

- a) **DOV/18/00681 – Erection of 56 dwellings, single and double garages, new vehicular access, associated parking and landscaping (demolition of 121 Dover Road) - Former Kumor Nursery and 121 Dover Road, Sandwich**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

**Core Strategy Policies**

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 500 (around 5%) is identified for the Sandwich.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified to less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

**Land Allocations Local Plan**

- 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 the 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 unstable land, where appropriate.

#### The Kent Design Guide (KDG)

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

#### National Design Guide

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

DOV/17/00280 - Erection of 67no. dwellings, single and double garages, new vehicular access, associated parking and landscaping (demolition of 121 Dover Road) – Refused and Dismissed at Appeal

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

Crime Prevention Officer – The application has made effort to address 'designing out crime' in the submitted Design and Access Statement. Although some concerns remain from the previous application, it is requested that these be addressed by condition (boundary treatments, footpath design, defensible spaces, parking, door and window standards, landscaping and lighting).

Natural England – No objection, subject to a financial contribution being secured towards the SPA and Ramsar site mitigation strategy.

#### KCC Highways and Transportation – *Initial response received 24<sup>th</sup> October 2019*

No objection in principle, however the highway-related plans finally agreed for the previous application showing revised vehicle tracking (drawing number 1152/T07 B) and amendments to parking restrictions in Dover Road (drawing number 1152/T09 P3) have not been submitted as part of the current application. Such details are therefore required. Clarification should also be provided regarding whether the internal roads will be offered for adoption.

*Subsequent response received 11<sup>th</sup> November 2019 (in response to third party comments)*

The incident in April is not recorded in our latest crash data which goes up to the end of June 2019, which is unusual, so it may have actually occurred off the highway. We therefore don't have any details of what caused the incident but the Kent Online website appears to suggest it was a young person coming off their bike and there is no mention of any other vehicles being involved. There have been no other recorded incidents at the Dover Road/Deal Road junction or in the section of Dover Road leading to the site between the beginning of 2016 and end of June 2019, so there does not appear to be any pattern or number of crashes to suggest a particular problem in the vicinity.

*Subsequent response received 13<sup>th</sup> January (due to the sensitivity regarding the highway network, this comment has been reproduced in full).*

The proposals are likely to generate approximately 27 two-way vehicle trips in the network peak hours along Dover Road and through the Dover Road/Sandwich Road junction. Whilst Dover Road is not heavily trafficked there is clearly an increase in traffic during drop-off and pick-up periods for the nearby school. On-street parking takes place along Dover Road particularly in the eastern section which narrows the road to single-way working in places, although there are some passing places available through gaps in the parking and existing parking restrictions. In order to accommodate the additional trips from the development in the eastern section of Dover Road, the proposals include improvement of existing passing places and additional parking restrictions to assist with the flow of traffic particularly during the peak hours, as follows:

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

These improvements will create better inter-visible passing places at regular intervals to accommodate the additional traffic from the development, as well as providing improved visibility for drivers using the accesses to numbers 67 and 69. Whilst the proposals will remove 3 usable on-street parking places, this small number can be accommodated elsewhere on-street in the vicinity. It is also likely that over time some children from the proposed development will attend the nearby school and travel on foot, replacing pupils who will have come from further afield and travelled by car and therefore providing a reduction in vehicle trips associated with the school.

Whilst the footways at the eastern end of Dover Road are narrow, they are usable and have been in use for many years. Vehicle speeds in this section are low and there are no recorded personal injury crashes in the five years to the end of June 2019 in this section of the road.

The impact of the additional traffic at the junction of Dover Road with Deal Road was previously assessed and is acceptable, with the junction still operating within capacity. The junction has acceptable visibility and there have been no recorded personal injury crashes at the junction in the five years to the end of June 2019.

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

The site access arrangements include building out the kerb line in Dover Road to achieve suitable visibility and the provision of a pedestrian crossing point across Dover Road to provide suitable access to/from the nearby school. The access arrangements require double yellow lines to maintain appropriate visibility at the proposed crossing point and site access. This removes up to 7 usable on-street parking spaces and these are replaced in a proposed lay-by in the initial section of the site access road. The proposed parking restrictions will also provide improved visibility for drivers using the accesses to numbers 111-119 and 123-127 Dover Road.

A Traffic Regulation Order (TRO) would be required for all the parking restrictions and this can be made by Kent County Council as the highway authority. According to advice to Planning Inspectors TROs must be made for qualifying purposes including avoiding danger to persons or traffic and facilitating the passage of traffic, which clearly apply in this case. Traffic flow and highway safety should be the primary concerns in relation to introducing a prohibition of waiting rather than matters of inconvenience or change. Therefore, if KCC is satisfied that the TRO is required and is the correct form of mitigation then they are in a position to dismiss erroneous objections and make the Order. The TRO could therefore be reasonably secured through a planning condition or s.106 agreement, with the drawings which highlight the TRO also referred to as approved drawings in the decision notice.

The proposed internal site roads are to remain private. The proposed site access arrangements can accommodate a suitable size of refuse, emergency and delivery vehicles. The development requires a total of 84 car parking spaces in accordance with Policy DM13 and 123 spaces are provided (plus 32 garages and the 7 replacement spaces in the site access road). The proposed internal layout and parking arrangements are therefore unlikely to have an unacceptable impact on the existing highway.

Construction traffic and timing of HGV movements (to avoid school drop-off/pick-up periods), associated temporary traffic management measures, parking/turning areas and wheel washing facilities can be dealt with by condition through a Construction Management Plan.

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

- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans including unrestricted access to the 7 replacement parking spaces in the site access road lay-by, prior to the use of the site commencing.
- Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion of the site access and highway alterations as shown on drawing number 11532 T-03 Rev. P5 or amended as agreed with the Local Planning Authority prior to the use of the site commencing.

- No occupations until all reasonable endeavours have been undertaken to implement Traffic Regulation Orders (TRO's) prohibiting street parking in Dover Road as shown on drawings numbers 11532 T-03 Rev. P5 and T-09 Rev. P3 or amended as agreed with the Local Planning Authority.
- Provision and maintenance of the visibility splays shown on drawing number 11532 T-03 Rev. P5 with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.
- Demolition and Construction Management Plan to include the following:
  - (a) Routing of construction and delivery vehicles to/from the A256;
  - (b) Proposed site access point;
  - (c) Timing of HGV movements to/from site (it should be noted that such movements will not be permitted during school drop-off and pick-up times);
  - (d) Parking and turning facilities for delivery and site personnel vehicles;
  - (e) Wheel washing facilities,
  - (f) Temporary traffic management (this will need to be agreed with our Streetworks Team and may need to include temporary parking restrictions, signage, etc.).

Informatives are also recommended.

KCC PROW – No objections. It would be beneficial to create a link to the bridleway.

KCC Economic Development – Awaited

KCC Lead Local Flood Authority – The proposed drainage strategy within the Drainage Strategy Report (2016) is acceptable. The use of permeable paving and attenuation tanks is suitable and would provide sufficient storage capacity. We welcome the proposal to limit the discharge rate to 5 litres per second that matches greenfield run off rates. We advise additional ground investigations are undertaken on site to confirm infiltration rates for the permeable paving. Additional analysis to be undertaken to understand the flooding implication for a greater climate change allowance of 40%. The detailed design stages should model drainage using FeH rainfall data. Should permission be granted conditions are recommended to secure the submission and approval of a detailed sustainable surface water drainage scheme, a verification report and an operation and maintenance manual for the proposed sustainable drainage scheme.

River Stour Internal Drainage Board – Whilst the proposed restricted surface water runoff rate of 5l/s is likely to be appropriate (provided that sufficient on-site storage is provided to accommodate the 1 in 100 year rainfall event, plus an allowance for the predicted effects of Climate Change) it is unclear exactly how the site currently drains. Details of the existing situation, detailing drainage routes should be provided. The use of open SUDS is preferred. Surface water drainage should be made the subject of a planning condition.

