

- a) **DOV/20/00358 – Erection of a detached dwelling (existing building to be demolished) - 90 New Street, Sandwich**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

The Planning (Listed Buildings and Conservation Areas) Act 1990 Sections 66(1) and 72(1)

Core Strategy Policies

- 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.
- DM13 – Provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for non-residential development, and for residential cycle provision, should be informed by Kent County Council Guidance SPG4, or any successor. Provision for residential development should be informed by the guidance in the Table for Residential Parking.

National Planning Policy Framework 2019 (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.
- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are no relevant policies or the most important policies for the determination of the application are out of date, then also granting consent. Where there is a clear reason for refusing the proposed development due to conflict with an area/asset of particular importance (as identified in the framework); and/or where any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when taking the Framework as a whole, then planning permission should be refused.
- Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- Paragraph 47 ‘Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material

considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing’.

- 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.
- Chapter nine of the NPPF seeks to promote sustainable transport.
- Chapter twelve seeks to achieve well-designed places, with the creation of high quality buildings and places being fundamental to what planning and development process should achieve.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside, protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.
- Chapter sixteen of the NPPF seeks to conserve and enhance the historic environment.
- Paragraph 177 states ‘The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.’

#### The Kent Design Guide (KDG)

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

#### The National Design Guide (NDG)

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

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

DOV/06/00527 - Change of use to Ice Cream Parlour, together with external alterations. Approved.

DOV/07/00085 - Erection of non-illuminated fascia sign. Approved.

DOV/10/01108 - Change of use to sandwich bar (A1) and insertion of window. Approved.

DOV/19/00664 – Change of use to dwellinghouse together with first floor extension and alterations. Refused.

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

DDC Heritage Officer – The site lies adjacent to Sandwich town walls: section from New Gate to Woodnesborough Gate which is a scheduled monument. The site is also

within the Walled Town Conservation Area of Sandwich and has listed buildings and structures in close proximity. This area of landscape has historic and aesthetic value and is a natural buffer in a prominent position as you enter Sandwich, with long range visibility within the surrounding area.

The existing building is of no interest and does not contribute to adjacent heritage assets or the Conservation Area. In terms of the proposed building, I appreciate Historic England's comments that the design is an improvement on the previously submitted application 19/00664 and in terms of its scale and material palette this new proposal relates far more to this context.

This proposal is a distinct improvement aesthetically than the existing structure and is well designed with features. If well executed, this would result in an attractive building that would be an enhancement to the Conservation Area.

Harm could be caused by poor execution or watering down of this design as the proposal would have a greater visual impact than the existing building particularly as you enter the CA along New Street. However, this case would not detract or cause harm from the established character and appearance of the CA.

If you are minded to support this proposal, I would recommend the following conditions:

- Brick & slate samples – highly quality new traditionally detailed examples would be essential
- Sample panel of brickwork
- Window & joinery details
- Position of windows within opening (to get a good reveal).
- Flues, vents & boundary treatments
- Eaves details

DDC Waste Officer – no objection raised.

KCC Archaeology – *Initial response received on 16 April 2020.*

The site is located on the southern side of the historic town of Sandwich. The development lies within the Sandwich Walled Town Conservation Area and immediately adjoins the town walls scheduled monument just outside the site of the town's New Gate.

Sandwich was, in its heyday, one of the great ports of medieval England and possessed the special privileges of a Cinque Port. Within the medieval town there are an exceptional number of listed buildings, including examples to the north on New Street. The town largely preserves its medieval street layout and benefits from near-complete defensive wall circuit enclosing the historic core. Sandwich's town walls were in place before 1360 and for the large part comprised stretches of earthen rampart with masonry gates that allowed access through the walls. One of these gates, the New Gate, lay immediately to the north of the proposed application site. As well as allowing access into the town the New Gate also protected The Delf, which entered the town here, and provided Sandwich's water supply. The long, straight section of the town's ramparts to the west of the proposed site is known as the Rope Walk and today is a popular leisure/amenity space. The section of the rampart here is fronted by a wet moat.

