

- a) **DOV/21/00758–Submission of Reserved matters application pursuant to Section 73 application DOV/19/00821 (and including SIC areas 2B.2 and 2B.3) for approval of 40 dwellings, associated infrastructure, access, landscaping, layout, scale and appearance together with details of conditions 2,6,7,10, 21, 24 and 25 pursuant to outline planning permission 19/00821**

Address: Phase 2B Parcel 4, 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 60 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 99 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 111 – 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 126 states that the creation of well designed buildings and places is fundamental to what the planning and development process should achieve.
- Paragraph 130 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, 13/00120 and 15/00068. 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.

A further application to vary the conditions of the previous outline permission was submitted under reference no 19/00821. This related to an overall increase in numbers of dwellings across the site from 1210 to 1360, together with variations to certain areas and a review of the planning conditions in the light of substantial areas of the scheme having been completed. The application was considered at the Council's Planning Committee in June 2020 and was approved subject to the completion of a Section 106 Agreement. That Agreement was subsequently completed in August and the planning permission formally issued on 14 August 2020.

e) **Consultee and Third Party Responses**

Public Representations – 19 responses have been received objecting to the application, for reasons which may be summarised as follows:

- Loss of open space which is much used by local residents for informal recreational use.
- Open space important for mental well-being and community feel, particularly at present
- Contrary to guidance in NPPF to safeguard open space
- More development contrary to concept of Garden Village
- Planning laws have changed since original permission was granted 10 years ago
- Should be an Aylesham Open Space Strategy which safeguards area and includes tree planting to promote natural ambience
- Too much pressure on local infrastructure
- Need for more shops and facilities
- Increased traffic in area – will cause further congestion
- Insufficient parking – parking problems in area at present
- Development making money for Council and developers at expense of local residents
- Need to work with the local community
- Loss of wildlife in area
- Need somewhere within village to walk dogs in view of recent tragedy
- Poor design and not in keeping with existing properties in area

Aylesham Parish Council – objects to the proposal on the grounds of: over development and out of character with area; increased traffic; lack of infrastructure; contrary to saved policy CP7 on Green Wedges and DM25 on open space; contrary to NPPF in respect of

open space; loss of existing views; contrary to original Abercrombie design in that Burgess Grove and Bell Grove will no longer represent the shape of a pit head gear; traffic surveys are not soon enough; last application received 198 objections which demonstrates community value for open space; insufficient tree planting and contrary to Council's Draft Plan; and a number of detailed specific points on site layout.

Technical Representations

Southern Water – Records indicate that a de commissioned sewer crosses the site. The exact location and condition of this needs to be determined before the development is finalised. Elsewhere, adopted sewers require clearances on either side for maintenance purposes. The layout also indicates a soakaway within 5 metres of the public sewer which is not acceptable

Kent County Council Lead Flood Authority – The principle of dealing with surface water attenuation is agreed and no objections to the Reserved Matters being approved. However detailed calculations will subsequently be required to confirm sizing of the proposed attenuation system.

Highways England - Is satisfied that the proposals will not impact upon the Strategic Highway Network.

Environment Agency – No comments.

KCC Highways – A number of technical comments were made on the initial submission relating to such matters as: connections to cycleways, visibility splays, speed restraints, vehicle tracking, turning heads and parking provision. Following receipt of revised plans KCC is satisfied with levels and siting of parking provision and raises no objections. There is also agreement to the next surveys for the Village Traffic Impact Assessments being carried out in September, although this may be subject to change.

KCC Public Rights of Way – comments that there are no public rights of way affected. It is also pointed out that footways and cycleways considered as part of the application will not be the responsibility of the PROW team.

Kent Police – Crime Prevention – has made a number of detailed site comments aimed at reducing levels of crime, not all of which subject to planning control.

Natural England – no comments.

Environment Agency – no comments.

Kent Fire & Rescue – is satisfied that off site access requirements have been met.

Housing Development Manager - Notes that provision is to be provided on parcels 5 & 6 so cannot support this phase until that application is decided. However, if those units are provided then the overall provision would be acceptable.

Southern Gas - Referred to location of gas pipe locations. Further consulted drawing attention to proposed easement but no further responses received.

- f)
1. **The Site and the Proposal**
 - 1.1 The application site comprises part of 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 original village. However, this particular phase comprises a linear shaped area of land located

between Abercrombie Garden East and Burgess Road which backs on to the site. The site presently comprises informal open space as part of a larger area of such space which extends north and south of Abercrombie Garden East, west to the Market Place and east to the railway station.

