

- a) **DOV/17/00876 – Erection of 120 dwellings, including 36 affordable homes with new vehicular and pedestrian access, internal access roads, car parking, landscaping, provision of 0.84 hectares of open space and a locally equipped area for children’s play (LEAP) – Land East of Woodnesborough Road, Sandwich**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted

- 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

- LA16 – Land to the west of St Bart’s Road, Sandwich is allocated for residential development with an estimated capacity of 120 dwellings, subject to meeting the following criteria:
 - i. development proposals are sensitive to the adjacent rural landscape and reflect the spatial and rural characteristics of adjacent landforms and development;
 - ii. there is a comprehensive approach to development of the whole site;
 - iii. 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;
 - iv. the Byway (ES10) , which crosses the site, should be retained and enhanced as part of any development except where access to the eastern part of the site is required to cross it. The bridleway (ES8) is retained and enhanced.
 - v. development should provide a connection to the sewerage system at the nearest point of adequate capacity and ensure future access to the existing water supply infrastructure for maintenance and upsizing purposes;
 - vi. intermittent landscaping, providing glimpses of development behind, is provided along the south western and south eastern boundaries in order to provide a suitable transition to the countryside;
 - vii. existing boundary hedgerows and vegetation are retained;
 - viii. the design and layout of the proposed development addresses the relationship of Black Lane and the allotments; and
 - ix. vehicular access to the site is from Woodnesborough Road with an emergency access from St Bart’s Road.
- 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 14 states that proposals that accord with the development should be approved without delay.
- 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**

It is not considered that there is any planning history relevant to the determination of the current application.

e) **Consultee and Third Party Responses**

Natural England – Initial response received 31st August 2017

Further information is required to determine impacts on the RAMSAR, SAC, SPA and SSSI areas. In order to determine whether the development would have a significant effect on these protected sites, an ecological assessment considering direct and indirect impacts to land which birds associated with the sites may use for feeding or

roosting, is required. Also, depending on the outcome of this assessment, a mitigation strategy to address the impacts of the development will be required. There should be a financial contribution towards the SPA mitigation strategy.

Subsequent response received 15th February 2018

Having reviewed the additional information it is advised that provided the measures outlined in the Habitats Regulations Assessment are implemented then Natural England is satisfied that the proposal is not likely to have a significant effect on any nationally or internationally designated nature conservation sites.

KCC Highways and Transportation – *Initial response received 18th September 2017*

Object. The assumed distribution of trips is not acceptable. The traffic count was not carried out at a representative time, so a further count is required. Due to these factors, a revised junction assessment is therefore required. There may be a need to provide alterations to improve the flow of traffic along the road and on the approaches to junctions, and improve pedestrian routes. Public transport/cycle incentives should be included in the proposed travel plan. Further details regarding the site access are required (visibility, extending 30mph speed limits etc.). Details for measures to restrict the use of the byway should be provided. Amendments and additional information is required in respect of the proposed internal road layout.

Subsequent response received 21st February 2018

I refer to the amended drawings numbers 17088-01-105, 106A, 107, 108A, and 109; 216498/11F; P1281.01Q and 05M; Technical Note and Safety Audits submitted for the above and confirm that my previous objections have now been resolved.

The site is allocated for 120 dwellings in the Dover District Land Allocations Local Plan, adopted January 2015, under Policy LA16. The principle of residential development of this scale on the site has therefore been accepted in principle. The policy specifically refers to vehicular access being from Woodnesborough Road with an emergency access from St Barts Road, both of which are satisfactorily achieved in the proposals.

The proposed development is likely to generate approximately 65 two-way vehicle trips in the network peak hours, split along Woodnesborough Road to the west, Woodnesborough Road towards the town centre and St Barts Road/Dover Road to the east. The greatest number of additional vehicle movements (around half) will be along St Barts Road and improvements are proposed to maintain the flow of traffic, improve the spacing and length of passing places and assist pedestrians. These improvements are shown on the submitted plans and consist of the following:

- i) Provision of two uncontrolled pedestrian crossing points with dropped kerbs and tactile paving, between Burch Avenue/Hazelwood Meadow and across the Burch Avenue junction. These will require associated double yellow lines to protect visibility for pedestrians when crossing, but these are in areas where on-street parking does not appear to generally take place at present;
- ii) Extending the existing double yellow lines on the south side of the road at the Woodnesborough Road junction, for an additional 5 metres. This appears to entail the loss of one existing on-street parking space;
- iii) Single yellow line to encompass the existing shared garage access adjacent to no. 48 and for a distance of 6 metres west of this access;

- iv) Single yellow line encompassing the driveway accesses to nos. 60 and 62;
- v) Single yellow line extending from the existing school zig-zag markings outside Sandwich Junior School, to match the extent of single yellow line on the opposite side of the road;
- vi) Single yellow line from the eastern edge of the driveway access to no. 125 for a distance of 10 metres westwards,

The single yellow line restrictions are proposed to match the existing, i.e. prohibiting parking between 8.30 am and 5.30 pm Monday-Friday, so will still allow on-street parking in the evenings, overnight and at weekends.

The proposed site access in Woodnesborough Road includes the provision of two traffic islands, one either side of the access, to assist in maintaining lower vehicle speeds and provide crossing points for pedestrians to access the existing footway network and bus stops. Associated double yellow lines are required on both sides of Woodnesborough Road between Poulders Road and nos. 9/10 Poulders Gardens, to protect visibility for pedestrians when crossing and for drivers using the site access. Whilst this will prevent on-street parking in this section of Woodnesborough Road, all properties bar one have off-street parking available and additional on-street parking is available elsewhere. The proposals also include extension of the existing 30 mph speed limit by approximately 120 metres to the west together with enhanced gateway features to reinforce the change in speed limit.

The existing byway ES10 running through the site is to have vehicular rights removed but still allow use by pedestrians and cyclists, and will therefore be improved to provide a suitable width, surface and signage for such use, together with suitable bollards/barriers as necessary. This effectively provides a pedestrian and cycle connection between the site and St Barts Road to the north, which can also serve as an emergency access.

The proposed internal site layout is acceptable, with all roads currently intended to be offered to the highway authority for adoption. In accordance with Policy DM13 of the Local Plan a minimum of 211 car parking spaces are required, and the proposals include 239 spaces plus 83 garages which have not been counted in the minimum requirements (in accordance with the policy). Adequate car parking is therefore provided.

Construction of the development will need to be appropriately managed and therefore a Construction Management Plan will be required. This can be dealt with by condition.

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

- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site;
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel;
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities;
 - (e) Temporary traffic management / signage,
 - (f) Access arrangements.
- 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 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 each private access from the edge of the highway.
- Provision and permanent retention of the apartment cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of secure, covered cycle parking facilities for each house 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 highway improvements in Woodnesborough Road as shown on the submitted plans or amended as agreed with the Local Planning Authority and Highway Authority, prior to the use of the site commencing.
- Completion of the highway improvements in St Barts Road as shown on the submitted plans or amended as agreed with the Local Planning Authority and Highway Authority, prior to the use of the site commencing.
- Completion of the alterations to byway ES10 as shown on the submitted plans or amended as agreed with the Local Planning Authority and Highway Authority, prior to the use of the site commencing.
- Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling: footways and/or footpaths, with the exception of the wearing course; c arriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.6 metres above surface level within the splays, prior to the use of the site commencing.
- Provision and maintenance of 1 metre x 1 metre pedestrian visibility splays behind the footway on both sides of each private access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

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 <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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.

