

- a) **DOV/14/00240 - Redevelopment of site to provide a total of 100 residential units comprising: two-storey terrace, semi-detached and detached new-build dwellings; Change of use and conversion of Tewkesbury House and the Chapel to provide 568 sqm of community space (Use Class D1), employment space (Use Class B1) and two residential units; minor demolition, alteration and conversion of the 'Old Workhouse' to provide ten residential units; retention and reinstatement of the fire-damaged Range building and erection of a two-storey terrace of ten residential units; car parking, landscaping, public open space and alteration to existing access (Amended plans and documents) – Eastry Hospital, Mill Lane, Eastry**

Reason for report: Number of contrary views (13)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Legislation, Planning Policies and Guidance**

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 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent the local planning authority *"shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses."*

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the planning authority should pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.

Section 72 of the Act 1990 requires that the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

**Land Allocations Local Plan Adopted 2015**

Policy LA29 is specifically related to this application site, being the allocation policy for Eastry Hospital within the recent Local Plan. It should be noted that this policy was adopted after the initial submission of this planning application. The policy states that:

'The site is allocated for a mixed use scheme including residential, community and compatible employment generating uses with an estimated capacity of 80 dwellings. Planning permission will be permitted provided that:

- i. any proposals ensure that repairs to the external envelope of the listed workhouse building are prioritised;
- ii. any proposals ensure that visual interest is not harmed, and provide for a soft loose knit interface between the site boundary and adjacent countryside and, in particular, provide for structural landscaping along the southern boundary of the site;
- iii. any road improvements arising from the development are funded by the developer and limited to works which are compatible with the historic environment;
- iv. the traffic and highways issues can be satisfactorily addressed;

- v. redevelopment of the Range building reflects the height, scale and massing of the fire damaged building and include a porte-cochere (a covered entrance large enough for vehicles to pass through);
- vi. the development should provide a connection to the water supply infrastructure at the nearest point of adequate capacity;
- vii. a mitigation strategy to address any impact on the Thanet Coast and Sandwich Bay Ramsar and SPA sites and Sandwich Bay SAC site is developed. The strategy should consider a range of measures and initiatives; and
- viii. the Public Right of Way (EE256) is retained and enhanced.'

Dover District Core Strategy:

**Policy CP1** states that the location and scale of development in the District must comply with the Settlement Hierarchy. The Hierarchy should also be used by infrastructure providers to inform decisions about the provision of their services.

**Policy CP2** outlines the provision of jobs and homes required between 2006-2026.

- Policy CP3: Distribution of Housing Allocations
- Policy CP4: Housing Quality, Mix, Density and Design.

**Policy CP5** outlines the sustainable construction standards required for new non-residential development which proposes in excess of 1,000 square metres of floor space.

**Policy CP6** seeks to ensure that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.

**Policy DM1** states that development will not be permitted outside of the urban/village confines unless specifically justified by other development plan policies, or if its functionality requires such a location.

**Policy DM5** states that the Council will seek applications for residential developments of 15 or more dwellings to provide 30% of the total homes proposed as affordable homes, in home types that will address prioritised need, and for developments between 5 and 14 homes to make a contribution towards the provision of affordable housing. Affordable housing should be provided on the application site except in relation to developments of 5 to 14 dwellings which may provide either on-site affordable housing or a broadly equivalent financial contribution, or a combination of both. *The exact amount of affordable housing, or financial contribution, to be delivered from any specific scheme will be determined by economic viability having regard to individual site and market conditions.*

**Policy DM11** states that planning applications that would increase travel demand should be accompanied with a suitable assessment of this increase. This again re-iterates that development outside of the urban/rural confines will not be permitted unless justified by Development Plan policies.

- Policy DM12: Road Hierarchy

**Policy DM13** states that parking provision should be design led and based on the characteristics of the site, the locality, the nature of the proposed development

and its design objectives. Provision for non-residential development, and for residential cycle provision, should be informed by Kent County Council Guidance SPG4, or any successor.

**Policy DM16** states that 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 the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

- Policy DM25: Open Space

#### Saved Policies

- Policy TR9: Cycles Routes
- Policy HS2: Housing Allocations
- Policy OS2: Children's Play Space
- Policy OS3: Open space
- Policy AS11: Re-use of Eastry Hospital

#### National Planning Policy Framework (NPPF)

The NPPF states that at its heart is the 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.

- Paragraph 14 sets out the presumption in favour of sustainable development. This is set out in full in the Overall Conclusions section at the end of this report.
- Paragraph 17 sets out 12 core principles which amongst the others seek to secure high quality design and a good standard of amenity for all existing and future residents.
- Section 1 sets out the needs of building a strong, competitive economy.
- Section 4: Promoting Sustainable Transport
- Section 6: Delivering a wide choice of high quality homes
- Section 7: Requiring a good design
- Paragraph 69 and 70 sets out the importance of facilitating social interaction and creating healthy, inclusive communities and to deliver the social, recreational and cultural facilities and services the community needs.
- Section 11: Conserving and enhancing the natural environment.
- Section 12: Conserving and enhancing the historic environment.

#### National Planning Policy Guidance

This provides guidance relating to matters contained within the NPPF.