For these reasons the town has been rightly described as the '*completest medieval town in England*'. Across the town important archaeological remains associated with

the Sandwich's medieval past are often found at relatively shallow depth. Further detail on the significance of Sandwich's historic environment is included within the pre-application advice provided by Historic England to the applicant and submitted with this planning application. The significance of the port and town of Sandwich is described in Theme 2.1 of the Dover District Heritage Strategy.

### Recommendations

The application is accompanied by a Planning & Heritage Statement, but this makes no mention of the proposed development site's archaeological interest, focussing instead on visual and setting impacts on the conservation area and scheduled monument. This is disappointing, particularly in the context of Historic England's pre-application advice which clearly identifies that there are "*likely to be archaeological implications in any development in this area*". The NPPF states at paragraph 189 that where sites are known to have an archaeological interest that local planning authorities should require developers to submit an appropriate desk-based assessment. In this instance no such archaeological assessment has been provided.

I suggest that further information, perhaps in the form of an addendum to the existing Planning & Heritage Statement, should be requested from the applicant that considers the archaeological implications of the proposed development. In particular it would be helpful to understand the below ground impacts that will arise from the scheme and how these might affect archaeological remains, including for example from any foundations, services or any other below ground works that might be required to deliver the proposal.

It is very likely that archaeological works will be required, but without better understanding of the development impacts it is difficult to advise you of the precise scope of any archaeological requirements. If you are not minded to request such further information, then I would welcome the opportunity to advise further.

I would note that although the site lies outside the scheduled monument the building's redline appears to lie immediately adjacent to the scheduled monument. It is unclear whether any works will be required within the footprint of the scheduled monument to facilitate construction or what measures the applicant might be putting in place to ensure no accidental damage to the monument occurs.

### *Subsequent response received on 21 May 2020*

In the absence of any additional information from the applicant I would suggest that in terms of buried archaeological remains the primary issues still relate to 1) the potential for new impacts from the proposed works on below ground archaeology – although the proposed slab foundation and re-use of service connections would seemingly have minimised, as far as possible, this impact; and 2) managing the construction works in relation to accidental damage to the adjoining scheduled monument.

The first issue could be addressed by means of planning conditions requiring archaeological works (AR1) and agreement of foundation designs (AR2). The second issue could perhaps be dealt with by means of conditions requiring fencing to be erected about the scheduled monument (AR6) and a bespoke condition requiring agreement of a construction management plan (it is possible that you could combine the fencing and construction management plan requirements into a single condition). In light of the above, suitably worded pre-commencement conditions have been recommended.

Environment Agency - This proposal lies within FZ2 and as such the type of development proposed is compatible with the flood zone and is not required to meet the requirements of the Exception Test. However, the submitted FRA confirms that with 100 years climate change (the expected lifetime for residential property) the site could be subject to up to 1.09m of flooding. The FRA also confirms that in the event of a breach of the defences at Gazen Salts, the development site could experience 1.22m flood depths. Whilst we accepted the finished floor levels for the previous application at this site, this was for a change of use of the existing building and not for new build and would not have been subject to the Sequential Test (ST). With this in mind your Authority should ensure that both the lifetime of the dwelling and the potential flood depths are taken into account when considering the ST submitted with this new application. New development should only go ahead at this location if there are no suitable alternative sites in an area unaffected by flood risk for the lifetime of the development. If the ST is considered met and the principle of development is accepted, as minimum mitigation measures should ensure the safety of both the occupants and the property in the event of flooding. Ideally this would include floor levels for all living accommodation to be set above the design flood level. Whilst sleeping accommodation is on the first floor, living accommodation is proposed on the ground floor which could be subject to over 600mm of flooding in a breach of the defences.

The proposed development will only meet the National Planning Policy Framework's requirements if the LPA confirms the Sequential test has been met and the **following planning condition** is included.

**Condition** The development shall be carried out in accordance with the submitted flood risk assessment (Herrington's Consulting March 2020) and the following mitigation measures it details:

- Finished **first** floor level shall be set no lower than 600mm above design flood level, at a minimum of 4.54m Ordnance Datum (AOD).
- Ground floor levels to be raised a minimum of 300mm above existing ground level
- Sleeping accommodation to be set at first floor level only

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants.

