

- a) **DOV/16/00821 - Use of buildings and grounds for hotel (Use Class C1), restaurant and café (Use Class A3), and retail (Use Class A1) uses, including the hosting of weddings and public admittance to gardens, together with ancillary car parking - The Salutation, Knightrider Street, Sandwich**

Reason for report: Number of contrary views.

b) **Summary of Recommendation**

Grant Planning Permission.

c) **Statutory Requirements, Planning Policies and Guidance**

Statute

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty upon Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions.

Dover District Core Strategy

Policy DM11 considers the location of development and managing travel demand. Development that would generate travel outside of rural settlement confines will not be permitted unless justified by development plan policies.

Policy DM13 sets out parking standards for dwellings and identifies that it should be a design led process.

Policy DM19 states that permission will not be granted for development proposals that would adversely affect the character, fabric, features, setting or views to and from the District's Historic Parks and Garden.

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

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

Land Allocations Local Plan (LALP)

There is no policy within the LALP directly related to this proposal.

Material Considerations

National Planning Policy Framework (NPPF)

The NPPF states that at its heart is a presumption in favour of sustainable development, to be seen as a golden thread running through decision-taking. It sets out three dimensions to achieving sustainable development: economic, social and environmental. These should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and

environmental gains should be sought jointly and simultaneously through the planning system.

Part 7 requires good design, which is a key aspect of sustainable development.

Part 12 refers specifically to the conservation and enhancement of the historic environment. In particular, it states that local planning authorities should take into account:

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

In determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

When determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

National Planning Policy Guidance (NPPG)

Provides guidance on matters relating to the main issues associated with development.

Other Documents

The Kent Design Guide sets out design principles of development.

d) Relevant Planning History

There is significant planning history which is relevant to this planning application. this is summarised below:

- 16/00822 – Listed building consent for internal alterations to the property. Current application yet to be determined (see below).
- 07/01385 – Listed building consent for internal alterations to the property. Granted (29/01/2008).
- 07/00626 – Full planning application to allow the change of use of grounds and part of main building to host weddings. Granted (05/08/2008).
- 07/00463 - Erection of 2no. greenhouses and 1no. shed. Granted (08/07/2007).

There is further planning and listed building consents which pre-date these applications, but they are not considered to be relevant to the determination of this planning application.

e) Consultee and Third Party Comments

Conservation Officer: Raises no objections to the proposals for the use of the building, although discussions with regards to the internal flue arrangements remain ongoing and will be resolved through the determination of the listed building application.

Environmental Health (Environmental Protection Officer) was consulted and made the following comments:

'I refer to the above and note the applicant has provided a Design & Access Statement (Statement of Justification). In terms of noise whilst in sections 4.2 it is stated that there have been no complaints I am able to advise that unsubstantiated complaints have been received by this department on 14th May 2012, 20th October 2014 and more recently at 23:31hrs on 29th July 2016. It is alleged that on the last occasion music continued until 00:30hrs from a marquee in the garden of the Salutation.

I note that the existing planning consent (DOV/07/00626) includes conditions limiting the use to weddings only. The application is seeking permission to hold a number of non-wedding events. Whilst Environmental Health do not wish to object to any part of the application I recommend that the following conditions are included in any future decision notice:

No amplified music or sound shall be relayed after 6.00 pm on any day and no non-amplified music or sound shall be relayed after 10.00 pm on any day within the curtilage of The Salutation in connection with the use hereby approved.

All functions shall cease by 10.00 pm on the day of the event.

Kent County Council Highways was consulted and made the following comments:

'The proposals do not make any changes to the existing accesses. The existing accesses are currently in use alongside the various land uses already taking place on the site. The current on-site car parking will remain unchanged and no additional car parking spaces have been provided. However, given that there are on-street car parking controls in place and the site is adjacent to a public pay and display car park, I do not wish to oppose this application.

If permission is granted the following should be secured by condition:

- *Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site hereby permitted.*
- *Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.*
- *Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.'*

Kent County Council Public Rights of Way Officer was consulted and whilst noting that there is a public right of way adjacent to the site, did not consider that this proposal would result in any impact upon this right of way, and therefore raises no objections.

Historic England was consulted and referred the application to the Council to be determined in accordance with their internal advice and policies.

The Environment Agency was consulted and raised no objections to this proposal.

Third Party Representations

Neighbouring occupiers were notified of the application and to date 15 letters of objection have been received. The concerns raised within these letters are summarised below:

- Concern raised with regards to noise and disturbance – which has been experienced by neighbouring occupiers recently through events that have taken place;
- The proposal would exacerbate existing parking problems;
- There would be an increase in noise and pollution which would impact upon the conservation area;
- Increase in traffic and congestion;
- Impact upon local wildlife.

