policies set out in the Dover District Local Plan (2002 saved policies), but these changes are given reasoned justification. The proposals contained within this application are considered to be in line with the masterplan strategies.

Aylesham Design Code

- The Design Code is a guide for developers, setting out best practice, and codes for the delivery of the vision for Aylesham. It builds on the Aylesham masterplan document adopted in 2004 and published in 2005 which set out to: ‘regenerate and expand the village to provide a seamless integration of new and existing uses, creating a strong and vibrant community centred on walkable, interconnected and sustainable neighbourhoods.’
- In pursuit of the above, the Design Code provides an illustrative masterplan from which developers could plan individual parcels of land. Detailed advice was provided for in each development area including such issues as: analysis of character areas; building typologies; street types; detailed design approach; landscaping and open space and environmental standards.

- Current phases of the development to date have largely followed the approved design code, subject to minor variations to allow for specific site conditions.

National Planning Policy Framework (NPPF)

- Paragraph 2 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 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.
- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are no relevant policies or the most important policies for the determination of the application are out of date, then also granting permission 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.
- Paragraph 59 states that the Government’s objective is to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing.
- Paragraph 97 states that existing open space should not be built upon unless: an assessment has clearly shown the open space to be surplus to requirements; loss would be replaced by equivalent or better provision in terms of quantity and quality; development is for alternative sports and recreation provision which outweighs loss.
- Paragraph 109 – states that development should only be refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts on the road network would be severe.
- Paragraph 124 states that the creation of well designed buildings and places is fundamental to what the planning and development process should achieve.
- Paragraph 127 sets out the principles to achieve high quality design, including: developments that will function well and add to the overall quality of the area; visually attractive; sympathetic to local character and history; establish a strong sense of place; optimise the potential of the site; and create places that are safe, inclusive and accessible.

d) Relevant Planning History

The site has an extensive planning history relating to the various phases of the Aylesham Village Expansion, including numerous amendments to previous consents. The following applications are those which are considered to be materially relevant to the current application:

DOV/07/01081 granted in 2012 – A) A full application for residential development for 191 dwellings of which 20% will be affordable; all associated works and infrastructure, together with new shops and apartments; alterations to existing shops and apartments; landscaping to existing streets and public open spaces including Market Square; the formation of new public open spaces; upgrade of sports pitch and provision of changing facilities at Ratling Road; formation of squares and a strategic play area; traffic

management schemes and new car parking areas; other landscaping works; temporary works and access; construction compounds and off-site highway works: and

B) Outline application for a residential development of up to 1210 dwellings; associated infrastructure and works, including new and enhanced sports and leisure grounds and facilities; new shops and apartments with alterations to existing shops and apartments; temporary construction access and compound areas; an area of live/work units; new and altered roads; parking facilities and traffic management within and nearby to Aylesham village.

Since the original grant of permission, a number of applications to vary the conditions were submitted including 14/01206, 14/00338, 14/00759 and 13/00120. The latest application was variation of conditions under application no 15/00068 which was granted in 2015. Each time conditions are amended, a new outline permission is created but in the meantime, the original permission has been part implemented through the approval of Reserved Matters for the various early phases. This is important in that the original permission remains extant and therefore is capable of being fully implemented should the developer so desire (subject to approval of reserved matters) notwithstanding whether there have been any changes in government or local development plan policy in the meantime.

e) **Consultee and Third-Party Responses**

Public Representations – 5 responses have been received objecting to the application, for reasons which may be summarised as follows:

- Increase in traffic – potential for rat runs through villages
- Loss of open space
- Need for more amenities in area
- Social housing should be retained
- Original conditions should be retained
- Too much profit being made by developers
- Climate friendly project being changed to profit led development
- Loss of informal footpath to Cooting Road
- Development in phase 2C would be very close to adjoining industrial works

Aylesham Parish Council – concerned about potential noise nuisance on Cooting Road parcel of land; no social housing; parking condition should be re written; questions why sustainable homes condition is being removed.

Wingham Parish Council – objects on the grounds that traffic has not been adequately assessed since the surveys of 2014. Concerned about congestion at junction of Red Lion with A257 which is already congested.

Shepherdswell Parish Council – considers that SPA mitigation is required.

Ward Councillor – supports Aylesham Parish Council comments and is concerned that social housing has been replaced by affordable housing. Priority for S106 monies should be that they go to Aylesham.

Technical Representations

Network Rail – No comments.

Kent Police Crime Prevention Officer – Makes a number of recommendations regarding detailed layouts aimed at reducing impact of crime.

Kent County Council Archaeological Officer – No specific comments and notes that the overall archaeological framework for the development area has been previously agreed.

Southern Water – No objections.

Kent County Council Rights of Way – Notes that current discussions being held with developers in relation to diversion of existing public footpaths.

Kent County Council Lead Flood Authority – No objections to proposals for surface water discharge.

