

- a) **DOV/17/00280 – Erection of 67 dwellings, single and double garages, new vehicular access, associated parking and landscaping (demolition of 121 Dover Road) – Former Kumor Nursery and 121 Dover Road, Sandwich**

Reason for report: Number of contrary views. The application has also been called to Planning Committee by Cllr. Carter who has commented that, whilst there is a need for housing in Sandwich, the proposal would provide inadequate access and inadequate car parking, which will impact upon the highway network. The application also provides inadequate facilities for the storage of refuse and has inadequate water and sewerage infrastructure.

- b) **Summary of Recommendation**

Planning permission be refused.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 500 (around 5%) is identified for the Sandwich.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified to less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- 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.
- 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.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.

- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

#### Land Allocations Local Plan

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

#### National Planning Policy Framework (NPPF)

- Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to: ensure that planning is genuinely plan-led; proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; support the transition to a low carbon future; contribute to conserving and enhancing the natural environment and reducing pollution; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, conserve heritage assets and focus significant development in locations which are or can be made sustainable.
- Paragraph 49 of the NPPF states that “housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites.
- Chapter four of the NPPF seeks to promote sustainable transport. In particular, paragraph 29 states that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”.
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing. Housing applications should be

considered in the context of the presumption in favour of sustainable development. Of particular note, is paragraph 55 which directs housing in rural areas to be located where they will enhance or maintain the vitality of rural communities.

- Chapter seven requires good design, which is a key aspect of sustainable development.
- Chapter eleven requires that the planning system contributes to and enhances the natural and local environments, by protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.

#### The Kent Design Guide (KDG)

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

#### d) **Relevant Planning History**

There are a number of historic planning applications relating to the former use of the site as a plant nursery, together with a planning application from 1960 relating to the erection of 33 dwellings on the site (which was refused). However, it is not considered that any of this history is directly relevant to the determination of the current application

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

Crime Prevention Officer – The applicant has considered crime prevention within their application, but has not contacted Kent Police to discuss the scheme. It is recommended that the footpath be removed, as it may offer opportunities for crime and anti-social behaviour. However, if retained, it is recommended that the path is lit at both ends and provision be made for the future provision of CCTV, should issues arise. A condition or, if more appropriate, an informative is requested.

Natural England – No objection, subject to appropriate mitigation to avoid a likely significant effect on the Thanet Coast and Sandwich Bay Special Protection Area and Ramsar site.

#### KCC Highways and Transportation –

*Initial response, received 24<sup>th</sup> March 2017:*

I refer to the above planning application and would comment as follows:

#### Transport Assessment

1. The trip generation rates for the development are acceptable, particularly bearing in mind the location of the site within reasonable walking distance of the railway station, bus stops, primary and secondary schools and the town centre. However, clarification is required as to how the distribution of trips has been calculated and assigned to the local road network, to support the percentage splits shown.

2. There appear to be some anomalies in the traffic count data submitted. It is unclear where the week-long counters were located in Dover Road and the peak hour flows recorded appear to be significantly different to the flows entering/leaving Dover Road

in the Dover Road/Deal Road junction count. The school have also identified that on the day of the junction count pupil attendance numbers were significantly below normal due to it being just before the summer holidays and many pupils having finished exams. New counts should therefore be carried out to clarify current traffic flows and these should be done when the school is operating as normal.

3. The reference to occasional driver delay in Dover Road due to parked cars is noted, however I consider that the additional traffic from the proposals generates the need to improve the existing passing opportunities for vehicles, particularly in the eastern section of Dover Road. There appears to be room to achieve this but the applicant should consider this in more detail and submit proposals to demonstrate how this can be satisfactorily achieved.

4. The proposed build-out and visibility splay plan does not appear to be accurate, as it is based on an Ordnance Survey plan and dimensions measured on site indicate a lesser width of retained carriageway available in Dover Road than shown. An accurate plan at 1:200 scale is therefore required for the proposed access and associated highway alterations, and the same base plan should be used to reassess the vehicle swept path requirements to demonstrate these are still achievable.

5. The pedestrian crossing point across the site access should be repositioned on the desire line, i.e. the line of the existing footway along Dover Road. The section of new footway around the western radius can be removed.

#### Site Layout

6. The provision of the new access onto Dover Road will displace up to 7 existing parked cars and therefore the proposed lay-by in the access road should be extended to accommodate 7 parking spaces.

7. I note that the internal streets are intended to be adopted by the highway authority and therefore the extent of adoption should be indicated on the plans. It should be noted that minimum 1.5 metre wide service margins are required around the entire perimeter of the adoptable shared surfaces shown, and these margins will form part of the highway (i.e. they will not be maintained by the proposed management company for the private areas) Dimensions of the adoptable streets should be shown including carriageways, footways, service margins, verges, radii and unallocated parking bays.

8. The proposed raised table is not a shared surface and therefore a footway is required along the northern side to serve plots 20-28.

9. Speed restraint measures are required at maximum 60 metres spacing for conventional streets. The proposed raised table should therefore be extended eastwards to the other end of the unallocated parking bays, to achieve the necessary spacing for the secondary access road shown.

10. The change to a shared surface outside plot 35 will require a ramp and footways to be extended 1.8 metres beyond it to allow pedestrian access to/from the shared surface. The location of the ramp shown immediately adjacent to parking spaces for plots 36 and 55 is therefore not acceptable and it moved to the west. The exact location will depend on the revised parking arrangements for plot 60 (see item 10 below).

11. As the proposed separate pedestrian connection to Dover Road is also intended to be a secondary emergency access route, it will need to be surfaced for a minimum

width of 3.2 metres. It should also be demonstrated that a fire service vehicle can suitably manoeuvre in/out at each end of the route.

12. The remote location of parking spaces from the front door of the dwelling and/or the tandem parking arrangements for plots 1, 2, 18, 19, 29, 33, 35, 43-45, 51, 60 and 67 are likely to lead to unacceptable and obstructive parking on the adoptable highway. The parking arrangements for these plots therefore need to be reconsidered.

13. Parking spaces should be a minimum of 5 metres long x 2.5 metres wide, increased to 2.7 metres where bounded on one side by walls/fences/landscaping or 2.9 metres where bounded by such obstructions on both sides. Lay-by spaces should be a minimum of 6 metres long x 2 metres wide, increased to 2.5 metres wide where not abutting a footway. Driveway parking spaces which also serve as the pedestrian route to the front door should be a minimum of 3.2 metres wide or a separate path provided.

14. Proposed private trees should not grow to overhang the adoptable highway, nor should the roots of private trees be allowed to undermine the adoptable highway. As such the trees adjacent to plots 1, 5, 7, 9, 20, 28, 29, 35, 40, 55, 60-64, 66, 67 and those behind the lay-by should be repositioned accordingly. Trees within the adoptable highway verge should be fastigate and positioned so the canopies will not overhang the footway or carriageway, and will attract commuted sums for maintenance. Adoptable highway verges/service margins must be grass only.

I wish to place a holding objection until the above matters have been satisfactorily resolved.

*Subsequent response, received 7<sup>th</sup> July 2017:*

I refer to the amended plans and Technical Note submitted for the above on 14 June and would comment as follows:

1. I note the proposed alterations to existing parking restrictions in the eastern section of Dover Road to provide improved passing opportunities for vehicles and these are acceptable. However, I consider that an additional alteration is required by way of an extension to the existing restrictions outside numbers 47/45. The existing double yellow lines should be increased to 15 metres in length at the northern end, improve this existing passing place. This would then provide suitable length passing places at regular intervals along Dover Road.