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

There is extensive planning history for this application. The relevant history is summarised below:

93/00609: Two six place residential units. Granted on 18<sup>th</sup> November 1993.

- 00/00259: Demolition of a major part of Eastry Hospital (but retaining Chapel, buildings on back edge of Mill Lane and building fronting the access). Granted permission 18<sup>th</sup> May 2000.
- 04/01399: Erection of 23 houses and 26 apartments together with 2145m<sup>2</sup> of B1 Employment floorspace following the demolition of existing buildings. Refused permission on 16<sup>th</sup> February 2005.
- 14/00241 Minor demolition, and refurbishment/conversion of the Old Workhouse to provide 10 residential units; alterations and conversion of Tewkesbury House and the former Chapel to provide for community and employment space; reinstatement of the former Range building to provide a two-storey terrace of 10 residential units. (Amended plans and documents). Yet to be determined – awaiting the outcome of this application.

Also of relevance is Tree Preservation Order 3/2001 dated 28 March 2001.

**e) Consultee and Third Party Comments**

Neighbouring occupiers were notified and to date 13 letters of objection and 1 letter of support have been received. 6 of the commentators offered their comments but remained neutral. It is worth noting that many of those who objected to the application would accept an alternative, perhaps less intensive redevelopment of the site. The main comments within these letters are summarised below:

Objections:

- The development would result in an unacceptable level of increased traffic.
- Increased population would place pressure on local facilities such as schools, doctors surgery etc.
- Lack of infrastructure to support the development.
- Overdevelopment of the locality/ too many houses.
- The application site covers an area which is potentially rich in archaeological material.
- Concerns over the impact of the development on nearby listed buildings and how the development would be in keeping with the historic built environment.
- Surface water drainage.
- Traffic assessment out of date.
- Development not in keeping with the character of the area.
- No affordable housing contribution.
- Construction related disturbance (noise, vehicles etc.).

Support:

- Welcome initiative for rural regeneration to provide extra housing. However it is stated that more could be done to protect the historic built environment

Neutral:

- Information requested from nearby surgery on how it would cope with increased population level. Requested a S106 to ensure adequate provision is given.

**Natural England** were consulted and raised no objection in regard to national and international designated sites. We have not assessed this application for impacts on protected species.

**Dover District Council Environmental Health Officer** was consulted and states that the proposed development sits on top of the former hospital site which could possibly be contaminated land. The application shows little detail on the planned use of the existing church / chapel for change of use to B1 planning class. During previous demolition works within the planned development area Dover District Council served a Section 80 Abatement Notice for smoke nuisance. There were also concerns raised over the burning of trade waste. I would advise any developer of this site to pay due regard to smoke nuisance legislation under the Environmental Protection Act 1990. I would also draw the developer's attention to the waste management regulation for the disposal of site waste. Your attention is drawn to the provisions of the Control of Pollution Act 1974. Section 60 & 61 of the Act gives local authorities powers to control noise from construction sites.

**Dover District Council Heritage Officer:** The remaining buildings of the historic workhouse have suffered from extensive damage resulting in much of the internal historic fabric being lost. Externally the buildings contribute strongly to the street scene, being large and dominant structures within a street composed of small scale dwellings. However the largest building, the original 1835-36 workhouse has suffered significantly resulting in the need to carry out emergency works to remove several courses of the brick façade to prevent loose material falling and potentially causing harm to the general public. The proposal to convert to residential would help to ensure the preservation of the building and prevent further loss.

**Dover District Council Ecological Officer:** Makes no comments in relation to the application.

**The Fire Officer** was consulted and stated that from the submitted plans it appears that access to the site for the Fire and Rescue Service, as required by Section 53 of the above legislation, is adequate.

**Kent Highways Services:** Were initially consulted upon the application and raised a number of concerns with regards to the proposal and the data that was submitted with it. They therefore asked the applicant to submit further studies and plans, which were subsequently reviewed.

KCC Highways have now withdrawn a number of their objections but remain concerned with regards to the following matters:

**KCC PROW** were consulted and raised no objection to the erection of the development but as the proposed application is directly adjacent to footpath ER256 had concerns regarding how this will affect the footpath. It is intended to address this concern by condition.

**KCC Development contributions** were consulted and requested contributions for Primary school, secondary school, library book stock, Adult Social Care contributions and a condition to be included for the provision of Superfast Fibre Optic Broadband. As is set out within the main body of the report, these contributions cannot be met due to viability issues.

**KCC Heritage** were consulted and raised two principal issues which arise from proposals: impact on sites historic buildings (both listed and otherwise) and the impact on buried archaeological remains. They would recommend attaching two conditions if permitted.

**KCC Archaeology** were consulted and recommended conditions relating to historic building recording and the requirement for a programme of archaeological works to be implemented.

**Southern Water** were consulted and raised the following concerns: Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. May lead to increase flows to the public sewerage system and existing properties and land may be subject to greater risk of flooding. They recommended that if planning permission is granted that suitable safeguarding conditions be imposed.

