

- a) **DOV/19/00243 – 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) and the removal of vehicular rights over most of by-way ES10 Black Lane – 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 ta 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 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that development proposals that accord with an up-to-date development plan should be approved without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless:

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development (having regard for footnote 6); or

ii. 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.

- 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.
- Chapter five 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. Where there is a need for affordable housing, developments should typically provide this housing on site. Of particular note, is paragraph 78 which directs housing in rural areas to be located where they will enhance or maintain the vitality of rural communities.
- Chapter eight encourages development to aim to achieve healthy, inclusive and safe places by, amongst other things: promoting social interaction; allowing easy pedestrian and cycle connections; providing active street frontages; supporting healthy lifestyles; and ensuring that there is a sufficient choice of school places to meet the needs of existing and new communities.
- Chapter nine of the NPPF seeks to promote sustainable transport. In particular, patterns of growth should be managed to maximise the use of public transport, walking and cycling and address potential impacts on transport networks. Safe and suitable access to the site should be achieved for all users. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Chapter eleven seeks the effective use of land by using as much previously-developed land as possible whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Low densities should be avoided, although account should be taken of the need for different types of housing, market conditions and viability, infrastructure capacity, maintaining the area's prevailing character and securing well-designed attractive places.
- Chapter twelve seeks the creation of well-designed places, with high quality buildings. Good design is a key aspect of sustainable development. Development should: function well and add to the overall quality of the area, be visually attractive; be sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being.

- Chapter fourteen requires that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environments, by protecting and enhancing valued landscapes; recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services; minimising impacts on and providing net gains for biodiversity; preventing new and existing development from contributing to, being at risk from or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unattractive land, where appropriate.

The Kent Design Guide (KDG)

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

d) **Relevant Planning History**

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) – Refused and Dismissed at Appeal

e) **Consultee and Third Party Responses**

Natural England – No objection, subject to appropriate mitigation being secured.

KCC Highways and Transportation – *Initial response received 15th March 2019*

The scheme is the same as the scheme considered by the Inspectorate, who concluded that the development would not adversely affect the operation of the local highway network and would accord with policies LA16 and DM11.

The site is allocated for 120 dwelling and therefore the principle of the development has been accepted. The development achieves satisfactory access from Woodnesborough Road and emergency access from St Barts Road, in accordance with LA16.

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.

Vehicular access rights on ES10 will be removed and should be improved to provide suitable width, surface and signage.

The internal road layout is acceptable and adequate car parking would be provided.

The proposals are therefore unlikely to have a severe impact on the highway that would warrant a recommendation for refusal on highway grounds. A series of conditions are recommended to secure: a construction management plan; measures to prevent the discharge of surface water onto the highway; provision and retention of vehicle parking and turning facilities and cycle parking; use of a bound surface material to the first five metres of the highway; completion of the highway works to Woodnesborough Road and St Barts Road and the alterations to ES10; the completion of certain works between each dwellings and the highway; and the provision of visibility splays.

Subsequent response received 30th May 2019

The amended plan is acceptable. The remainder of the letter reiterates the comments provided in the earlier response.

KCC Public Rights of Way – *Initial response received 29th March 2019:*

Holding objection. Further information is required in order to: demonstrate why there is a need to downgrade byway ES10; confirm how ES10 will be downgraded; alter the proposed width and finish of the ES10; reassess the provision of bollards; and consider the impacts of the development on the PROW ES8.

Subsequent response received 11th June 2019:

No objection raised to the amended plans, subject to the following being achieved:

- Vehicular rights to ES10 are to be removed but equestrian are to be retained
- Bollards to restrict vehicular access required. These should be 3ft apart
- ES10 is to be a shared 'hoggin' style surface
- Surface specification or bollard spec and location should be submitted for approval

Highways England – The development is unlikely to result in a 'severe' impact on the Strategic Road Network and therefore will not materially affect the safety, reliability and/or operation of the Strategic Road Network.

KCC Economic Development – Request contributions comprising: £436,194 towards the Phase 1 expansion of Sir Roger Manwood Secondary School; £3,076.68 towards community learning classes in Sandwich; £14,614.80 towards large print books in Sandwich Library; £9,315.60 towards the Age Concern Care Centre in Sandwich; and one wheelchair adaptable home. It is also recommended that the developer should seek the provision of high speed fibre optic broadband.