2. Vehicle swept paths for the revised site access do not appear to have been submitted and should therefore be provided, on an accurate 1:200 base plan as previously advised. It should also be noted that the proposed parking restrictions to the east of the access only need to extend as far as the access to no. 113 Dover Road.

3. I note the internal site roads are now to remain private and as such I would clarify that the highway boundary will remain at the back edge of the footway in Dover Road. Pedestrian visibility splays of 1 metre x 25 metres will be required into the access road from each side of the crossing point at the access junction.

4. As the internal roads are to remain private most of my previous comments on the internal layout are no longer highway issues. I note items 6 and 11 have been resolved and are acceptable. I note that some other amendments have also been made in relation to the previous comments and I am satisfied that the proposed

internal layout and parking arrangements are unlikely to result in an unacceptable impact on the highway.

*Subsequent response received 1<sup>st</sup> September*

I refer to the amended plans submitted for the above on 8th August, including the revised vehicle swept path assessment and proposed road markings plan which resolve the matters previously raised in those respects.

The proposals are likely to generate approximately 35 two-way vehicle trips in the network peak hours along Dover Road and through the Dover Road/Sandwich Road junction. Whilst Dover Road is not heavily trafficked there is clearly an increase in traffic during drop-off and pick-up periods for the nearby school. On-street parking takes place along Dover Road particularly in the eastern section which narrows the road to single-way working in places, although there are some passing places available through gaps in the parking and existing parking restrictions. In order to accommodate the additional trips from the development in the eastern section of Dover Road, the proposals include improvement of existing passing places and additional parking restrictions to assist with the flow of traffic particularly during the peak hours, as follows:

- i) Extension of the existing double yellow lines on the south side of Dover Road across the junction with Stone Cross Lees;
- ii) Provision of double yellow lines across the accesses to numbers 67 and 69 Dover Road but extended sufficiently to provide sufficient room for a vehicle to readily manoeuvre in/out of the passing place,
- iii) Extension of the existing double yellow lines outside numbers 45 and 47 Dover Road to provide greater room for a vehicle to readily manoeuvre in/out of the passing place.

These improvements will create better intervisible passing places at regular intervals to accommodate the additional traffic from the development, as well as providing improved visibility for drivers using the accesses to numbers 67 and 69. Whilst the proposals will remove 2 usable on-street parking places, this small number can be accommodated elsewhere on-street in the vicinity. It is also likely that some children from the proposed development will attend the nearby school and travel on foot, replacing pupils who will have come from further afield and travelled by car and therefore providing a reduction in vehicle trips associated with the school.

Whilst the footways at the eastern end of Dover Road are narrow, they are usable and have been in use for many years. Vehicle speeds in this section are low and there are no reported personal injury crashes in the five years to the end of 2016 in this section of the road.

The impact of the additional traffic at the junction of Dover Road with Deal Road has been assessed and is acceptable, with the junction still operating within capacity. The junction has acceptable visibility and there have been no recorded personal injury crashes at the junction in the five years to the end of 2016.

The western section of Dover Road leading to the site entrance has sufficient passing places already available and wider footways.

The site access arrangements include building out the kerb line in Dover Road to achieve suitable visibility and the provision of a pedestrian crossing point across Dover Road to provide suitable access to/from the nearby school. The access arrangements require double yellow lines to maintain appropriate visibility at the

proposed crossing point and site access. This removes up to 7 usable on-street parking spaces and these are replaced in a proposed lay-by in the initial section of the site access road. The proposed parking restrictions will also provide improved visibility for drivers using the accesses to numbers 111-119 and 123-127 Dover Road. A Traffic Regulation Order (TRO) would be required for all the parking restrictions and this can be made by Kent County Council as the highway authority. According to advice to Planning Inspectors TROs must be made for qualifying purposes including avoiding danger to persons or traffic and facilitating the passage of traffic, which clearly apply in this case. Traffic flow and highway safety should be the primary concerns in relation to introducing a prohibition of waiting rather than matters of inconvenience or change. Therefore, if KCC is satisfied that the TRO is required and is the correct form of mitigation then they are in a position to dismiss erroneous objections and make the Order. The TRO could therefore be reasonably secured through a planning condition or s.106 agreement, with the drawings which highlight the TRO also referred to as approved drawings in the decision notice.

The proposed internal site roads are to remain private. The proposed site access arrangements can accommodate a suitable size of refuse, emergency and delivery vehicles. The development requires a total of 143 car parking spaces in accordance with Policy DM13 and 143 spaces are provided (plus 25 garages and the 7 replacement spaces in the site access road). The proposed internal layout and parking arrangements are therefore unlikely to have an unacceptable impact on the existing highway. Construction traffic and timing of HGV movements (to avoid school drop-off/pick-up periods), associated temporary traffic management measures, parking/turning areas and wheel washing facilities can be dealt with by condition through a Construction Management Plan.

Taking all of the above into account the proposals are considered on balance unlikely to have a severe impact that would warrant a recommendation for refusal on highway grounds. The following should be secured by condition:

- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans including unrestricted access to the 7 replacement parking spaces in the site access road lay-by, prior to the use of the site commencing.
- Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion of the site access and highway alterations as shown on drawing number 11532 T-03 Rev. P5 or amended as agreed with the Local Planning Authority prior to the use of the site commencing.
- No occupations until all reasonable endeavours have been undertaken to implement Traffic Regulation Orders (TRO's) prohibiting street parking in Dover Road as shown on drawings numbers 11532 T-03 Rev. P5 and T-09 Rev. P3 or amended as agreed with the Local Planning Authority.
- Provision and maintenance of the visibility splays shown on drawing number 11532 T-03 Rev. P5 with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.
- Demolition and Construction Management Plan to include the following:
  - (a) Routing of construction and delivery vehicles to/from the A256;

- (b) Proposed site access point;
- (c) Timing of HGV movements to/from site (it should be noted that such movements will not be permitted during school drop-off and pick-up times);
- (d) Parking and turning facilities for delivery and site personnel vehicles;
- (e) Wheel washing facilities,
- (f) Temporary traffic management (this will need to be agreed with our Streetworks Team and may need to include temporary parking restrictions, signage, etc.).

**INFORMATIVE:** It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

KCC Economic Development – The development will need to contribute towards infrastructure improvements to meet the needs generated by the development. These contributions comprise: £222,708 towards the new Discovery Park Primary School; £158,106.60 towards the Phase 3 expansion at Sir Roger Manwoods Secondary School; £1717.81 towards portable equipment for the new learners at classes within Sandwich; £3217.34 towards specialised large print books to meet the needs of borrowers at Sandwich Library; and £5201.21 towards the Age Concern Centre in Sandwich. The development should also provide one wheelchair accessible home and high speed fibre optic broadband.

KCC Lead Local Flood Authority – KCC are generally content with the submitted Flood Risk Assessment and Drainage Strategy, but comment that the final surface water pipe should be kept beneath the area of public open space or, if this is not possible, in areas which will be kept clear from future development. The exact location of drainage features, together with detailed calculations to demonstrate that they are appropriately sized should be provided and the drainage scheme should be maintained by the developer. Two conditions are recommended to secure the provision of a detailed surface water drainage scheme and avoid inappropriate drainage.