- 1.2 The proposal is a Reserved Matters submission, pursuant to the outline permission which granted the principle of residential development on this area of land. The details essentially comprise matters relating to the design, layout, access roads, parking and landscaping.
- 1.3 The proposal comprises a total of 40 residential units including 8 x 2 bed and 32 x 3 bed units, all 2 storeys in height. No affordable housing is proposed on this particular parcel as they are accommodated on parcels 5 & 6 (app ref no 20/00879) in accordance with and as agreed as part of outline permission 19/00821. The layout is designed to provide a suitable response to the liner nature of the site, with frontage blocks in front of a new access road on the north side of the gardens. 3 new access points will then lead to a new non adopted rear access running parallel with the rear of properties in Burgess Road and will continue to provide rear access to those existing properties in that road where user rights have become established over time. A total of 64 parking spaces and 12 visitor spaces will be provided for the 40 units, comprising a mixture of on site and communal parking areas.

2 **Main Issues**

2.1 The main issues are:

- The principle of the development and loss of open space
- Conformity with the SPG and Aylesham Design Code
- Highway matters
- Affordable Housing
- Residential amenity
- Ecology
- Other Matters
- Discharge of conditions

Assessment

Principle and loss of open space

- 2.2 With regard to principle and loss of open space, members will be aware that the current proposal raises the same issues as those considered under 20/00879. However to recap, 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.
- 2.3 The principle of building housing on the north and south side of what is now known as Abercrombie Gardens East and West, was established at the initial master planning stage of the Aylesham development, the rationale being that rear gardens facing onto that space gave the area a somewhat untidy and unfinished appearance. This has been accentuated over the years by unauthorised rear vehicular access points, which over time have gradually acquired user rights,

together with isolated pockets of fly tipping. Accordingly, the approved masterplan made provision for lines of new dwellings either side of the gardens, incorporating the existing access arrangements, and providing for a new curved terraced and funnel shaped appearance to the form of Abercrombie Gardens on either side. The approved design code then set out parameters as to how the new development should address those spaces.

- 2.4 The above principles were embodied in the initial outline planning permission granted in 2012, and have been included in successive outline permissions since, including the recently approved outline permission granted by members in June of 2020 (19/00821). The approved Design Statement as part of that application, clearly showed housing on the current site and the Reserved Matters application before members is entirely consistent with that in terms of its land take and boundaries. Accordingly, as members will appreciate, the principle of residential development on this site is firmly established by the outline permission and cannot be challenged at this stage. The matters for consideration for this application are therefore detailed ones which have been reserved, namely: access, appearance, layout, scale and landscaping.
- 2.5 Notwithstanding the above, officers fully acknowledge that the loss of open space is a sensitive one locally and concern about that particular issue was highlighted in most of the representations received. However, the areas concerned are either side of the main central area of open space, the latter of which will remain and is a substantial area in size at 4.58 hectares (11.3 acres). A detailed layout for the central area has also been recently approved which incorporates landscaping, a central pathway and seating areas, making it much more attractive to use than it presently is. A substantial amount of informal open space will therefore continue to be made available for walking, dog walking and other informal activities, and to a much higher standard than before.
- 2.6 Additionally, when compared to current Council standards, the amount of informal open space throughout the Aylesham area will still be substantial. In that respect, Policy DM27 of the 2015 Housing Allocations Plan requires 2.2 hectares per 1000 population of accessible green space. On that basis and allowing for the whole of the Aylesham development to be completed, including the areas either side of Abercrombie Gardens, there would be a surplus of 2.96 hectares when judged against the standard. It should also be borne in mind that apart from informal open space, the wider Aylesham development will deliver a woodland area, new allotments, three play parks and enhancement of formal sports facilities at the Welfare Sports Ground. Whilst therefore there is an understandable concern about loss of open space, it would not be fair to say that there will be insufficient areas provided for both the existing and new residents of Aylesham as far as both formal and informal open space is concerned.
- 2.7 The NPPF acknowledges that access to high quality open space is important for the health and well-being of communities. It recommends therefore that policies should be based on robust assessments of need for open space. That assessment forms the evidence upon which Policy DM27 above is based. Although the NPPF goes on to say that existing open space should not be built on, one of the exceptions is where such space is surplus to requirements. In the context of compliance with open space policy, that is the situation here, notwithstanding the longstanding commitment towards development on the current site. In officers view therefore there is no conflict with NPPF guidance.
- 2.8 For a combination of the above reasons, officers are strongly of the view that the principle of residential development on the site is not at issue and the Reserved Matter submission is compliant with Development Plan policy and the NPPF.

