

- a) **DOV/18/00312 – Erection of a bus shelter, replacement paving and street furniture, installation of external lighting and associated landscaping (existing bus shelter to be removed) - Guildhall, Cattle Market, Sandwich**

Reason for report: The number of representations received contrary to the officer's recommendation.

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Designated Heritage Assets

- Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority shall have special regard to the desirability of preserving the (listed) building or its setting, or any features of special architectural or historic interest it possesses.
- Section 72 of the Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Core Strategy (CS) Policies

- CP1 – Sandwich is a Rural Service Centre suitable for a scale of development that would reinforce its role as a provider of services to a wide rural area

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles which amongst other things seek to secure high quality design and a good standard of amenity, to take account of the different roles and character of different areas, to promote the vitality of the main urban areas, and to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations
- Section 7 of the NPPF requires good design and the proposal should seek to be of a high design quality and take the opportunity to improve the visual quality and character of the area. Paragraphs 17, 56-59 and 64 seek to promote good design and resist poor design.
- Section 8 of NPPF promotes healthy communities and seeks to facilitate social interaction and create healthy, inclusive communities. Paragraph 69 aims to achieve places that promote strong neighbourhood centres and active street frontages, safe and accessible environments and safe and accessible developments, containing clear and legible pedestrian routes and high quality public space, which encourage the active and continual use of public areas.
- Paragraph 14 of NPPF sets out a presumption in favour of sustainable

development. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting planning permission 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 specific policies in the NPPF indicate development should be restricted (for example, those policies that relate to designated heritage assets)

The Council has recently identified the need to undertake a Local Plan Review on the basis that some of its evidence base and needs assessment criteria pre-dates the NPPF. As such, the requirements of Paragraph 14 are triggered.

- Paragraph 134 of NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

d) **Relevant Planning History**

There is planning history connected to the Guildhall and its immediate environs but this is not recent and not relevant to the consideration of this application.

e) **Consultee and Third Party Responses**

Town Council: The initial response from the Town Council raised no objections. A further response has been submitted setting out that the 'project' has been financially and otherwise supported from the beginning and supports the Town Council's aims of access, tourism, economy and community engagement in an attractive and heritage appropriate manner.

County Archaeologist: It is possible that the proposed works, including any works for services, installation of new street furniture and surfacing and excavation of tree planting pits, etc may affect buried archaeological remains. A planning condition is therefore recommended to secure a programme of archaeological work.

Environmental Health Officer: Street lighting would be exempt from nuisance legislation; however, I can advise that the ILE Lighting Guidance is appropriate to assess a lighting scheme and in particular the impact of lights into residential windows both before the curfew and after.

Heritage Comments: The proposal will cause no harm to the setting of the grade II\* listed Guildhall or the surrounding Walled Town Sandwich Conservation Area. The use of modern design elements is acknowledged, as is the use of traditional high quality granite setts and York stone paving, reinforcing local character and distinctiveness. The proposal has the potential to enrich the public realm and encourage its greater use.

Historic England: No comments offered and it is suggested that specialist advice from the Council's advisers should be obtained.

Kent County Highways: I refer to the above planning application and note that whilst several documents within the application state that the associated highway works are not for consideration in the application, some of the proposed highway alterations are within the application red line. The main issue is that the bus stop arrangement shown on the application plan does not work because the stops cannot work independently. I am also concerned that agreeing to the filling in of the lay-by (as included within the current red line on the application site) commits the Highway Authority to doing exactly that - when there is no guarantee that it would ultimately be acceptable or achievable (this includes materials, the proposed location of the bus shelter, street furniture, etc.). If planning permission is to be granted it must be with the proviso that none of the proposed alterations to the highway are currently agreed and separate approval for the same will need to be secured through the submission of details by condition on the planning consent, as well as separately through the highway approval process under the Highways Act.

There have been 11 letters in support of the application and 11 letters objecting to the application, with 1 neutral comment received. A summary of the objections is as follows:

The proposal is incongruous, poorly designed, too modern, it detracts from the area and it is out of keeping

The proposal harms the setting of the Guildhall and the historic environment

The proposal will not address existing highway safety and accessibility concerns and it will make these worse

The proposals will adversely affect local business

There are specific objections to the loss of the tree, the proposed water feature, the bus stop, the signage, the lampstands, materials and street furniture.

The supporting comments are that the proposal would enhance the area, improve accessibility, help the area to become a focal point, and support business.

Some comments also encourage more to be done.

f) 1. **The Site and the Proposal**

Site

1.1 The application site is within the centre of Sandwich Town adjacent to the 16<sup>th</sup> Century Guildhall. It is currently an open mostly square area within the public realm and acts as a focal point to a number of the town's facilities, services and its historic environment. To the north-east of the Square (for ease of reference it is called the Square even though its shape is not quite a square) is a bus lay-by with businesses opposite, to the south-west is an access through to the town car park, to the west is the actual Guildhall building and to the east are further commercial premises. An ancient highway crosses the eastern section

of the site.

The application site is open and is 'publicly accessible' land although the actual public highway is located at the north east end of the site and beyond into the carriageway.