Highways England – *Initial response received 23rd August 2017*

No objection. The trips generated would not result in a severe increase in queues and delays on the strategic road network.

Subsequent response received 15th February 2018

No objection. The proposed development will not have an adverse impact on the safe and efficient operation of the Strategic Road Network (A2) in this location.

Stagecoach – Stagecoach will be making substantial alterations to bus routes in the area from 3rd September. Therefore references to bus services in the Transport Assessment will need to be updated.

KCC Economic Development – *Initial response received on 18th August 2017*

The development will need to contribute towards infrastructure improvements to meet the needs generated by the development. These contributions comprise: £352,344 towards the Phase 1 expansion of Sandwich Infants School; £250,138.80 towards the Phase 1 expansion at Sir Roger Manwood's Secondary School; £3,076.68 towards portable equipment for the new learners at classes within Sandwich; £14,614.80 towards specialised large print books to meet the needs of borrowers at Sandwich Library; and £9,315.60 towards the Age Concern Centre in Sandwich. The development should also provide one wheelchair accessible home and high speed fibre optic broadband.

Subsequent response received 8th February 2018

KCC have just completed the review of Secondary School build costs. Construction costs have risen and need to be reflected in the contributions sought to ensure the purpose of the contribution is fulfilled. KCC do appreciate the current market uncertainties; however, in accordance with NPPF and the CIL Regulations, the contributions sought are to mitigate the impacts generated by development. The revised contributions comprise: £352,344.00 towards Phase 1 expansion of Sandwich Infants School; £436,194.00 towards the Phase 1 expansion of Sir Roger Manwood's Secondary School; £3,076.68 towards portable equipment at classes in Sandwich; £14,614.80 towards Sandwich Library large print books to meet local need; and £9,315.60 towards Age Concern Care Centre in Sandwich. The development should also provide one wheelchair accessible home and high speed fibre optic broadband.

KCC Lead Local Flood Authority – *Initial response received 23rd August 2017*

The LLFA are generally satisfied with the FRA and Drainage Strategy. The attenuation proposed, together with Southern Water's requirement for a restricted rate of discharge will ensure that the off-site flood risk will not be exacerbated by the additional post-development impermeable area. Should permission be granted, it is recommended that conditions are attached requiring the submission and approval of a detailed surface water drainage scheme, and limiting occupation until the approved scheme is implemented.

Subsequent response received 9th February 2018

The previously recommended conditions will still be required.

KCC Archaeology – The development could affect presently unknown archaeological remains and recommends further archaeological mitigation measures (a programme of archaeological work) should be secured by condition.

NHS CCG – There is a need to increase the capacities of local GP's surgeries. Three local surgeries working in partnership have identified a need for a secure note storage facility in Sandwich to increase capacities. The development would create approximately 281 patients. A proportionate contribution towards the cost of the

project has been calculated to be £360 per patient and, consequently, £101,160.00 is requested.

DDC Environmental Health – *Initial response received 17th August 2017*

There is no history of contamination and therefore no need for any contaminated land conditions. An Air Quality assessment is required. It is recommended that one electric vehicle changing point be provided per ten dwellings. There are no local noise sources likely to impact on residential amenity.

Subsequent response received 6th February 2018

Contamination is not a constraint to development on this site. An Air Quality Assessment is required.

Subsequent response received 19th February 2018

The Air Quality Assessment considers both the construction and operational phases and the conclusions of the report are agreed. The impact of the development on local air quality is not considered significant and furthermore new residents would not be affected by elevated levels of air pollution. The report identifies that mitigation to deal with fugitive dust emissions from the construction phase can be dealt with by suitable conditions. A construction management plan, including suitable dust control measures, should be secured. The development should provide electric changing points for electric vehicles.

DDC Strategic Housing – 36 affordable dwellings equates to the 30% policy requirement. Currently all 36 are to be provided for social rent; however, the Council would prefer 11 dwellings to be for shared ownership to achieve a balanced and sustainable community. Further discussion is necessary.

Kent Wildlife Trust – The preliminary ecological appraisal is satisfactory, but recommends additional surveys which have not yet (17th August 2017) been submitted. A breeding bird survey would also be useful. Boundary vegetation should be retained and managed wherever possible. A condition regarding lighting is recommended. A financial contribution towards the SPA mitigation strategy should be made. Subject to these comments, no objection is raised.

DDC Principal Ecologist –

1. The recommendations for protection of terrestrial mammals as given in paragraphs 8.62 and 8.72 – 8.76 of the Ecological Impact Assessment (EclA) should be carried forward as conditions;
2. The lighting of the site must be restricted to avoid potential damage to adjacent bat habitat and the principles in paragraphs 8.67 – 8.70 of the EclA should be agreed, preferably through S.106;
3. The ecological enhancements as given in paragraphs 9.2 – 9.10 of the EclA should also be conditioned;
4. The Great Crested Newt report is satisfactory. It is impossible to confirm the absence of the species, but the combination of desk study and survey is sufficiently robust for the species not to be a concern;
5. In respect of reptile translocation, a S.106 agreement is necessary in which the identity of any off-site translocation receptor site is recorded, together with the methodology used for preparation of such a receptor site and its subsequent maintenance to benefit reptiles (slow worms and common lizards) for a period of no less than 5 years, the site owner being party to such an agreement;

additionally, the methodology for reptile capture and translocation should be included within such an agreement.

6. Habitat Regulations Assessment: a section of the report should record the DDC Habitat Regulations Assessment, as required in by the Conservation of Habitats and Species Regulations 2017 (previously Regulation 61 of the 2010 Regs). That record should be that the applicant has supplied information to assist the LPA, as competent authority, in screening whether an appropriate assessment, in the meaning of the Regulations, is required. The information supplied (Report to provide information in relation to the Thanet Coast Ramsar site, SPA and Sandwich Bay SAC) is considered to be comprehensive and Natural England has been consulted on its findings. The conclusion, in agreement with Natural England, is that subject to the applicant contributing proportionately to the Dover District Council Thanet Coast SPA Mitigation Strategy 2012, that the proposal will not have any adverse effects on the conservation objectives of the Thanet Coast and Sandwich Bay Ramsar Site and SPA or the Sandwich Bay SAC.

Environment Agency – *Initial response received 14th August 2017*

No comments

Subsequent response received 26th January 2018

No further comments

Southern Water – *Initial response received 29th August 2017*

A public water main crosses the site and its exact position should be determined before the development is finalised. Existing infrastructure should be protected during construction. The results of an initial desk top study indicate that Southern Water cannot accommodate the needs of the development without the development providing additional local infrastructure. Should the Local Planning Authority be minded to approve the application, it is recommended that a condition should be attached requiring the submission and approval of a drainage strategy for surface and foul water disposal, together with an implementation timetable. Areas which may become contaminated should be drained to petrol/oil interceptors. There should be no habitable rooms within 15m of the pumping station. Southern Water can provide a water supply to the site.