NHS CCG – Request a contribution be provided of £56,520 to increase the capacity of the Market Place Surgery, Sandwich to meet the needs generated by the development.

Environmental Health – No objection, subject to conditions being attached to any grant of permission, in line with the recommendations of the submitted contamination report.

Principal Ecologist – I think that where protected species are being translocated to 3rd party sites, a S.106 agreement is needed to ensure the preparation of the



translocation site and the management for the long-term. That would accord with the UK government standing advice.

The following applies to those reptiles that are protected only under the Wildlife and Countryside Act 1981 (as amended): adder, grass snake, common lizard, and slow worm. It does not apply to those species currently (pre-Brexit) protected under EU legislation, for which an NE licence is required.

The requirements below accord with the standing advice (NE and Defra) and are specifically for translocation, which should only be considered as a last resort. The receptor site should:

1. Be as close as possible to that to be lost;
  2. Be as large as the habitat to be lost (larger if that to be lost is high quality; smaller if it is of substantially better quality);
  3. Serve the same function as the habitat to be lost;
  4. Contain similar habitat as that to be lost, including water bodies;
  5. Not currently contain the same species, unless the receptor habitat is improved to support increased numbers;
  6. Be prepared in good time to allow any manipulated habitat to become suitable;
  7. Be safe from future development and managed in the long term.
- (7) above should be supported by legal agreement (S.106 ) providing in perpetuity site protection and management.

It is suggested that the S.106 should specify the donor area receptor area, the number of reptiles to be moved, and any required habitat enhancements, a capture and translocation method statement (which could take one or more years, depending on the population to be moved) , a habitat maintenance regime.

Standing Advice: <https://www.gov.uk/guidance/reptiles-protection-surveys-and-licences#contents>

Environment Agency – No objection, subject to a condition being attached to any grant of permission regarding the reporting and remediation of any previously unidentified contamination encountered. A series of informatives are also suggested relating to the proper disposal of any contaminated waste; appropriate facilities for the disposal of surface water to ground; the design of areas for the storage of fuel, oils and chemicals; and the need to direct foul drainage to sewers.

Southern Water – Southern water can provide foul sewerage disposal for the site. The applicant will need to ensure that details are provided for the proposed SUDS scheme and its maintenance secured. A condition should be attached to any grant of permission requiring full details of foul and surface water drainage to be submitted for approval. Southern Water can provide a water supply to the development.

Sandwich Town Council – Strongly recommend refusal, due to highway safety, inadequate capacity of water and sewerage infrastructure and insufficient car parking.

#### Public Representations –

Sixty eight letters of objection have been received, raising the following objections:

- Dover Road is far too narrow to cope with the extra volume of traffic, with a bottleneck that restricts vehicle movements
- The proposed access would be hazardous to residents and pupils of the school
- Increased traffic noise

- Noise and disturbance during construction
- The visibility from the proposed access to the site is poor
- The increased surface water drainage from the site would put further pressure onto the water drainage system along Dover Road
- There is insufficient capacity in the sewerage network to meet the needs generated by the development
- Insufficient supply of fresh water to serve the development
- Phone lines in the area are already unreliable
- There are newts on the application site
- DDC already has an adequate supply of land for housing for the next few years
- The development is too dense and overcrowded
- Some of the dwellings are too tall and would be out of character
- Footpaths on Dover Road are extremely narrow and dangerous
- The traffic studies were carried out mid-week and in the middle of the afternoon which is not the busiest time of the day (early morning is). As such, the number of cars and vehicle movements have been understated
- The surrounding roads are not suitable for cyclists
- Overlooking and loss of privacy
- There are unsold houses on developments in the locality
- The application does not propose a buffer around the perimeters of the site
- Harm to habitats and ecology
- Loss of a view
- Loss of property value
- Loss of or harm to trees, which may be damaged during construction
- Loss of tranquillity
- Increased pollution

In addition, eleven letters of support have been received, raising the following comments:

- Dover Road currently has the fewer vehicle movements than any time in the last 40 years
- Other roads in Sandwich are more congested (Woodnesborough Road, St Barts Road)
- Dover Road is better suited to additional vehicle movements than other development sites
- There is a need for housing in Sandwich
- The development will provide much needed affordable housing
- People do not have the right to a view
- There are solutions to the highway problems

f)

## 1. **The Site and Proposal**

- 1.1 The application site is located outside of the settlement confines and, for the purposes of planning, within the Countryside. To the north and west, the surrounding area is predominantly in agricultural use. To the south and east, the site is bounded by residential development, namely Dover and Stone Cross Lees. To the south of Dover Road is Sandwich Technology School and Sandwich Leisure Centre. The land is relatively flat.
- 1.2 The site itself extends to approximately 2.4ha. It was previously used as a plant nursery, although it is evident that this use ceased some time ago. The site still contains some of the glass houses which were used in conjunction with that business, although much of the site is vacant of buildings. The site

has an existing narrow vehicular access. The application site also includes No.121 Dover Road and its garden, which is a residential property.

- 1.3 The current application seeks permission to erect sixty seven dwellings within the application site, together with a pedestrian access (utilising the existing access to the site) and a new vehicular access to the site (utilising the land which would be provided by the demolition of No.121 Dover Road). An area of open space would be provided to the north of the site. The dwellings would be predominantly two storeys in height, although some two and half storey dwellings are also proposed.

## 2. **Main Issues**

- 2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- Impacts on heritage
- The impact on neighbouring properties
- The impact on the highway network
- Ecology
- Infrastructure and Contributions

### **Assessment**

#### Principle

- 2.2 The site lies outside of the settlement boundaries, where Policy DM1 applies. This policy seeks to focus development in sustainable locations and prevent urban sprawl. Having regard to the wording of this policy, it is considered that the erection of dwellings in this location is contrary to Policy DM1, as the development is not supported by other development plan policies, does not functionally require a rural location and would not be ancillary to existing development or uses.
- 2.3 Following publication of the Authority Monitoring Report 2015/2016 (March 2017), the Council is able to demonstrate a five year housing land supply. Specifically, the report confirms that the Council has a 6.02 year supply of housing land. As such, the Councils housing policies are up-to-date and carry full weight.
- 2.4 Paragraphs 11 and 12 of the NPPF, expanding upon Section 70(2) of the Town and Country Planning Act, confirm that applications must be determined in accordance with the development plan unless material considerations indicate otherwise, whilst development that conflicts with an up to date plan should be refused unless other material considerations indicate otherwise. The pre-amble to Policy DM1 states that any development which “would be a departure from this policy (sic) would require unusual and compelling justification for permission to be given”. Whilst the principle of the new dwellings is contrary to the development plan, regard will be had later in this report for whether there are any material considerations which indicate that permission should exceptionally be granted in this instance.

#### Housing Mix

- 2.5 The proposal would provide 67 dwellings comprising seven two-bed houses, forty-one three-bed houses and nineteen four bed houses. Policy CP4 of the Core Strategy requires that housing application for 10 or more dwellings identify how the development will create, reinforce or restore the local housing market, particularly in terms of housing mix and density. Paragraph 3.43 of the Core Strategy identifies the broad split of demand for market housing.