Sandwich Town Council – made the following comments:

- recommend refusal
- the plans are not appropriate for the size of the property and the lack of available parking leading to highways issues.
- There are also concerns about the proximity of the proposal to a Scheduled Ancient Monument.

KCC Highways – this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Historic England – *Initial response received on 24<sup>th</sup> April 2020*

Sandwich is one of the most complete medieval towns in England and was once a thriving and busy port, but is now about two miles from the coastline. Sandwich, which is mentioned in the Domesday Book as a Cinque Port, emerged as an important centre for trade and military operations during the early medieval period. Its position on the English Channel with a large natural harbour gave it access to Europe and the rest of the world while a network of roads going inland meant that goods could easily be transported from the port to larger towns. This strategic position gave the town two important advantages: it was acknowledged by the king as an important place for the royal navy, and it had a deep sea fishing fleet. These two factors gave the town enormous negotiating powers with both the church and the crown and its resultant prosperity was reflected in the growth of the town to a population of around 2000 by the end of the C11. The importance of the town's location also meant that, in the first half of the C14, Sandwich acquired defensible walls. Archaeological evidence shows that the development of these walls was carried out in several phases, with the stretches of rampart on the western side of the town away from the waterfront (The Rope Walk and The Butts) constructed in the second half of the C13, at an earlier date than the ramparts to the east (Mill Wall and the Bulwark). Additionally there were four main gates into the town: Sandown Gate to the east, New Gate to the south, Woodnesborough Gate to the west and Canterbury Gate to the north, though these were demolished in the C19. The Butts, Rope Walk, Mill Wall and the Bulwark make up more than two thirds of the town walls that surround Sandwich. As such, they form the major part of the most complete example of medieval earth ramparts surviving in England.

The Rope Walk is so named because reputedly it was used to lay the ropes for the rigging of sailing ships. On the north side of the walk there is a drainage ditch and on the south side a wet moat. These provided an important new element in the land drainage system at the time of their construction.

The town walls have great historical, evidential and communal value, representing the evolution of the town as a thriving historical port and preserving important archaeological evidence within their structure and surrounding ditches. The walls are now enjoyed as a leisure facility, with open park-like vistas and interpretation boards that enable their form and function to be appreciated by residents and visitors of the town. In addition, the town walls form part of the Sandwich and Walled Town Conservation Area, designated because of its great historical significance and distinctive range of historic buildings (many of which have individual listed status).

The visualisations provided indicate that the existing building is not particularly visible in longer views from the town walls, due to its low height and screening from vegetation. The wireframes indicate that the proposed development would also be quite unobtrusive in longer views from the monument. It would, as noted in our pre-application advice, cause a low degree of harm to the scheduled monument, as the flat roofed nature of the existing structure allows for open views that support an understanding of the scale and form of the walls. A building with a pitched roof would intrude slightly on these views and slightly harm our appreciation of the scheduled monument and its key importance in Sandwich.

In terms of the proposal's design we think that the design is a considerable improvement on the previously submitted application in 2019. The reference to historical pump house designs is, we think, suitable in this area given its location next to water. We also think that the design and materiality proposed has sought to minimise the harm to the scheduled monument by reflecting the adjacent built form and materials.

This notwithstanding, we draw your attention to the fact that in our pre-application advice we advised the applicant to contact Kent County Council's Archaeological Officer due to the proximity of the scheduled monument and the potential impacts of a scheme on undesignated archaeological remains in this location. We note that a short archaeological addendum has been provided which states that a raft foundation would be used, the existing connections would be reused to minimise archaeological implications, and that a watching brief would be undertaken. The lack of clear information regarding existing connections and proposed alterations make it difficult to ascertain the level of archaeological implications but we would expect further information on this to be submitted for assessment. We are happy to defer to KCC's Archaeological Officer on this matter unless archaeology of national significance is identified.

Furthermore, if it is necessary to carry out ground works outside the red line boundary into the scheduled monument, then Scheduled Monument Consent would be required. We also agree with KCC's Archaeological Officer's comments that it is unclear how the applicant would protect the monument from any accidental damage during construction works.