DDC Senior Natural Environment Officer – *Initial response received 14<sup>th</sup> October 2019*

The site is predicted to support a medium population of slow worms and common lizards. It appears that no reptile habitat will remain following development, therefore the applicant is proposing a translocation of these species to a receptor site north-east of Eastry at TR 3133 5560. This receptor site is approximately 0.4 ha and currently supports a low population of common lizard & grass snake. It comprises semi improved grassland and woodland edge habitats. The donor development site is 2.3 hectares, so this represents a considerable reduction in habitat area. The consultant makes recommendations for some habitat improvements at the receptor site, in order to try to

increase its carrying capacity. They include creation of log piles & hibernacula & a relaxation of the mowing regime, to create varied sward heights, by rotational mowing on a 3 year cycle.

Natural England standing advice on reptiles states that translocations should really be a last resort and adhere to certain conditions. The receptor site should be at least the same size as the habitat that will be lost, and larger if the habitat to be lost is of high quality. It should also not currently support the same species as the donor site. I am not convinced that the habitat improvements being offered are sufficient given the large difference in size between the two sites. No information is provided about who owns the receptor site or whether it will be in the control of the developer.

Although no bat roosts were found, bats are likely to be using the site for foraging/commuting. A bat sensitive lighting strategy following Bat Conservation Trust guidelines has therefore been recommended. This should form a condition of planning permission.

Biodiversity enhancements should be conditioned but in order to demonstrate a biodiversity net gain in line with the policy requirements of the NPPF, additional enhancements are also recommended.

The developer will have to pay contributions to the SPA mitigation strategy. There appear to be no other predicted indirect or direct impacts upon the European sites within the zone of influence.

*Subsequent response received 7<sup>th</sup> February 2019*

There have been several iterations of the report, following discussions about the timeframe for completing a baseline survey of the receptor sites and carrying out any necessary habitat enhancements to increase the carrying capacity of the sites. I have explained to the consultant at Fellgrove that both take time and are not going to be complete by the end of this spring (as was originally proposed in the first report). They have therefore revised the schedule to extend the process over the next two seasons, with translocation now proposed in summer 2021. I was told that this is acceptable to their client because they are more concerned with gaining planning permission than the start date of the development. We therefore agreed that the mitigation strategy could form either a condition of planning consent or a legal agreement. It may be more appropriate to use a S106 because the landowners of these sites will need funds to manage the habitat for reptiles and monitoring of the population should be carried out for at least 5 years.

DDC Environmental Health – A Phase 1 Desk Study, Site Reconnaissance and Phase II Site Investigation Report was submitted with the application, which makes a number of recommendations. It is recommended that conditions should therefore be attached to any grant of planning permission, to ensure outstanding works are carried out, and that the site is brought a suitable for use condition.

DDC Head of Strategic Housing – There is a need for affordable housing of all types across the district - particularly affordable rented properties. The revised application makes provision for affordable housing in line with the Council's requirements for 30% of properties to be affordable. The proposed mix of affordable rented properties will address an identified need. Our preference is that any Shared Ownership housing will assist first time buyers into affordable home ownership. Recent experience elsewhere in the district has demonstrated that 2 bedroom homes are the more popular choice for shared ownership purchasers. The Registered Provider acquiring the shared ownership properties should ensure that the 3 bedroom house proposed for sale on a

shared ownership basis will be affordable in line with Homes England guidance and that should a purchaser who meet the Homes England eligibility criteria not be forthcoming, there is a contingency in place to convert this property to affordable rent if necessary, in order to retain the required % of affordable housing on the site.

DDC Tree Officer – The application site is largely bounded by a mixture of early and semi mature hedgerows that as a whole can, in time, effectively screen the site from the proposed development provided they are sufficiently protected. The hawthorn hedgerow located on the western boundary is already serving this purpose. This highlights the importance of ensuring it is protected throughout construction along with those less established hedgerows along the other site boundaries. The hedgerows located on the northern and western boundaries are deemed to have an estimated remaining contribution of greater than twenty years; the proposed planting within those gardens facing onto the northern boundary will help augment the hedgerow and offer higher level screening in time. No information regarding their protection has been provided and so an Arboricultural Impact Assessment should be secured by condition.

Environment Agency – No objection, subject to a condition being attached to any grant of planning permission related to addressing any contamination found during development which was not previously identified. Comments are also made regarding how any waste from the site should be dealt with and recommended means of draining surface and foul water from the site.

Southern Water – Southern Water can provide foul sewage disposal to the site. It is requested that, should planning permission be granted, conditions should be attached to secure detailed schemes for foul and surface water drainage. Southern Water can provide a water supply to the site.

KCC Archaeology – Sandwich is an important Medieval Town and Dover Road represents the former primary route from Sandwich to Eastry and Dover. It has been suggested that the route of Dover Road is of considerable antiquity, dating back to the early sixth century if not earlier, and interestingly the route appears originally to have been focussed not on the medieval town of Sandwich, but on a crossing point on the River Stour near Sandown (the postulated location of Sandwich's early medieval precursor). There is evidence of Romano-British and Medieval activity in the vicinity of the site. Contrary to the recommendation in the applicant's Planning Statement, it is suggested that a programme of archaeological works should be secured by condition.

Sandwich Town Council – Strongly recommend refusal, for the following reasons:

- Impact on highway safety
- Lack of visibility near the school (and parking and access along Dover Road)
- Capacity of physical infrastructure (public drainage and water systems)
- Density of the development
- Insufficient car parking provision

Public Representations –

91 letters of objection have been received, raising the following concerns:

- The development is contrary to the development plan, which is up-to-date
- Inadequate access to the site
- Poor visibility at junctions
- The pavements in the area are too narrow/harm to pedestrian safety
- School children walk, cycle and scoot in the road

- There are frequently near misses in the road
- The number of vehicle movements generated by the development has been underestimated
- Increased congestion
- Inadequate car parking provision and loss of parking for existing residents
- Harm to highway safety
- Inadequate public transport
- Harm to health and safety
- Insufficient provision of affordable housing
- Impact on ecology
- The ecological report does not consider 121 Dover Road, which is to be demolished
- Insufficient open space provided on the site
- Increased noise and dust
- Impact on house prices
- Loss of views
- Inadequate infrastructure (water supply, drainage, schools, GP's)
- Increased risk of localised flooding
- The development would be detrimental to the tourist industry of Sandwich
- There is a need for nurseries and allotments
- Harm to the character and appearance of the area
- Contributions could be provided towards the sports centre
- A joined up larger development in the area would be preferable to piecemeal applications

In addition, one letter of support has been received, raising the following points:

- There is no valid reason to reject this application.
- The highway is relatively safe compared to other roads in the district.

- f)
1. **The Site and the Proposal**
    - 1.1 The application site is located outside of the settlement confines and, for the purposes of planning, within the Countryside. To the north and west, the surrounding area is predominantly in agricultural use. To the south and east, the site is bounded by residential development, namely Dover and Stone Cross Lees. To the south of Dover Road is Sandwich Technology School and Sandwich Leisure Centre. The land is relatively flat. To the north of the site, beyond a parcel of agricultural land is a site which has been allocated for housing in the Land Allocations Local Plan, under policy LA16. Permission was granted for the erection of 120 dwellings on the land which is subject to LA16 in 2019.
    - 1.2 The site itself extends to approximately 2.4ha. It was previously used as a plant nursery, although it is evident that this use ceased some time ago. The site still contains some of the glass houses which were used in conjunction with that business, although much of the site is vacant of buildings. The site has an existing narrow vehicular access. The application site also includes No.121 Dover Road and its garden, which is a residential property.
    - 1.3 The current application seeks permission to erect 56 dwellings within the application site, together with a pedestrian access (utilising the existing access to the site) and a new vehicular access to the site (utilising the land which would be provided by the demolition of No.121 Dover Road). An area of open space would be provided along the north-western boundary of the site. The dwellings

would be predominantly two storeys in height, although three pairs of bungalows are also proposed.