Subsequent response received 13th February 2018

Exact positions of the main should be ascertained to protect existing infrastructure. Habitable rooms should be no closer than 15m from the boundary of the pumping station. All other comments made in Southern Water's response of 29th August 2017 remain extant.

Kent Police – The application has considered crime prevention and has attempted to apply the seven attributes of crime prevention through environmental design in their Design and Access Statement, although there has been no communication from the applicant. A condition or informative is recommended to require or encourage discussion with the LPA and Kent Police.

DDC Tree and Horticulture Officer – The submission of an arboricultural method statement to be approved prior to any works commencing must be secured through condition should the application be granted. The statement should address the need for information relating to the following:

- Details of the no-dig method of construction identified as being necessary for trees T11 and T27 and also in relation to the construction of footpath
- Details of the proposed protective fencing and a plan to show its exact location. All protection measures to be submitted as requested must conform to the recommendations as set out in BS 5837:2012 – Trees in relation to design, demolition and construction.
- Removal of existing structures and hard surfacing
- Ground protection measures
- Those works to be carried out with the Construction Exclusion Zone

Adherence with drawing 4531-LLB-AA-XX-DR-Ab-0001 must be secured through condition to ensure retention of all trees marked as such.

Scope for additional planting of trees has been identified at the location of trees T36 and T37, G14, all of which are proposed for removal. In addition to this, there also seems to be scope for planting either side of the main vehicular access point into the site to link with existing boundary trees. The planting of two specimen trees either side of the road would create a strong identity to this key part of the site.

In addition to the above, it is recommended that conditions L03 – Retention of Trees, L04 Hedgerow Protection and L06 Excavation near trees are imposed upon planning consent if granted.

Sandwich Town Council – *Initial response received 29th August 2017*

The Council would approve of the application if improved access and egress from the site is provided

Ash Parish Council – *Initial response received 4th September 2017*

There should be improved arrangements for access and egress. Concern is raised regarding the impacts of additional vehicle movements.

Subsequent response received 14th February 2018

The amendments have not altered the reasons for objection. There should be improved access and egress arrangements from the site. There will be increased vehicle movements on roads which are already at capacity.

Eastry Parish Council – *Initial response received 19th September 2017*

The Council is very concerned that the development will add extra traffic on local roads which are already at capacity. Better access arrangements should be made to the site. A direct road leading to the A256 would solve this problem.

Subsequent response received 8th February 2018

The changes do not help with the concern already raised. Better access arrangements should be made. A direct road leading to the A256 would solve the problems

Woodnesborough Parish Council – *Initial response received 28th September 2017*

Object on traffic and local infrastructure grounds. Traffic volumes and speeds on the Sandwich Road towards Woodnesborough are already a real concern. The parish councils Speed Indicator Device has measured 1100 vehicles a day from Sandwich

with a 85% speed at 37.6mph within the 30mph section. Concern is also raised regarding school places and places at the doctor's surgeries in the area.

Subsequent response received 1st February 2018

Object. The road access has not been changed. The development should only be allowed if a new road is installed from the site to the A256 Sandwich bypass.

Worth Parish Council – *Initial response received 7th September 2017*

Concern is raised regarding the increased traffic in neighbouring villages.

Subsequent response received 9th February 2018

Object due to traffic concerns.

Public Representations –

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

- Increased traffic congestion
- Additional pressure on local roads
- Vehicles currently speed along Woodnesborough Road
- The provision of double yellow lines would remove on-street car parking which is already restricted
- The provision of double yellow lines would remove natural traffic calming measures (parked cars), increasing vehicle speeds
- Harm to highway and pedestrian safety
- The development should provide a new slip road onto the A256
- There should not be a new slip road onto the A256
- The footpath through the site should be maintained
- The development would not add to local infrastructure
- The affordable housing should not be located in one area
- The housing will be too expensive
- The play area is not needed
- There is insufficient capacity in the sewerage network
- Loss of an area which is used for informal recreation
- Loss of green space
- Loss of trees
- The development would cause an unacceptable environmental impact
- Boundary vegetation should be retained
- Surveys for protected species should be undertaken
- The ecology of the site should be protected
- The dwellings would not be in keeping with the character of the area
- The provision of flats is inappropriate for this area
- The development is too dense
- The area provides natural beauty, which would be lost
- Loss of privacy and security to numbers 50-72 (inclusive) St Barts Road and Orchard Cottage
- Overlooking to gardens and a school playing field
- Increased noise and disturbance
- Increased pollution
- Access to, and the security of, the allotments should be provided
- Regard should be had for the in-combination effects with other developments in the area

- Inadequate consultation has taken place

1 letter of support has been received, with the following comments:

- There is a clear need for new housing
- The development will provide affordable housing
- The development would help to create a balanced population

1 Neutral letter has been receiving, making the following comments:

- There is a need for additional housing
- It is acknowledged that the site is allocated
- Increased traffic and congestion
- Regard should be had for ecology
- There is a need for neighbours to be protected during construction
- Regard should be had for the capacity of local facilities and services
- The development may set a precedent for additional development in the future

- f)
1. **The Site and the Proposal**
 - 1.1 The site lies adjacent to the existing built up area of Sandwich, with Woodnesborough road to the east and St Bart's Road to the north. To the east of the site are the playing fields of Sandwich Junior School and to the south are open agricultural fields. The site, which is roughly U-shaped, also bounds three sides of an area of allotments. Running through the site is a Byway (ES10) which is open to all traffic, whilst a bridleway (ES8) forms the south eastern boundary of the site.
 - 1.2 The application site comprises two distinct parcels of land. The first, to the north of the ES10 and to the east of Woodnesborough Road comprises an area of grass and mixed trees and sits between the rear of properties fronting Woodnesborough Road and the allotments. The second parcel comprises a triangular agricultural field to the south of the ES10, the south western boundary of which is delineated by a hedgerow.
 - 1.3 The site is allocated by Policy LA16 of the Land Allocations Local Plan for residential development, having an estimated capacity of 120 dwellings. The policy sets 9 criteria which must be met by any application for the site.
 - 1.4 The application seeks permission for 120 dwellings which will be a mix of 1 to 5 bedroom dwellings. Of these 120 dwellings, 36 dwellings will be affordable units. The development would be accessed from Woodnesborough Road, with an emergency access from St Bart's Road, with works being proposed to these roads. Towards the Woodnesborough Road frontage and to the north of the ES10 an area of open space is proposed, under which would be storm cell attenuation for surface water. To the same frontage, but to the south of the ES10, a sewerage pumping station and an equipped play space are 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
 - The impact on neighbouring properties