**Kent Wildlife Trust** were consulted and recommended that DDC ensures that a Bat Mitigation Strategy is submitted for this planning application. They would also advise that a similar approach should be taken to a Reptile Mitigation Plan, supported by condition and including recommendations with the Greenspace Ecological Solutions report of October 2014. Does not appear to be any mitigation measures detailed for loss of habitat for breeding birds. They would expect to see details of how this development would avoid any potential impacts upon the European designated sites nearby, in particular as a result of increased recreational pressure. Kent Wildlife Trust therefore has **no objection** to the planning application, subject to the remaining matters above being addressed.

**Dover District Council Strategic Housing Manager** was consulted and made the following comments:

*'While the developer claims that the requirement to provide 30% affordable housing made the previous proposed scheme unviable I am of the view that some aspects of the scheme may have contributed to increased viability i.e. the proposed increase in the number of units and an increase in property values. It will need further viability testing to determine whether or not some contribution towards affordable housing can be made.'*

**Stagecoach** were consulted and confirmed that drawing 616231/SK03 revision B, showing the new westbound bus stop, is acceptable to them.

**Historic England** were consulted but did not wish to offer any comments on this occasion.

**The Environment Agency** were consulted and raised no objections to this proposal subject to the imposition of suitable safeguarding conditions.

**The Primary Care Locality Manager** was consulted and made comments outlining the estimated costs of reconfiguration and refurbishment work needed so that the local hospitals and surgeries could cope with the increased population.

**Eastry Parish Council** were consulted and made the following comments:

*'Although the Parish Council supports the principle of development on this site they object to this application on transport and highway issues related to the number and density of proposed dwellings and commercial units. The inadequate and flawed transport report submitted with the application means that the traffic impacts have not been fully or accurately considered. Further information is required to enable a full assessment to be made as to whether the impact is acceptable.'*

*The application also makes numerous references to the fall-back position of the site as a hospital, however with the lack of buildings on site which could facilitate the realistic re-use of the site in a fall-back scenario, the strength of the fall-back position is seriously compromised. The Parish has commissioned an independent transport and highways report to fully detail the concerns of the local residents.*

*In addition, the members strongly object to the proposed removal of the specimen sycamore tree T1 to improve the access to the site. This tree is of significant value to*

*the village. The members would also like more details in the proposed 568m2 of community and employment use areas.'*

**Nonington Parish Council** were consulted and made the following comments:

*'Object to the proposed development on Mill Lane on the ground that traffic from the Mill Lane site heading to either Canterbury, Maidstone or Faversham or to the M2, M20 or the M25 will travel directly through Easole/Holt Street. This is an unclassified village road through a designated Conservation Area. The MLM 2014 traffic report does not contain a single reference to the primary transport route for the primary transport mode – road travel from Eastry to the A2 and UK Motorway System. No consideration appears to have been taken as to whether this route can accommodate the increased traffic this development will inevitably generate. It is clear that a co-ordinated approach between housing development and the infrastructural capacity of the local road network at both a local and regional level is urgently required before this proposal should be considered. NPC therefore recommend that this proposal be refused.'*

**f) The Site and Proposal**

1. The proposed site is roughly L-shaped which is approximately 4.68ha, lying on the south side of Mill Lane on the southern edge of the village of Eastry. Eastry is located approximately 20km east of Canterbury. There is one single point of vehicular and pedestrian access to the site from Mill Lane.
2. The site was formerly used as a mental health hospital, however that use ceased in the 1990's. Prior to being acquired by the NHS, the site housed the Eastry Union Workhouse. The original Old Workhouse building is highly prominent on site and has been affected by numerous fires but is still a Grade II listed building. The site also consists of the Eastry Asylum Chapel and Tewkesbury House. In 2008, many of the other previous hospital buildings were demolished.
3. The Eastry Conservation Area, as designated by Dover District Council, extends across the north corner of the site and includes the Old Workhouse and Chapel. The site is located outside of the Kent Downs Area of Outstanding Natural Beauty (AONB), though the land to the immediate south of the site, part of which is under the applicant's ownership, has been designated as part of the North Downs Special Landscape Area (SLA) by Kent County Council.
4. The proposal comprises of residential development consisting of 100 dwellings with partial redevelopment of The Range and the Old Workhouse. In addition, the development will comprise of commercial/community floorspace to be provided within the Chapel, the retained wing to the Old Workhouse and Tewkesbury House providing a total of 568m2 of B1/D1 floorspace.
5. The range of dwellings include: 12 x 2-bed flats, 34 x 2-bed houses, 25 x 3-bed houses, 9 x 4-bed houses. As well as 7 x 2-bed, 2 x 3-bed and 1 x 4-bed houses in the Range and 7 x 1-bed and 3 x 2-bed flats in the Old Workhouse. The new dwellings will use a mix of materials including timber cladding, brickwork, powder coated aluminium frames, slate and roof tiles.
6. The application site contains a number of listed buildings, with the descriptions available on the Historic England website. These listed buildings are however in a significant state of disrepair, with only the chapel within the site appearing to be fully intact.

7. The site is very much overgrown, with the buildings within the site in a particularly unkempt state, and they have clearly suffered significant vandalism over the past few years. There is evidence of fires having taken place within the site and other forms of anti-social behaviour – such as graffiti.