Sandwich Town Council were notified of the planning and listed building application and resolved to positively support the application with no objections.

f) The Site and the Proposal

1 The Site

- 1.1 The application site is located within the town of Sandwich, adjacent to the public car park that runs along the Quayside. The site is within a Conservation Area and Article 4(2) Direction Area. The property is Grade I listed and the grounds contain the main house, and two specific outbuildings, which currently contain a gift shop, accommodation (holiday let/tourist) and a café/tea shop. These outbuildings are Grade II listed, as is the garden to the rear of the property.
- 1.2 The main house is currently being used, in part for hotel accommodation, but this is being undertaken without the benefit of planning permission.
- 1.3 The gardens are currently open to the public and there is a small level of nursery sales taking place within the site. Again, this is taking place without the benefit of planning permission.

- 1.4 The site equates to 2.5ha which is enclosed by boundary walls of approximately 2.5metres in height. Sandown Road runs to the south of the site, and Knightrider Street to the west – there is a vehicular access which is served off Knightrider Street, which is under an ‘arch’ which forms part of ‘Knightrider House’. There is also a smaller access served off from The Quay which is only suitable for pedestrian use.
- 1.5 There is approximately 20 car parking spaces provided within the courtyard, although these are not set out formally within the grounds, but rather provided on a more ‘ad hoc’ basis.
- 1.6 To the north of the site lies the Quayside public car park, which provides spaced for approximately 150 cars. Beyond this car park is the river Stour which runs from Canterbury to the North Sea/Dover Straights.
- 1.7 The site lies within an area of predominantly residential properties, although it is within a short walk of the commercial centre of the town – which includes a number of public houses, and retail premises.

The Proposed Development

- 1.8 This is a full planning application that seeks a mixed use development which would both regularise existing uses as well as allowing for other uses not currently undertaken on site. The application seeks permission for the following:
 - Change of use of the garden from private to public (use class D2);
 - Change of use of the main ‘house’ to a hotel/restaurant (use class C1/A3);
 - Alterations to the listed building to facilitate the installation of a new kitchen;
 - Provision of ancillary car parking;
- 1.9 This permission also seeks to continue the use of the building to host weddings, albeit within the existing permission DOV/07/0026.
- 1.10 There is no external operational development proposed as part of this development.
- 1.11 The internal alterations are also subject to a listed building application which is currently under consideration. These seek to re-open a previously closed doorway within the dwelling, as well as providing an internal flue to the kitchen – which is now proposed to be housed within the existing chimney.

2 Main Issues

- 2.1 The main issues with regards to this planning application are:
 - The principle of development;
 - The impact upon the fabric and setting of the listed building and the character of the conservation area;
 - The impact upon the amenities of the neighbouring occupiers; and
 - The impact upon the highway network.

Assessment

Principle of Development

- 2.2 As set out above, the NPPF is supportive of finding suitable uses for listed buildings to ensure that they are preserved and where possible enhanced. Furthermore, paragraph 23 specifically refers to the need to ensure the continued vitality and viability of town centres and for local planning authorities to address the requirement for town centre uses (as defined in Annex 2 of the NPPF) within suitable locations. Hotel and restaurant uses are defined within the NPPF as being a 'town centre use' and as such, this proposal is considered to comply with the requirements of this government guidance.
- 2.3 The existing and proposed use of the site for tourism purposes is supported, in principle within the Council's Core Strategy. Paragraph 3.24 relates to the demand for hotel accommodation within the District and in particular Sandwich. This states that within Sandwich *'the combination of its historic importance, and international and national golf, offers the opportunity for an increased contribution to the tourist economy of the District.'*
- 2.4 The site is located within a sustainable location, and close to the centre of the town, and its historic core. It is therefore considered in terms of its positioning, this would be a suitable location for a development of this kind, subject to all other material considerations being met.

Impact upon the Listed Building and Conservation Area

- 2.5 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty upon Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions.
- 2.6 Likewise, paragraph 134 of the NPPF states where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 2.7 In this case, the internal alterations proposed to the building have been subject to a significant level of discussion with the Council's Conservation Officer. Initially, the plans submitted sought to ventilate the kitchen through the existing skylight, but this was thought to have a detrimental impact upon the fabric of the building.