Number of Bedrooms	Percentages Proposed	Percentages Recommended
One (0)	0%	15%
Two (x7)	10.5%	35%
Three (x41)	61%	40%
Four (x19)	28.5%	10%

- 2.6 As can be seen from the above table, the proposal would be skewed towards larger three and four bedroom properties, at odds with the demand in the District. Whilst the recommended housing mix proportions are certainly not rigid, they should inform the housing mix proposed. It is also noted that the Authority Monitoring Report for 2015-2016 advises that over the monitoring period, one bedroom dwellings have been under-provided and the number of two and three bedrooms dwellings provided broadly accords with the required need. However, the number of four bedroom dwellings significantly exceeds required need, with 25% of new homes being four bedroom units against a recommended provision of 10%. The proposed bias towards larger dwellings, approximately 28.5%, would increase this disparity and would not provide the size of dwellings which are required to meet the needs of the District. It is considered that this adds weight to the in-principle objection to the development.

#### Character, Appearance and Heritage

- 2.7 The site lies within the countryside, where Policy DM15 applies. This policy states that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted in exceptional circumstances. In addition, Policy DM16 generally resists development which would harm the character of the landscape.
- 2.8 The development in the area is largely linear and street fronting, with a ribbon of development along Dover Road and, further to the south west, along Johns Green. To the west of Dover Road, Stone Cross Lees provides a variation to the character, being arranged as a cul-de-sac, although the development continues to front onto the street. Properties are typically set back from the road behind front gardens, although some more historic properties are closer to, and in some cases abut, the road. The scale and design of buildings varies along the length of the road, although in many cases dwellings appear as distinct groups or clusters of similarly designed dwellings. The non-residential uses are also important in establishing the character of the area. To the south of Dover Road is Sandwich Technology School and Sandwich Leisure Centre, which depart quite markedly from the character of the rest of the road, being formed of large two and three storey buildings which are linked together. Another important element to the character of the area are the undeveloped agricultural fields, which provide a visual reminder that the site is located on the fringe of the town and provide an attractive semi- rural character where breaks in build development occur.
- 2.9 The site itself is largely screened from views from Dover Road, being set behind the continuous development to the northern side of the road. Further to

the south west, the south western boundary of the site is visible across an agricultural field which occupies the land between No135 Dover Road and No.165 Dover Road. To the north of the site the north western boundary of the site is seen from a Public Right of Way (ES8) which runs from St Bart's Road to the A256 and is located around 190m from the site. The site is also visible in longer views from Woodnesborough Road and another Public Right of Way (ES10). At present, from these vantage points, the site provides a soft transition between the open fields and the settlement confines. As such, any development of the site would need to retain and enhance the boundary planting and ensure that the layout of the development minimises the prominence of buildings in these views.

- 2.10 The application proposes the erection of 67 dwellings on the site, which measures around 2.4 hectares. The resultant density, around 28 dwellings per hectare is of significantly higher density than the majority of the development on Dover Road, although this density varies considerably along its length and is almost 45 dwellings per hectare further to the north east (closer to the town). Whilst it would be undesirable to replicate such a high density on this rural fringe site, it is not considered that a density of 28 dwellings per hectare is unreasonable, striking a balance between allowing for the efficient use of land whilst also allowing for the density to reduce towards the peripheries of the site and for the provision of a retained and enhanced landscape buffer.
- 2.11 The layout of the development comprises a series of short private drives accessed via a central access road which runs along the length of the site. This pattern of development departs somewhat from the more regimented development along Dover Road, although it is not considered that a looser pattern of development would appear out of place in this rural fringe location. Furthermore, the site itself, which would generally be concealed in views from Dover Road, would form a cohesive character of its own. A landscape buffer is to be retained and enhanced to the south western boundary of the site, which would be visible from Dover Road, with properties set away from this boundary. Whilst the roofs of buildings, which would be two storeys in height (although No.12 would have rooms within its roof), would be visible over the boundary vegetation, it is considered that these views would be sufficiently filtered and screened to retain a soft rural edge character. As such, it is not considered that the pattern of development or layout would cause any unacceptable harm to the character of the area, when viewed from Dover Road.
- 2.12 In longer views from the north, it is again proposed to retain and enhance the existing boundary vegetation. The majority of properties would also be set away from the boundary, such that they would not appear prominent in views. Some dwellings would, however, be closer to the boundary (in particular plots 15, 24, 32 and 42). As a result, these dwellings, which would also be two storeys in height, would be plainly visible over the boundary vegetation and would, to a degree, detract from the verdant, undeveloped character of the site in these views. Whilst the development would therefore reduce the contribution that the site makes to the character of the area in views from the north, this must be balanced against the distance at which views would be taken. The harm caused is also tempered by the separation between the buildings which would be most visible, retaining significant gaps between the built elements which would be visible. Whilst the visual harm caused is consequently considered to be limited, it will be necessary to weigh this harm in the planning balance.

- 2.13 The scale of buildings across the proposed scheme is relatively consistent, with all dwellings being two storeys in height or, in the case of thirteen dwellings, two and a half storeys, having rooms in their roofs. In addition to the dwellings, single storey garages are proposed.
- 2.14 The scheme includes 10 house types which, whilst providing a common design language across the development, provide visual interest. The design of the buildings takes a traditional form, with canted bay windows, splayed and arched brick headers over windows, canopies and open porches around doors and windows and barge boards around gables, whilst the buildings are finished with pitched or hipped roofs. Whilst the development proposes the use of a limited palette of materials, producing a unity to the development, there would also be a degree of variety, with a mixture of multi-stock red brickwork and decorated and plain hanging tiles, under either slate or plain red tiled roofs.
- 2.15 For the above reasons, it is considered that the height, design and use of materials would create a cohesive and distinctive character, referencing elements from the wider area.
- 2.16 The application has been supported by a landscaping plan, which shows that the access road and footpath would be bounded by a swathe of meadow seed grass, heavy standard trees and native hedging. Within the site, the main road would be bounded with a mixture of native and ornamental hedging and shrub planting, whilst a significant number of trees along this route would provide structure. Adjacent to the main access road into the site and the central access within the development would be a 'green'. This 'green', which would largely be planted with grass, with heavy standard trees, spring bulbs and shrubs to its peripheries, would be the main focal point as you travel along the access road. The existing dense boundary vegetation to the south western boundary will be retained, whilst the boundary vegetation to the north west will be retained and complemented by standard trees and native hedging. Overall, it is considered that the landscaping proposals are of a high quality and will help to reduce the visual impact of the development from outside the site. Within the site, the landscaping will soften the appearance of the development. Should permission be granted, it is considered that it would be reasonable to secure, by condition, full details of how boundary trees and hedges will be protected during construction, retained and enhanced.
- 2.17 In most instances, where boundary treatments would be visible from within the site, 1.8m high brick walls are proposed, with less attractive closed boarded fences being confined to less prominent locations. No hard boundary treatments (walls or fences) are proposed to the peripheries of the site, where the introduction of such features would produce a visually harsh character. Should permission be granted, it is considered that it would be reasonable to remove permitted development rights for the erection of boundary treatments to properties which abut the south western and north western boundaries, to avoid such a visual impact.

#### Heritage

- 2.18 Whilst the site itself does not contain any listed buildings and is not within a conservation area, the development is relatively close to Stone Cross House, which lies opposite Stone Cross Lees and is Grade II Listed. In addition Katescott and No.62 Dover, located further to the north east are also Grade II Listed. In accordance with of the Planning (Listed Buildings and Conservation

Areas) Act 1990, special regard must be had for the desirability of preserving the listed buildings and their settings or any features of special architectural or historic interest they possess. Notwithstanding this statutory duty, the NPPF requires that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm.