### **Main Issues**

8. The main issues for consideration in the determination of this application are:
  - Principle of Development
  - Impact on the visual amenity of the area and landscape
  - Impact upon residential amenity within the area
  - Impact upon highways
  - Impact upon heritage assets
  - Contributions
  - Drainage

### **Assessment**

#### **Principle of Development**

9. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
10. The National Planning Policy Framework 2012 (herein referred to as the NPPF) indicates that planning applications within sustainable locations and that accord with the development plan should be approved without delay.
11. The application site is allocated within the adopted Land Allocations Local Plan (adopted in 2015) for a mixed use development, the criteria of the policy being set out in full earlier within this report. It should be noted that this proposal does not wholly comply with the requirements of this policy, but nevertheless does accord with the principle of development, i.e. a mixed use scheme.
12. That said, given the fact the proposal does not wholly comply with the policy, a careful assessment with regards to sustainability of the development, in accordance with the NPPF is also required, and in particular the three threads of sustainable development, and the importance of conserving and enhancing heritage assets. Whilst the principle is therefore acceptable, all material considerations need to be fully considered prior to the determination of this application.
13. In terms of the split of uses within the site, the LALP document identifies that there is a requirement for employment as well as housing within the application site. Paragraph 3.332 states that the Employment Update (2012) has indicated that, in terms of the rural area, retaining an element of employment at Eastry Hospital is important for the geographical distribution of employment sites in the District. The retention of an element of employment in the former workhouse, which fronts Mill Lane, is supported from a historic environment perspective as potentially there could be less damage to the internal layout.
14. The LALP then states (in paragraph 3.333) that in recognition that the demand for specific B1 (business) uses has historically been low, the District Council will be supportive of other employment generating uses, wider than the B1 use classification, providing that they are compatible with the residential element of the development.

15. The applicant has sought to provide some flexibility within this site, by suggesting either community or employment uses within these buildings. It is considered that this is a pragmatic response to the policy requirements; it is acknowledged that this would be a particularly difficult location to support medium/large scale employment provision, given its relatively remote location, but also the emergence of Discovery Park in Sandwich as a successful hub for businesses of this scale (with all of the economic benefits of an Enterprise Zone). Whilst clearly the aspiration for mixed use within communities such as this is generally supported, it is considered that due to the economic viability of refurbishing the buildings, together with the abundance of available office/commercial space within the locality, it is reasonable and acceptable to provide a lesser amount of floorspace within this location.
16. In terms of housing numbers, this site would deliver an over-provision when assessed against the requirements of the policy. This is in-part due to the fact that there is less commercial floorspace than the policy suggests, but also because the applicant has sought to provide a variety of house types throughout the development including a number of smaller properties.
17. Whilst the Council are currently in a relatively strong position in terms of five-year housing land supply, it is acknowledged that there is a strong reliance upon large strategic allocations such as Whitfield. Sites such as this could deliver approximately 50 dwellings per annum, and given this is a full application, it is likely that all 100 units would be delivered within the next five years. It should also be acknowledged that the figures provided within the LALP are suggested yields, and not limits to development. If an appropriate form of development comes forward which exceeds this figure then there is no ground to refuse simply on that basis.
18. For the reasons given above, it is considered that whilst this proposal does not comply with all elements of the LALP Policy, there are sound justifications for this, and as such, the proposal is acceptable in principle subject to all other material considerations being assessed.

#### Impact on the Visual Amenity of the Area and Landscape

19. Given that the application site has been allocated within the Council's land allocations local plan, there is clearly an acceptance that this is a suitable site for a mixed use development, which comprises primarily of housing. That said, the policy states that the site would be able to accommodate up to 80 dwellings, and this proposal is demonstrating a significant uplift on this projected figure to 100 dwellings.
20. The proposed layout has been formulated in order to respond positively to the setting of the listed buildings that are sought to be retained/refurbished within the site. That said the layout within the site is relatively formulaic, with the highways throughout of a fairly formal character.
21. There is a clear road hierarchy that is legible once within the site, and the main means of access/egress is easily defined. In any event, this is not a scale of development that would require differing character areas of specific highways treatment to emphasise the layout.
22. Pockets of open space would be provided within the development, that would allow for the retention of the highest quality trees within the development. These would also act as informal areas of open space for recreational purposes. They would also have the benefit of being located upon the southern part of the site, where views into

the development would be more readily available from medium/long distance views. These areas of open space, with retained trees would offer a layering effect and would soften the development from the south. It is also noted that there is land to the south that is proposed to be undeveloped, but that is part of the application site. This is to be used for ecological mitigation, and as such additional planting can be provided that would further soften the proposal from medium/long distance views.