KCC Lead Local Flood Authority – No objection to the principle of the development. The local planning authority should consider whether the below ground surface water pipes and storage is acceptable. If the local planning authority is minded to grant permission, three conditions are recommended regarding: the submission and approval of a detailed surface water drainage scheme; off-site surface water drainage works to be secured and protected; the provision of a verification report which demonstrates that the approved surface water drainage system has been implemented.

KCC Archaeology – The application has been supported by an archaeological desk based assessment which advises that the site has a moderate potential from Romano-British and medieval archaeology and a lower potential for archaeology of other periods. It is therefore recommended that a condition be attached to any grant of permission to require that a programme of archaeological work take place.

DDC Waste Service – There is uncertainty as to whether a freighter could access plots 71 and 83. The freighter may cause damage to block paving. The bicycle/bin stores may not be large enough to accommodate waste and recycling. The developer will need to pay for the bins required.

DDC Environmental Health – The site has no history of contaminative historical activity. It is requested that electric vehicle charging points be provided. There are no local noise sources that are likely to impact on residential amenity.

Conditions are recommended regarding the provision of a Construction Management Plan and electric vehicle charging points.

DDC Principal Ecologist – *Initial comments received 3rd May 2019*

Reptiles

The proposed reptile habitat management plan is robust but it would have been helpful if they could have clarified within their timetable at section 8 when the reptile translocation exercise will occur. Any created habitat would require a maturation period of at least a couple of growing seasons before moving animals there. A section 106 would be the best mechanism for addressing translocation and habitat management/preservation. In perpetuity maintenance of the receptor site would be ideal but realistically the timeframe would be more like 25 years.

European Designated Sites

There is a need to carry out a Habitat Regulations Assessment.

Subsequent response received 5th June 2019

The inspector's HRA seems to be along similar lines to that used for developments where the only likely significant effect is recreational disturbance, which should be accepted. There appears to be no objection from Natural England so I can only assume that they concur with the inspector's HRA. Developer contributions should be sought, as per the current SPA strategy.

Environment Agency – No comments

River Sour Internal Drainage Board – the applicant states that disposal of surface water by soakaways is not considered feasible. If this is agreed with KCC's SuDS team to be the case, the applicant should clearly show how and to where the site currently drains. If this confirms that off-site discharge is the only practicable option the applicant should be urged to incorporate open SuDS, rather than the proposed underground pipe and crate storage system, as open systems such as swales and ponds provide wider benefits to water quality, biodiversity and amenity.

Notwithstanding the above, if the proposal to discharge to main sewer at a maximum discharge rate of 10l/s is pursued, the applicant should clearly identify where this sewer discharges and provide an assessment of local flood risk to ensure adequate capacity of the receiving watercourse. The details of site drainage and its future maintenance should be designed and agreed in direct consultation with KCC's SuDS team.

Southern Water – Public water mains should be protected during the development of the site. Surface water should not be discharged into the foul sewerage system. Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

A condition is recommended should permission be granted requiring details of foul and surface water sewerage disposal to be submitted for approval.

Sandwich Town Council – Object. The Committee resolved to stand by the previous objections made by Sandwich Town Council there are extreme concerns regarding access and road safety, and this application will not be supported in its current form due to the lack of provision/access to the bypass.

Eastry Parish Council – Objects on traffic grounds.

Woodnesborough Parish Council – Objects to this application on traffic and social infrastructure grounds.