- The impact on the highway network
- Ecology
- Infrastructure and Contributions

3. **Assessment**

Principle of Development

- 3.1 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the development plan, unless material considerations indicate otherwise. However, notwithstanding the primacy of the development plan, paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or where specific policies in the NPPF indicate that development should be restricted. Paragraph 49 in the NPPF says that housing applications should be considered in the context of the presumption and that relevant policies for the supply of housing should not be considered up-to-date where the LPA cannot demonstrate a five-year supply of deliverable housing sites.
- 3.2 Whether and how paragraph 14 of the NPPF is enacted in the District was an issue at a recent public inquiry regarding a site at Ash (land to the North of Sandwich Road, application DOV/16/00800). The Inspector agreed with the Council's position that it can demonstrate a five-year supply and so the Paragraph 14 requirement was not triggered for this reason. However, the conclusions of the Strategic Housing Market Assessment 2017 show that Core Strategy policies CP2 and CP3 which relate to the supply of housing are out-of-date.
- 3.3 The site is allocated for development by Policy LA16 of the Land Allocations Local Plan. This policy estimates that the site can accommodate a capacity of 120 dwellings, subject to a series of nine criteria being met. These criteria relate to detailed matters such as the developments impact on the character and appearance of the area, ecology and access. As these are detailed matters, it is appropriate that they are covered within the body of the report under the relevant headings. However, the strands will be brought together at the end of the report where a conclusion will be reached. This policy supports the provision of housing on the site and is considered to accord with the NPPF. It is therefore considered that this policy is not out-of-date and attracts full weight. Consequently, in accordance with legislation and having regard for paragraph 14 of the NPPF, the application should be approved unless material considerations indicate otherwise.
- 3.4 It is also necessary to consider the appropriate weight which should be given to development plan policies. The weight attributed will be dependent upon the degree to which they are consistent with the NPPF. The Inspector for the appeal at Ash agreed with the Council's case that Policies DM1, DM15 and DM16 are not policies for the supply of housing and that they accord with key objectives in the NPPF and should not, therefore, be given reduced weight.

Housing Mix

- 3.5 The proposal would provide 120 dwellings comprising forty-six three-bed, thirty-five four-bed and three five-bed open market dwellings, together with two one-bed, 23 two-bed and eleven three-bed affordable dwellings. 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	% Proposed	% Recommended
One (0)	0%	15%
Two (x0)	0%	35%
Three (x46)	52%	40%
Four + (x38)	48%	10%

- 3.6 As can be seen from the above table, the market housing would be substantially 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. The proposed bias towards larger dwellings, approximately 48%, would increase this disparity and would not provide the size of dwellings which are required to meet the needs of the District. This failure must be weighed in the planning balance.

Character, Appearance and Heritage

- 3.7 Woodnesborough Road has a loose character to its eastern side, with properties of varying scales and designs which are well separated from each other and set back from the road. Notwithstanding this variation along the road, the properties of Poulders Gardens do have a cohesive and regular design. The existing properties typically have pitched roofs which run parallel to the road, with gables fronting onto the road whilst dwellings are set back from the highway with a regular street fronting layout.
- 3.8 The southern section of the scheme, to the south of Black Lane (ES10), comprises largely perimeter block development. It is considered that this layout would produce a high quality character to the scheme which would be permeable, legible and provide interesting views as you move through the site. Whilst this layout is more organic compare to the linear pattern of development along Woodnesbrough Road, it is considered that it responds to the perimeter block layout of Poulders Gardens whilst the looser pattern of development would provide a softer edge to the settlement in views across the agricultural land beyond the site. The perimeter blocks within the site also substantially reduce the number and length of blank elevations and stretches of boundary treatments, instead providing active and attractive frontages throughout the development.
- 3.9 The development within the northern section (north of ES10) is arranged around a main curvilinear access which links to short cul-de-sacs. This layout maintains a predominantly street fronting yet organic character, although the perimeter block layout is lost. Whilst it is not considered that this layout is as successful as the layout to the south of the ES10, in particular due to the presence of buildings behind the main frontage, it is considered that, in public

views, this layout would positively address the open space and would be legible.

- 3.10 Of particular importance is how the site responds to the ES10 and the countryside (and bridleway ES8) and the allotments. Accordingly, the layout would provide development which fronts onto these aspects behind deep landscaped buffers. Whilst the proposed dwellings to the west of the allotments would not front onto the allotments, the boundary between the two is formed by tall, established vegetation, such that the limited number of buildings which would be close to the allotments would not appear dominant.
- 3.11 The density of the development and the scale of buildings within the scheme are considered to respond to the prevailing characteristics of the existing area. The density of the scheme is slightly higher than that of the development on Woodnesborough Road, by virtue of having smaller rear gardens, but is of a significantly lower density than other development in the vicinity of the site, for example the development on Fordwich Place. It is considered that this density strikes an appropriate balance between encouraging the efficient use of land and ensuring a high quality environment. The scale of the dwellings within the development is predominantly two storeys, according with the prevalent height of buildings around the site. Five pairs of dwellings and one flat block would rise to two and a half storeys; however, these buildings would not have significantly higher ridges and are located towards the centre of the site where they will be less prominent in views.
- 3.12 The detailed design of the buildings is relatively traditional. There are twelve house types within the scheme which would provide some variation across the site. However, these designs share a common design language which will provide a unity to the appearance of the development as a whole. Common features include pitched roofs with projecting gables with a lower ridge height, brick window cills and headers, chimneys and small roofs over entrance doors. Where dwellings propose accommodation within their roofs, light is provided by small dormers and roof lights which would sit comfortably on the roof slopes. The flats would also have similar architectural features, such that they would complement the design of the dwellings. Further variation will be provided through the use of mixed materials across the site, albeit from a defined palette. These materials include red brick, white or black weatherboarding, hanging tiles, cream render and a mixture of either red or grey roof tiles.
- 3.13 The proposal seeks to remove a number of trees within the interior of the site, to the north of the ES10. Details of these trees have been provided within application, confirming that a number of native trees of predominantly poor quality are to be removed, largely around the area of the proposed vehicular access from Woodnesborough Road and the access road which serves the parcel of land to the north of the ES10. This parcel also includes a number of groups of conifer/spruce trees, which are of lesser value.
- 3.14 In order to retain a semi-rural character, and in accordance with policy LA16, hedgerows are to be retained and enhanced, with breaks in the hedges only made where necessary to allow access into and through the site. The Council's Tree and Horticulture Officer has raised no concerns with the proposals, subject to replacement trees being provided and retained trees and hedges being protected. Accordingly, subject to conditions being attached to any grant of permission requiring that existing trees and hedges to be retained are protected and enhanced and requiring details for a high quality landscaping scheme to soften the visual impact of the development and

mitigate the loss of some trees, it is considered that the landscaping of the development would be acceptable.

- 3.15 The detailed designs of the building is considered to be quite conventional and perhaps lacks local distinctiveness or originality; however, it is not considered that this amounts to a scheme which is of poor quality such that it warrants refusal. It is considered that whilst in views from the south and west the development would be visible above hedges across the open fields, the development has been sensitively designed to substantially reduce its prominence. Landscaped buffers and the retention, enhancement and provision of structural planting would further mitigate this harm. The layout of the scheme is considered to be well conceived, whilst it would provide a uniform character across the site. Consequently, it is considered that the development would not cause unacceptable harm to the character and appearance of the area and would accord with the requirements of Policy LA16.