23. Views from the south are particularly important, and this is highlighted within the preamble to the allocation policy. It is therefore welcomed that, in addition to the above, the properties along this southern edge are at the lowest density, with the greatest level of separation between them. These are the largest properties within the site, and are also provided with good sized gardens, which is as you would expect upon the most sensitive part of the site.
24. The density of the development rises as one heads northwards, which responds positively to the existing building form of the former hospital buildings. Again, the proposal is relatively simple in its form, but nevertheless would provide for an attractive layout that would allow for a suitable level of soft planting throughout.
25. Much of the development within the north of the site would be screened from the public domain by the existing buildings. It is noted that the rebuilding of the Range would be as per the requirements of the policy, with the inclusion of a porte-cochere upon its front elevation. It is considered that this element of the proposal is well designed, and would re-instate the building with correct proportions etc.
26. Given the above it is considered that the development would be acceptable in terms of its impact on the street scene and would be able to be assimilated into the village without having a detrimental impact upon its character. In terms of any wider landscape impact, whilst the development would be located on the southern edge of the village, it would be viewed within the context of existing residential development surrounding it and through the design and layout solutions outlined above, it would not have an unacceptable impact upon the character of the wider rural landscape. Policy DM16 states that 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 the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
27. The proposed development would therefore comply with the objectives of Core Strategy Policy DM16 as it would not harm the character of the landscape and of Paragraph 17 of the NPPF which requires development to take recognise the intrinsic character and beauty of the countryside.

#### Impact upon Residential Amenity within the Area

28. Paragraph 17 of the NPPF outlines that one of the core principles of sustainable development is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
29. The application site is relatively self-contained, and would be set away from existing residential properties to the aside from those within Lower Street, and also within White Wood Road.
30. The properties within White Wood Road would be side on to the development, with a pedestrian/cycle link to be provided into the highway. The proposed layout would

relate to this existing pattern, grain, and orientation of development, and as such there would be no direct overlooking of the existing properties. Furthermore, the positioning of the new dwellings, together with their scale (being of two storey) would ensure that there is no overshadowing, nor the creation of a sense of enclosure to these properties.

31. Whilst a pedestrian link is proposed through to this cul-de-sac, it is not considered that this would result in any significant noise and disturbance to the occupiers of these properties, over and beyond that which would be expected within a residential area.
32. The properties within Lower Street are set out in a much more organic manner, with some properties within the road frontages and others set further back from the highway. Those that are set further back would thus be closer to the proposed development. The proposed properties closest to Lower Street are all designed to be 'side on' with the boundary, and with no windows that would overlook the properties. As such, it is not considered that there would be any overlooking of these existing properties. Likewise, there would be sufficient separation between the proposed and existing (minimum of 19 metres) to ensure that there is no overshadowing or creation of a sense of enclosure.
33. Again, whilst there will be a slight uplift in general noise and disturbance from new occupiers of these dwellings, this is clearly anticipated as the site has been allocated for housing for a significant period of time. It is therefore not considered that any increase would be unacceptable. The Council's Environmental Health Officer has also not expressed any concerns in this regard.
34. The site is currently undeveloped (aside from the derelict buildings) but is therefore particularly dark at evening/night. The development of this site would introduce a chance to this, but a condition has been suggested that would ensure that details be submitted, in order that the local authority has suitable control over lighting – both in terms of residential amenity and also ecology.
35. It is therefore considered that the proposal would not have any adverse impact upon the residential amenities of the neighbouring occupiers, thereby complying with the requirements of the NPPF.

#### Impact upon Highways

36. Paragraph 32 of the NPPF states that All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
  - the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe and suitable access to the site can be achieved for all people; and
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
37. The applicant has submitted a Transport Assessment with the planning application which has now been reviewed by Kent County Council Highways Services. This

Assessment sets out that the proposal would have no severe impact upon the highway network within the vicinity or further afield.

38. There were initially a number of concerns raised by the highways officer, with regards to the submissions that have been made, and the applicant has subsequently submitted additional information that has now removed their objections from the development.
39. The proposals are likely to generate approximately 60 two-way vehicle movements in the morning and evening peak hours, most of which will enter and leave the site via High Street and Sandwich Road or Lower Street and Dover Road. The main concentration of vehicle movements is through the Mill Lane/High Street/Lower Street junction and this has sufficient capacity to accommodate the additional movements. Whilst visibility from Mill Lane to Lower Street is less than would ideally be provided under current guidance, the junction has been in use for many years and there are no recorded personal injury crashes at the junction in the five years to the end of 2016. Both High Street and Lower Street have sections which are used for on-street parking, reducing the carriageway to single-lane working. In the case of High Street there are passing places available at several locations (protected by existing parking restrictions) and other gaps in the on-street parking, and these should be sufficient to accommodate the additional vehicle movements on this route.
40. In Lower Street there are existing accesses protected by 'dog bone' markings which act as passing places but some would benefit from being extended and protected by parking restrictions. The development proposals therefore include provision of double yellow lines to improve two of these informal passing places. This would mean the loss of three on-street parking spaces in those specific locations but other on-street parking is available. A Traffic Regulation Order (TRO) would be required for 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, which has been proposed.
41. Whilst a few movements may be generated in Mill Lane to the west of the site but the numbers are unlikely to be significant and, although there is some on-street parking in this section of Mill Lane, passing places are available.
42. It should also be noted that whilst there may be some vehicle trips from the development to/from the school, these will not add to existing school trips as they will replace current trips by parents from further afield when school places are given to children living in the new development. Some children from the development will also be walked the short distance to and from the school using the direct pedestrian route available.
43. The site access proposals include the provision of a pedestrian crossing point just to the north of the access, to provide a connection to the existing footway network on the north side of Mill Lane and therefore pedestrian access to the school and village centre. A build-out and parking restrictions are required on the north side of Mill Lane to provide visibility for pedestrians crossing southwards and this requires the removal of 3 existing on-street parking spaces, replacements for which are included in the

new parking area for existing residents adjacent to the access on the south side of Mill Lane. The site access proposals also include the provision of a footway, pedestrian crossing point and bus stop to the front of the listed building in Mill Lane, the bus stop being a relocation of the existing westbound stop a few metres to the east.