- 2.19 The development would not be visible from the nearby listed buildings. Furthermore, it is considered that, with subsequent development having been built up to and around these listed buildings, their settings are relatively constrained. As such, having regard for the requirements of the Act, the development would cause no harm to these listed buildings or their settings.
- 2.20 The application has been accompanied by a desk based archaeological assessment. Whilst the report does not provide the level of detail, structured assessment, or consideration of the site's archaeological interest which is usually provided, KCC Archaeology have advised that they have been able to undertake an assessment of the site potential based on other sources. The site is located in a favourable position for activity, being on elevated ground on the edge of a former inlet of the Wantsum Channel. The site is adjacent to Dover Road, which is at least Anglo-Saxon in origin. There have been archaeological finds of between Romano-British date and early medieval date in the locality. It is therefore considered that there is a reasonable likelihood that the site contains features of archaeological significance and, as such, it is recommended that a condition be attached to any grant of permission requiring that a programme of archaeological work take place.

#### Impact on Residential Amenity

- 2.21 The existing dwellings on Dover Road are set a significant distance away from the site, due to their long rear gardens. As such, the vast majority of dwellings would be located in excess of 40m from the nearest of the proposed dwellings. As such, those dwellings would not suffer an unacceptable loss of light, sense of enclosure or overlooking. An exception to this is No.91A Dover Road, which is in a 'backland' location behind No.91. The closest of the proposed dwellings to No.91A is plot 48, which would be located around 13m away to the north west. Due to its orientation and separation distance, it is not considered that any loss of light or sense of enclosure would be caused. Also, whilst the proposed dwelling would include a first floor window this would serve a bathroom and, as such, could be obscure glazed and non-opening. The next nearest property with a window which would face towards No.91, plot 52, would be around 22m away. Consequently, it is not considered that No.91A would be overlooked to an unacceptable degree. It is also noted that between No.91 and plots 48 and 52, there is a significant area of vegetation.
- 2.22 Properties on Stone Cross Lees would be located at least 22m from the proposed dwellings and, as such, it is not considered that unacceptable loss of light, sense of enclosure or overlooking would be caused.
- 2.23 The access road to the development would be located between No.'s 119 and 123 Dover Road, following the demolition of No.121. As a consequence, the development would cause vehicles to pass along the sides of these properties and their gardens. Whilst this would create some additional noise and disturbance, it is noted that the road would be separated from the

neighbouring dwellings by at least 8m, whilst hedging would be provided to either side of the road. By virtue of the separation distances and vegetation proposed, it is not, therefore considered that the development would cause an unacceptable degree of noise and disturbance.

- 2.24 Regard must also be had for the noise and disturbance which would be caused during construction. Given the scale of the development, the demolition involved, its proximity to neighbouring residential properties and the likely sole means of vehicular access being close to neighbouring properties, it is considered that it would be reasonable and proportionate to require a construction management plan to be submitted for approval by way of condition. This should include details of access arrangements and delivery timings; details of where construction vehicles, plant and materials will be parked and stored; hours of noisy activities and the plant to be used and details of how dust and other debris will be controlled (including a demolition method statement).
- 2.25 The proposed dwellings themselves would all be of a reasonable size, providing their occupants with natural light and ventilation. Each would be provided with a private garden. The proposed dwellings would be set around 21m from each other where they are orientated back-to-back and at least 11m where the houses are orientated at 90 degrees. Whilst, in some instances, the rear gardens of dwellings would be overlooked to a modest degree, it is not considered that this overlooking would be such that it would warrant the refusal of the application.
- 2.26 Third parties have objected to the application on the grounds that the development would result in the loss of property value and the loss of views. Neither of these matters are material planning considerations and, as such, cannot be attributed weight in the planning balance.

#### Impact on the Local Highway Network

- 2.27 This section will not consider the sustainability of the sites location and whether the development would be balanced in favour of sustainable modes of transport. These considerations will instead be laid out within the 'Other Material Considerations' section which will follow. This section will focus upon the access, turning and parking arrangements for vehicles.
- 2.28 The site was considered for allocation in the Land Allocations Local Plan. Whilst land further to the north (land West of St Barts Road, adjacent to Woodnesborough Road) was allocated, allocation of the application site was discounted due to concerns regarding access and the increased use of Dover Road. Indeed, the preamble to the allocation at Land adjacent to Sandwich Technology School states that "Dover Road is not suitable to serve any further large scale development due to the number of accidents at the junction of Dover Road and Deal Road". In assessing whether to allocate the application site, it was commented that:

"Dover Road is unsuitable for handling traffic generated from the whole development area or from a smaller area such as the nurseries site. The southern end of the road has been blocked off and, at the north eastern end, it is fairly narrow with a poor junction onto Deal Road, which has known problems. Reopening the access to Dover Road from the A256 roundabout would not be possible".



- 2.29 The application proposes one main vehicular and pedestrian access onto Dover Road, together with a second access which would provide pedestrian and cycle access to Dover Road. Dover Road is blocked to its south western end and, as such, all vehicles travelling onto the wider road network must travel north east to the junction with Deal Road. Dover Road is, for most of its length, wide enough to accommodate two vehicles; however, this width reduces closer to the junction with Deal Road and, in parts, is only of sufficient width for one vehicle to pass, particular where cars are parked. Concerns have been raised by third parties that the development would exacerbate traffic on Dover Road, which is already considered to suffer from congestion, particularly at peak times due to the location of a secondary access to the rear of Sandwich Technology School opposite the proposed vehicular access. There is also a children's nursery on Dover Road, albeit beyond the application site to the south west. It therefore considered that the potential impacts of the development on local road network must be carefully considered.
- 2.30 KCC Highways have commented that "whilst Dover Road is not heavily trafficked there is clearly an increase in traffic during drop-off and pick-up periods for the nearby school". KCC, in agreement with the applicant's Transport Statement, consider that the development would produce 35 two-way vehicle movements between 8:00 and 9:00. Having visited the site on numerous occasions, and having had regard for third party responses, it is clear that this is the busiest time of the day for vehicular traffic and coincides with significant pedestrian traffic, with groups of school children walking and cycling to the rear access to Sandwich Technology School.
- 2.31 A strong concern of third parties has been the narrowness of existing footpaths on Dover Road. Whilst footpaths to the west of the road, and around the accesses to the site are reasonably wide, footpaths to the east (in the direction of the town centre and its facilities, services and public transport links) decrease in width, particularly to the southern side of the road. In places the footway is less than 1m wide, allowing only single file pedestrian traffic, inhibiting the use of wheelchairs and prams and often causing groups of school children walk partly in the road. KCC have commented that, despite their width, the footpaths are usable. Whilst KCC's position is accepted, with the footpaths being of sufficient width to function most of the time, it is also considered that the footpaths function poorly during peak times. The usability of footpaths, resulting in some pedestrians walking on the vehicular carriageway, must be considered when assessing the likely impacts of the development.
- 2.32 There have been no reported personal injury crashes on Dover Road in the five years up to the end of 2016, whilst vehicle speeds along the road are relatively low, likely due to the narrowing of the road. Third parties have commented that, whilst there may not have been any crashes, there have been near misses. This concern is acknowledged. The narrowing of the road and footway occurs towards the eastern end of the road where, at present, vehicles travelling west are required to pull into relatively small passing places to allow west bound vehicles to pass.
- 2.33 It has been recommended that additional yellow lines are provided to the southern side of Dover Road and the double yellow lines to passing places are extended to ease the manoeuvring of vehicles into and out of the passing places. The provision of improved facilities for vehicles to pull in and allow oncoming vehicles to pass will assist traffic flow during peak times. These

changes would allow better inter-visibility between passing places, as well as improving the visibility from the accesses of No.'s 67 and 69. Whilst these changes would result in the loss of two on-street car parking places, KCC have advised that there is sufficient capacity to accommodate the cars which would be displaced; however, it must be recognised that this would cause a degree of inconvenience to road users.