Natural England - No comments on removal of conditions. Would wish to be re consulted if adverse impact upon natural environment.

Environmental Health – Concerns about potential noise from industrial units in relation to proposed development on the Cooting Road parcel. Noise assessment needs to be carried out.

Environment Agency – No comments.

Kent County Council Development Contributions – The following contributions have been requested as an update to categories of contributions previously agreed as part of the current S106 Agreement. Primary education - £224,370; secondary education £277,790; Health Centre rental £36,268; Independent living technology £1,301; Library contributions £8,317.50; Youth provision £9,825; community learning £2,463; Improvements to waste recycling centres £13,908. Further requests are made to ensure provision for wheelchair adaptable dwellings and for the installation of high speed fibre optic broadband.

Planning Casework Unit, Department for Communities – Responding on behalf of the Secretary of State in relation to being consulted on the Environmental Impact Assessment Addendum, the casework unit has no comments to make.

Highways England – Following receipt of revised plans/ information no objections are raised towards phasing. Previous concerns regarding traffic generation have also been satisfactorily addressed following further traffic surveys in December 2019 and clarification on methodology used. In particular it is noted that based on actual surveys there is a reduction in around 30 two way trips for both the am and pm peak than was originally envisaged and consequently there are no further comments. Although some amendments such as deletion of the proposed live/work units, may increase traffic generation, impacts are likely to be small. No objections are raised to the revised Travel Plan. In summary Highways England is satisfied the proposals will not affect the safety, reliability or operation of the Strategic Road Network and consequently no objections are raised.

KCC Highways - Following receipt of revised plans/ information, KCC Highways accepts that on the basis of actual surveys carried out in December 2019, numbers of overall trips from 1360 dwellings would be less than previously assessed and agreed for 1210 dwellings. Overall it is considered that the proposal would be unlikely to lead to a greater number of trips on the highway network than that anticipated when the 2007 application was approved. The amended Travel Plan is acceptable. Details relating to junction alterations are considered satisfactory. Proposed alterations to the Cooting Road link are considered acceptable in principle although further amendments are required in relation to pedestrian safety crossing Cooting Road. Re assurance is requested that details of roads, visibility splays etc are covered in other conditions. Finally, the comments of Wingham Parish Council are noted, and it is advised that the concerns will be considered in the next Village Traffic Impact Assessments submitted with future detailed housing

phases. In that respect, it is noted that updated traffic surveys for these have been delayed by the Covid 19 pandemic.

Sport England – Raises no objections to the proposal.

- f)
1. **The Site and the Proposal**
 - 1.1 The application site comprises the Aylesham Village expansion area which includes the existing village of Aylesham itself, together with the new development areas which mainly lie on adjoining land to the north of the built up area. The total area of expansion is approximately 56 hectares, compared to the original village size of approximately 120 hectares. The overall site is broadly bounded by the Adisham Road (B2046) in the north, Cooting Road to the west, Spinney Road to the South and Ratling Road to the east. Development of the early phases is well underway and over 700 houses and flats are now occupied together with supporting infrastructure such as shops, open space, new roads and play areas.
 - 1.2 Because of issues of viability as construction has gone on, and in order to respond to current market conditions, the developers now propose a number of changes which form the basis of the current submission. These include: an increase in the overall number of units by 150 from 1210 to 1360; removal of the requirement for live/work units; amendments to the phasing plan, including the relocation of proposed allotments; and an increase in the amount of affordable housing on the site from 20% to 22% (58 out of the proposed 150 units).
 - 1.3 The application has been submitted as an application to vary conditions under section 73 of the Planning Act. In addition to other conditions listed above, the fundamental one is condition 2 of 15/00068 which limits the total number of units to 1210. Although this is a slightly unusual procedural route, following legal advice submitted by the applicants in support of such a process, officers consider it is valid and have processed the application accordingly. As referred to above, in effect, a new permission would be created if members accept the officer recommendation, and therefore can be subject to new conditions as well as any required S106 Agreement relating to developer contributions. The assessment is therefore fully subject to new considerations although clearly the existing extant outline permission and completion of early phases remain material considerations which carry significant weight in the decision making of this application. Members are asked to bear that in mind in reaching a decision.
 - 2 **Main Issues**
 - 2.1 The main issues are:
 - The principle of the development
 - Conformity with the SPG and Aylesham Design Code
 - Affordable Housing
 - Open Space provision
 - Environmental Impact Assessment addendum (Traffic, Noise and Air Quality)
 - Ecology
 - Development Contributions
 - Other Matters
 - Variation and removal of conditions