- 1.4 It is important to note that this application follows a previous application, which was refused and subsequently dismissed at appeal. The previous application was for 67 dwellings and was recommended for refusal for one reason by officers and was subsequently refused by planning committee in accordance with the recommendation. The reason for refusal read:

“The site is located outside of any urban or rural settlement confines on non-previously developed land. The development would fail to provide a mix of housing to meet the identified needs of the district and would cause harm to the character of the area affecting, in particular, those views from the south, west and north. The development would fail to fulfil social or environmental roles, failing to improve the environmental quality of the area or provide public benefits which outweigh the harm caused. Consequently, the development would be contrary to Dover District Core Strategy Policies CP1, CP4 and DM1 and National Planning Policy Framework paragraphs 17 and 64.

The application appealed to the Planning Inspectorate against the council's decision to refuse planning permission. The appeal was dealt with under the Public Inquiry procedure and was subsequently dismissed. In dismissing the appeal, the Inspector concluded that:

- a 'flat' planning balance should be applied;
- the proposal would have an adverse effect on the character and appearance of the area;
- the proposal would fail to provide an appropriate mix of dwellings;
- the proposal would provide 30% affordable housing and monies towards healthcare, primary and secondary education, libraries, social care and mitigation of impacts on the Special Area of Conservation;
- in the context of his decision, highway safety and parking matters weigh neither in favour nor against the proposal; and
- and, overall, the material considerations do not indicate that the development plan should be set aside nor do they demonstrate that the benefits overcome the harm identified.

## 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 adopted development plan. Decisions

should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.

- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located outside of the defined settlement confines, is not supported by other development plan policies and is not ancillary to existing development or uses. As such, the application is contrary to Policy DM1.
- 2.4 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. The site is located outside of, albeit directly adjacent to, the settlement confines. It is considered that the occupants of the development would need to travel in order to reach all of the necessary day to day facilities and services, albeit the majority of day to day facilities and services are available in Sandwich. The development is not justified by other development plan policies. As such, the development is contrary to Policy DM11.
- 2.5 Policy DM15 requires that applications which result in the loss of countryside, or adversely affects the character or appearance of the countryside, will only be permitted if it meets one of the exceptions. The development would result in the loss of countryside. The development would not meet any of the exceptions listed. Whilst it is considered that the development would have only a limited impact on the character and appearance of the countryside (as will be set out in detail later in this report), the loss of countryside alone is sufficient for a proposal to be contrary to DM15.
- 2.6 For the above reasons, the development is contrary to policies DM1, DM11 and DM15 of the Core Strategy. It is considered that these policies are also the most important policies for determining the application.
- 2.7 Whilst the development is contrary to policies DM1, DM11 and DM15 and notwithstanding the primacy of the development plan, paragraph 11 of the NPPF states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has delivered less than 75% of the Housing Delivery Test requirement over the previous three years, 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 (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted.
- 2.8 Having regard for the most recent Annual Monitoring Report, the Council are currently able to demonstrate a five-year supply. The council has not met the Housing Delivery Test, achieving 92%. Whilst this has been taken into account, it does not trigger the paragraph 11 'tilted balance', which is only engaged when housing delivery falls below 75%. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date.
- 2.9 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per

annum. As a matter of judgement it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result, of this should carry only limited weight.

- 2.10 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. The blanket approach to resist development which is outside of the settlement confines does not reflect the NPPF, albeit the NPPF aims to actively manage patterns of growth to support the promotion of sustainable transport. Insofar as this application is concerned, the proposal is contrary to DM11's blanket approach, despite the site being in a location which has good access to facilities and services, including bus stops and Sandwich train station. Given the particular characteristics of this application and this site, in this instance it is therefore considered that DM11 is out-of-date and should attract only limited weight.
- 2.11 Policy DM15 resists the loss of 'countryside' (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met, it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside (another blanket approach) is more stringent than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development, as set out above. Whilst, there is some tension between this policy and the NPPF, in this instance the site does provide a contribution to the character of the countryside and, consequently, it is concluded that the policy is not out-of-date, albeit it is considered to attract only moderate weight for the purposes of assessing this application.
- 2.12 It is considered that policies DM1 and DM11 are out-of-date, whilst DM15 is in tension with the NPPF. Policy DM1 is particularly critical in determining whether the principle of the development is acceptable. Having considered the development plan in the round, it is considered that the 'tilted balance' is engaged. As such, the application should be assessed in the context of granting development unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 2.13 An assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits (and whether this represents a material consideration which indicates that permission should be granted) will be made at the end of this report.

#### Housing Mix

- 2.14 The proposal would provide fifty-six dwellings comprising eight one-bed, twenty two-bed, twenty-two three-bed and six four bed 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. The Inspectors appeal decision, in line the reason for refusal, criticised the previous housing mix (in particular the lack of one-bedroom dwellings) which failed to reflect the mix required by Policy CP4, adjusted by market information (including the Strategic Housing Market Assessment).

- 2.15 Policy CP4 recommends the following housing mix: on-bed - 15%; two-bed - 35%; three-bed - 40%; and four-bed 10%. However, the more recent Strategic Housing Market Assessment 2017 (SHMA) has adjusted these requirements to meet updated needs. The SHMA identifies the following needs:

|           | Owner Occupied | Shared Ownership | Affordable/Social Rent |
|-----------|----------------|------------------|------------------------|
| One-bed   | 4.3%           | 24.4%            | 28.2%                  |
| Two-bed   | 19.7%          | 34.1%            | 13.1%                  |
| Three-bed | 43.7%          | 27.8%            | 25.5%                  |
| Four-bed  | 32.3%          | 13.7%            | 33.2%                  |

The housing mix proposed by the current application has been amended, as follows:

| Number of Bedrooms | Owner Occ. | Shared Own. | A/S Rent | Totals   |
|--------------------|------------|-------------|----------|----------|
| One                | 4 (10%)    | 0 (0%)      | 4 (33%)  | 8 (14%)  |
| Two                | 8 (21%)    | 4 (80%)     | 8 (67%)  | 20 (36%) |
| Three              | 21 (54%)   | 1 (20%)     | 0 (0%)   | 22 (39%) |
| Four               | 6 (15%)    | 0 (0%)      | 0 (0%)   | 6 (11%)  |
| Totals (56)        | 39 (70%)   | 5 (9%)      | 12 (21%) |          |

As can be seen from the above table, the Owner Occupied mix broadly reflects the identified need, albeit there is a modest under provision of four-bedroom units and slightly higher provision of one, two and three bedroom units. In terms of affordable housing, the mix does not respond as well to the need across the district, albeit the preference for Affordable and Social Rent reflects the need of the majority of people seeking housing assistance from the Council.

- 2.16 Whilst the recommended housing mix proportions are certainly not rigid, they should inform the housing mix proposed. The housing mix proposed, overall, aligns closely to the mix advocated by Policy CP4. Whilst the mix diverges modestly from the more up-to-date housing mix recommended by the SHMA, it is not considered that this divergence is significant. Regard must also be had for the need to ensure that the housing mix is suitable for the particular development, having regard for the number of dwellings proposed, the context, opportunities and constraints of the site and more localised market conditions. Overall, it is considered that the housing mix proposed is not unreasonable, broadly responding to local need, whilst also responding to the characteristics of the site (for example by proposing house types which reflect those in the vicinity of the site). As such, it is considered that the housing mix is acceptable.