Conformity with the SPG and Aylesham Design Code

- 2.9 The proposed mix of size and type of housing units, will provide a variety of housing choices and is generally consistent with Policy CP4 and the SPG. Density is consistent with that approved at the outline stage which allowed for a slightly higher density on this site in order to be consistent with the surrounding area. Storey heights are also consistent with those approved at the outline stage.
- 2.10 In layout terms, the development adopts the approved approach elsewhere in the Aylesham development, of a series of frontage blocks which directly address the road frontages, and in this case the open space area. Street scene interest is provided by a mix of architectural styles and forms, pedestrian entrances to provide active frontages, including return frontages. Parking areas will generally be away from the road frontage, but where this is unavoidable, they will be enclosed by hedges or screen walls in order that they do not dominate the streetscene. The architectural detailing is similar to the Aylesham vernacular and as adopted elsewhere and set out in the design code. Accordingly, a generally traditional built form is proposed with local features such as vertically proportioned windows, eaves detail, brick courses to cills and window heads and brick walls to road frontages. The previously agreed palette of materials will also be adopted including a mix of grey and red roofing tiles with profiles matching surrounding areas, and predominantly red and yellow stock bricks to elevations interspersed with some rendered elements.
- 2.11 The main frontage road will connect to Burgess Road at the western end of the site and the new rear access road. In that respect all those properties currently having either an established vehicular or pedestrian access, will continue to benefit from that. The access roads will not be adopted but will be managed and policed by a maintenance company who will also maintain communal parking areas and areas of open space. The layout is considered acceptable in that respect. Full landscaping details have been provided with a mixture of new tree planting and hedge/ shrub planting being provided which is consistent with standards and choice of species approved elsewhere on the Aylesham development. Full details of refuse provision have been shown for both houses and flats, all of which are to Council's standards and are conveniently located to required carry distances for refuse collection.
- 2.12 In overall terms, officers consider that the proposed details are consistent with the standards approved elsewhere on the Aylesham development, will integrate satisfactorily within the street scene and are compliant with the SPG and Design Code.

Highway Matters

- 2.13 Although a number of concerns have been raised about increased traffic generation, a transport assessment accompanied the original application which considered the likely impact of overall traffic levels generated by what was then proposed to be an additional 1210 dwellings throughout the development as a whole. Subject to certain improvements at junctions, the local highway network was considered to be able to absorb the additional traffic. That assessment was recently updated in connection with the recent outline permission 19/00821 where overall numbers of dwellings was increased by 150 to 1360. The assessment

showed that actual levels were likely to be slightly less than originally predicted. Both Highways England and KCC as Highway Authority accepted those conclusions which were also agreed by members in approving the latest outline permission under 19/00821. Those assessments included the current phase.

- 2.14 Notwithstanding the above, a condition on the outline permission requires the submission of an updated traffic survey at nearby villages in order to assess impacts of traffic generation off site. That survey was due to take place in 2020 but was delayed by the pandemic because traffic levels would not have been representative. Accordingly, condition 10 on 19/00821 agreed by members in August 2020, allowed for a revised timing to be agreed whereby the survey and any mitigation required would be carried out prior to any further occupation of residential units. An updated survey of surrounding villages was carried out in September 2021 and the report is currently awaited. However, the outcome will be known well before completion of this phase, and therefore in advance of any further traffic generation. Officers consider that is a reasonable approach given the circumstances.
- 2.15 Turning to detailed matters, a total of 64 spaces are provided for the 40 units which is compliant with KCC parking standards for the mix of housing units proposed. Additionally, 12 visitor spaces will be provided throughout the scheme and marked as such to ensure they are used for that purpose. The spaces are all considered to be well related to the properties they serve. The cycle route from the station will be connected via a link at the eastern end of the site. Similarly, pedestrian connectivity to the adjoining parts of Aylesham will be provided with links to the existing jittys and connections to the adjoining footpath system.