- 1.2 The surface of the site is mainly made up of cobbles and brick strips with asphalt along its eastern and partly across its western edge and with paving along its northern edge. There is a street tree on the eastern side and a number of public seats, timber planters around the outside of the site and one larger planter located slightly off centre. A bus stop/shelter is located adjacent to the carriageway and bus lay-by.

- 1.3 The Guildhall is a grade II\* listed building. It was built in 1579 with later additions in 1812, 1912 (when it was restored with a further wing added) and further enlarged in 1933 and 1973. Whilst the external finishes of the building have been altered so that only the 19<sup>th</sup> and 20<sup>th</sup> Century changes are visible, some of the interior of the building including the panelling of the Court Room and paintings within the Council Chamber are important to the architectural and historic features the building possesses.

- 1.4 The Guildhall building which hosts the Town Council, Museum and Tourist Information Centre (TIC) and its immediate surrounding environment form the basis and focal point both of the town but also its historic centre and conservation area. The Conservation Area comprises the walled town of Sandwich and contains many historic buildings and Schedule Ancient Monuments. The former, historic 'Cattle Market' covering the car park land to the south west and the application site are significant open features and public spaces that contribute to the town's setting.

- 1.5 The proposal seeks to undertake a series of public realm improvement works that include using granite setts and York paving stones in place of the cobbles and brick strips, further tree planting, under-lit public seating, a drainage grate across the site (to reference the historic reliance on the water from the Delf Stream) along with a water fountain and lighting. The bus shelter will be replaced with a glazed shelter, that will be etched and lit. The commercial premises to the east will be encouraged to place seating and tables on the ancient highway to form part of the overall attraction to the Square.

- 1.6 Street furniture and the bus shelter will be designed as a form of public art, showing or depicting the history of Sandwich and maps of and information relating to historic events and important buildings.

- 1.7 The public realm works form part of the 'New Vision for Sandwich' which brings together key stakeholders that will promote the residential, commercial, cultural and historic environment, re-introduce better links and improved accessibility between parts of the town and be more attractive as a tourist destination. The completion of the projects is hoped to be ready for the Major Open Golf tournament to be held in Sandwich in 2020.

### **Main Issues**

## 2. **Main Issues**

2.1 The main issues to be considered with this proposal are:

- The impact upon designated heritage assets and the character and appearance of the area

### Impact upon Designated Heritage Assets and Character and Appearance

2.2 The starting point for the determination of this application is that the individual components of the public realm improvements are unlikely to require planning permission in themselves. Rather, it is the combination of the improvement works themselves that have prompted the submission and consideration of the proposals through a planning application.

2.3 The second point for the determination of this application is that the proposed works to and on the highway will need to be subject to separate approval under the Highways Act and other highway related legislation. This means that matters such as the change to the alignment of the lay-by, the bus stops, the bus shelter, the surface materials, the safety of the changes to the highway are matters covered under non-planning legislation. The comments from Kent Highways (above) will be noted.

2.4 Thirdly, the proposed signage shown in the submission cannot be considered under this planning application as advertisements are subject to legislation under the Advertisement Regulations.

2.5 In terms of the proposed works, the surface materials are an appropriate historic material and texture that would enhance the setting of the Guildhall and conservation area.

2.6 There has been some public comment over the use of some modern materials (rather than timber) but these are important firstly to be structurally robust (made of steel) and likely to last longer, and secondly, they allow the street furniture to depict information and artwork that provides tourist and other information relating to the historic context of the area. The glazed bus shelter allows views through to the Guildhall and is not a visual obstacle to the context and surroundings buildings.

2.7 The proposed works seek to improve public accessibility and provide less obstacles for pedestrians to gain access to or from the wider area. Accessibility and the amendments to the bus stops and lay-by will have to be considered further under the requirements of the Highways Act.

2.8 The proposed lighting will be located either in the ground (uplighters) or under street furniture. The lighting lux levels will be controlled by planning condition, but they are also controlled under other legislation.

2.9 The vision behind the public realm works seeks to improve accessibility and better prolonged use of the public area and cause it to become a better focus for visitors, residents, businesses and workers alike.

2.10 As such, the proposed works would enhance the setting of the designated heritage assets and the function of this public space.

2.11 Officers are satisfied that the application meets the statutory requirements of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, meets the NPPF requirements for good design and Section 8 of the NPPF in promoting better places for people.

### 3. **Conclusion**

3.1 The application proposal is for a series of public realm works to promote the improvement and attraction of the historic centre and its connectivity and accessibility to other areas around the town.

3.2 The works are considered to enhance the setting of the designated heritage assets.

3.3 Further approvals will be required from the Highway Authority for works to and involving the highway and carriageway. This may require the submission of further details and/or amendments to elements of the proposal.

3.4 For the reasons set out above, it is considered that there are significant public benefits that outweigh the adverse comments received as a result of the public consultation of the application.

g)

### **Recommendation**

I PLANNING PERMISSION BE GRANTED subject to the imposition of the following conditions: (i) Standard 3 years to implement the permission, ii) approval of specific drawings iii) further details to be submitted with regard to lighting iv) a Construction Management Plan to be submitted for approval prior to development commencing

II Powers be delegated to the Head of Regeneration and Development to settle the final wording of the conditions in line with the resolution of the Planning Committee.

Case Officer

Vic Hester