Impact on Residential Amenity

- 3.16 The majority of the development faces onto open fields, allotments or proposed open space and, as such, would not cause any significant impacts on the residential amenities of neighbouring properties. However, the properties towards the northern boundaries of the site are closer to neighbouring properties and require more careful consideration.
- 3.17 The block of flats numbered 113 to 120 would be located around 12m from the south western boundaries of numbers 62 to 72 St Bart's Road, which themselves have rear gardens of around 25m in length. Given the separation distances between the proposed flats and the properties on St Bart's Road (and their gardens), it is not considered that any significant loss of light, sense of enclosure or overlooking would be caused to those properties, or their gardens.
- 3.18 Plots 27 to 31 would also be located to the south of properties on St Bart's Road. These proposed dwellings would be positioned around 13m from the rear boundaries of No.'s 16 to 28 St Bart's Road, which themselves have rear gardens of around 15m or more. Again, given the separation distances, it is not considered that any significant loss of light, sense of enclosure or overlooking would be caused.
- 3.19 The side elevation of plot 35 would be located to the east of Orchard Cottage, which addresses Woodnesborough Road. This side elevation (which would not contain any windows) would be separated (and offset) from the rear elevation of Orchard Cottage by around 24m, causing no loss of light, sense of enclosure or overlooking.
- 3.20 Finally, plots 32 to 35 back onto the gardens of No.'s 108 and 110 Woodnesborough Road. However, given the significant distance to these properties and the substantial size of their gardens, no significant harm to residential amenity would result.
- 3.21 Whilst the development itself would not cause any significant noise and disturbance once built out, regard must also be had for the noise and disturbance which would be caused during construction. No concerns have been raised by Environmental Health regarding the potential for the development to cause harm in this way and it is noted that only very limited parts of the application site would be in close proximity to residential

properties. However, the sole access to the site would be within close proximity of neighbours and would likely be in use for a considerable period of time given the size of the development and the likely build out period. As such, it is considered that it would be reasonable to require that a construction management plan 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.

- 3.22 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 or, in the case of the flats, shared external space. The density of the development allows dwellings to be set away from each other by reasonable distances, with 'back-to-back' distances of typically between 20m and 25m. Where these distances are reduced, for example between plots 4 and 5 and 9 and 10, dwellings are set at an angle to each other and have rear gardens of at least 10m in length. As such, it is not considered that any of the proposed dwellings would be significantly enclosed, overlooked or overshadowed. Adequate refuse provision has been proposed. The living conditions of future occupants are therefore considered to be acceptable.

Impact on the Local Highway Network

- 3.23 The site was allocated in the Land Allocations Local Plan, under Policy LA16, for residential development with an estimated capacity of 120 dwellings. Bullet point ix. of Policy LA16 requires that vehicular access to the site be from Woodnesborough Road with an emergency access from St Bart's Road. In accordance with the policy, the application proposes its sole vehicular access onto Woodnesborough Road, together with a secondary emergency access onto St Bart's Road. This secondary access would restrict non-emergency vehicles through the provision of lockable bollards.
- 3.24 Strong concerns have been raised by third parties, Sandwich Town Council and neighbouring parish councils regarding the safety of Woodnesborough Road and convenience of road users in the locality. Evidence has been provided which shows that vehicles have left the road close to the proposed access to the site, whilst many respondents have referred to vehicles travelling at excessive speeds along the road. Given the information which has been provided and the consistency of the comments, regard must be had for how the road is operating at present and whether the development would exacerbate these existing issues.
- 3.25 The proposed development has been modelled using standard methodology, concluding that it is likely to generate approximately 65 two-way vehicle trips in the network peak hours. Journeys would split along Woodnesborough Road to the west, Woodnesborough Road towards the town centre and St Barts Road/Dover Road to the east. Around half of these movements would be directed towards St Bart's Road, with many vehicles then travelling away from Sandwich.
- 3.26 At present, Woodnesborough Road operates at a 40mph speed limit which reduces to 30mph maximum speed approximately 40 metres south west of the proposed site access. The application proposes to extend the 30mph speed limit by approximately 120m further west along Woodnesborough Road. Within Woodnesborough Road, it is proposed to construct two islands, to the south

west and north of the proposed access respectively. These, together with dropped curbs either side of the site in these locations, would provide safer places to cross the road, offering refuges within the road, to improve access to the existing footpath network and bus stops. These features, whilst maintaining sufficient road width to allow passage by articulated vehicles create a natural narrowing of the carriageway which will be likely to help manage vehicle speeds. Between the two islands, a turning lane would be provided to serve the site, ensuring that vehicles waiting to access the site will not hold up traffic. In order to augment the carriageway to provide these features, it is proposed to provide double yellow lines to either side of Woodnesborough Road between Poulders Road (although the lines extend slightly further on the eastern side of the carriageway) and approximately half way between the proposed access to the site and Poulders Gardens. The provision of double yellow lines will improve the free-flow of traffic along this section of the road, which can cause delays (particularly when buses try to navigate around cars); however, it will also remove the ability of vehicles to park on the highway, reducing the convenience of road users. It is noted that most properties fronting onto the proposed stretch of double yellow lines have off-street parking and, whilst inconvenience would still result from the changes, this would not amount to a severe cumulative impact on the highway. Moreover, as will be dealt with in more detail later in this section, the application proposes a level of car parking (and visitor spaces) significantly in excess of the levels required by the Councils Policy DM13. The double yellow lines are intended to operate during weekdays, such that car parking on Woodnesborough Road will be permitted at evenings and weekends.

- 3.27 On St Bart's Road, between Burch Avenue and Hazelwood Meadow it is proposed to provide two crossing points to provide greater visibility for crossing the road. Dropped curbs are also proposed along this stretch of road. The existing double yellow lines on the south side of the road at the Woodnesborough Road junction are proposed to be extended for an additional 5 metres, which would result in the loss of one space. This loss is not considered to be significant, whilst the increased length of the double yellow lines will provide additional space for vehicles around the junction, which can become congested at busy times. Short lengths of single yellow lines are also proposed adjacent to No.48, adjacent to No.60 and 62, adjacent to No.125 and either side of the existing zig-zag markings adjacent to the access to Sandwich Junior School. These restrictions will, as this road is relatively narrow, provide longer passing places to improve the flow of traffic, accounting for the increased use of the road due to the development. Additionally, these areas will improve visibility for vehicles and pedestrians, improving the safety of the road.
- 3.28 It is acknowledged that understandable concerns exist regarding the safety of the highway network in the vicinity of the site and its ability to accommodate the additional vehicle movements which would be generated by the development. However, having regard for the number of additional peak hour movements which would be generated by the development, together with the various improvements which would be carried out to the local network which would be likely to both improve the safety and the free flow of traffic, it is not considered that the development would be detrimental in this respect. The NPPF advises that permission should only be refused on highway grounds where the cumulative impacts of the development would be severe. It is not considered that this would be the case in this instance. It must also be reiterated that the site was assessed through the land allocations assessment and considered to be suitable to accommodate approximately 120 dwellings accessed from Woodnesborough Road.