Assessment

Principle

- 2.2 The proposed increase in housing units is all to be accommodated on land already identified for development and included within the extant outline permission. In particular no new greenfield land is proposed for additional housing, there would be no loss of any identified open space and all proposed Strategic Infrastructure works will be undertaken. As such, it is considered that the additional housing would remain consistent with saved policies in the 2002 Local Plan, with the exception of policy AY1 which relates to the overall numbers of units.
- 2.3 In terms of housing supply, whilst the Council is currently able to demonstrate a five year supply with regard to allocations and permissions, its actual rate of housing delivery is below the Government's Housing Delivery Test. Given that construction is well advanced and that some of the future phases at least are likely to continue at current rates, any boost to both supply and actual delivery is to be welcomed. This is consistent with advice within the NPPF which says that proposals should make efficient use of land, taking into account the need for development and market conditions.
- 2.4 The deletion of the area previously identified for live/work units arises because of the developers report a lack of any local demand. This is backed up by work being done on the review of the Local Plan where the 2017 Strategic Housing Market Assessment (SHMA) indicates that there is little actual demand for such units. Additionally, a number of the larger units already built and those in later phases, include provision for smaller bedrooms which could also be utilised for homeworking if required. Future phases will include a mix of housing and size of units so this opportunity will continue to be available. Accordingly, it is not considered reasonable to insist on the provision of live/work units. Instead, it is proposed to develop that area for wholly affordable housing, which has sometimes been difficult to deliver on other housing sites and is therefore to be welcomed in principle. This is considered in more detail below.
- 2.5 The anticipated breakdown of house types from the increase in numbers is likely to be 110 flats and 40 houses. This has been demonstrated through Reserved Matters submitted to date, but not determined, and informal layouts for future phases. Such a mix responds to market conditions which is indicating a higher demand for smaller units, but in overall terms a variety of housing types and size would still be present throughout the development, consistent with the original SPG and Policy CP4 in the Core Strategy.
- 2.6 The proposed changes in phasing reflect a more logical continuation to building on adjacent sites which will enable a smoother transition between construction projects. There is no radical departure from the originally approved phasing in that the same areas for development are included, together with indications as to when Strategic Infrastructure such as play areas and open space will be delivered.
- 2.7 Drawing the above together, provided that more detailed considerations are acceptable in terms of built form and other technical issues, which are considered below, there is no objection in principle to the proposed increase of 150 units.

Compliance with SPG and Design Code

- 2.8 The increase in the 150 units is to be achieved by a total of 48 affordable units on phase 2C, with the remaining 102 units spread between 4 other phases. As referred to above, the majority of these will be flats with the increase in numbers achieved through a combination of smaller units than previously approved and slight increases in height.

- 2.9 In support of these increases, schematic plans have been submitted to show how increases in density and storey height would impact on the development as a whole. In terms of density, the main increases would be along road frontages in areas already identified for higher density development in both the SPG and the Design Code. These would be similar to the areas of development already completed for parts of phase 1 such as Dorman Avenue North. Visually therefore there will be no significant difference given the spread of units throughout the whole area. The exception would be for phases 2D and 2E where a slightly higher density is proposed than originally envisaged. However, such a density would be directly comparable with adjoining existing built development and would therefore not look out of context. Similarly, in terms of storey heights, the majority of development will continue to be two storeys, but with pockets of three storey buildings at key vista points such as at the end of a road or area of open space. Again, this is consistent with guidelines already within the Design Code and has taken place in the early phases of the development.
- 2.10 The detailed implications of the increase in numbers and any three storey heights will be assessed in individual Reserved Matters submissions, three of which have currently been submitted in respect of phases 2B.2, 2C and 2D. Although these are yet to be determined, early assessment of the overall layouts demonstrate that the minor increases in density and storey heights can be accommodated without conflict with the approved SPG or Design Code. Should that not be the case however, either with the existing submissions or for the future submission of Reserved Matters, there would be a separate decision making process in place for the Council to consider the merits or otherwise of those application submissions. The current development proposal therefore relates more to the principle than the detail.
- 2.11 Schematic plans have also been submitted to show that proposed changes to phasing and increase in numbers will not affect issues such as disposition of land uses and overall pedestrian connectivity. Some changes are proposed from the previously agreed masterplan. In particular, the proposed allotments will now be at the north eastern end of the site adjacent to Ratling Road and a proposed community woodland area. These are considered to be acceptable and as above, the detailed considerations will be addressed through either separate Reserved Matter submissions, or through individual discharge of conditions.

Affordable Housing

- 2.12 The original approved SPG required that the development provide 20% of the total number of dwellings as affordable dwellings. Policy DM5 of the Core Strategy would now increase that figure to 30%, but the development to date has been built in accordance with a 20% provision target since that forms the basis of the approved outline permission and supporting documents. The principle has also been that the design of the buildings would not differ from that of the market housing with the same house types and materials being used. As such, the affordable housing areas would be indistinguishable from the market housing.
- 2.13 The phases to date have delivered 169 affordable dwellings in keeping with the principles outlined above. In looking at a revised strategy, the developers are proposing an increase to 25% affordable for the remaining phases so that eventually the overall level of provision will be 300 new affordable dwellings which equates to 22% of the overall total.
- 2.14 Such an increase is to be welcomed given the difficulties of delivering affordable housing generally, as referred to earlier. Although phase 2C with 48 dwellings is proposed to be wholly affordable, the limited size of the site and the inclusion of a

number of flats would make it difficult for integration with open market housing as has been done elsewhere. However, the site directly adjoins existing residential areas and the design approach will be the same as the remainder of the new development in terms of architectural style, detailing and use of materials.