44. The footway will allow level access to buses and a pedestrian connection between the listed building and the existing footway network on the north side of Mill Lane. Parking restrictions are required on the north side of Mill Lane to provide visibility for pedestrians crossing southwards. This will remove what appears to be some sporadic footway parking in this section of Mill Lane, however other parking is available on the south side of the road and additional parking will be available in the new parking area for existing residents adjacent to the access on the south side of Mill Lane. Again a Traffic Regulation Order (TRO) would be required for the parking restrictions and this can be made by Kent County Council as the highway authority. It should be noted that in order to provide a new pedestrian access via private steps from Mill Lane to the listed building, the small area of the highway containing the steps will need to be stopped up.
45. There is no objection in principle to this from the highway authority. It is considered that sufficient levels of car parking are available for the proposals within the site and whilst there are a few plots where the associated parking would ideally be closer to the dwelling, this is unlikely to result in unacceptable parking on the existing highway. A gated secondary emergency access to the site is provided from White Wood Road and this can be secured by condition.
46. Due to the scale of the proposed, it is considered necessary to require a detailed construction management plan to address traffic and the associated routing and timing of HGV movements, together with parking for delivery vehicles and site personnel.
47. Given the above, it is not considered that the proposal would result in a severe impact upon the highway network and existing public rights of way would be unaffected by the proposal. As such the proposal complies with the requirements of DM13 of the Core Strategy and the requirements of paragraph 32 of the NPPF.

#### Impact upon Heritage Assets

48. The NPPF (paragraph 128) requires that applicants should describe the significance of any heritage assets affected including any contribution made by their setting. The level of detail should be proportionate to the assets' significance. The applicant has submitted a full heritage assessment which identifies the historic use of the land at its importance in relating to the setting of the building.
49. Paragraphs 132-135 of the NPPF relate to the significance of heritage assets and how planning applications should be determined to ensure that great weight is given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
50. The existing buildings within the application site are now within a significant state of disrepair. Much of the original structure of the main listed building (chapel aside) appear to have been lost, or in a state of collapse. It is clear therefore that there is the necessity for a significant level of work to be undertaken on this site to bring the listed buildings back in to any sort of use.

51. The applicant has submitted a Heritage Statement that sets out both the significance of, and impact upon the heritage asset. Significant pre-application and post submission negotiations have taken place with the Council's Heritage Officer, who initially requested that a number of amendments be made to the scheme – these were generally detailed points.
52. The applicant has addressed these points, and submitted amended plans which have been reviewed by the Heritage Officer who is now content with the proposal.
53. The allocation policy for this site identifies elements of the listed buildings that should be re-built and the applicant has undertaken a thorough assessment of the existing buildings, and the plans clearly demonstrate how the listed structures can be reinstated in an appropriate manner.
54. One of the key reasons that this site has been an allocation for housing development is due to the necessity to be able to fund the rebuilding and refurbishment of the derelict listed buildings. The buildings, being set up against the highway would retain their character from outside of the application site as the additional housing development would not be visible from this vista. Indeed, because of the works required to bring these buildings into a habitable state, there would be betterment from this public vantage point.
55. From within the site, the buildings appear as more derelict and as such their setting has already been significantly compromised. The site is wholly overgrown, with short to medium term views significantly compromised. Whilst the erection of dwellings within their immediate curtilage would result in the loss of openness to the rear, and thus would impact upon the buildings' setting, this would not be to their detriment. The site, being a former hospital use, would not necessarily be expected to be surrounded by a significant level of open space, with many buildings of this type located within urban or village settings, with buildings surrounding them.
56. Furthermore, the impact would be reduced by the re-instatement of the Range which is currently of no scale having been mostly demolished. This historic structure would be of a substantial size and would replicate the building that was previously in situ. This in itself would therefore represent a barrier from the new development to the listed buildings, which will further soften the impact of the dwellings.
57. Whilst the proposal would be in relatively close proximity to a number of listed buildings located along Lower Street, there would be sufficient separation between the proposed development and these properties to ensure that their setting would not be compromised. The development would ensure the significance of the heritage asset is safeguarded for the future.
58. In terms of archaeology an evaluation accompanies the application, the results of which indicate that Anglo-Saxon settlement is present on or close to the site. It is therefore possible that archaeological deposits may be present at the site that would be affected by groundworks associated with the development and therefore provision should be made for a programme of archaeological works, to be secured by condition.
59. It is therefore considered that the proposal would bring about significant enhancements to the existing listed building, with no significant impact upon their setting brought about by the new development. The setting of existing listed buildings would also be preserved, and as such the proposal is considered to comply with the requirements of 132-135 of the NPPF.