Affordable Housing

- 2.16 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.
- 2.17 As part of the recently approved outline permission under 19/00821, the overall % of affordable housing was increased to 22% throughout the scheme, resulting in a total of 300 affordable homes being provided. The approved strategy indicated where affordable housing would be located on the remaining phases with the proportion of housing for parcels 4,5 & 6 being located on parcels 5 & 6 only. Those units are shown on application no 20/00879. Accordingly, as set out above, there is no specific provision for affordable housing on this particular parcel, but compliance with the overall provision will still be consistent with that approved under 19/00821.

Residential amenity

- 2.18 All the new properties will be provided with adequate private gardens, whilst access to the central open space is directly opposite. In terms of building relationships, spacing between the new properties and existing properties in Burgess Road to the rear are satisfactory with no immediate overlooking despite concerns raised in the representations.

Ecology

- 2.19 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.
- 2.20 Members may be aware of press reports relating to concerns about raised nutrient levels affecting Stodmarsh Lakes and the delays in housing schemes coming forward as a result. This has affected the districts of Canterbury and Ashford, as well as part of Dover District. Essentially the concerns have been raised following studies by Natural England (NE) that increases in wastewater from new developments coming forward have resulted in increased nutrient levels in Stodmarsh Lakes and which are causing water quality issues as a result. The lakes have high international ecological value for wetland habitats and the rare and special wildlife they support. They are protected through a combination of designations including A Special Area of Conservation, A Special Protection Area, A Ramsar site, A site of Special Scientific Interest and a National Nature Reserve. As such they are protected under the Habitat Regulations which requires an Appropriate Assessment to be carried out to show there would be no adverse effect of a proposal on the integrity of the site. Until that can be demonstrated NE will raise an objection to any development proposal resulting in an increase of wastewater.
- 2.21 As far as Dover District is concerned, the areas affected are those which discharge to the Dambridge wastewater treatment works in Wingham. In common with other treatment works the Wingham site discharges treated effluent which eventually enters the Little Stour and then the Great Stour Rivers. Whilst Stodmarsh is upstream from the nutrient discharge location, because the river is tidal, there is potential for upstream movement during incoming tides.
- 2.22 Because of the above, officers commissioned consultants to carry out a study to undertake an investigation into potential connectivity between the Dambridge works and water bodies at Stodmarsh. This involved extensive collation and analysis of hydrological data in order to construct applicable modelling profiles. Two scenarios were considered; a worst case when Great Stour discharge was very low; and a realistic flow pattern based on actual recorded flows for the period of 2016-2019. The modelling was conservative in its approach, for example ignoring the potential for any contaminants to decay or otherwise be removed before they might arrive at Stodmarsh lakes which is likely in all probability. The results were that under a worst case scenario there might be a concentration of 0.002 mg/l at the lakes whilst under a more realistic scenario the increase in concentration might be 0.00012 mg/l. Even allowing for any lack of decay in the contaminants, such levels are below the limits of detection of the methods used for water quality.
- 2.23 The above results were presented to NE in the summer of this year. Notwithstanding the extremely low probability of any connection with Stodmarsh lakes, NE was reluctant to rule out the possibility of ANY contaminants entering the lakes and therefore was not at that stage prepared to remove its standing objection.
- 2.24 During discussions however, it also emerged that the presence of a sluice gate downstream of Stodmarsh lakes might effectively prevent any upstream flow and therefore contaminants, from entering the lakes. The consultants were therefore asked to rework their modelling taking that factor into account. The current position is that a further report is anticipated shortly which will then be discussed in further

detail with NE. The strong expectation is that NE will then be finally in a position to withdraw its standing objection.

- 2.25 The current application, along with many other housing proposals in this part of the District, has now been on hold for over a year pending the resolution of this issue. This is a major concern to the Council and developers alike given the need to meet housing targets. Given the positive indications from the recent meeting with NE, officers consider that a recommendation to grant subject to the issue being satisfactorily resolved, will at least establish the principle of the proposal and give the developers some comfort. The recommendation is framed in recognition that the application can only be approved on the basis of there being no likely significant effect on the integrity of the Stodmarsh SAC, SPA and Ramsar site or alternatively, that satisfactory mitigation can be achieved.
- 2.26 The only other 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.
- 2.27 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.
- 2.28 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.
- 2.29 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.
- 2.30 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 with 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.
- 2.31 Having had regard to the proposed mitigation measures, it is considered that the proposal, in respect of the impact on birdlife (but excluding the nutrient issue referred to above) 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.