- 2.15 With regard to concerns expressed by the Parish Council and Ward Councillor in terms of loss of social housing, that is not the case as indicated above. It is primarily a question of terminology and the management of the affordable housing will still be delivered through appointed Registered Providers who will ensure that the provision of different tenure types will be available at less than market prices. This is normal practice and has been the case for the existing early phases of development. Condition 64 of the current outline permission will remain in force which requires approval of details of tenure type and management arrangements by an affordable housing provider.

Open Space

- 2.16 The original outline permission was accompanied by an Open Space, Sport and Recreation Study. This set out details of where areas of informal open space, formal areas and also play areas were to be located throughout the development. Since that time there have been some alterations to formal play areas in particular with the deletion of formal playing pitches at Aylesham Primary School, Ratling Road, and Crescent Hill Park. The first two were agreed by the Council in 2014 on the basis that there would be financial contributions towards further formal playing space through a revised S106 Agreement. This was subsequently included and those monies remain available. The deletion of the junior pitch at Crescent Hill Park has recently been proposed on the basis that recent studies have shown it would not be suitable for a formal playing pitch. Instead, the intention is that this would become informal open space together with the inclusion of a formal children's play area.
- 2.17 Because of the above, the applicants were requested to provide an up to date analysis of open space in accordance with the standards set out in Policy DM27 of the 2015 Housing Allocations Plan. That policy provides the standards to be provided for various types of open space based on hectares (ha) per 1000 population.
- 2.18 The analysis demonstrates that even allowing for the additional 150 dwellings, the overall level of provision of open space throughout Aylesham exceeds the standards by 2.22 ha. Breaking that down into the various component parts, the level of informal accessible open space exceeds the standards by 2.96 ha whilst equipped children's play areas (of which there will be four throughout the development in addition to a skateboard park) exceeds the standards by 1.61ha. The provision of allotments and community gardens is slightly below standard with a deficit of 0.71 ha. However, the proposed new allotment site will be larger and more usable than the previously agreed site which was on a narrow strip of land between two rows of existing houses.
- 2.19 In terms of formal outdoor open space provision, the analysis shows that there would be a deficit of 1.63 ha when assessed against current standards. In that respect, a recent draft report for the Council to look at a review of the current playing pitch strategy has identified the existing 3G pitch at Aylesham Welfare Sports Ground as in need of upgrading. Following discussions with officers, the developers are therefore proposing a short and long term strategy to address formal outdoor space provision.

- 2.20 In the short term a financial contribution of £97,758 will be provided on the back of the current proposal for the increase in 150 dwellings, in order to fully fund the upgrading of the 3G pitch. In the longer term, further discussions will be held with the operators of the welfare sports ground in order to assess the potential for future formal sports provision on that site and to ensure it can operate on a commercial and sustainable basis. Existing financial contributions for formal sports provision which have either been submitted already, or are due upon formal completions of future phases, can then be used towards the provision of such facilities. However, it is recommended that the scope of use for those contributions be widened slightly in the revised Section 106 to relate to sport and leisure purposes generally. This would give greater flexibility depending upon the extent and range of need established, including community driven projects discussed below. That process has now commenced, and discussions are underway to appoint consultants to carry out the necessary appraisals. Officers are supportive of such a strategy as a means of ensuring a satisfactory level of formal sports and leisure provision within the Aylesham development, to serve both the existing and new residents on a long term basis. Members will also note that Sport England raises no objections to such an approach.

Environmental Impact Assessment – Transport, Air Quality and Noise

- 2.21 When the original planning application was submitted for the expansion of the village (application 07/01081), it was accompanied by an Environmental Assessment to consider all the various environmental effects associated with the development. These were taken into account in the decision to grant planning permission. An addendum to that Environmental Statement (ES) was subsequently submitted in connection with a variation of the original permission in 2013 (application 13/00120). A second addendum to the ES has been submitted in relation to the latest proposal and it was agreed with officers, through a formal scoping opinion, that any additional likely impacts would arise from traffic and transport, air quality and noise. Accordingly, the revised ES addendum considers those topic areas.