Nonnington Parish Council – Object. Concerns are raised regarding increased traffic and highway safety

Public Representations –

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

- Increased vehicle movements and traffic congestion
- Additional pressure on local road network
- Vehicles currently speed along Woodnesborough Road
- The road has a history of accidents
- 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
- Insufficient car parking
- The PROW provides equestrian rights, which should not be excluded from this route.
Any enhancements should not be to the detriment of these users
- The PROW gets muddy in winter
- Impact on wildlife
- Increased noise, dust and pollution
- Lack of capacity in local schools, doctors and dentists
- The development is too big for this location
- Loss of property values

- Loss of trees
- The play area should not be as close to the pumping station
- The play area is not needed
- The planning history for the site is not relevant
- There are other more suitable sites
- Construction vehicles should park on the site and not on the surrounding roads
- Harm to the character and appearance of the area
- Insufficient provision of affordable housing

f)

1. The Site and 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.
- 1.5 The application is substantially the same as the previous application which was dismissed at appeal. The only reason for that application being dismissed was ecology (the application had failed to secure appropriate mitigation for reptiles). The current application has been supported by further work which seeks to address this issue. The current application also proposes changes to the ES10 PROW in response to comments from KCC PROW which had not been made in relation to the previous application.

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

Assessment

Principle

- 2.2 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 11 of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application 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. Footnote 7, in relation to paragraph 11, confirms that policies may be out-of-date where a five year housing land supply cannot be demonstrated. In addition, policies may be out-of-date where the evidence base used to formulate those policies can no longer be relied upon.
- 2.3 Having regard for the most recent Annual Monitoring Report, the Council are able to demonstrate a five-year supply and so paragraph 11 is 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. The presumption in favour of sustainable development described at paragraph 11 (d) is therefore engaged.
- 2.4 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 11 of the NPPF, the application should be approved unless material considerations indicate otherwise.
- 2.5 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 Inspectors for recent

appeals agreed with the Council's case that Policies DM1, DM15 and DM16 are broadly consistent with the NPPF and should continue to carry significant weight.

- 2.6 It should be noted that, when the previous application was considered by the Council, it was concluded that the principle of the development was acceptable. This conclusion was not challenged by the Inspector.

Housing Mix

- 2.7 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, twenty-three 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, recommending: 15% one-bed; 35% two bed; 40% three-bed; and 10% four bed and larger. The proposal comprises the following market housing mix:

Number of Bedrooms	% Proposed
One (0)	0%
Two (x0)	0%
Three (x44)	52%
Four + (x40)	48%

When the affordable housing provision is added to this mix (albeit affordable housing is not counted in the monitoring of policy CP4 in the AMR), the table reads as follows:

Number of Bedrooms	% Proposed
One (x2)	2%
Two (x23)	19%
Three (x55)	46%
Four + (x40)	33%

- 2.8 As can be seen from the above tables, 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 most recent Authority Monitoring Report (for 2017-2018) advises that over the monitoring period, one, two and three bedroom dwellings have been under-provided (at - 5%, - 4% and - 3% of the overall mix respectively), whilst the number of four bedroom dwellings provided has significantly exceeded required need (+12% of the overall mix), with more than double the required number being provided. The proposed bias towards larger dwellings would significantly 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

- 2.9 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.
- 2.10 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 compared to the linear pattern of development along Woodnesborough 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.
- 2.11 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 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.
- 2.12 Of particular importance is how the site responds to the PROW ES10, the countryside (and bridleway ES8) and the allotments. Accordingly, the layout provides 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.
- 2.13 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.

- 2.14 The detailed design of the buildings is relatively traditional. There are thirteen house types, together with a separate design for the block of flats closest to the site entrance, 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, 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, red hanging tiles, cream render and a mixture of either red or grey roof tiles. Whilst the detailed designs of the building are considered to be quite conventional and perhaps lacks local distinctiveness or originality, it is not considered that this amounts to a poor quality scheme that it warrants refusal.
- 2.15 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.
- 2.16 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 and to allow for enhancements to the ES10 PROW. Subject to replacement trees being provided and retained trees and hedges being protected it is considered that the development would appear suitably verdant given its edge of settlement location. 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.
- 2.17 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, in terms of its layout, detailed design and landscaping, 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. The development would also produce a coherent character and sit comfortably in this edge of settlement location. It is therefore considered that the development would cause no unacceptable impacts on the character and appearance of the area.

Impact on Residential Amenity

- 2.18 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.
- 2.19 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.
- 2.20 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.
- 2.21 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.
- 2.22 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.
- 2.23 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 could 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, as recommended by Environmental Health and KCC Highways. 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.