#### Character and Appearance

- 2.17 The site lies within the countryside, where Policy DM15 applies. This policy states that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted in exceptional circumstances. In addition, Policy DM16 generally resists development which would harm the character of the landscape.
- 2.18 The development in the area is largely linear and street fronting, with a ribbon of development along Dover Road and, further to the south west, along Johns Green. To the west of Dover Road, Stone Cross Lees provides a variation to the character, being arranged as a cul-de-sac, although the development continues to front onto the street. Properties are typically set back from the road behind front gardens, although some more historic properties are closer to, and in some cases abut, the road. The scale and design of buildings varies along the length of the road, although in many cases dwellings appear as distinct groups or clusters of similarly designed dwellings. The non-residential uses are also important in establishing the character of the area. To the south of Dover Road is Sandwich Technology School and Sandwich Leisure Centre, which depart quite markedly from the character of the rest of the road, being formed of large two and three storey buildings which are linked together. Another important element to the character of the area are the undeveloped agricultural fields, which provide a visual reminder that the site is located on the fringe of the town and provide an attractive semi-rural character where breaks in build development occur.
- 2.19 The site itself is largely screened from views from Dover Road, being set behind the continuous development to the northern side of the road. Further to the south west, the south western boundary of the site is visible across an agricultural field which occupies the land between No135 Dover Road and No.165 Dover Road. The north western boundary of the site is seen from a Public Right of Way (ES8) which runs from St Bart's Road to the A256 and is located around 190m from the site. The site is also visible in longer views from Woodnesborough Road and another Public Right of Way (ES10). It should be noted that planning permission has been granted for 120 dwellings on a parcel of land adjacent to Woodnesborough Road and to the north of the application site. Once built out, this committed development would alter the context of the site. Within the site itself is a low-rise greenhouse-like structure which formed part of the previous plant nursery use. The roof of this is only just visible above or through the hedges. Most of the site comprises overgrown grass, scrub and brambles interspersed with some immature self-seeded trees. At present, from vantage points in the vicinity, the site provides a soft transition between the open fields and the settlement confines. As such, any development of the site would need to retain and enhance the boundary planting and ensure that the layout of the development minimises the prominence of buildings in these views.
- 2.20 The previous application was refused and subsequently dismissed at appeal by reason of its adverse effect on the wider character and appearance of the area. In particular, the Inspector stated that "it is not the character and appearance within the site that is of issue here between the main parties, but rather the visual impacts as seen primarily from ES08 due to the way in which the proposal would be located in close proximity to the boundaries of the site – at odds with existing dwellings along Dover Road – and the erosion of the intrinsic character and beauty of the countryside".
- 2.21 The application has been supported by a Landscape Statement, which has assessed the predicted visual impacts of the development at year 1 (i.e. upon completion of the development) and at year 10 (i.e. once the proposed

landscaping has become established, albeit the landscaping would continue to grow thereafter). This Statement, which was carried out in accordance with the standard methodology (GLVIA3) assesses 18 viewpoints in total. Regard has been had for the conclusions of this Statement.

- 2.22 The current application proposes the erection of 56 dwellings (a reduction of 11 units compared to the refused and dismissed application which had proposed 67 dwellings). The site measures around 2.4 hectares. The resultant density, around 23 dwellings per hectare, is of comparable density to the majority of the development on Dover Road, although this density varies considerably along its length and is almost 45 dwellings per hectare further to the north east (closer to the town). Whilst it would be undesirable to replicate such a high density on this rural fringe site and unreasonably low densities should be avoided in the interests of maximising the use of land, it is considered that the proposed density is acceptable. In reaching this conclusion, particular regard has been had for the specific constraints of the site and the need to ensure that a vegetative buffer is provided to the north western boundary to mitigate the visual impacts of the development. Taking into consideration the previous refusal and dismissal, it is considered that the application strikes an appropriate balance between allowing for the efficient use of land, whilst also allowing for the density to reduce towards the peripheries of the site and for the provision of a retained and enhanced landscape buffer.
- 2.23 The layout of the development comprises a series of short private drives accessed via a central access road which runs along the length of the site. This pattern of development departs somewhat from the more regimented development along Dover Road, although it is not considered that a looser pattern of development would appear out of place in this rural fringe location. From within the site, it is considered that the development would form a cohesive character of its own.
- 2.24 The scheme includes eight house types, seven of which are two storeys in height and one type is single storey. The house types share a common design language, with common features such as window design, canopies over doors, canted bay windows and window cills and headers. The development proposes the use of a limited palette of materials, producing a unity to the development, there would also be a degree of variety, with a mixture of multi-stock red brickwork and decorated and plain hanging tiles, under either slate or plain red tiled roofs. It is considered that the design of the buildings, whilst creating a development of its own character, would reference elements of building design in the locality and provide a degree of visual interest.
- 2.25 The site itself, which would generally be concealed in views from Dover Road, although views of the site would be possible along the access road (which would itself be plainly visible). Views of the access road, whilst changing the view from Dover Road, would not appear out of character with the edge of village, residential, character of the area. Some views of plots 7 to 16 would be possible from the south west, albeit these buildings would be largely screened by a buffer of vegetation such that only the upper parts of the building and some glimpse views through vegetation would be possible. This is consistent with the Inspector's assessment of the previous scheme, when it was concluded that "whilst it is likely that the roofscape of proposed dwellings would be visible from Dover Road, in the main this would be mitigated by the limited visibility these viewpoints afford from the public realm through existing built form or landscaping". It is considered that, subject to a landscape buffer to be retained and enhanced to the south western boundary, these views would be sufficiently

filtered and screened to retain a soft rural edge character and would not cause any unacceptable harm to the character of the area, when viewed from Dover Road.

- 2.26 The Inspector's decision to dismiss the appeal for the previous application focused on the developments impact on views from ES08 and ES10 to the north of the site. The Inspector concluded that the previous scheme would have noticeably altered views ES08 in particular, "eroding the gentle visual transition from the urban to rural form". The siting of 9 dwellings close to the north western boundary was specifically criticised.
- 2.27 The current application has reduced the number of dwellings by 11, such that the proposed dwellings can be located further away from the north western boundary. The majority of the proposed dwellings would now be separated from the north western boundary by around 16-18m, although two dwellings would be separated by around 12m. This compares to separation distances within the scheme which was dismissed at appeal of just a few metres. The separation distance created by the current layout has allowed for the provision of a communal landscape buffer, which would be planted with trees and would provide a surfaced walking route. The height of the building has also been reduced following the dismissed appeal. The majority of the plots would be two storeys in height but plots 30 to 35 would be single storey. The existing boundary vegetation would be retained and enhanced to provide improved screening.
- 2.28 The existing vegetation on site, whilst providing a screening effect, is relatively low and sparse, such that the development would be plainly visible in views from the north once completed (and before the proposed landscaping has become established). The applicants Landscape Statement includes computer generated images of the proposed development in years 1 and 10. Similar images were provided (and have been reproduced in the current Landscape Statement) to support the previous appeal and were credited by the Inspector. Likewise, it is considered that the CGI's are reasonably reliable. At year 1, they CGI's show that the development would be plainly visible, albeit the trees planted within the landscape buffer would filter views (the proposed trees would be sizeable when initially planted, predominantly being semi-mature trees with a trunk girth of 30-35cm). Given the size of the trees to be planted, by year 10, the development would be largely screened, albeit glimpses of the buildings behind the landscape buffer would be possible, particularly at roof level. A detailed landscape plan has been submitted demonstrating the number, location and size of trees and other vegetation proposed. The submitted Landscape Statement concludes that, in views from the PROW to the north, the development would cause a major (adverse) visual impact in year 1, but this would have reduced by year 10 to a moderate visual effect whilst the nature of the effect would be neutral. This means that, whilst somebody using the PROW would notice a moderate change, this change would not be positive or negative by neutral. Having regard for the existing and proposed landscaping, it is considered that the conclusions of the Landscape Statement are reasonable and, accordingly, the development would cause harm to the character and appearance of the area in views from the north in the short to medium term, but would have a neutral impact in the medium to long term.
- 2.29 The landscaping plan submitted with the application shows that the access road and footpath would be bounded by a swathe of grass, bulb planting, standard trees and native hedging. Within the site, the main road would be bounded with a mixture of native hedging and shrub and ground cover planting, whilst a

significant number of standard trees along this route would provide structure. Adjacent to the main access road into the site and the central access within the development would be a 'green'. This 'green', which would largely be planted with grass with standard and heavy standard trees, spring bulbs and shrubs to its peripheries, would be the main focal point as you travel along the access road. The existing dense boundary vegetation to the south western and north western boundaries will be retained and complemented by semi mature trees. Overall, it is considered that the landscaping proposals are of a high quality and will help to reduce the visual impact of the development from outside the site, as set out above. Within the site, the landscaping will soften the appearance of the development. Should permission be granted, it is considered that it would be reasonable to secure, by condition, the completion of the landscaping scheme and full details of how boundary trees and hedges will be protected during construction, retained and enhanced.