Traffic and Transport

- 2.22 The 2008 transport assessment which accompanied the first master plan collected traffic data from eight sites on the local road network. Applying that data to nationally accepted TRICS (Trip Rate Information Computer System) rates, traffic flow forecasts for the originally approved 1210 dwellings were then calculated. These showed that it was anticipated that the proposed development of 1210 dwellings would generate some 750 vehicle movements in the am peak and 786 in the pm peak. Such traffic flows were considered to be acceptable on the local road network, subject to certain improvements at various junctions. A transport assessment submitted with the current application updated the survey information with additional surveys at two locations. This showed that results were not dissimilar from the 2008 study and with various junctions having been improved since, it demonstrated that the roads and junctions would have spare capacity to accommodate additional vehicles and that no further mitigation was necessary.
- 2.23 In order to gain a more accurate picture of actual traffic movements bearing in mind that over half the development is now complete and occupied, Highways England and KCC Highways requested more up to date survey information which assesses the actual and projected trip generation. This was carried out in December 2019 using a completed occupancy of 747 dwellings and based on survey data using camera technology. However, the actual occupancy rate at that time from Council records shows that a total of 722 dwellings were occupied. Applying the data recorded to the trip rates, KCC estimates that even for the

projected increase of 150 dwellings and therefore a total of 1360 dwellings, the projected increase in traffic movements would be 723 movements in the am peak and 737 in the pm peak.

- 2.24 Clearly that would be less than originally allowed for in terms of overall traffic generation and which has been accepted by the Council in terms of impact on the local highway network and nearby junctions. On that basis, KCC does not consider that the proposed increase in 150 dwellings would have any significantly greater impact in highway terms. Members will note that Highways England also accepted the revised traffic predictions and similarly raises no objections in terms of any increased impact upon the Strategic Highway Network.
- 2.25 Whilst the overall increase in numbers of vehicles from the additional 150 dwellings is considered to be acceptable, there may be variations in terms of trip distribution around surrounding roads which may alter local highway conditions or junctions. Wingham Parish Council for example has expressed concern about the impact of additional traffic at the junction of the B2046 with the village at the former Red Lion public house. Although some increase in traffic at that junction was always anticipated and expected, it may be that the precise levels have changed because of driver behaviour not predicted at the time. For this reason, condition 72 of the current permission requires Village Traffic Impact Assessments (VTIA) to be submitted with each phase of development to identify impacts upon surrounding villages. Such assessments also require details of any necessary traffic mitigation measures to be implemented.
- 2.26 The condition is to be retained but proposed to be amended as it was considered onerous for a full assessment for each phase if only a limited number of additional dwellings were proposed. Updated surveys were planned for April /May 2020 but have been suspended because of the national pandemic. It is likely that these will be carried out in September 2020. However, the key point is that for future detailed phases of development, the assessments will pick up any variation in trip distribution that was not originally anticipated, and if necessary, provide for any mitigation that might be required.

Air Quality and Noise

- 2.27 In relation to Air Quality, detailed modelling and predictions were carried out which were compared to the original forecasts relating to potential increases in air pollution arising, primarily from traffic generation. These were in relation to the development generally, and in particular to Aylesham Primary School. Additional impacts were shown to be negligible and no additional measures were identified as being needed, arising from the increase in the numbers of dwellings proposed.
- 2.28 With regard to Noise, the approved 2008 ES and the first addendum to that ES demonstrated that subject to suitable mitigation, there would be no significant adverse effects arising. The updated ES also concludes that would largely be the case, including the proposed changes to the phasing of development. In relation to the proposed change of the live/work units to standard residential development on phase 2C, the analysis shows that there would be no change in noise considerations due to traffic generated noise. However, there might be some potential effects arising from existing industrial sound which would need to be considered further. Representations have raised similar issues.
- 2.29 In order to address the above, a noise assessment survey for the Cooting Road parcel of land has been submitted with the application documents which demonstrates that subject to satisfactory mitigation measures in terms of layout, careful positioning of window openings or acoustic glazing, the impact would be

acceptable in relation to adjoining industrial noise. The precise details would depend upon the detailed layout and would be further assessed with the Reserved Matters submission for that phase. However, it demonstrates that some form of residential development would be acceptable on that part of the site and would comply with national standards in relation to noise.

Ecology

- 2.30 The Conservation of Habitats and Species Regulations 2017, Regulation 63 requires that an Appropriate Assessment be carried out. It is for the council, as the 'competent authority', to carry out the assessment. The applicant has supplied information which has been used by the Council to undertake the assessment.
- 2.31 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.32 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.33 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.34 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.35 For proposed housing developments in excess of 14 dwellings (such as this application in relation to the proposed increase in 150 dwellings) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The applicant secured a payment to fund this mitigation at the outline application stage.
- 2.36 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

Development Contributions

- 2.37 The original development was approved with a S106 Agreement which related to a range of development contributions paid for by the developer. These were considered to be necessary in order for the development to be acceptable and

without creating an unreasonable burden on community infrastructure. Revised S106 Agreements have carried these contributions forward with various amendments. The current Agreement signed in 2015, provides for just under £5 million pounds in total in terms of various contributions, and well over that figure when index linked to the actual payment of such contributions. In that respect, the existing Agreement contains a number of trigger points, based on numbers of units being occupied, which then provides for phased payments of the various contributions. To date, contributions have provided for key infrastructure such as the rebuilding of Aylesham Primary School, contributions towards secondary education in the District, rental of rooms within Aylesham Health Centre, the funding of a Community Development Officer to assist the integration of new residents with the existing community, a youth project, the provision of a skate board park and an artificial grass playing pitch.