The National Planning Policy Framework 2019 (NPPF) sets out that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations (Paragraph 184). A scheduled monument is of the highest level of heritage designation and significance. It is required that applicants should provide sufficient information to understand the potential impact of the proposal (Paragraph 189). Your Council must then consider if the proposal has avoided or minimised harm to avoid conflict between the conservation of heritage assets and any aspect of a proposal (Paragraph 190) and if so whether any unavoidable harm has clear and convincing justification (Paragraph 194). Your Council will also need to weigh the harm against the public benefits of the proposal in the manner described in Paragraph 196 (for cases of less than substantial harm). In reaching your decision, your Council will need to be mindful of Paragraph 193 which sets out the need to give great weight to the conservation of designated heritage assets (and the more important the asset the greater the weight should be). It notes this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance.

We think that there is a low degree of harm here to the scheduled monument through changes to its setting. This is because it removes some of our understanding of the walls, water and ditch as a defensive structure. However, we note that the level of harm has been minimised through the design of the building. The archaeological implications for the proposal and any implications for the scheduled monument adjacent remain unclear. While we defer to KCC's archaeological advisors on this unless archaeology of national significance is found or ground works are proposed that require scheduled monument consent, we recommend that the implications are adequately assessed prior to determination to fulfil the requirements of paragraph 189.

Recommendation: Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189, 190, 192, 193, 194 and 196 of the NPPF.

In determining this application you should also bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to

pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

*Subsequent response received on 20<sup>th</sup> August 2020*

The approach/conditions recommended by KCC Archaeology are considered acceptable.

Southern Water – no objection raised.

#### Public representations

8 letters of objection received raising the following matters:

- detrimental to this amenity which is enjoyed by many visitors to Sandwich.
- the area is very low lying and extra development in the area would increase the flood risk.
- no room for either a garage or a garden.
- no parking
- increase traffic issues
- the position does not make it suitable for habitation at all and it will be very unsightly and detrimental to the local ecology and environment of the ancient walls and walkways around this Medieval town.
- out of keeping with the Conservation Area.

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

- 1.1 The application relates to an existing single storey building which lies on the edge of the Conservation Area, immediately adjacent to the former west entrance to the town, and abutting the outer ditch of the town wall and Rope Walk.
- 1.2 The proposal involves demolition of the existing single storey building and erection two storey gable ended detached dwelling with flat roofed single storey projection abutting New Street. The proposed dwelling would be finished in grey brickwork in Flemish bond and have gauged arches. It would have cast iron fenestration. The gabled roof would be finished in slate whilst the flat roof would utilise the green roof concept. The proposed dwelling would utilise the existing access. The application does not propose onsite parking provision.
- 1.3 It is relevant to note that a previous application (DOV/19/00664) for a change of use to residential with erection of a second storey was refused by virtue of the harm to the heritage significance of both the scheduled town walls and the Sandwich and Walled Town Conservation Area and the absence of the sequential test.

#### 2 **Main Issues**

- 2.1 The main issues are:
  - The principle of the development
  - Visual amenity impacts and heritage
  - Highways/Travel Impacts
  - Impact on Neighbours
  - Living conditions of future occupiers
  - Drainage and flooding

- Ecology
- Archaeology

## **Assessment**

### Principle of Development

- 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 such plans, 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 within the defined settlement confines and therefore accords with 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. Again, as the site is located within the settlement confines, the development accord with Policy DM11. The occupants of the development would be able to access most day to day facilities and services within Sandwich and would be able to reach these facilities by more sustainable forms of transport, including walking and cycling. The site is located relatively close to public transport links.
- 2.5 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. However, the application site is within the defined settlement confines and, as such, Policy DM1 supports development in this location. Consequently, it is considered that DM1 reflects the NPPF (which also supported development in this location) and, as a matter of judgement, it is considered that policy DM1 is not out-of-date (insofar as this application is concerned) and, as a result, should continue to carry significant weight.
- 2.6 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. For the purposes of assessing this application, the site falls within the settlement confines and so is supported by DM11. This support is consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services, and social integration. Insofar as this application is concerned, it is therefore considered that DM11 is not out-of-date and should continue to attract significant weight.
- 2.7 It is considered that policies DM1 and DM11 which are the 'most important' policies for determining this application, are not out-of-date and continue to carry significant weight. As such, the 'tilted balance' described at paragraph 11 (d) of the NPPF is not engaged and, instead the development should be approved in accordance with the development plan unless material considerations indicate otherwise.