- 2.34 Further to the provision of additional yellow lines, the application proposes a slight buildout of the footpath to the south west of the proposed vehicular access, to improve visibility, and dropped curbs to provide a new, designated pedestrian crossing to the north east of the proposed vehicular access.
- 2.35 The development would also increase the use of the junction of Dover Road and Deal Road. The applicant's modelling of the impacts of the development on this junction shows that the junction will continue to operate well within its capacity, with no significant increase in queue lengths. KCC have agreed with the applicants conclusions. During site visits within peak hours (and during times when the gates at the level crossing to the train station would have been closed), it was noted that vehicles were able to leave the junction without having to wait for significant periods and no queuing was observed, correlating with the findings of the submitted report. Furthermore, visibility from this junction is reasonable in both directions. Again, there are no reported personal injury crashes at this junction over the five years to the end of 2016.
- 2.36 It is considered that, whilst the development would increase the number of vehicle movements along the road, the development would provide for the increased length of passing places and increased visibility for vehicles travelling along the road. Furthermore, it is not considered that waiting times at the Dover Road Deal Road junction would be significantly affected. Overall, it is considered that whilst there would be an increase in vehicle movements on Dover Road, these would be balanced against the benefits of increasing the usability of passing places. Whilst the conclusions of KCC's advice is therefore adopted, it is also recognised that the development would have a negative impact on the convenience of road users, removing nine on-street car parking spaces and reproviding seven spaces in a layby adjacent to the access to the site. As such, there would be an overall decrease in on-street car parking of two spaces, whilst the reprovided spaces would be further from the properties on Dover Road. This harm to the convenience of road users must be weighed in the planning balance; however, it is relevant to note that the test for refusing permission on highways grounds is whether the development would result in a severe cumulative impact. On balance, it is not considered that such a level of harm would result.
- 2.37 The proposed access to the site would be of sufficient width to allow for two vehicles to pass each other and vehicles to enter and exit the site concurrently without having to wait on the highway. Swept path diagrams have been provided which demonstrate that refuse and emergency vehicles can access the site, manoeuvre and exit in a forward gear safely. Finally, the access, subject to the buildout and double yellow lines being secured, would provide a reasonable level of visibility in either direction. As such, it is considered that the access road from Dover Road and the internal accesses would provide for the safe and convenient access to and around the site.
- 2.38 Policy DM13, having regard for Table 1.1, requires that development provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It is considered that the site is in a 'suburban

edge/village/rural location, where 1 and 2 bedroom houses will be expected to provide 1.5 spaces per unit and 3 and 4 bed dwellings will be expected to provide 2 spaces per unit. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. Garages are not considered to provide car parking spaces. The vast majority of dwellings would be provided with two car parking spaces. Whilst three properties would only be provided with one space, these dwellings are smaller two bedroom dwellings. Equally, two of the larger four bedroom dwellings are provided with three spaces. It is also noted that, whilst car parking spaces are typically provided side by side, some spaces are provided in tandem, reducing the usability of these spaces. In total, a further 27 visitor spaces are proposed. Seven of these would replace parking spaces lost due to the proposed build out and double yellow lines on Dover Road adjacent to the access to the site; however, the remaining 20 visitor spaces would still exceed the 13.4 which would be required. Overall, it is considered that provision of one car parking space each to three dwellings and the provision of some car parking spaces in tandem, is outweighed by the generous provision of visitor spaces and, consequently, the parking provision is acceptable.

- 2.39 The development would provide a second pedestrian access towards the north east of the site. This, combined with the layout of the development would provide for a permeable site which prioritises more sustainable forms of transport. The development also proposes the provision of cycle parking.
- 2.40 To conclude, it is acknowledged that substantial concern has been raised from third parties regarding the impacts of the development on the local highway network, including the safety of children walking to school and parents taking their children to nursery. Consequently, it is agreed that, whilst the number and frequency of vehicle movements on Dover Road is relatively low, the road would be particularly susceptible to changes which would harm highway safety. Whilst the development will increase the use of the road, it is concluded that such an increase would not be considerable, whilst the development would provide for alterations to the highway which would improve vehicular visibility and improve the efficient movement of traffic. Whilst the development would increase the number of vehicles using Dover Road, it is not considered that this would result in unacceptable delays to vehicles and would not cause harm to highway safety or the free flow of traffic. It is acknowledged that loss of parking spaces towards the north east of the road would cause greater inconvenience to road users and this harm must be weighed in the balance. However, it is not considered that this inconvenience would be sufficient to cause a 'severe cumulative impact' on the network.
- 2.41 KCC have advised that, should permission be granted, a construction management plan should be submitted and approved to ensure that unacceptable harm would not be caused to the highway network.

#### Ecology

- 2.42 An ecological report has been submitted with the application, which assesses the likelihood of protected species or their habitats being impacted by the development and suggests possible ecological enhancements.
- 2.43 It is considered that the methodology and findings of the ecological report are acceptable. The report identifies that there is a Badger sett, which appears to be in use, close to the site, whilst the site is considered to provide foraging opportunities for Badgers. Whilst no setts were identified by the survey within

the site, the possibility cannot be excluded. The site does not include any trees or hedges which would provide suitable habitat for bats, being too young (semi-mature) and lacking features such as cracks, crevices, holes and loose bark. All of the buildings on site were assessed and there were no signs of bats, whilst the structures lacked suitable features for bats. The site does, however, have potential for bat foraging and commuting. It is therefore recommended that any external lighting be sensitively designed and ecological enhancements include the provision of bat boxes. The site is not suitable for hazel dormice. The scrub and hedgerows may provide habitat for breeding birds, although the applicant's ecologist did not observe any nests. The site has a high potential to support reptiles, with tussocky semi-improved grassland, scrub and hedgerow habitats likely to attract reptiles. Third parties have also commented that they have observed reptiles in the immediate area. Three common lizards were observed by the applicant's ecologist. Due to the lack of standing waterbodies, the site does not offer suitable habitat for great crested newts. The site is likely to support a diverse range of invertebrates.