- 2.38 Significant monies remain to be allocated because detailed projects such as those relating to sustainable transport, have not yet been finalised, or the payment has not yet been triggered. However, the key point to note is that with the exception of contributions geared towards secondary education (because there are no secondary schools within Aylesham) all other contributions have or will be spent in Aylesham itself.
- 2.39 Since the nature of the development has not significantly changed in terms of it being anything other than housing, and that there will continue to be a similar housing mix, albeit with a higher proportion of smaller properties, the framework for existing contributions was used as the basis for updating additional contributions required in connection with this development. As part of that process, officers have sought to make sure that all the contributions requested would be compliant with the Community Infrastructure Levy (CIL) Regulations and the policy tests set out in the NPPF. Essentially, contributions are required to 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.
- 2.40 With the above in mind, officers and the developers have now agreed the following list of additional contributions as being necessary to the development and satisfying the CIL and NPPF tests. The figures include some index linked adjustments where original figures have been used and the formal Agreement will make sure that the index is applied to all future payments : 1) Continuation of contributions to the funding of the Community Development Officer post - £32,513; 2) Contributions for primary education in relation to an additional one form entry at St. Joseph's primary school (to be used in conjunction with existing contributions) - £224,370; 3) Additional contributions to secondary education - £277,790; 4) Continuing contributions towards rental of rooms in the Health Centre to facilitate occupation by Carers Support for East Kent - £43,632; 5) Digital Care technology for the elderly in Aylesham to enable them to live independently in their own homes - £1,565; 6) Additional contributions towards library books in Aylesham library - £8,317; 7) Additional contributions towards sustainable transport - currently identified towards increased bus provision connecting Aylesham with Dover and Canterbury - £87,992; 8) Additional contributions towards mitigation for the Thanet and Sandwich Bay Special Protraction Area - £8,948; 9) Contributions towards Adult Education services within Aylesham - £2,463; 10) Contributions towards the replacement of the existing 3G pitch at Aylesham Sports Ground as referred to earlier in the section on open space provision - £97,758. 11) Additional contributions towards maintenance of existing approved public realm, primarily arising from increased wear and tear from a further 150 houses. All maintenance of open space is now to be carried out by the District Council. Detailed figures are awaited but a pro rata increase of the previous level of contributions towards public

realm would amount to £193,693. The final figure is likely to be significantly less but has been allowed for at this stage for the purposes of viability calculations.

- 2.41 In addition to the above, KCC had also requested a contribution of £13,908 relating to improvement works at recycling centres in Dover District, aimed at increasing their capacity. This is a fairly new request from KCC and the detailed justification is due to be circulated shortly in a revised Development Contributions consultation document due out this summer. Until that has been assessed and the District Council comes to a formal view on the matter, officers consider that it would be unreasonable to require such a contribution in relation to current developments, including this proposal. With regard to the request for wheelchair accessible dwellings, the current agreement allows for the provision of 4 one bedroom homes designed specifically for wheelchair occupants, and this will be carried forward in the revised Agreement.
- 2.42 The total of the above amounts to a further £991,331 making a total of nearly £6 million of contributions which the total development will have provided for the wider Aylesham community by the time it is completed. The latest requirement for contributions will be incorporated within a revised S106 Agreement.

Community Bids for S106 Contributions

- 2.43 When it became known that the current application would attract further development contributions, a series of bids emerged from local community groups for funding towards local projects. Officers were aware of potential interests and advice was given prior to bids being made that any such requests would need to meet the requirements of the CIL Regulations. In addition, it would need to be understood: when any funding allocated would actually be used; how any project would be delivered; if a request was for the whole funding; and at what stage the project was at i.e. if the project couldn't be delivered, it wouldn't meet the CIL test of making the development acceptable in planning terms. It was also advised that should bids come forward, it would be necessary to consider whether other services/facilities existed locally that might be capable of meeting the need identified.
- 2.44 Four such bids were received which are as follows:
- A community hub proposal to provide a facility that meets the needs of all age groups and where people can meet for entertainment, the arts and family recreation. This is a well developed proposal by a group calling itself Aylesham Hub Ltd. which is registered as a Charitable Community Benefit Society. The details of the project's total costs and funding opportunities are considered to be commercially sensitive by the Group who have asked that they should not be shared. However even with a sizeable request for S106 monies, it is clear that there would be a significant funding gap to deliver the project.
 - Additional funding for the existing Sunshine Corner Nursery at Aylesham Primary School but with no specified amount.
 - A request for £20,142 from Nonington Parish Council towards speed reduction measures on the road through the village. The amount relates to the various component parts identified, such as warning signs and road build outs.
 - A variety of ideas from a member of the public including provision of water butts and washing lines for new houses, improvement to the Co-op car park, an updated street plan of the new development, addition of bus shelters, a new post box, relocation of the library and a new public house.
- 2.45 Whilst all the above bids are interesting ideas and community driven, they are either not yet sufficiently developed, proven to be necessary or fully funded to