- 2.30 In most instances, where boundary treatments would be prominent within the site, 2m high brick walls are proposed, with less attractive closed boarded fences being confined to less prominent locations. No hard boundary treatments (walls or fences) are proposed to the north western peripheries of the site, where the introduction of such features would produce a visually harsh character, whilst the boundary fences to the south western periphery would be set in from the boundary. Should permission be granted, it is considered that it would be reasonable to remove permitted development rights for the erection of boundary treatments to properties which abut the south western and north western boundaries, to avoid such a visual impact.
- 2.31 Due to the reduced number of dwellings, their revised siting, the reduction in scale of some of the dwellings and the landscaping proposed, it is considered that the impact of the development on the character and appearance of the area would be limited to a short to medium term impact whilst the landscape buffer becomes established, with a neutral impact thereafter. Accordingly it is considered that the development would not cause significant harm to the character and appearance and, due to the limited visual envelope which would be effected by the short to medium term impacts and the retention and enhancement of landscape features, would not harm the character of the landscape. The short to medium term adverse impact should, however, be weighed in the overall planning balance.

#### Heritage

- 2.32 Whilst the site itself does not contain any listed buildings and is not within a conservation area, the development is relatively close to Stone Cross House, which lies opposite Stone Cross Lees and is Grade II Listed. In addition Katescott and No.62 Dover, located further to the north east are also Grade II Listed. In accordance with of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be had for the desirability of preserving the listed buildings and their settings or any features of special architectural or historic interest they possess. Notwithstanding this statutory duty, the NPPF requires that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm.
- 2.33 The development would not be visible from the nearby listed buildings. Furthermore, it is considered that, with subsequent development having been

built up to and around these listed buildings, their settings are relatively constrained. As such, having regard for the requirements of the Act, the development would cause no harm to these listed buildings or their settings.

- 2.34 The application has been accompanied by a desk based archaeological assessment. The report has been assessed by KCC Archaeology who have commented upon Sandwich's importance as a Medieval Town and Dover Road's importance as the former primary route from Sandwich to Eastry and Dover, which may be of considerable antiquity (C6<sup>th</sup> or earlier). There is evidence of Romano-British and Medieval activity in the vicinity of the site. The Planning Statement, referencing the Archaeological Desk Based Assessment, considers that the archaeological potential of the site could be addressed by attaching a condition to any grant of permission requiring that a watching brief be undertaken. The county archaeologist disagrees, concluding that a programme of archaeological works should be secured by condition. Given the evidence provided, both within the applicants desk based assessment and provided by the county archaeologist, it is considered that there is a reasonable potential for features of archaeological significance on the site and, as such, it is recommended that a condition be attached to any grant of permission requiring that a programme of archaeological work take place.

#### Impact on Residential Amenity

- 2.35 The existing dwellings on Dover Road are set a significant distance away from the site, due to their long rear gardens. As such, the vast majority of dwellings would be located in excess of 40m from the nearest of the proposed dwellings. As such, those dwellings would not suffer an unacceptable loss of light, sense of enclosure or overlooking. An exception to this is No.91A Dover Road, which is in a 'backland' location behind No.91. The closest of the proposed dwellings to No.91A is plot 40. Plot 40 would be to the north west of 91A, around 18m away. Whilst this relationship is relatively tight, due to its orientation and separation distance, it is not considered that any loss of light or sense of enclosure would be caused. The front elevation of plot 40, which faces towards 91A contains two bedroom windows at first floor level. As these are the sole windows serving bedrooms, they could not readily be obscure glazed or be made to be non-opening. However, whilst a degree of overlooking would occur from these windows (particularly from bedroom 2), it is considered that this impact is limited and, on balance, would not warrant the refusal of the application. Plots 41-43 (inclusive) are located around 23m to the north of No.91A. Given this separation distance, it is not considered that unacceptable overlooking, loss of light or sense of enclosure would be caused.
- 2.36 Properties on Stone Cross Lees would be located at least 26m from the proposed dwellings, albeit single storey pitched roof garages are proposed closer to the boundary with the properties on Stone Cross Lees. Due to the separation distance, it is not considered that unacceptable loss of light, sense of enclosure or overlooking would be caused.
- 2.37 The access road to the development would be located between No.'s 119 and 123 Dover Road, following the demolition of No.121. As a consequence, the development would cause vehicles to pass along the sides of these properties and their gardens. Whilst this would create some additional noise and disturbance, it is noted that the road would be separated from the neighbouring dwellings by at least 8m (albeit the road would be located closer to gardens), whilst hedging would be provided to either side of the road. By virtue of the separation distances and vegetation proposed, it is not, therefore considered

that the development would cause an unacceptable degree of noise and disturbance. The impact from the proposed pedestrian access would be minimal.

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

#### Impact on Local Highway Network

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

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

- 2.43 The previous application for the site for 67 dwellings which was refused and dismissed at appeal concluded that the development would not cause an unacceptable impact on the highway network which would warrant the refusal of the application. The Inspector considered that “within the context of this decision” highway safety and parking matters “weigh neither in favour nor against the proposal”.
- 2.44 The current application proposes fewer dwellings than the previous application which was not found to be unacceptable in highway terms. The access to the site remains broadly the same as the access proposed by the previous application, having one main vehicular and pedestrian access onto Dover Road, together with a second access which would provide pedestrian and cycle access to Dover Road. Dover Road is blocked to its south western end and, as such, all vehicles travelling onto the wider road network must travel north east to the junction with Deal Road. Dover Road is, for most of its length, wide enough to accommodate two vehicles; however, this width reduces closer to the junction with Deal Road and, in parts, is only of sufficient width for one vehicle to pass, particular where cars are parked. Concerns have been raised by third parties that the development would exacerbate traffic on Dover Road, which is already considered to suffer from congestion, particularly at peak times due to the location of a secondary access to the rear of Sandwich Technology School opposite the proposed vehicular access. It therefore considered that the potential impacts of the development on local road network must be carefully considered.
- 2.45 Within the site tracking plans have been submitted which demonstrate that larger vehicles such as refuse freighters, removals lorries and fire appliances can access the site, manoeuvre around the internal roads and turn to allow them to leave the site in a forward gear around the site and parking. Tracking plans have also been submitted which show that access road leading to Dover Road and the main internal roads are of sufficient width to allow vehicles to safely pass each other and would allow drives, parking courts and parking spaces to be accessed conveniently.
- 2.46 Policy DM13, having regard for Table 1.1, requires that development provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It is considered that the site is in a ‘suburban edge/village/rural location, where 1 and 2 bedroom houses will be expected to provide 1.5 spaces per unit and 3 and 4 bed dwellings will be expected to provide 2 spaces per unit. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. Garages are not considered to provide car parking spaces. The parking requirement for the 56 dwellings proposed (8 x 1 bed, 20 x 2 bed, 22 x 3 bed, and 6 x 4 bed) equates to 98 spaces for occupiers and around 11 visitor spaces.
- 2.47 The vast majority of dwellings would be provided with two car parking spaces, although some of the smaller one- and two-bedroom dwellings would be provided with one allocated space and have access to a shared space. In total 166 spaces would be provided (134 excluding garages) comprising: 96 spaces which would be allocated to dwellings; 8 spaces which would be unallocated/shared; 30 visitor spaces; and 32 spaces in garages. Excluding the spaces in garages, 104 spaces would be provided to dwellings together with a further 30 visitor spaces. It should be noted that 7 of the visitor spaces, which would be provided along the main access road, are intended to compensate for the on-street parking which would be lost due to the provision of parking

restrictions on Dover Road. Even accounting for this re-provision of parking, the development would provide slightly in excess of the required parking for residents and roughly double the number of visitor spaces which is required by Table 1.1. Whilst, numerically, the development overprovides car parking, having regard for the number of tandem spaces within the development (which are less convenient to use) it is considered that the level of car parking is reasonable. Consequently, it is considered that the parking provision is acceptable. Thirty dwellings would be provided with electric vehicle charging points, encouraging and enabling the use of more sustainable vehicles.