2.24 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 severely enclosed, overlooked or overshadowed. DDC Waste Services have identified uncertainty as to whether a refuse freighter could access plots 71 and 83. The applicant has provided swept path drawings which demonstrate that refuse vehicles could navigate and turn along the roads within the site, including the road to the north west of plot 71 and the turning head to the north east of plot 83. In addition, refuse collection points are to be provided half way between these dwellings and the nearest point where a refuse vehicle would be able to gain access. Whilst the carry distance for unit 83 would be more than is desirable, it is not considered that it would cause a significant level of harm. For these reasons, the living conditions of future occupants are therefore considered to be acceptable.

Impact on Local Highway Network

2.25 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 Woodnesbrough 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.

2.26 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, particular attention must be paid for how the road is operating at present and what impact the development would have on these existing issues.

2.27 The proposed development has been modelled using standard methodology, concluding that it is likely to generate approximately 67 and 61 two-way vehicle trips in the AM and PM network peak hours restrictively. 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.

2.28 At present, Woodnesborough Road operates at a 40mph speed limit which reduces to 30mph speed limit approximately 40 meters 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. It is noted that this crossing point, which currently has no formal crossing point or refuge within the highway, is well used, with particular attention drawn to the number of school children who use PROW ES10 and cross Woodnesborough Road in this location. The proposed 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) 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.

- 2.29 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 car parking 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.
- 2.30 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 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 there would be an unacceptable impact on highway safety or where the residual cumulative impacts on the road network 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.

- 2.31 Notwithstanding the conclusions that have been reached above, which have taken into account the comments of the highways authorities, the Inspector also considered the highways impacts of the development in determining the appeal for the previous scheme for this site. The Inspector adopted the predicted vehicle movements of 65 two-way movements in the peak hours and the distribution of these movements on the highway network. The Inspector considered the council's case that additional off-site highway works should be provided, but attached limited weight to this argument. Likewise, the Inspector did not accept there was a demonstrable need for a link onto the A256 or that the highway works proposed would increase vehicle speeds and concluded that there was "no evidence demonstrating that Woodnesborough Road is subject to a poor accident record". Given the highway authority's assessment of the application in consultation responses and the highway safety audit revealing no adverse effects, the Inspector concluded that the development would not adversely affect the operation of the local highway network. The Inspector's assessment, which relates to a near identical scheme and given that no evidence has been submitted to demonstrate that there has been a material change in circumstance since the Inspector's decision, must carry substantial weight in the assessment of the application.
- 2.32 The proposed internal site layout has, with the exception of private drives, been designed to adoptable standards, with good forward visibility 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.
- 2.33 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 provided within a garage or car

barn. This level of parking is reduced to one space per dwelling for some of the smaller affordable dwellings. There are also a significant number of spaces which are provided in tandem, reducing their usability. However, these tend to be located close to generous on-street unallocated parking spaces. Overall, 317 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 53 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. Table 1.1 recommends that the mix of dwellings be provided with a total of 227.5 spaces be provided for the residents of the development, together with 24 visitor spaces (i.e. around 252 spaces in total). The development would provide more than this minimum provision, with 264 allocated spaces and 53 visitor spaces. Whilst the provision of some garages (which may not be used for car parking) and tandem spaces is not ideal, and whilst some of the smaller dwellings are provided with just one car parking space, it remains the case that the development would provide more than the requisite number of car parking spaces. In particular, the generous provision of unallocated parked spaces on the street would provide mitigation through the provision of more flexible car parking.

- 2.34 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.
- 2.35 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. KCC PROW did not comment on the previous application, but have commented on the current application. These comments gave rise to new concerns regarding the treatment of ES10 and how the PROW would be integrated into the scheme. Following these concerns, the applicant has amended the scheme to increase the width of the PROW, to ensure that it will be usable for pedestrians, cyclists and equestrians, whilst retaining a 'green corridor' around the PROW where possible. As proposed by the previous application, it is intended to remove the rights of way for vehicular traffic along the route, which will allow safer access for the retained users and allow the provision of a suitable width, surface and signage for such use, together with suitable bollards/barriers as necessary. This effectively provides a pedestrian, cycle and equestrian 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 vehicular rights.
- 2.36 The byway (ES10) will be altered to provide a 3.5m wide track suitable for pedestrians, cyclists and equestrians, with bollards installed to prohibit vehicular access but allowing access for the retained users. The track would be finished with 'hoggin' self-binding gravel. 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. It is considered that these works accord with the requirements of Policy LA16 to retain and enhance these routes.