## Ecology

60. Paragraph 3.337 of the LALP states that a combination of the scale of the development and the proximity of the site to European designated nature conservation sites means that any planning application will have to develop a strategy with a range of measures and initiatives such as the provision of informal open space or walking routes (leading to wider PROWs) within the development.
61. The applicant has submitted a number of ecological reports that set out both the existing biodiversity within the site, as well as suitable mitigation to address the impact of the proposal.
62. The reptile survey that was undertaken showed a 'good' population of common lizards, a 'low' population of slow worms in the development site, and a 'good' population of both within the proposed receptor site. It is therefore likely that harm would occur without suitable mitigation, and it is therefore proposed that the receptor site be in place prior to any works on site, in order that they can be translocated without harm. The full mitigation for this is set out within the submitted report, and shall be controlled by condition.
63. The submitted bat survey highlighted that during the surveys one common pipistrelle bat was confirmed to have emerged from the northern aspect of the Chapel roof, three common pipistrelle bats were confirmed emerging from Tewksbury House and one long-eared bat emerged from a first-floor window of the Range. In addition, there was a probable emergence of one soprano pipistrelle bat from Tewksbury House.
64. Because the chapel building is to be limited to internal alterations, there is not considered to be any detrimental impact upon these bats, as the roost present within this building would be unaffected. However, due to the level of works required to the 'Range' building, there is likely to be a requirement for further licences to be granted to enable these works to take place. It is important for Members to note that these licences can only be granted once planning permission has been granted – i.e. this is the first step on the process. The content of the EPSM licence (if required) will then detail the timeframes, methodology and mitigation measures required when working with bats and their roosts.
65. Regardless of whether an EPSM is currently identified as needed for works to any particular building, it is strongly recommended that update surveys are conducted in the season prior to works being undertaken on any building. This is necessary as bats have been found to be using three of the four buildings surveyed and their usage of these buildings may change both throughout a season and from year to year; this will therefore be secured by condition.
66. It is therefore considered that whilst this is a sensitive site in relation to ecology, mitigation can be put into place to ensure that there would be no adverse impact upon biodiversity subject to the imposition of suitable safeguarding conditions.

## Contributions

67. Any requests for contributions needs to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets the following requirements:

It is:

- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
68. As Members are aware the Council would ordinarily seek a provision of 30% affordable housing on a site of this scale, together with suitable contributions for community facilities that would be impacted by the proposal.
69. The applicant has submitted a full viability appraisal with this application, which has been independently assessed for the Council. This and the assessment carried out are attached to this report as appendix 1 and 2. The viability appraisal submitted indicated that the viability constraints of the site meant that there would be no scope to provide for any financial contributions or for any affordable housing provision within the development.
70. The findings of the report were questioned by the independent assessor, who raised some concerns with the proposed sales prices as well as costs. They estimated that there would be an element of surplus (when taking into account a developer's profit) that could be spent on either affordable housing provision, or contributions.
71. Following on from this appraisal the case officer has been in negotiations with the applicant, who has confirmed that the applicant can now provide 10% affordable housing within the scheme (amounting to 10 units), as well as the required play space contributions and SAMMS payments to mitigate the impact upon the local nature reserves. These contributions will assist to address the impact of the proposal upon the locality.
72. The lack of contributions needs to be carefully considered by Members, as a proposal of this scale will have a clear impact upon local infrastructure. However, the delivery of housing within the District is an important consideration, particularly given that this is a long-standing allocation. There have consistently been viability concerns with the delivery of this site, and these remain, and indeed are exacerbated by the length of time the site has taken to come forward – which has required further works to the listed buildings. Should the development provide the contributions proposed it would be viable, and would significantly assist with both the Council's five-year housing land supply and also to address the strategic need within the District. This is a significant material consideration in the determination of the planning application.
73. It is considered that whilst this shortfall of contributions is regrettable, the applicant has demonstrated that it would not be possible to deliver more than 10% affordable housing, open space, and SAMMS contributions, particularly given the cost of safeguarding and reinstating the heritage asset, and as such the application can be supported on this basis, given the overall benefits to the listed buildings and the provision of housing delivery.

#### Drainage/Flooding

74. The applicant has submitted a flood risk assessment (FRA) with the application which sets out that the development should not be at a significant risk of flooding, and should not be susceptible to damage due to flooding. The flood risk assessment concludes that the site is located within flood zone 1 and whilst the type of development is classified as 'more vulnerable' this would not require an exceptions test to be undertaken.

75. The FRA then makes a number of suggestions in order to ensure that the development does not adversely impact flood risk elsewhere. These include the requirement for a detailed surface water management strategy (which is sought to be conditioned), and the use of appropriate SuDS techniques within the development, which again is to be conditioned.
76. The Environment Agency were consulted on this application and raised no objections subject to the imposition of suitable safeguarding conditions to address the above matters. These conditions are set out at the end of the report.