2.48 The proposed access onto Dover Road would be of sufficient width (carriageway of 5.5m wide and a 1.8m wide footway) to allow two vehicles to pass each other and allow for access by larger vehicles. At its junction with Dover Road, there will be a minor build out of the footway along Dover Road, with double yellow lines either side of the access. The build out and lining will ensure that adequate visibility can be secured in either direction. As stated above, the car parking which would be lost along Dover Road would be compensated for along the main access road. Either side of the access, dropped curbs and tactile paving are proposed to assist pedestrians. The access road has been subjected to a Stage 1 Road Safety Audit, which raised no concerns. The development would provide a second pedestrian access towards the north east of the site. This, combined with the layout of the development would provide for a permeable site which prioritises more sustainable forms of transport. The development also proposes the provision of cycle parking.

2.49 Dover Road is not generally heavily trafficked; however, it becomes well used during school peaks, as witnessed by officers, when there is significant pedestrian traffic, with groups of school children walking and cycling to the rear access to Sandwich Technology School, together with use by several school buses. To its west (around the proposed entrance to the site), Dover Road is relatively wide, but narrows further to the east where parked cars create pinch points. These pinch points are only wide enough to allow one vehicle to pass, with gaps in parking being used by vehicles to pull in and give way. The footpath at this pinch point also narrows. This narrowing of the footpath has been raised by a large proportion of third parties. Whilst footpaths to the west of the road, and around the accesses to the site are reasonably wide, footpaths to the east (in the direction of the town centre and its facilities, services and public transport links) decrease in width, particularly to the southern side of the road. In places the footway is less than 1m wide, allowing only single file pedestrian traffic, inhibiting the use of wheelchairs and prams and often causing groups of school children walk partly in the road. KCC have commented that, despite their width, the footpaths are usable. During the site visit for the appeal against the previous refusal, the Inspector was specifically asked to walk along these footpaths but did not cite the width of footpaths in his decision. Whilst KCC's position is accepted, with the footpaths being of sufficient width to function most of the time, your officer has also witnessed that footpaths functioning poorly during peak times. The usability of footpaths, resulting in some pedestrians walking on the vehicular carriageway, must be considered when assessing the likely impacts of the development, albeit against the backdrop that the previous application (which was for a greater number of dwellings) was not refused on highway grounds).

2.50 The trip generation from the proposed development has been modelled using a standard methodology, used nationally, concluding that it is likely to generate approximately 27 two-way vehicle trips in the network peak hours along Dover

Road and through the Dover Road/Sandwich Road junction. It was previously estimated that the 2017 application, for 67 dwellings (i.e. 11 more) would produce 35 two-way vehicle movements in peak hours. The estimated trip generation is considered to be robust and reliable.

- 2.51 There have been no reported personal injury crashes on Dover Road in the five years up to the end of June 2019, whilst vehicle speeds along the road are relatively low, likely due to the narrowing of the road. KCC have been specifically asked to comment on an incident which took place in April 2019 when a young person came off their bike. The incident was not recorded in the crash data, such that KCC have questioned whether the crash occurred off the highway or whether any other vehicles were involved. However, as there are no other recorded incidents on Dover Road or its junction with Deal Road, KCC have concluded that there is no pattern of crashes to suggest a particular problem in the vicinity.
- 2.52 The application proposes that additional yellow lines are provided along Dover Road to ease the manoeuvring of vehicles into and out of the passing places. The provision of improved facilities for vehicles to pull in and allow oncoming vehicles to pass will assist traffic flow during peak times. These changes would allow better inter-visibility between passing places, as well as improving the visibility from the accesses of No.'s 67 and 69. Whilst these changes would result in the loss of around three on-street car parking places, KCC have advised that there is sufficient capacity to accommodate the cars which would be displaced; however, it must be recognised that this would cause a degree of inconvenience to road users.
- 2.53 The development would also increase the use of the junction of Dover Road and Deal Road. The applicant's modelling of the impacts of the development on this junction shows that the junction will continue to operate well within its capacity, with no significant increase in queue lengths. During site visits within peak hours (and during times when the gates at the level crossing to the train station would have been closed), it was noted that vehicles were able to leave the junction without having to wait for significant periods and no queuing was observed, correlating with the findings of the submitted report. Furthermore, visibility from this junction is reasonable in both directions. Again, there are no reported personal injury crashes at this junction over the five years to the end of 2019.
- 2.54 It is considered that, whilst the development would increase the number of vehicle movements along the road, the development would provide for the increased length of passing places and increased visibility for vehicles travelling along the road. Furthermore, it is not considered that waiting times at the Dover Road Deal Road junction would be significantly affected. Overall, it is considered that whilst there would be an increase in vehicle movements on Dover Road, these would be balanced against the benefits of increasing the usability of passing places. Whilst some on-street parking would be lost, the application would provide spaces within the site which would, in part, compensate for this, albeit some loss of convenience to existing residents may occur. It must be noted that the test for refusing permission on highways grounds is whether the development would result in a severe cumulative impact. KCC's advice is adopted and it is concluded that the development would not cause any unacceptable impact on the highway network which would warrant refusal.

- 2.55 To conclude, it is acknowledged that substantial concern has been raised from third parties regarding the impacts of the development on the local highway network, including the safety of children walking to school. Consequently, it is agreed that, whilst the number and frequency of vehicle movements on Dover Road is relatively low, the road would be particularly sensitive to changes which would harm highway safety. Whilst the development will increase the use of the road, it is concluded that such an increase would not be considerable, whilst the development would provide for alterations to the highway which would improve vehicular visibility and improve the efficient movement of traffic. Whilst the development would increase the number of vehicles using Dover Road, it is not considered that this would result in unacceptable delays to vehicles and would not cause harm to highway safety or the free flow of traffic. It is acknowledged that loss of parking spaces towards the north east of the road would cause greater inconvenience to road users, albeit this is considered to attract very limited weight. However, it is not considered that this inconvenience would be sufficient to cause a 'severe cumulative impact' on the network. The previous reason for refusal relating to the 2017 application and the Inspectors reasons for dismissing the appeal against that refusal are material in the consideration of the current application. Neither cited highways concerns as justification for permission not being granted, whilst the current application proposes 11 fewer dwellings compared to the previous scheme. As such, it is considered that the development is acceptable in highway terms.
- 2.56 KCC have advised that, should permission be granted, a construction management plan should be submitted and approved to ensure that unacceptable harm would not be caused to the highway network.

#### Ecology

- 2.57 An ecological report has been submitted with the application, which assesses the likelihood of protected species or their habitats being impacted by the development and suggests possible ecological enhancements.
- 2.58 It is considered that the methodology and findings of the ecological report are acceptable. The report identifies that there is a Badger sett, which appears to be in use, close to the site, whilst the site is considered to provide foraging opportunities for Badgers. Whilst no setts were identified by the survey within the site, the possibility cannot be excluded. The site does not include any trees or hedges which would provide suitable habitat for bats, being too young (semi-mature) and lacking features such as cracks, crevices, holes and loose bark. All of the buildings on the site were assessed, of which, No.121 was the only to have a potential for bat roosting. The report recommends that a single bat emergence survey be carried out. The site does have potential for bat foraging and commuting. The site is not suitable for hazel dormice. The scrub and hedgerows may provide habitat for breeding birds, although the applicant's ecologist did not observe any nests. The site has a high potential to support reptiles, with tussocky semi-improved grassland, scrub and hedgerow habitats likely to attract reptiles. Due to the lack of standing waterbodies, the site does not offer suitable habitat for great crested newts. The site is likely to support a diverse range of invertebrates.
- 2.59 Having regard for the potential habitats and species on site, the applicant's ecologist recommended that a bat emergence survey and a reptile survey be undertaken.