- 2.8 Subsequent discussions have therefore seen the scheme amended in order to address the issue of the flue. This matter will be considered in full within the listed building application.
- 2.9 Discussions on this matter are ongoing, but given that these matters are subject to an accompanying listed building consent, it is not considered appropriate to withhold planning permission on this basis.
- 2.10 The proposal would not have any detrimental impact upon the character or appearance of the Conservation given that the proposal would be solely for a change of use and for internal alterations.
- 2.11 In accordance with paragraph 134 of the NPPF, in heritage terms the proposal would safeguard the future of the Salutation, which is a Grade I listed building, and its outbuildings and grounds which are Grade II listed. Given the very prominent nature of these buildings, within the historic core of the town, the long term viability of the site is considered to be a significant public benefit.

Residential Amenity

- 2.12 Within the concerns raised by neighbouring occupiers, there is little opposition to the provision of a hotel within this building, or indeed any of the other ancillary uses proposed within the outbuildings and grounds – with the exception of the use as a wedding venue.
- 2.13 As set out within the planning history, the site already benefits from planning permission which allows for the use of the property for wedding purposes on a set number of days each year (12). This permission remains extant and the applicant is not seeking for a further extension of this permission.
- 2.14 The previous planning application for wedding use set out a significant number of restrictive conditions upon use. Given that this is a new planning permission, which includes the application for wedding venue, I consider it appropriate to re-apply these conditions upon any permission granted, Environmental Health Officer have commented that a condition should be attached limiting hours and sound relaying, this would sufficiently ensure that there is no adverse impact upon the amenities of the neighbouring occupiers.
- 2.15 In terms of the use of the building as a restaurant, again, subject to the imposition of suitable conditions relating to hours of operation, given the use is purely internal, I do not consider there to be any adverse impact upon the amenities of the neighbouring occupiers.
- 2.16 It is also considered that the use of the property for hotel purposes would be compatible with the predominantly residential area. This use has been ongoing for a number of years, albeit unlawfully, and this has not given rise to any issues of noise and disturbance.
- 2.17 The use of the gardens for public use is also not considered to give rise to any impact upon the residential amenity of the neighbouring occupiers. Whilst there would be likely to be more footfall than that of a private garden, the use would only occur during daylight hours, and is not likely to encourage loud or boisterous behaviour. Again, it is noted that there is no objection raised by neighbouring occupiers to this use.

- 2.18 A Management Plan can be required by condition and would set out how the venue would be managed and controlled.
- 2.19 The regularisation of the car parking within the centre of the site (where parking currently takes place) would not have an adverse impact upon the neighbouring occupiers.

Highways

- 2.20 The application seeks to formalise the car parking arrangement within the complex, which would allow for 20 cars to be parked within the site, allowing for suitable manoeuvring and also to allow for vehicles to enter and leave the site in a forward gear.
- 2.21 Concern has been raised by neighbouring occupiers with regards to the lack of car parking provision for the development. It is noted however that the site lies adjacent to a large public car park, which could accommodate any overspill from events that are taking place within the site, or indeed customers of the restaurant.
- 2.22 It is not unusual for hotels and restaurants within town centres to have a nil parking provision, with patrons often reliant upon public car parking. As set out, Kent County Council Highways do not object to this proposal, and consider the location to be suitable for this use – given the parking that is readily available within the vicinity.

Other Matters

- 2.23 There are no outstanding ecological concerns with this application given the existing and previous use of the site, and the fact that it was wholly developed. No mitigation has therefore been requested in terms of either quantitative or qualitative enhancements.
- 2.24 There are no flooding or drainage concerns with regards to this application.
- 2.25 The Listed building application for what amount to minor internal works is to be determined separately under delegated officer powers

Planning Balance

- 2.26 This proposal would seek to regularise a number of existing uses within the grounds, as well as enable restaurant use within the main house. The uses are considered to be compatible with the listed building itself, and also with regards to the neighbouring occupiers.
- 2.27 The local plan supports the development of tourism opportunities and these would be located within a wholly sustainable location, connected with the historic town of Sandwich and also the nationally and internationally renowned golf courses.
- 2.28 For this reason, it is considered that the application accords with both national and local policy and it is therefore recommended that Members give this application favourable consideration and grant planning permission accordingly, subject to the imposition of the conditions as set out below.

g) Recommendation

- I) PLANNING PERMISSION BE GRANTED subject to the following conditions to include:
- 1) Standard time limit for commencement
 - 2) The development to be carried out in accordance with the approved plans
 - 3) Details of hard surfacing materials
 - 4) Highways conditions
 - 5) Parking of cars as per
 - 6) Condition limiting weddings to only 12 days a year
 - 7) No amplified sound relayed after 6pm and no non-amplified sound relayed after 10pm
 - 8) Limit to use of marques
 - 9) Customer Management Plan.
- II) Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by Planning Committee.