- 3.29 The proposed internal site layout has been designed to adoptable standards, with good forward visible and visibility around corners. The access roads are of a reasonable width, sufficient to allow cars to pass each other and to allow larger vehicles such as refuse and emergency vehicles to manoeuvre around the site freely. It is intended that the vast majority of the access roads within the site (other than small drives serving up around 5 dwellings) are to be offered to the highway authority for adoption.
- 3.30 Policy DM13, having regard for Table 1.1, requires the development to provide adequate parking to meet the needs which would be generated, balancing this against design objectives. The location of the site is considered to best fit within the suburban edge/village/rural category described by Table 1.1 of the Core Strategy, 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, although open car ports or car barns may be considered. The vast majority of dwellings would be provided with two open car parking spaces, although some have either one or two open spaces together with one space provide within a car barn or garage. This level of parking is reduced to one space per dwelling for some of the smaller affordable dwellings. Overall, 322 car parking spaces would be made available on the site, of which: 161 would be on driveways; 83 would be provided in garages or car barns; 20 spaces would be allocated to the flatted affordable housing; and 58 unallocated visitor spaces would be provided. The unallocated spaces are evenly distributed around the development such that they would be convenient for visitors to the site. Details have been provided of the dimensions of the parking spaces, which demonstrate that they have been appropriately designed and would be usable. The development would provide, in total, two one-bed flats, sixteen two-bed flats, seven two-bed dwellings, fifty-seven three-bed dwellings, thirty-five four-bed dwellings and three five-bed dwellings are proposed. Table 1.1 recommends that this mix of dwellings be provided with a total of 218.5 spaces be provided for the residents of the development, together with 24 visitor spaces. The development would provide more than this minimum provision, with 264 allocated spaces and 58 visitor spaces. Whilst the provision of some garages is not ideal and may not be used for car parking, it remains the case that the development would provide more than the requisite number of car parking spaces.
- 3.31 Details of communal cycle stores have been provided within the application documents. For individual dwellings, cycle storage is proposed within garages or, for properties which do not have garages, within lockable sheds in rear gardens.
- 3.32 Bullet point iv. of Policy LA16 requires that the byway (ES10) which crosses the site be retained and enhanced as part of any development, although it is acknowledged that the vehicular access to the site will need to cross the byway. The proposals retain the ES10 and provide a landscaped corridor along part of its route. It is also proposed to remove the rights of way for vehicular traffic along the route, which will ensure the way is provided to a suitable width, surface and signage for such use, together with suitable bollards/barriers as necessary. This effectively provides a pedestrian and cycle connection between the site and St Barts Road to the north, which can also serve as an emergency access, to improve safety for pedestrians and cyclists, although this will require a separate legal process to formally extinguish these rights. The byway will be altered to provide a 2.5m wide cycle

and foot way, with bollards installed to prohibit vehicular access. The bridleway which runs along the south eastern boundary of the site (ES8), which is tarmacked, will be retained. The development proposes a soft landscaped buffer along this route, to include trees, grass and sections of hedging.

- 3.33 Given the scale of the development, it will necessitate a significant number of vehicle movements during the construction phase, including those by larger vehicles. Whilst it is not considered that this is unfeasible (Woodnesborough Road is currently served by double decker buses), it is considered that it would be reasonable and proportionate to carefully consider how construction can be controlled to reduce temporary impacts on the highway. In accordance with the advice from KCC Highways, it is therefore recommended that, should permission be granted, the submission and approval of a Construction Management Plan should be secured by condition to manage: routing of construction and delivery vehicles to and from site; parking and turning areas for construction and delivery vehicles and site personnel; timing of deliveries; provision of wheel washing facilities; details of temporary traffic management and signage; and access arrangements.
- 3.34 In addition to the above, KCC Highways have recommended a suite of conditions to ensure that the access road, car parking, turning areas, cycle parking, works of rights of way and highway improvement works are carried out in accordance with the plans and to an acceptable standard. It is considered that, having regard for the requirements of Policy LA16 and the details submitted and subject to conditions and securing the off-site highway works, the development would be acceptable in highway terms.
- 3.35 Third parties have commented that the development should provide a new slip road onto the A256 Sandwich Bypass, although other respondents have raised concerns about such an idea. A new slip road does not form a part of this application and is consequently not for consideration. The highways impacts of the development have been assessed and are considered to be acceptable.

Ecology

- 3.36 The application has been supported by a suite of documents which consider the ecological impacts of the development. However, due to the location of the application site, Natural England raised concerns that the development could impact upon designated sites (Ramsar, SAC, SPA and SSSI) should the site provide habitat (feeding or roosting) for bird species associated with the designated sites. Kent Wildlife Trust, and third parties, also raised concerns that the preliminary ecological appraisal recommends that additional, species specific, surveys are undertaken, but that these were not submitted with the application. During the course of the application additional reports were submitted to address these concerns.
- 3.37 The Preliminary Ecological Appraisal confirms that there is a need for the development to contribute towards SAC mitigation. It also provides an overview of the habitats on the site, the known species present in the surrounding area and, based on these, whether there is any potential for the site to provide habitat for various species. The report concludes that: the site provides potential habitat for Great Crested Newts, reptiles and bats and that surveys for these species will need to be carried out; vegetation clearance should be undertaken outside of the typical bird nesting season; hedgerows should be retained and allowed to naturally increase in height and width; prior

to the commencement of the site works, a detailed Badger walkover survey will need to be carried out (although no survey is required at this stage, as the ecologist confirms that there were no signs of Badger at the time of the initial walkover); mammals should be protected during development, but do not require survey work; and that the development is unlikely to result in the loss of habitat for Invertebrates (including White-Clawed Crayfish) Water voles, Otter and Hazel dormouse. Ecological enhancements are also recommended.