- 2.60 A bat emergence survey was undertaken in July 2019, which showed that the garden area of No.121 is being used by a small number of bats, although the building does not support a bat roost. It is therefore recommended that any external lighting be sensitively designed and ecological enhancements include the provision of bat boxes.
- 2.61 Given the high potential for reptiles, a survey was undertaken to establish whether populations of reptiles are present on the site and the size of populations. This work identified a medium population of common lizards and a low population of slow worm. Initially, the applicant had proposed to address the reptile population by trapping and translocating reptiles to a receptor site near Eastry. However, concerns were raised by the council's ecologist regarding the suitability of the receptor site. Consequently, further work was undertaken by the applicant's ecologist to identify a suitable alternative site. This identified two potential sites, both outside of Sandwich, which were assessed to be both of sufficient size and sufficiently close to the application site. Further survey work will be required by the applicant's ecologist to determine the existing population of reptiles on these sites (and therefore whether the site, or the sites, have sufficient carrying capacity to accommodate the translocated reptiles) and the owners of the two sites have consented to surveys taking place and habitat enhancements being undertaken. Two further sites have also been identified, in Ash, albeit further information would be required for these two sites. The applicant's ecologist has also set out a projected timetable for surveys to be undertaken, habitat enhancement to take place and translocation to take place. The council's ecologist has advised that the timetable for translocation is reasonable and, subject to translocation being secured by legal agreement (to include funding for the management of habitat for reptiles and monitoring of the population for at least five years), raises no objection.
- 2.62 In addition to the need to protect existing ecology, it is considered that ecological enhancements should also be sought, in accordance with the NPPF. A lighting strategy should be agreed to avoid impacts on bats and on the tree belt to the east. A landscaping plan should be devised to include a range of native species (particularly plants used for foraging by bats) and existing hedgerows should be retained wherever possible. Any scrub clearance should be undertaken carefully and in the presence of a qualified ecologist to avoid any impact to badger. Whilst not recommended by the ecologist, it is considered that it would be proportionate given the close proximity of a badger sett to the site, to require by condition details of groundworks (and other works which may cause noise and vibration) close to the off-site badger sett. Removal of the greenhouse structures and vegetation should be undertaken outside of the breeding bird (nesting) season, unless the timing of the works are accepted by a qualified ecologist, following a check of the site. Finally, any loss of habitat should be compensated for by the installation of bird and bat boxes.
- 2.63 Consequently, subject to the proposed mitigation, safeguards and enhancements being secured by condition and Section 106 Agreement, it is not considered that the development would cause any harm to habitats or species.

#### Habitat Regulations Appropriate Assessment

- 2.64 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.

- 2.65 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.
- 2.66 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.
- 2.67 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.
- 2.68 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.
- 2.69 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.
- 2.70 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.
- 2.71 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”.

#### Contamination, Drainage and Utilities

- 2.72 The site lies outside of any ground water protection zone, but it does lie close to surface drainage features which are susceptible to contamination, as is the proposed residential use. The previous use of the site, as a plant nursery, may

have resulted in chemicals (such as pesticides or oils and petrol from vehicles or machinery) leeching into the ground, whilst there are also areas of made ground, the composition of which must be evaluated. The application has been supported by a 'Phase I Desk Study, Site Reconnaissance and Phase II Site Investigation Report' to establish likely risks of contamination on the site. The Phase I report identified that the site has the potential to have significant levels of contamination; however, when the soils were laboratory tested, the vast majority of the site was found to be uncontaminated. One area was found to have slightly elevated levels of lead and benzopyrene. Although the levels recorded were not considered to pose a risk to controlled waters they would pose a low/moderate risk to human health. Consequently, the report recommends remediation take place. The report also recommends that further investigation takes place within areas which are currently inaccessible.

- 2.73 The Council Environmental Health team have advised that any grant of permission should be accompanied by a suite of conditions, requiring further assessment and remediation takes place, in order to ensure that the site is decontaminated such that it poses no unacceptable risk to human health or the environment. In addition, the Environment Agency have recommended that a condition, relating to previously unidentified contamination, be attached to any grant of permission.
- 2.74 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. However, small areas towards the south of the site have been identified by the Environment Agency as being at risk from surface water flooding (1 in 1000 year) and, as such, it is necessary to consider whether the development would be susceptible to or cause an increased risk of localised surface water flooding.
- 2.75 The application has been supported by a Drainage Strategy Report, which confirms that, at present, a small area (around a drainage ditch which runs along the south western boundary of the site) may be at risk of surface water flooding in extreme weather, although the report also confirms that investigations have confirmed that groundwater was not recorded at a depth of 3m, whilst the natural topography of the site would direct any surface water flows into the existing drainage ditch and away from the site (and other properties in the locality).
- 2.76 The development would significantly increase the amount of impermeable area on the site and, as such, without appropriate surface water drainage, would be likely to cause surface water flooding. The Drainage Strategy Report confirms that this risk would be mitigated through the provision of permeable pavements for all access roads. Runoff from roofs and other impermeable areas will be conveyed to underground storage systems, which will comprise a mixture of oversized pipes, crates and open features. Subsequent discharge to the existing drainage ditch would be restricted to levels which would not impact upon the drainage ditch, or its ecology.
- 2.77 KCC, the Lead Local Flood Authority, have advised that they are generally content with the principles of surface water drainage, as proposed and confirm that the use of permeable paving and attenuation tanks would provide sufficient storage capacity. Limiting discharge rates to 5l/s is also welcomed by KCC, as this rate will match greenfield run-off rates. The River Stour Internal Drainage Board have advised that the proposed restricted surface water runoff rate of 5l/s is likely to be appropriate (provided that sufficient on-site storage is provided to accommodate the 1 in 100 year rainfall event, plus an allowance for the predicted effects of Climate Change), but have commented that current

drainage on site is unclear. Whilst further information will be required, the IDB conclude that surface water drainage should be made the subject of a planning condition.

- 2.78 Subject to a condition being attached to any grant of permission requiring full details of surface water drainage, together with details of the maintenance of such drainage, it is not considered that the development would not increase the risk of surface water flooding or pollution.
- 2.79 The application proposes to connect the development into the foul sewers which runs along Dover Road. Southern water have confirmed that their investigations have shown that this network has adequate capacity to meet the needs of the development. It is considered that, subject to a condition being attached to any grant of permission requiring full details of foul water disposal being submitted, the site would be properly serviced, without increasing the risk of flooding on the site or elsewhere.
- 2.80 Southern Water has also confirmed that they are able to provide a fresh water supply to the site.

### Contributions

- 2.81 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, albeit 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.
- 2.82 The applicant has confirmed that affordable housing will be provided on site, providing a plan indicating the potential locations for 17 affordable dwellings (30%). These dwellings would be provided in two groups, with 12 properties for Affordable Rent to the south western corner of the site and 5 properties for Shared Ownership towards to south east of the site. The Affordable Rent dwellings would provide four one-bed dwellings and eight two-bed dwellings, whilst the Shared Ownership properties would provide four two-bed dwellings and one three-bed dwelling. The council's Housing Development Manager has advised that the proposed mix of affordable rented properties will address an identified need, with a particular demand for two-bedroom properties. It is also advised that there may be some complications in providing a three-bedroom Shared Ownership dwelling, so there should be some flexibility to change this property to Affordable Rent. Subject to the details of the affordable housing provision being secured by S106 Agreement, which shall require the submission of an affordable housing scheme, the development will provide a policy compliant element of affordable housing which meets local need.
- 2.83 In accordance with Policy DM27 of the Land Allocations Local Plan, the development would also be expected to provide Open Space on site, or a contribution towards off-site provision, to meet the Open Space demand which would be generated by the development. In this instance, the Principal Infrastructure and Delivery Officer has not requested any Open Space provision. It is noted that the proposed development would include an area of open space, described as a 'green' centrally within the development, together with a green areas and paths to the north of the site. Whilst these would not provide any play equipment or other apparatus, they would provide opportunities for informal play. Within a relatively short distance of the site are

Poulders Gardens, The Bulwarks and The Butts public open spaces. On balance, it is not considered that a contribution towards off-site open space provision could be supported in this instance.