### Open Space

77. It is proposed that an area of open space be provided to the south of the application site. This is designed to be informal, semi-natural open space which will retain existing trees, and hedging, and will therefore be used as informal open space. This will be accessible for both the future residents of this site, as well as for those outside of the site – i.e. public access would be available. The area would be bound to the north by the rear boundaries of the application site, which would reduce the level of natural surveillance but that in itself is not considered to be unexpected. There would be access through the open space within the residential portion to the north of the site.
78. This open space would not be provided with any formal play equipment etc. but contributions are to be made to improve other local facilities – as set out within the section of the report above. This open space will also enable additional planting to be provided which would further reduce the impact of the development upon the wider area.

### Conclusion

79. This is a development that has been subject to significant pre-application discussions, and further amendments subsequent to the submission of the application (which was made over three years ago). There are a number of reasons why this application has taken this length of time to come to determination, including the requirement for amended plans to be submitted, as well as the necessity for a viability appraisal to be submitted – and fully and independently assessed.
80. This viability appraisal demonstrates that the applicant can only provide for 10% affordable housing throughout the development, and given that this is an allocated site within the Land Allocations DPD, this is disappointing. Nevertheless, the importance of delivering this site, which has been allocated for a number of years, for much needed housing is considered to be a strong material consideration in its favour.
81. The proposal would bring forward 100 dwellings within a site identified as being within a suitable location, as well as community/commercial floorspace.
82. A further benefit would be to bring back the now derelict listed buildings back into use which will have social as well as environmental benefits. The rebuilding/refurbishment of the listed structures will come at a significant cost, and it is these benefits that have had a direct impact upon the viability of the scheme. Whilst Policy DM5 of the Core Strategy does require the provision of 30% affordable housing, it does allow for flexibility where viability does not allow this full provision. In this instance the applicant has clearly demonstrated that this full provision cannot be

made, for the reasons set out above, and as such it is considered that the policy is still complied with.

83. Significant work has also been undertaken to ensure that the impact upon the highways are fully understood and the County Highways Officer now does not object to the proposal. Suitable parking provision is to be made within the site that would ensure that there would be no detrimental impact upon highway safety. The proposal therefore accords with Policy DM13 of the Core Strategy.
84. The proposal is well designed and has due regard to the sensitivity of the site. The refurbishment of the buildings will see them re-instated to a high quality, and the proposed new dwellings would respond positively to their locality.
85. Whilst the development does not wholly comply with the criteria of LALP 2015 Policy LA29 in that it is seeking to provide more than 80 dwellings and incorporate flexibility within the site to provide either community or employment uses, for the reasons outlined in this report the proposed development is considered to be acceptable having regard to all relevant material considerations.
86. The development would comply with the sustainability objectives of the NPPF by reusing land that has been previously developed to provide an appropriate form of mixed use development whilst securing a high-quality design and ensuring that heritage assets are conserved in a manner appropriate to their significance. The development would result in a high quality built environment which through the provision of this additional housing and increased population would help to support the vitality of the existing community.
87. It is therefore considered that on balance, this proposal is acceptable, and it is recommended that Members give this application favourable consideration and grant delegated powers to approve subject to a suitable S106 legal agreement and the imposition of suitable safeguarding conditions as summarised below.

**g) Recommendation**

- I. GRANT PLANNING PERMISSION subject to the completion of a legal agreement to secure the provision of 10% affordable housing and appropriate financial contributions to provide necessary ecological mitigation and subject to conditions to include:

- i) commencement within 3 years; ii) carried out in accordance with the approved drawings; iii) submission of Construction Management Plan; iv) limits on temporary lighting/illumination; v) development carried out in accordance with approved phasing sequence; vi) written confirmation of commencement of development and first occupation of each phase; vii) submission of details relevant to sales/marketing accommodation, vehicle parking and servicing and associated development; viii) limits to means of enclosure; ix) limits to the provision of hard surfacing; x) submission of material samples; xi) informative on windows; xii) submission of details for listed buildings; xiii) solar panel installation; xiv) retention of Public Right of Way; xv) submission of details- proposed on-site highway works; xvi) finished surfacing to vehicle and pedestrian access routes; xvii) submission of details- of sight lines (roadway junctions); xviii) submission of details- sight lines (private driveways); xix) limits on development overhang; xx) submission of details related to vehicle parking; xxi) submission of travel plan; xxii) submission of details of hard and soft

landscaping; xiii) hard and soft landscaping carried out in accordance with approved details; xxiv) limits on excavation during construction; xxv) limits on storage of materials; xxvi) no damage to trees of hedgerows within phased development; xxvii) erection of mans of enclosure; xxviii) submission of external lighting scheme; xxix) submission of details of refuse storage areas and recycling facilities; xxx) programme of archaeological works; xxxi) contamination informative; xxxii) submission of sustainable water drainage scheme; xxxiii) infiltration of surface water drainage only with approval of LPA; xxxiv) submission of Foul Sewerage Disposal Strategy; xxxv) retention of open areas/spaces; xxxvi) no external units on any external elevation; xxxvii) secure and implement programme of archaeological works; xxxviii) ecological enhancements; xxxix) any other conditions as required by KCC highways; xxxx) safeguarding employment use; xxxxi) any other conditions as required by DDC Conservation; and

- II. Powers be delegated to the Head of Regeneration and Development to settle any necessary S106 matters and planning conditions in line with issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Chris Hawkins