satisfy the various CIL Regulations identified above. They are also outside of the main areas of the Development Contributions framework previously established for the development to date, for which there has been established and ongoing proven need. However, that is not to say that they should necessarily be discounted at this stage in that the projects identified or parts of them at least, may come forward in connection with the main contribution headings indicated above, subject to further work being carried out on funding, proven need and deliverability. For example, in connection with the community hub, there is already a substantial sum from existing contributions set aside for a new sports hall and it may well be that the two projects could be combined in some way if the definition of the existing contributions is widened to include reference to sports and leisure purposes generally as previously mentioned. The deliverability of such a project would need to be the subject of further investigation. With regard to the request for traffic management measures, the requirements could potentially come forward from the detailed village traffic management assessments referred to earlier, should that requirement be proven, whilst nursery funding could potentially fall within either the education or youth provision headings.

- 2.46 At this stage, officers advise that the contributions listed earlier should be the main ones required of the developer as meeting the full test of CIL requirements. Additionally, officers would point out that the Development Contributions Executive Committee (DCEC) may also have a part to play in this process. The role of this committee is to advise where there are competing priorities for development contributions or where there are competing projects, and to make recommendations to the Executive or Planning Committee accordingly. Indeed, this was how the existing skateboard park on Abercrombie Garden East was delivered. Officers consider that the DCEC would be best placed to deliberate further on any emerging community bids should they be in direct conflict with other projects arising from the established framework of contributions, and therefore it is not necessary to decide on them in any detail in connection with the current proposal.

Other Matters

- 2.47 A detailed flood risk assessment has been submitted which notes that the area is in Flood Zone 1 and has a low annual probability of flooding from fluvial sources. Since the houses will be set slightly above ambient ground levels, no flood mitigation measures are proposed. Previous surface water discharges have been from shallow soakaways and deep bore soakaways, and it is anticipated this will continue, together with a continuation of existing SUDs methods, including storage of storm water. Foul drainage will be routed into the foul sewerage network by gravity. Overall, the development will follow principles already established with preceding phases and no additional issues are anticipated.
- 2.48 A detailed travel plan has been submitted which outlines proposals to encourage users to travel by alternative means of transport, including rail, bus and cycling. Targets are included within the Plan, including monitoring and review, and it will remain 'live' for the duration of the development. The Travel Plan includes reference to sustainable design improvements throughout the site to encourage cycling and walking, traffic calming, enhancement of facilities at the railway station and bus improvements. In respect of the latter, reference is made to the substantial S106 funding of £590,000 towards such provision. Travel Plan co-ordinator's have been appointed and welcome packs provided for new residents. KCC made some initial comments in relation to the original submission but is now supportive of the revised Travel Plan.

- 2.49 In respect of other highway matters, the current proposals include amending a section of the Cooting Road link to Boulevard Courrieres to allow two way vehicle movements. The reason for this is that the bus operator does not use the previously agreed restriction for buses only on a two way basis. KCC is satisfied that it would not have any significant impact upon traffic flows or the highway network, subject to further details on pedestrian crossing safety. This is currently being finalised at the time of report compilation. KCC is also satisfied that submitted highways evidence shows that it is no longer required to have any alterations to the junction of Spinney Lane with Adisham Road, or to the Woolage village junction.
- 2.50 At the time of report preparation, the phasing numbering is in the process of being amended to reflect the land agreement. This is purely an administrative purpose with no planning implications, the delivery and size of each phase being the same. Revised plans and documents will be updated accordingly prior to the formal issue of any decision.

Variation and Removal of Conditions

- 2.51 The current hybrid permission granted under 15/00068 has 123 conditions attached to it. Some of these are required to be amended as a result of this application, such as the condition limiting total numbers of units. Others such as those relating to the full permission are no longer relevant since that section has been fully built out. For others, the opportunity has been taken to review the list of conditions in the light of recent construction and experience to date and to either remove those no longer necessary or revise/combine others so that future discharge of conditions will be more manageable. The details are as follows:

Condition 1 – *Approved plans* – to be updated accordingly

Conditions 2-56 – to be removed as they relate to the full permission for the early phases which have now been built out.

Conditions 58 & 67 – *Both relate to phasing*. To be combined and updated.

Condition 61 – *Marketing accommodation* – No longer required as no further marketing centres proposed.

Condition 62 – *Total number of dwellings* – To be amended to reflect the increase from 1210 to 1360 dwellings.

Condition 65 & 107 – *Live/work Units* – To be removed as lack of demand is accepted.

Condition 66 – *Design Code* – Amended to reflect updated Design and Access Statement submitted with this application.