- 2.84 KCC have advised that they do intend to request that contributions are provided to meet the needs generated by the development but, at the time of writing, have not submitted their consultation response. Once received, their request will be considered to ensure that the projects identified, and monies requested meet the relevant tests for securing such contributions and the findings will be reported to members verbally at the Planning Committee meeting. The applicant has confirmed that they would be willing to meet any reasonable requests, which will need to be secured by legal agreement, should permission be granted.
- 2.85 It is considered that the above contributions are CIL compliant. In each case a specified project has been identified and is demonstrably 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.

#### Other Material Considerations

- 2.86 The principle of the development is contrary to the development plan. In such circumstances, permission must be refused unless material considerations indicate otherwise.
- 2.87 An important material consideration is the NPPF, which must be carefully considered to determine whether it provides justification to depart from the development plan. As set out in the 'Principle' section of this report, "the policies which are most important for determining the application are out-of-date" (when considered together) and, as such, paragraph 11 of the NPPF states that permission should be granted unless the policies in the NPPF (relating to habitats sites, SSSI's Green Belt, Local Green Space, AONB's, National Parks, Heritage Coast, irreplaceable habitats designated heritage assets or flood risk and coastal change) indicate that permission be refused or where 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.
- 2.88 The policies identified above (habitats sites, SSSI's etc.) do not indicate that permission should be refused.
- 2.89 The second basis for refusing an application in accordance with paragraph 11 is that the adverse impacts of the development significantly and demonstrably outweigh the benefits. This report has assessed the impacts of the development and has not identified any harm or harms which would indicate that permission should be refused.
- 2.90 The NPPF confirms the government's objective to significantly boost the supply of homes, including the provision of a range of housing to meet different needs. Whilst the council can currently demonstrate a five-year housing land supply, the council have delivered 92% of the homes needed over the past three years. In more rural areas, the NPPF encourages housing to be located where it will enhance or maintain the vitality of rural communities, for example where the housing will help to support local services. Development should also be located where it would reduce the need to travel and encourage more sustainable forms of transport.

- 2.91 The site is approximately a 1.3km walk from the centre of Sandwich. Sandwich is defined as a Rural Service Centre, which are intended to provide the main focus for development in the rural area and are suitable for a scale of development that would reinforce its role as a provider of services to a wide rural area. The site is also around a 1km walk from Sandwich train station, which provides links to mainline stations including London and international stations, whilst the nearest bus stops are around 500m away, which provide regular services to Canterbury, Deal, Dover, Ramsgate and the surrounding villages. Furthermore, the site is adjacent to Sandwich Technology School and around 750m from Sandwich Junior School. Finally, the site is well linked to the aforementioned facilities and services by footpaths (albeit some of these footpaths are narrow). As such, it is considered that the site is well related to existing facilities and services, such that the need to travel is decreased whilst the use of more sustainable forms of transport is realistic. These conclusions add weight in favour of the development.
- 2.92 The site is not considered to be previously developed land, being largely vacant of buildings and, where buildings do or did exist; these buildings were used for agricultural purposes. The land which is occupied by No. 121 Dover Road is, however, considered to be previously developed.
- 2.93 The development would provide a short term, transitory, economic benefit by providing employment during the construction phase. The development would provide housing which plays a role in facilitating economic growth. The development would also provide a small increase in the local population, which would produce a corresponding increase in spending in the local economy.
- 2.94 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 also meet the mix which has been identified as being required by the district, whilst 30% of the total number of housing units would be affordable units - a benefit which is given significant weight. The benefit of additional housing must be considered in the context of the councils demonstrable 5.30 years of housing land supply. The development would not cause significant harm to the character and appearance of the area, subject to conditions regarding the use of materials and landscaping. The development would also be in an accessible location, close to local facilities and services, reflecting the need and support health, social and cultural well-being. The development would increase the use of Dover Road; however, it is concluded that the impact of these additional movements would not warrant refusal. The development would cause some impact on neighbouring properties, albeit these impacts are limited.
- 2.95 In terms of the environmental role, the proposal would not cause limited impacts to the character of the area. Shortly after the development has taken place, the dwellings would be plainly visible from the public rights of way to the north; however, once the landscaping has become established, the dwellings would be largely concealed and views would be filtered. It has been established that the site provides habitat for protected species, which will be translocated off-site, should permission be granted. The development would also include other ecological mitigation and enhancements, which will be secured by condition and S106 obligations. The development would also facilitate the remediation of low levels of contamination on the site.

- 2.96 Overall, it is considered that there are a number of benefits and only limited disbenefits to the scheme, such that the benefits of the scheme outweigh the disbenefits. Consequently, the NPPF requires that permission be granted.
- 2.97 Another material consideration of significant weight is the previous appeal decision. The appeal was dismissed on the basis that the appeal scheme would cause unacceptable harm to the character and appearance of the area (in particular in views from the north) and would provide an unacceptable housing mix. The Inspector had identified a number of plots in the appeal scheme which would be prominent in views from the north and would diminish the soft transition between the built-up area and the agricultural land. The current application has reduced the number of dwellings from 67 to 56 allowing the dwellings to be set away from the north western boundary of the site behind a wide landscaped buffer. Where the existing boundary landscaping is at its least dense, six bungalows are proposed to further reduce the visual impact of the development. The housing mix has also been altered to better relate to the identified need. As such, it is considered that the two reasons for the dismissal of the appeal have been overcome. Whilst commented upon by the Inspector, the highway impacts of the appeal scheme were not cited as a reason for the dismissal of the appeal.

### **3. Conclusion**

- 3.1 The principle of the development, being located outside of the settlement confines of Sandwich, is contrary to the development plan. However, the most important policies in the development plan are considered to be out-of-date and, as such, the NPPF requires that permission be granted unless the development would cause harm which significantly and demonstrably outweighs the benefits of the development.
- 3.2 The previous application for the site (which had proposed 11 more dwellings on the site) was refused by reason of its impact on the character and appearance of the area and the failure to provide a housing mix which would meet local need. That application was considered to be acceptable in all other material respects. This decision was upheld at appeal. The application has now been amended and, in the opinion of officers, has overcome the previous concerns.
- 3.3 The development would provide 56 dwellings in a sustainable location, close to the facilities and services of Sandwich. 30% of the dwelling would be affordable dwellings. These benefits weigh significantly in favour of the development. Whilst it is appreciated that Dover Road is narrow in places and is well used, particularly during school peaks, the additional vehicle movements development would not justify the refusal of the application. The applicant has proposed a suitable scheme for the translocation of reptiles, whilst mitigation and enhancement are proposed in respect of other species. The development is acceptable in all other material respects.
- 3.4 Having regard for the presumption in favour of sustainable development and taking into account the conclusions of the Inspector in respect of the previous application, the development would provide several substantive benefits which indicate that the development plan should be set aside in this instance. It is therefore recommended that this application be granted planning permission.

g)

### **Recommendation**

- I PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure any necessary planning contributions, provision of affordable housing, and contribution to the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy, and subject to conditions to include:
- (1) Time limit, (2) approved plans, (3) details of measures to prevent surface water run-off onto the highway, (4) provision and retention of car parking and turning space, (5) details of bicycle storage, (6) details of electric vehicle charging points, (7) provision of access road and highway works, (8) full details of carriageways, footways, visibility splays, drainage, street lighting and other works associated highway works within the site, (9) demolition and construction management plan, (10) foul drainage details, (11) surface water drainage, (12) programme of archaeological works, (13) details of all external lighting, (14) protection of existing trees and hedges to be retained, (15) implementation of an approved landscaping scheme, (16) samples of materials, (17) contaminated land site investigation and risk assessment, including remediation and verification as necessary, (18) not previously identified contamination, (19) removal of permitted development rights for means of enclosure to north western and south western boundaries, (20) ecological enhancements.
- 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