- 2.37 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.
- 2.38 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.
- 2.39 It has been commented by third parties that the development should provide a new slip road onto the A256 Sandwich Bypass. 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. Moreover, the Inspector for the previous application rejected the need for slip roads in order to make this development acceptable.

Ecology

- 2.40 The application has been supported by a suite of documents which consider the ecological impacts of the development. These documents are predominantly updated versions of the reports which were submitted with the previous application, but also now include an additional report which details the reptile receptor site, the method of translocation and management of the translocation site.
- 2.41 Separate Bat, Reptile and Great Crested Newt reports have been submitted, which have informed the Ecological Impact Assessment. 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. 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.

- 2.42 The application has also been supported by a Reptile Habitat Management Plan. This plan sets out the need for reptile translocation and the overall methodology for securing appropriate translocation. A site has been identified, which is within the applicant's control, to receive reptiles from the application site. The receptor site has been assessed as being capable of providing suitable habitat for reptiles, subject to appropriate planting first becoming established and log piles being provided. The applicant has confirmed that, once planted, the receptor site will be allowed to mature for a period of at least two years to ensure that the planting is sufficiently established to support the reptiles (it is understood that planting can take place in advance of the permission being issued, as the receptor site is already being developed). The receptor site will then be maintained and monitored to ensure that the required habitat is sustained. The applicant has confirmed that management of the receptor site will last for 25 years, in accordance with the recommendation of the council's Principal Ecologist. It is considered that the method of translocation, the location and characteristics of the site (subject to manipulation) and the management of the receptor site are acceptable and, consequently, the reason that the appeal was dismissed has been overcome.
- 2.43 The RAMSAR, SAC and SPA Report, the previous version of which had been submitted in response to the concerns raised by Natural England in relation to the previous application, 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.
- 2.44 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. The receptor site, identified as being land within the applicant's ownership at Singledge Lane, Whitfield, 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 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.

- 2.45 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. It is particularly noteworthy that the sole reason for the Inspectors dismissal of the previous appeal was the failure to secure the provision and long term maintenance of a suitable receptor site for reptiles. This matter has now been addressed through the submission of a Reptile Habitat Management Plan and confirmation that the applicant will secure translocation of reptiles and the provision and maintenance of the receptor site through a S106 Agreement. As such, this shortcoming has been satisfactorily addressed.

Habitat Regulations Appropriate Assessment

- 2.46 The Conservation of Habitats and Species Regulations 2017, Regulation 63 requires that an Appropriate Assessment be carried out. It is for the council, as the 'competent authority', to carry out the 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 Councils Principal Ecologist and Natural England.
- 2.47 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.48 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.

- 2.49 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.50 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.51 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The applicant secured a payment to fund this mitigation at the outline application stage.
- 2.52 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.
- 2.53 Notwithstanding the conclusion that the development would be no adverse effect on the designated habitats, it should be noted that the Inspector carried out an Appropriate Assessment when assessing the previous scheme, reaching the same conclusion, stating “while the development in combination with other development in the area would be capable of having a significant effect on the designated habitats, that effect would be capable of being acceptably mitigated”.

Archaeology

- 2.54 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

- 2.55 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.
- 2.56 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. At paragraph 105, it requests that policies for local parking standards should take into account “the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles”. Paragraph 110 requires that, within the context of only refusing development on highway grounds where there would be an unacceptable impact on highway safety or where the residual cumulative impacts on the road network would be severe, applications should “be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”. Whilst there is, therefore, some support for the provision of electric vehicle charging points, there is no adopted planning policy for the provision of charging points for plug-in vehicles, 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. Notwithstanding this, the design of the scheme, with car parking typically adjacent to dwellings and car barns/garages being provided to many properties, it is considered that the scheme lends itself to individual owners installing electric vehicle charging points if required.

- 2.57 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. The location of the site is therefore sequentially preferable in terms of flood risk. Notwithstanding this, it remains necessary to consider whether the development would cause an increased risk of localised surface water flooding.
- 2.58 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 surface water sewer network under controlled conditions, with hydrobrakes used to control the flow. 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.