- 3.38 Following on from the recommendations of the Preliminary Ecological Appraisal, separate Bat, Reptile and Great Crested Newt reports were submitted. The bat report confirmed that the grounds of the Ridgeway and the northern boundary of the arable field are likely to be of local importance for foraging, whilst the arable field and the hedgerow along the western boundary of the arable field are of negligible importance for foraging bats. Given the level of importance, the report recommends that mitigation for bats, as detailed in the Ecological Impact Assessment report, takes place. The Reptile Report confirmed a peak count of Slow Worm of 20 adults ('Good' population) and peak count of Common Lizard of 7 adults ('Good' population). No amphibians were recorded. The site is therefore of 'local' importance for reptiles. Detailed ecological avoidance measures, mitigation and compensation measures are detailed in the Ecological Impact Assessment report. The Great Crested Newt Report confirms that no Great Crested Newts were recorded during the survey and are therefore unlikely to be present on the application site and the site is unlikely to be of importance.
- 3.39 The RAMSAR, SAC and SPA Report, submitted in response to the concerns raised by Natural England, confirms that there are three bird species which require consideration: European golden plover (wintering); Turnstone (wintering); and Little tern (breeding). Given the habitat preferences, the results of a local study of golden plover, the spatial juxtaposition of the site relative to the coast and given that wintering flocks of golden plover roam widely, the site is unlikely to form a significant component of 'functional land.' Therefore, direct impacts are unlikely, and consequently a likely significant effect is highly unlikely. An indirect effect arising from people walking from the site into the wider landscape is also unlikely because of the distance between the development site and the wintering sites most used by golden plover. Given the above, potential effects arising on 'functional land' used by birds associated with the International Sites have been scoped out of the assessment. The report reconfirms that a payment towards the SPA mitigation strategy will be secured.
- 3.40 Finally, the Ecological Impact Assessment draws together the various strands of all of the other documents. The main findings of this assessment are that: the application site supports 'good' populations of slow worm and common lizard; The Ridgeway property provides c.1.5ha of habitat of moderate suitability for foraging bats and that common pipistrelle and soprano pipistrelle bats were recorded foraging within these habitats, and also along the northern boundary of the arable field; that the application site is of 'local' importance for reptiles and is likely to be of 'local' importance for foraging bats; and that the application site is located within c.1.5km of the Thanet Coast and Sandwich Bay Ramsar site and Special Protection Area and the Sandwich Bay Special Area of Conservation and, consequently, in the absence of mitigation, there is potential for adverse effects arising from 'in-combination' impacts with other development schemes. The report recommends ecological mitigation and compensation measures that will be implemented. Prior to the commencement of site clearance works, reptiles will need to be trapped and translocated to a suitable off-site receptor habitat. This off-site receptor will need to be managed

to benefit reptiles in the long-term. At least 60 reptile trapping visits will be required, within the period April to September (inclusive). The receptor site must be connected to a wider network of habitat used by reptiles, and have sufficient capacity to accommodate the translocated animals. This will need to be secured within a S106 Agreement, to ensure that the off-site habitat remains suitably managed in the long term. The development proposal does not allow for the provision of compensatory bat foraging habitat within site and so the retained site boundary hedgerows will be enhanced to provide foraging opportunities. Finally, the proposed development can mitigate for 'in-combination' effects, through contributions to Dover District Council's mitigation strategy for the international sites. As a precaution, the developer will also provide information to new homeowners on appropriate behaviour within the international sites. In addition, measures will be designed and implemented to minimise the risk of pollution during the construction and occupation stage of the proposed development.

- 3.41 It is considered that the methodology of the surveys and the form of the reports are acceptable. Subject to the proposed mitigation and enhancement being secured by condition and within the S106 Agreement, the development would cause no harm to habitats or protected or notable species. The provision of SPA mitigation accords with bullet point iii. of policy LA16.
- 3.42 In accordance with the Conservation of Habitats and Species Regulations 2017 (previously Regulation 61 of the 2010 Regulations) it is necessary for the Council, as a competent authority, to undertake a Habitat Regulations Assessment. The applicant has supplied information which has been used by the Council to undertake the assessment and this information has been reviewed by the Council's Principal Ecologist and Natural England. Consequently, the Council must make an appropriate assessment of the implications of the application (the 'plan or project') in view of that site's conservation objectives and whether the development "is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects)". In accordance with the Principal Ecologist's comments, the information supplied is considered to be comprehensive and Natural England has been consulted on its findings. The conclusion, in agreement with Natural England, is that subject to the applicant contributing proportionately to the Dover District Council Thanet Coast SPA Mitigation Strategy 2012, that the proposal will not have any adverse effects on the conservation objectives of the Thanet Coast and Sandwich Bay Ramsar Site and SPA or the Sandwich Bay SAC.

Archaeology

- 3.43 The application has been accompanied by a desk based archaeological assessment, which suggests that the site has a moderate archaeological potential for remains of Romano-British and medieval date, with a lower potential for other periods. 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.

Contamination, Drainage and Utilities

- 3.44 The site lies outside of any ground water protection zone and there is no history of contamination on the site. As such, Environmental Health have advised that contamination is not a constraint to development.

- 3.45 The application has been supported by an Air Quality Assessment which considers both the construction and operational phases of the development. The assessment concludes that the impacts of the development on local air quality is not significant and new residents would not be affected by elevated levels of air pollution. The report identifies that mitigation to deal with fugitive dust emissions from the construction phase can be dealt with by a construction management plan. The development would not, therefore, cause any significant harm to air quality. Environmental Health have requested that the development provide electric charging points for electric vehicles. The NPPF does support the provision of renewable and low carbon technologies and, at paragraph 35, states that “developments should be located and designed where practical to”, amongst other things, “incorporate facilities for charging plug-in and other ultra-low emission vehicles”. However, there is no adopted planning policy for the provision of charging points for plug-ins, whilst it is considered that it would be impractical to provide such infrastructure for individual dwellings. Therefore, it would be unreasonable to require such provision in this instance.
- 3.46 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.
- 3.47 The application has been supported by a flood risk assessment and drainage strategy. Following an investigation of ground conditions and having dismissed the potential to discharge to a watercourse due to the location of the site, it has been concluded that the development should discharge to the existing public sewer network under controlled conditions. Surface water will be dealt with through the provision of a large cellular storage area, which has been designed to hold and slowly release 2070 cubic metres of rainwater. This would provide sufficient storage for a 1 in 100 year storm event plus a 40% allowance for climate change, in accordance with guidance (together with a further buffer of 10% for ‘Urban Creep’). The storage area would then allow for a restricted discharge into the surface water drainage network. This controlled flow can be accommodated within the local network. The development also proposes two areas of permeable paving within the site, which will provide improved drainage. Overall, the attenuation proposed will result in discharge rates from the development being comparable to the pre-development greenfield rate run off rate. Subject to a condition being attached to any grant of permission which requires that a scheme for the provision of surface water drainage infrastructure, together with a timetable for its implementation, it is considered that the development would provide adequate surface water drainage, without increasing the risks of localised flooding. The LLFA concur that the attenuation proposed would ensure that off-site flood risk will not be exacerbated
- 3.48 The existing foul drainage infrastructure on Woodnesborough Road has insufficient hydraulic capacity to meet the needs of the development without additional infrastructure being provided (with regard also being had for the surface water proposals). The applicants were aware of this in March 2016, following early discussions with Southern Water. Subsequently, the applicants made a Section 98 Requisition Sewer application in June of 2016, to ascertain the likely downstream improvements which will be necessary and a preliminary scheme, subject to a detailed survey and detailed design, was provided. Within the site, the application proposes the installation of a new foul water pumping station which will accept all of the flows from the development.

Subject to a condition being attached to any grant of permission requiring a detailed scheme for the provision of foul drainage infrastructure, together with a timetable for its provision, it is considered that the development will be adequately served, without increasing the risks of localised flooding.

- 3.49 Notwithstanding the above, Southern Water have confirmed that a public water main crosses the site, which will need to be located and protected during the course of construction. This will need to be secured by condition to prevent flooding. Southern Water have also advised that the development should ensure that there are no habitable rooms within 15m of the pumping station. The plans show that the nearest dwelling is 16m from the pumping station. Finally, Southern Water have confirmed that they can provide a water supply to the site.