Conditions 68 & 69 – *Public Realm maintenance and management* – Remove as it has now been agreed that DDC will manage all areas of open space on the site, paid for by a commuted sum as part of the S106 Agreement.

Condition 70 – *Parking spaces total* – Remove as parking considered as part of assessment for each Reserved Matter submission.

Condition 71 – *Travel Plan* – Amend to compliance only as Travel Plan for the remainder of the site approved as part of this submission.

Condition 72 – Village Traffic Impact Assessment – Amend to refer to scheme to be submitted prior to occupation of remaining phases, rather than with the reserved matter applications. Proposed survey delayed owing to pandemic and there is an important need to ensure continuity of construction to aid economic recovery. Also, provision to be made to include final VTIA at end of development.

Condition 73 – Junction Improvements – Amend to further details being required for junctions 8 & 9 only.

Conditions 74, 77 & 78 – Details of roads and sight lines – Remove as such details are considered as part of assessment for each Reserved Matter submission.

Condition 80 – Underground ducting – Remove as that is the practice for the whole site.

Condition 82, 83,84 & 85 – ecological conditions including bat and reptile surveys – Amend to compliance conditions as survey work and strategy proposals have been completed and approved separately.

Condition 92 – earthworks – Remove as no significant earthworks proposed on remaining phases.

Condition 95 – Allotments – Amend to reflect changes in phasing.

Condition 99 - Open space at Hill Crescent – Amend to reflect that area will now be informal open space and a children’s play area rather than a formal playing pitch.

Conditions 100 & 103 – Surface water drainage – Combine as both relate to the same issue.

Conditions 104, 105 & 106 – Code for Sustainable Homes, BREEAM and energy strategy – Remove as Government has since changed approach so that requirements for sustainable homes requirements and energy strategy previously set out in Planning policies, now considered as part of Building Regulation approval. BREEAM requirement only related to Live/Work units.

Condition 108 – Workforce agreement – Remove as established procedures are now in place for existing and future part of development.

Conditions 109 & 110 – Site Waste Management & Environmental Plans – Remove as procedures are now in place and also covered by developers code of construction.

Conditions 112 & 113 – Noise mitigation – Combine to be one condition.

Condition 121 - Construction Method Statement – Amend to reflect updated procedures.

Condition 122 – Construction Method Statement – Remove as duplication with condition 121.

3. **Conclusion**

- 3.1 In officers’ view, the addition of 150 dwellings over and above the approved number of 1210 dwellings can be achieved without adversely impacting upon the

principles established with the SPG and the Design Code. In particular, no new areas of development land are proposed and densities and storey heights will be compatible with existing approved development. The detailed considerations can be assessed through individual Reserved Matter submissions which will involve a separate decision making process. There will be adequate informal open space and play areas to accommodate the additional number of dwellings. Whilst there is a slight deficit in formal outdoor playing provision, it will be addressed through upgrading of an existing 3G pitch, together with a review of other existing playing pitch facilities. The latter will ensure that existing contributions for such additional provision are allocated in a sustainable and commercially sound basis. The provision of additional affordable housing is to be welcomed and will increase the overall % of affordable housing throughout the site.

- 3.2 The conclusions of the revised ES addendum have been considered and accepted. Traffic assessments based on data arising from actual flow rates of completed development to date, indicate that even allowing for the overall increase in numbers of dwellings, the total number of vehicle trips is likely to be less than originally predicted and previously accepted by the Council. Further analysis of both air quality and potential noise pollution indicates there are unlikely to be problems, including on the Cooting Road parcel of land where a detailed assessment demonstrates that a development can be acceptable on that site.
- 3.3 In relation to Development Contributions, the developers have agreed to almost a further £1 million of contributions towards provision of infrastructure within Aylesham, making a total of nearly £6 million for the whole development. Whilst the Community Bids received for such contributions do not presently satisfy the CIL requirements and are outside the previously agreed framework of contributions, there may be scope to consider them at a later date subject to further investigation, as referred to earlier.
- 3.4 The revised conditions will ensure a more manageable discharge of conditions for future phases, whilst ensuring that sufficient detail is submitted to ensure quality development.
- 3.5 In summary, officers consider that the proposed increase in 150 dwellings does not give rise to any planning objections or a departure from the previously agreed approach towards new development at Aylesham in terms of principles and quality of development. In that respect there is no conflict with Development Plan policy or national planning guidance referred to earlier in this report, and permission is recommended accordingly.

g)

Recommendation

- I Subject to completion of S106 agreement in relation to Development Contributions and amendment of conditions as set out in the report above, OUTLINE PLANNING PERMISSION BE GRANTED
- II Powers to be delegated to the Head of Planning, Regeneration and Development to resolve details of any necessary planning conditions and matters connected with the proposed S106 Agreement, in accordance with the issues set out in the report and as resolved by Planning Committee.

Case Officer

Kim Bennett