Other Matters

- 2.32 With regard to drainage issues, a detailed flood risk assessment was approved as part of the outline permission which noted 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 this is proposed for this phase, together with a continuation of existing SUDs methods, including storage of storm water. The arrangements are satisfactory in principle and Members will note that the KCC as lead flood authority, raises no objections subject to further investigations which will be determined as part of the discharge of conditions. Overall, the development will follow principles already established with preceding phases and no additional issues are anticipated.

- 2.33 A gas main was revealed to be running along the northern boundary of the site, but following detailed discussions with Southern Gas, an easement has been agreed and there will be no encroachment of that by either residential buildings or their gardens. The private access road will run over the top of the main which would allow for easy maintenance should that ever be required.
- 2.34 Although concerns have been expressed in representations regarding increased strain on infrastructure generally, it needs to be borne in mind that this has already been assessed in principle as part of the approval of the outline permission. In that context, the permission and the accompanying Section 106 Agreement provides for significant contributions towards such infrastructure as public transport, improvements to primary schools, open space, new play parks, additional new formal sports provision, allotments, woodland areas, health facilities and social care. Some of that has already been delivered, with further infrastructure to follow to accompany each phase of development. The current detailed phase should therefore be seen in that context.
- 2.35 Following members desire to see provision made for vehicle electric charging points, the developers have now agreed to accept a condition for further details to be submitted prior to any occupation of the relevant dwellings.

Approval of conditions

- 2.36 As part of the submission, a number of conditions imposed as part of the outline permission have been submitted for approval at this stage. These are as follows:

Condition 2 – Detailed Layout – Acceptable and considered as part of the overall submission.

Condition 6 – Schedule of accommodation - Acceptable and considered as part of the overall submission.

Condition 7 – Affordable housing - none proposed on this phase as set out above.

Condition 10 – Timing of traffic survey (part discharge). As indicated in the report, this relates to potential impact upon adjoining villages rather than within Aylesham itself. The proposed revised timing of the survey in September 2021 was considered to be reasonable given the delays caused by the pandemic. The results of the survey, together with any potential future mitigation required, will still be available before any significant numbers of new dwellings, and therefore additional traffic generation, are first occupied.

Condition 21 – Landscaping - Acceptable and considered as part of the overall submission.

Conditions 24 & 25 – Tree retention – Acceptable – no existing trees on this parcel.

Overall Conclusions

- 2.37 The submitted application complies with the outline planning permission, whilst the detail of the scheme responds to the requirements contained with the Aylesham Masterplan SPG and the subsequently approved Design Code. Furthermore, it is considered that the development would provide an acceptable quality built environment and standard of residential amenity, both to existing and future residents.
- 2.38 Whilst local concerns regarding the loss of open space are fully acknowledged, such a loss was agreed as part of the original masterplan and has been approved for successive outline permissions since, including the recently approved 19/00821. The principle therefore is firmly established. Notwithstanding that, the provision of informal open space throughout the Aylesham development area will still be in excess of current Council standards and the remaining undeveloped part of Abercrombie Gardens East, which in itself will continue to be a substantial size, and will be laid out to be more visually attractive whilst still affording space for dog walking and informal play.
- 2.39 In summary, officers consider that the proposed detailed submission 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 and permission is recommend accordingly.
- 2.40 The above assumes that the nutrient issue at Stodmarsh lakes is satisfactorily resolved and that Natural England withdraws its standing objection. Whilst officers are confident that will be the case as referred to above, the application would be reported back to members for reconsideration should any outstanding issues or ongoing objection from Natural England remain.

g) Recommendation

- I Reserved Matters and discharge of conditions be GRANTED SUBJECT TO:
- (i) The local planning authority, as the 'competent authority' for the purposes of the Habitat Regulations, being satisfied (in consultation with Natural England as necessary), that discharges of wastewater from Dambridge wastewater treatment works would not have a likely significant effect on the integrity of the Stodmarsh SAC, SPA and Ramsar site, or alternatively that satisfactory mitigation can be achieved.
- (ii) additional conditions to include: -
- (1) Approved plans; (2) details of vehicle electric charging points.
- II Powers to be delegated to the Head of Planning, Regeneration and Development to resolve details of any necessary planning conditions and matters covered in recommendation I (i) above relating to any impacts on the protected Stodmarsh sites in accordance with the issues set out in the report and as resolved by Planning Committee.

Case Officer

Kim Bennett