- 2.59 The existing foul drainage infrastructure on Woodnesborough Road has insufficient hydraulic capacity to meet the needs of the development without additional infrastructure being provided. 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. Off-site works will be required to upgrade the capacity of the network to accommodate the additional flows, which will be undertaken by Southern Water, albeit it is appropriate to ensure that the timing of the upgrades coincides with occupation to ensure that the risk of on or off site flooding is not increased. 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 and verification of its implementation, it is considered that the development will be adequately served, without increasing the risks of localised flooding.
- 2.60 Notwithstanding the above, Southern Water has 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 has 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 around 16m from the pumping station. Finally, Southern Water has confirmed that they can provide a water supply to the site.

Contributions

- 2.61 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. However, the policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions.
- 2.62 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 two one-bed units, twenty-three two-bed units and eleven three-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 the affordable housing being secured, it is considered that the requirements of Policy DM5 will be met.

- 2.63 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 S106 Agreement. Subject to securing the provision and maintenance of this Open Space, it is considered that the requirements of Policy DM27 will be met.
- 2.64 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.
- 2.65 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 and, whilst it is advised that there is currently no need to increase the capacity of primary schools, a request has been made for a contribution of £436,194 towards the Phase 1 expansion of Sir Roger Manwood Secondary School. The development would also increase pressure on community learning, libraries and social care provision, for which there is currently insufficient capacity. Consequently, contributions have been requested towards projects in Sandwich to meet the needs generated by the development. In particular: £3,076.68 has been requested for equipment for community learning classes; £14,614.80 has been requested for large print library books; and £9,315.60 has been requested to increase the capacity of the Age Concern Care Centre.
- 2.66 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 primary school provision or 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.
- 2.67 It is considered that the requested contributions set out above 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 and in each case there

is an identified project. The applicant has confirmed that they are willing to provide the accepted contributions.

Other Material Considerations

- 2.68 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.
- 2.69 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.
- 2.70 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 from the benefits of the housing being provided and weighs against the development. 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.
- 2.71 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.
- 2.72 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.
- 2.73 The Inspectors Decision is also a material consideration of substantial weight, given that it considered a scheme almost identical to the current application and

given that it is recent. The Inspector found the development to be acceptable in all material respects with the exception of ecology; in particular the failure to secure an appropriate mechanism for the translocation of reptiles. This application has addressed this issue, providing details of the translocation, the receptor site and management of the site. As set out, the councils Principal Ecologist has confirmed that these details are acceptable and, adopting this advice, it is concluded that the Inspectors concern has been overcome.

Overall Conclusions

- 2.74 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: the proposed access point accords with the requirements of Policy LA16 of the Land Allocations Local Plan; the access has been assessed by KCC Highways and Transportation and was found to be acceptable; a safety audit has been carried out and passed; and the access was considered by the Inspector, who concluded that the access was acceptable and that off-site works proposed would satisfactorily address impacts on the highway network. Consequently, it is concluded that the access to the site 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.

g)

Recommendation

- I PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions, provision of affordable housing, reptile translocation, ecological mitigation and the provision and maintenance of play space, and subject to conditions to include:
- (1) approved plans; (2) provision of off-site highway work; (3) construction management plan; (4) provision of measures to prevent the discharge of water onto the highway; (5) provision of vehicle parking and turning areas; (6) provision of cycle parking; (7) provision of alterations to the ES10, including surface material to be used and details of bollards; (8) completion of certain works to the access roads prior to the occupation of dwellings; (9) provision of visibility splays; (10) scheme for the provision of foul drainage, including an implementation timetable and verification report; (11) scheme for the provision of surface water drainage, including an implementation timetable and verification report; (12) archaeology; (13) ecological mitigation and enhancements; (14) identification of the exact position of the water main and details for its protection; (15) protection of existing trees and hedges to be retained; (16) details for excavations near trees; (17) detailed landscaping scheme, including details of replacement trees; (18) samples of materials; (19) provision of refuse and recycling facilities.
- II Powers be delegated to the Head of Planning, 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