- 2.44 Having regard for the potential habitats and species on site, the applicant's ecologist had made a number of recommendations. Firstly, a specific reptile survey has been recommended to establish the size of the reptile population on site, such that a suitable mitigation strategy can be developed. A lighting strategy should be agreed to avoid impacts on bats and on the woodland belt to the east. A landscaping plan should be devised to include a range of native species (particularly plants used for foraging by bats) and existing hedgerows should be retained wherever possible. Any scrub clearance should be undertaken carefully and in the presence of a qualified ecologist to avoid any impact to badger. Whilst not recommended by the ecologist, it is considered that it would be proportionate given the close proximity of a badger sett to the site, to require by condition details of groundworks (and other works which may cause noise and vibration) close to the off-site badger sett. Removal of the greenhouse structures and vegetation should be undertaken outside of the breeding bird (nesting) season, unless the timing of the works are accepted by a qualified ecologist, following a check of the site. Finally, any loss of habitat should be compensated for by the installation of bird and bat boxes.
- 2.45 Subsequent to the recommendations of the habitat survey, a reptile survey was undertaken. Following the laying of artificial refugia, at a density of at least 10 per hectare, the site was visited by the ecologist on seven days over the course of around two weeks. On each occasion Viviparous (Common) Lizards were encountered, with a maximum count of 14 adults. On four of the visits a single slow worm was observed. No Grass Snakes were seen. Whilst these results are indicative of a low population, the ecologist is of the view that the population may be higher due to the vegetation density. As such, it is concluded that the site supports a medium population of Common Lizard. It is also established that there is a low population of Slow Worm. The survey advises that given the population size, the appropriate mitigation will be to trap reptiles on site for translocation. Further, given the size of the site, it would be impractical to translocate to another part of the site and, as such, a suitable off-site location will be required. The Councils Principal Ecologist has agreed with this approach, but has confirmed that the receptor site should: be as close as possible to that to be lost; be as large as the habitat to be lost (larger if that to be lost is high quality; smaller if it is of substantially better quality); serve the same function as the habitat to be lost; contain similar habitat as that to be lost, including water bodies; not currently contain the same species, unless the receptor habitat is improved to support increased numbers; be prepared in good time to allow any manipulated habitat to become suitable;

and be safe from future development and managed in the long term. In order to secure these requirements, on land which does not form part of this planning application, it will be necessary to enter into a Section 106 Agreement.

- 2.46 Consequently, subject to the proposed mitigation, safeguards and enhancements being secured by condition and Section 106 Agreement, it is not considered that the development would cause any harm to habitats or species.
- 2.47 The site is over the threshold of 15 units where development would be expected to provide mitigation against the cumulative impacts of development on the Pegwell Bay and Sandwich Bay SPA and Ramsar Site. The Land Allocations Local Plan sets out a mitigation strategy to avoid potential impacts brought about by cumulative development within the district, comprising a financial contribution to provide monitoring and wardening at Sandwich Bay and towards the Pegwell Bay and Sandwich Bay Disturbance Study. Should permission be granted, a contribution towards this mitigation will need to be secured by legal agreement. The applicant has confirmed that they are willing to provide this mitigation. Consequently, it is not considered that the development would cause a likely significant effect on the SAC or SPA.

#### Contamination, Drainage and Utilities

- 2.48 The site lies outside of any ground water protection zone, but it does lie close to surface drainage features which are susceptible to contamination, as is the proposed residential use. The previous use of the site, as a plant nursery, may have resulted in chemicals (such as pesticides or oils and petrol from vehicles or machinery) leeching into the ground, whilst there are also areas of made ground, the composition of which must be evaluated. The application has been supported by a 'Phase I Desk Study, Site Reconnaissance and Phase II Site Investigation Report' to establish likely risks of contamination on the site. The Phase I report identified that the site has the potential to have significant levels of contamination; however, when the soils were laboratory tested, the vast majority of the site was found to be uncontaminated. One area was found to have slightly elevated levels of lead and benzopyrene. Although the levels recorded were not considered to pose a risk to controlled waters they would pose a low/moderate risk to human health. Consequently, the report recommends remediation take place. The report also recommends that further investigation takes place within areas which are currently inaccessible.
- 2.49 The Council Environmental Health team have advised that any grant of permission should be accompanied by a suite of conditions, requiring further assessment and remediation takes place, in order to ensure that the site is decontaminated such that it poses no unacceptable risk to human health or the environment. In addition, the Environment Agency have recommended that any proposed areas for the storage of fuel, oil or chemicals (for example materials stored during construction), including details of how these areas which will be made safe, should be approved by the Local Planning Authority.
- 2.50 The site lies in Flood Risk Zone 1 and, as such, is in an area with the lowest risk of flooding from rivers or from the sea. Notwithstanding this, it remains necessary to consider whether the development would cause an increased risk of localised surface water flooding.

- 2.51 The application has been supported by a Drainage Strategy Report, which confirms that, at present, a small area (around a drainage ditch which runs along the south western boundary of the site) may be at risk of surface water flooding in extreme weather, although the report also confirms that investigations have confirmed that groundwater was not recorded at a depth of 3m, whilst the natural topography of the site would direct any surface water flows into the existing drainage ditch and away from the site (and other properties in the locality).
- 2.52 The development would significantly increase the amount of impermeable area on the site and, as such, without appropriate surface water drainage, would be likely to cause surface water flooding. The Drainage Strategy Report confirms that this risk would be mitigated through the provision of permeable pavements for all access roads (other than the small area immediately adjacent to Dover Road which is to be offered for adoption). Runoff from roofs and other impermeable areas will be conveyed to underground storage systems, which will comprise a mixture of oversized pipes, crates and open features. Subsequent discharge to the existing drainage ditch would be restricted to levels which would not impact upon the drainage ditch, or its ecology.
- 2.53 KCC, the Lead Local Flood Authority, have advised that they are generally content with the principles of surface water drainage, as proposed; albeit, the detailed design should route pipework through the open space. They have recommended that, should permission be granted, a condition should be attached which requires full details of surface water drainage, including calculations for infiltration rates, the designs of infrastructure and details for the maintenance of systems.
- 2.54 The Environment Agency have commented that where infiltration drainage is proposed, it should include pollution prevention methods (such as oil interceptors), although clean water can enter the system without passing through such methods. Water should also be prevented from passing through contaminated areas, whilst there should be no direct discharge to groundwater, with a layer of unsaturated soil maintained. Shallow SUDS features are also preferred to deep features, such as deep bored soakaways. The proposed methods of surface water drainage has the potential to appropriately manage drainage; however, it is considered that the precise locations for drainage features and their detailed design will need to ensure that any contaminated water, or any drainage through contaminated soil, is sufficiently treated to avoid harm to ground water. Subject to a condition being attached to any grant of permission requiring full details of surface water drainage, together with details of the maintenance of such drainage, the development would not increase the risk of surface water flooding or pollution.
- 2.55 The application proposes to connect the development into the foul sewers which runs along Dover Road. The Environment Agency have commented that they support this method of drainage, whilst southern water have confirmed that their investigations have shown that this network has adequate capacity to meet the needs of the development. It is considered that, subject to a condition being attached to any grant of permission requiring full details of foul water disposal being submitted, the site would be properly serviced, without increasing the risk of flooding on the site or elsewhere.
- 2.56 Southern Water has also confirmed that they are able to provide a fresh water supply to the site.