Contributions

- 3.50 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.
- 3.51 The applicant has confirmed that affordable housing will be provided on site and has provided a plan indicating the locations of the plots. In total 36 affordable houses will be provided, which equates to a policy compliant 30% of the total provision. These dwellings would be provided in two groups, although two dwellings would be set slightly away from one of these groups. It is considered that this layout provides a suitable balance between co-located affordable houses to allow for their efficient management and maintenance, such that they will be attractive to affordable housing providers, whilst avoiding large concentrations of affordable units. The identified affordable houses would comprise 2 1-bed units, 23 2-bed units and 11 3-bed units. The applicant has also confirmed that one of these affordable houses will be wheelchair adaptable, in accordance with KCC's request. Subject to being secured by condition, it is considered that the requirements of Policy DM5 will be met.
- 3.52 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 application proposes an area to the Woodnesborough Road frontage which would provide an equipped play area of around 400sqm. In addition, there would be a large open area which could be used for informal play. Both of these areas are located such that they would be easily accessible for future occupants of the development. The applicant has confirmed that the play area would be provided with a suitable range of play equipment and the area would be maintained in perpetuity. It is considered that the provision of play equipment can be secured through a suitably worded condition, whilst the maintenance could be secured by a Section 106 Agreement. Subject to securing the provision and maintenance of this Open Space, it is considered that the requirements of Policy DM27 will be met.
- 3.53 It is noted that third parties have raised concerns that there is an area of Open Space with play equipment at Poulders Gardens, just a short walk from the site. However, no requests have been made to upgrade that facility, whilst the

development has proposed a scheme which would meet the needs of the development and will be maintained. As such, it is concluded that the scheme is acceptable in this respect.

- 3.54 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. A request for contributions was received in August; however, in February KCC wrote to revise their request for contributions. In the interim, KCC had reviewed the costs of delivering infrastructure, in particular secondary schools. The initial request for a secondary school contribution was based on build costs set in 2008 and requested £250,138.80. However, due to significant increases in build costs, this was revised to £436,194.00. Concern has been raised by the applicant that this has significantly increased the contributions required. Whilst this concern is understandable, as the increase will reduce the profitability of the scheme, it remains the case that the development must meet the costs of providing the infrastructure upon which it will rely in order to ensure that the impacts of the development are mitigated. As such, it is considered that the revised, higher, figure is reasonable. The contributions requested are: £352,344.00 towards Phase 1 expansion of Sandwich Infants School; £436,194.00 towards the Phase 1 expansion of Sir Roger Manwood's Secondary School; £3,076.68 towards portable equipment at classes in Sandwich; £14,614.80 towards Sandwich Library large print books to meet local need; and £9,315.60 towards Age Concern Care Centre in Sandwich.
- 3.55 Projects have been identified which would increase the capacity of each local facility. The identified projects are reasonably close to the application site and the construction or expansion of these facilities would meet the needs which would be generated by the development. KCC have not requested 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.
- 3.56 The Canterbury and Coastal CCG have submitted a request for contributions from the development. The request advises that a joint approach should be explored in order to increase capacity across the Sandwich and Ash practices, to allow for the creation of a store building for patient files which would be used collectively by three practices. This would remove the need to store large numbers of files within practices and release rooms which could then be used to increase capacity. Given the scale of the development, which has been assessed as producing an additional 281 patients, the CCG have advised that a proportionate contribution is £101,160.00 (or £360 per patient). However, no evidence has been provided as to how the figure of £360 per patient has been reached or that the proposed project is deliverable. In the absence of this information, it is not considered that the request is CIL compliant and cannot be sought.
- 3.57 With the exception of the NHS contribution, 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. The applicant has confirmed that they are willing to provide the accepted contributions.

Other Material Considerations

- 3.58 The principle of the development is considered to be acceptable, being an allocated site within the settlement confines of Sandwich. Notwithstanding the primacy of the development plan, as described in the 'Principle' section, regard must be had for whether there are any material considerations which indicate that permission should be refused. Together with the material considerations which have been considered within the body of the report, which did not identify any harm which would warrant refusal, it must be acknowledged that the NPPF is a material consideration of significant weight. The NPPF provides a presumption in favour of sustainable development. Sustainable development can be split into three roles: economic, social and environmental.
- 3.59 The development would provide a short term 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 significant increase in the local population, which would produce a corresponding increase in spending in the local economy. The site is allocated for housing and it has therefore been assessed by the Council to be in the right place to support growth.
- 3.60 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. The mix of housing proposed would deviate from the mix which has been identified as being required by the district, which detracts to a limited degree from the benefits of the housing being provided. However, the provision of 30% affordable housing, or 36 dwellings, is considered to be of substantial weight. The development would necessarily alter the character of the site; however, it is considered that this impact has been kept to a minimum by virtue of the layout of the development, reduced density towards the west of the site and the use of landscaping. The development would be in an accessible location, close to local facilities and services.
- 3.61 In terms of the environmental role, the proposal would alter the character of the area, as set out above. It has been established that the site provides habitat for protected species; however, mitigation has been proposed to address this, whilst ecological enhancements have also been proposed. The location of site would reduce the need to travel.
- 3.62 Overall, it is considered that there are a number of significant benefits which must be attributed significant weight in favour of the development. Furthermore, the disbenefits of the development are limited and have been mitigated where possible. Overall, weighing up the various dimensions of sustainable development, it is concluded that the development is 'sustainable', as defined by the NPPF, providing support for the proposals.

Overall Conclusions

- 3.63 The principle of the development is considered to be acceptable, according with Policy LA16 of the Land Allocations Local Plan, with the development meeting the criteria of this policy. It is acknowledged that genuine concerns have been raised by third parties and Town and Parish Councils regarding the potential impacts on highway safety and traffic; however, additional information and amendments have been received which demonstrate that the proposed access onto Woodnesborough Road (which was the point of access proposed within the Land Allocations Local Plan) would be safe and would not cause unacceptable highway impacts. It is considered that the development is

acceptable in all other material respects and would provide significant benefits. It is therefore recommended that this application is granted.

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Recommendation

- I PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions, reptile translocation, ecological mitigation and the provision and maintenance of play space, and subject to conditions to include:

(1) approved plans; (2) a scheme to secure affordable housing; (3) provision of off-site highway work; (4) construction management plan; (5) provision of measures to prevent the discharge of water onto the highway; (6) provision of vehicle parking and turning areas; (7) provision of cycle parking; (8) provision of alterations to the ES10; (9) completion of certain works to the access roads prior to the occupation of dwellings; (10) provision of visibility splays; (11) scheme for the provision of foul drainage, including a timetable; (12) scheme for the provision of surface water drainage, including a timetable; (13) archaeology; (14) ecological mitigation and enhancements; (15) identification of the exact position of the water main and details for its protection; (16) protection of existing trees and hedges to be retained; (17) details for excavations near trees; (18) detailed landscaping scheme, including details of replacement trees; (19) samples of materials; (20) provision of refuse and recycling facilities.

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

Case Officer

Luke Blaskett