

Tabled paper – item 3.3

Land north Canterbury Road, Dunkirk 17/500313/OUT

Members may have noted that the '**Background Papers and Plans**' section of the committee report does not list any of the documents. The relevant list is provided below:

Application form, proposed plans; illustrative masterplan; schedule of accommodation; Archaeological Desk Based Study; Ecological Appraisal; Economic Benefits Statement; Flood Risk Assessment; Landscape and Visual Impact Assessment; Phase 1 Environmental Desktop Study; Planning Statement; Preliminary Services Appraisal; Transport Assessment; Design and Access Statement.

Dunkirk Parish Council has provided a further objection to the application. A summary of this objection is as follows:

- They question the new landscape masterplan which shows planting along Canterbury Road. This might impede the visibility splays at the access;
- The proposed development is still interrupting the visual aspects and key views that the Neighbourhood Plan is trying to preserve ;
- They are opposed to the closure of the footpath through Bossenden Woods, as part of the RSPB mitigation strategy, that can be accessed from Canterbury Road as local residents use this path regularly;
- The Parish Council has applied to the Countryside Access Service at Kent County Council for this footpath to be made an addition to the definitive map;
- Cats and young children would still be able to access the woods from the site, despite the proposed boundary enclosure.

Kent Country Council Public Rights of Way have confirmed that they have received an application from Dunkirk Parish Council to add the footpath to the definitive map – to make it a public right of way. They confirm that it will take at least 2.5 years to process the application. They state:

“Due to the fact that the claimed route is not directly affected by the proposed development it is highly unlikely that it would be accelerated to the top of the list.

The claimant has to be able to show that a claimed route has been used, as of right, i.e. without force, permission or in secrecy, for 20 years. The leaflets provided by the applicant are not promoted by Kent County Council.

I have contacted the manager of the Kentish Stour Countryside Project who were involved in the promotional leaflets and as far as he is aware there was no formal permissive agreement for the public to use this route so the claim may have some validity. The claim process is open to challenge and if the landowner disputes the claim they would have to provide evidence that there was never any intention to dedicate a public right of way.

Should a S106 agreement be entered into to restrict access along this route and the public right of way claim subsequently is successful, then the route would have to be open and available for the public to use. KCC would be obliged to enforce this."

I am awaiting further comments from the RSPB in respect of the footpath issue and will update Members at the meeting.

We have received the Landscape Statement from our **Landscape Consultant**. This assesses the visual impact of the development and the impact on the landscape. They conclude:

"Overall, it is our opinion there would be significant harm to the setting of the settlement and the local landscape character, both of which would be fundamentally altered by the proposal. This would be most obviously noted in the A2 Canterbury Road corridor where the hedgerow gap between the settlement and the commercial uses to the east would be built out. Development of up to 11.0m high and a proposed shop, parking area and a new access would be prominent. There would be a particularly poor scale relationship between the proposed shop and the miniature "Remus". The proposal would change the perception of the settlement and development would seem to bridge across the open land to the flanking woodland.

The loss of SLA to development is also considered to be a significant and damaging aspect of the proposal and one that cannot be made good. It is considered to be a valued landscape and thus falls within the ambit of protection and enhancement afforded by the first bullet point of paragraph 109 of the NPPF. The proposal patently fails to conserve or enhance the SLA, it would in fact erode and diminish its value in the locality.

Overall it is considered that the development would be in conflict with relevant National Planning Policy Framework policies in respect of landscape and design, in particular paragraph 17 bullet point 5, paragraph 64 and paragraph 109, together with local plan policies E9, and the adopted Supplementary Document Swale Borough Council Landscape Character and Biodiversity Appraisal Guidelines.

It is considered there is justification on landscape and visual grounds for Swale Borough Council to refuse the planning application."

The applicant has submitted a rebuttal report from their Landscape Consultant. They conclude:

"Based on the above review and rebuttal of the Landscape Statement prepared by Huskisson Brown Associates, the statement contains many assumptions, misleading comments and omissions which have led the author to give undue importance to the role of the landscape and also contribution that the site makes the Special Landscape Area designation (now Area of High Landscape Value) covering the site.

The conclusions reached by the landscape consultant are, in my view, partial and 'slanted' (for the reason given) and they have overestimated the role of the site and its contribution to the 'Area of High Landscape Value' and the landscape statement does not represent a considered and objective assessment of the site and the development proposals.

In addition, on the basis of the above, and also the full assessment of the site and proposed development contained in the RLVM, it is considered that the proposed development will have some local impacts / harm but the effects of the development on character and visual appearance of the open countryside / Area of High Landscape Value will not be significant. It is for the Planning Officer / decision makers to reach a judgement based on all other material considerations including the landscape issues in order to formulate a recommendation."