## Contributions

- 2.57 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. However, the policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions.
- 2.58 The applicant has confirmed that affordable housing will be provided on site, providing a plan indicating the potential locations for 20 affordable dwellings (30%). These dwellings would be provided in two groups, to the south east and south west of the site respectively. These properties would provide sixteen three-bedroom dwellings and four two-bedroom dwellings, which responds reasonably well to the mix identified by the Core Strategy as being required to meet the districts identified needs. The applicant has also confirmed that discussions have taken place with registered social landlords and a preferred partner has been identified. Subject to the details of the affordable housing provision being secured by condition, which shall require the submission of an affordable housing scheme, the development will provide a policy compliant element of affordable housing.
- 2.59 In accordance with Policy DM27 of the Land Allocations Local Plan, the development would also be expected to provide Open Space on site, or a contribution towards off-site provision, to meet the Open Space demand which would be generated by the development. In this instance, the Principal Infrastructure and Delivery Officer has not requested any Open Space provision. It is noted that the proposed development would include an area of open space, described as a 'green' centrally within the development. Whilst this would not provide any play equipment or other apparatus, it would provide opportunities for informal play. Within a relatively short distance of the site are Poulders Gardens, The Bulwarks and The Butts public open spaces. On balance, it is not considered that a contribution towards off-site open space provision could be supported in this instance.
- 2.60 KCC have advised that the application would place additional demand on their facilities and services, for which there is currently insufficient capacity. The development would increase the number of school children within the area. Projects have been identified which would increase the capacity of school place provision to meet the needs generated by the development. In relation to primary school places, £222,708 has been requested towards the construction of a new Discovery Park Primary School whilst, in relation to secondary school places, £158,106.60 has been requested towards Phase 3 of the expansion of Sir Roger Manwood Secondary School. Both of these identified projects are close to the application site and the construction or expansion of these facilities would meet the needs which would be generated by the development. The development would also increase demand for community learning services in the locality. A project has been identified which would meet this demand, relating to the provision of £1,717.81 towards equipment for the new learners at classes within Sandwich. The development would also increase the demand for library services and, in this respect, KCC have requested a contribution of £3,217.34 towards the provision of large print books at Sandwich Library. Finally, a request of £5,201.21 has been made towards the provision of social care, specifically towards the Age Concern Centre in Sandwich. KCC have confirmed that there is no current requirement

for contributions towards youth services in the area, although they have not confirmed whether this is due to there being sufficient capacity to meet the needs of the development or the lack of an identified project. The applicant has confirmed that they would be willing to meet these requests, which will need to be secured by legal agreement, should permission be granted.

- 2.61 The Canterbury and Coastal CCG have submitted a request for contributions from the development. It is advised that the development will increase the demand for primary healthcare provision within the locality and, due to capacity issues, there will be a need invest in local services. In this instance the CCG have advised that this investment would take place at the Market Place Surgery in Sandwich, which is closely related to the development, being less than one mile away. Given the scale of the development, the CCG have advised that a proportionate contribution would be £56,520. The applicant has advised that they would be happy to meet this request and, should permission be granted, it is considered that this contribution could be secured by legal agreement.
- 2.62 It is considered that the above contributions are CIL compliant. Each has been demonstrated 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. In each case there is an identified project for which no more than 5 contributions would be sought.

#### Other Material Considerations

- 2.63 The principle of the development is not considered to be acceptable, being contrary to the development plan. In such circumstances, permission must be refused unless material considerations indicate otherwise.
- 2.64 An important material consideration is the NPPF, which must be carefully considered to determine whether it provides any “unusual and compelling justification” to depart from the development plan. Paragraph 49 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. Sustainability is defined in the NPPF, at paragraph six, as paragraphs 18 to 219 of the NPPF taken as a whole. However, the assessment of sustainability can also be separated into three dimensions: economic, social and environmental. As confirmed above, the Council can demonstrate a five year housing land supply and it is in this context that the NPPF must be read.
- 2.65 Of particular relevance is paragraph 55 of the NPPF. This paragraph states that isolated dwellings in the countryside should be avoided, although it also provides examples of unusual circumstances where new dwellings in the countryside may be supported. It is therefore first necessary to consider whether this site is isolated, in relation to facilities and services and, in particular, the extent to which the development would support existing facilities and services in rural settlements. This consideration also links to paragraph 29 of the NPPF, which requires that development provides people with a real choice about how they travel (albeit, opportunities will vary from urban to rural areas).
- 2.66 The site is approximately a 1.3km walk from the centre of Sandwich. Sandwich is defined as a Rural Service Centre, which are intended to provide



the main focus for development in the rural area and are suitable for a scale of development that would reinforce its role as a provider of services to a wide rural area. The site is also around a 1km walk from Sandwich train station, which provides links to mainline stations including London and international stations, whilst the nearest bus stops are around 500m away, which provide regular services to Canterbury, Deal, Dover, Ramsgate and the surrounding villages. Furthermore, the site is adjacent to Sandwich Technology School and around 750m from Sandwich Junior School. Finally, the site is well linked to the aforementioned facilities and services by footpaths (albeit some of these footpaths are narrow). As such, it is not considered that the site is isolated, for the purposes of Paragraph 55, whilst overall the development would be located such that it would facilitate use of a range of modes of transport, according with paragraph 29. These conclusions add weight in favour of the development.

- 2.67 The site is not considered to be previously developed land, being largely vacant of buildings and, where buildings do or did exist; these buildings were used for agricultural purposes. The land which is occupied by No. 121 Dover Road is, however, considered to be previously developed.
- 2.68 The development would provide a short term, transitory, economic benefit by providing employment during the construction phase. The development would provide housing which plays a role in facilitating economic growth. The development would also provide a small increase in the local population, which would produce a corresponding increase in spending in the local economy.
- 2.69 In terms of the social role, the proposal would contribute towards the supply of housing supply and would accord with the aim of significantly boosting the supply of housing, albeit the site does not fall within the definitions of previously developed land or a windfall site. However, this benefit must be considered in the context of the Council's demonstrable 6.02 years of housing land supply, whilst the mix of housing proposed would not meet the mix which has been identified as being required by the district. 30% of the total number of housing units would be affordable units, a benefit which is given significant weight. The development would cause some harm to the character and appearance of the area, albeit this harm would be reduced by the imposition of conditions regarding details of materials and landscaping. The development would be in an accessible location, close to local facilities and services, reflecting the need and support health, social and cultural well-being; however, the development would cause some harm to the convenience of road users along the relatively constrained Dover Road.
- 2.70 In terms of the environmental role, the proposal would cause some harm to the character of the area, as set out above. It has been established that the site provides habitat for protected species, which will be translocated off-site, should permission be granted. The development would also include other ecological mitigation and enhancements, which will be secured by condition. The development would also facilitate the remediation of low levels of contamination on the site.
- 2.71 Overall, it is considered that there are a number of benefits and disbenefits to the scheme which must all be attributed due weight. It is considered that the assessment of whether the scheme is sustainable, as defined by the NPPF, is a balanced one. Whilst overall, weighing up the various dimensions of sustainable development, it may be concluded that the development is

'sustainable', given the close balance of the judgement it is considered that the NPPF provides only limited and qualified support. Furthermore, it is not considered that this support is sufficient to set conflict with the development plan aside.

#### Overall Conclusions

- 2.72 The principle of the development, being located outside of the settlement confines of Sandwich, is contrary to the development plan. It is considered that this is a very balanced case; however, whilst the development is acceptable in other material respects and would provide some benefits, it is not considered that these benefits are sufficient to outweigh the clear in principle objection to the erection of new dwellings in this location, which is contrary to Core Strategy Policies CP1, and DM1. It is therefore recommended that this application is refused permission.

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#### **Recommendation**

- I PERMISSION BE REFUSED for the following reason:
- (1) The site is located outside of any urban boundaries or rural settlement confines on non-previously developed land. The development would fail to provide a mix of housing to meet the identified needs of the district, would cause harm to the character of the area, in particular in views from the south west and north, and would cause inconvenience to road users. Consequently, the development would be contrary to Dover District Core Strategy Policies CP1, CP4 and DM1 and National Planning Policy Framework paragraphs 17 and 64.
- II Powers be delegated to the Head of Regeneration and Development to settle any reasons for refusal, in line with the issues set out in the recommendation and as resolved by Planning Committee.

#### Case Officer

Luke Blaskett