### Visual Amenity Impacts and Heritage

- 2.8 The site lies with the Walled Town Conservation Area of Sandwich. It should be noted that the application site lies within an undeveloped stretch of land which acts as a buffer and demarcates the old and new areas of Sandwich. To the north of the site beyond the 'buffer' are the listed buildings within the historic medieval core whilst there is a single storey MOT centre/petrol station immediately to the south forming part of the 19<sup>th</sup>/20<sup>th</sup> century expansion of Sandwich. The site lies within an important area of transition between these two areas. It immediately adjoins the historic Town wall which is a Scheduled monument. The stretch of land within which the building sits therefore has significant historic and aesthetic value.
- 2.9 The National Planning Policy Framework 2019 (NPPF) sets out that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations (para 184). A scheduled monument is of the highest level of heritage designation and significance. Regard must be had for how the development would impact upon the heritage assets which are within the vicinity of the site, and their settings, having regard for the Planning (Listed Buildings and Conservation Areas) Act 1990 (The 'Act'). Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.' As such, it is necessary to have 'special regard' for whether the development would preserve the listed buildings in the vicinity and their settings. Section 72(1) of the same Act, requires that 'special attention' is given to the desirability of preserving or enhancing the character or appearance of a conservation area. Additionally, the NPPF requires that regard must be had for whether the development would harm the significance of both designated and non-designated heritage assets and, where harm is identified (either substantial or less than substantial), consider whether this harm is outweighed by public benefits.
- 2.10 The application is for the demolition of an existing single storey vacant building and erect a two storey gable ended detached dwelling with flat roofed single storey projection abutting New Street. The existing building is of little architectural merit and in this respect does not contribute to the townscape or enhance adjacent heritage assets. Having reviewed the design and access statement accompanied with the application, it is noted that the design of the proposed dwelling is influenced by Victorian Pump House designs. Pump houses are typically detached self-contained buildings, located near the courses of water. They often feature enlarged single storeys with proportioned windows, pitched roofs and corbelled brick work (and often detail courses). These buildings are typically rectangular in plan with a gable or hipped roof. Windows and doors are often Romanesque in profile. It is felt that given the context within which the site sits, the underlying inspiration of the proposed design approach is considered appropriate.
- 2.11 The visualisations provided indicate that the existing building is not particularly visible in longer views from the town walls, due to its low height and screening from vegetation. The wireframes indicate that the proposed development would also be quite unobtrusive in longer views from the monument. Historic England have advised that the proposal would cause a low degree of harm to the scheduled monument, as the flat roofed nature of the structure allows for open views that support an understanding of the scale and form of the walls. A building with a pitched roof would intrude slightly on these views and slightly harm the appreciation of the scheduled monument and its key importance in Sandwich. It is further stated that the level of harm has been minimised through the design of the building which reflects the adjacent built form and materials. The view in respect of the design of the building has been reiterated by the Council's Heritage Officer. The Heritage Officer has stated that the proposal is a distinct improvement

aesthetically and is considered well designed. If well executed, this would result in an attractive building that would be an enhancement to the Conservation Area.

- 2.12 Taking into account the advice received from Historic England and the Heritage Officer in respect of the visual impact of the proposal on the historic significance of the scheduled monument and the Conservation Area, it is considered that the proposal is well detailed and designed and would not cause harm to the character and appearance of the Conservation Area. By virtue of its slight prominence, it would cause harm to the setting of the Scheduled Monument, however it is considered that the harm caused has been sufficiently minimised. Paragraph 196 states, "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal*". As established above, the harm caused to the heritage significance of the Scheduled monument would be less than substantial harm which should be weighed against the benefit arising from the proposal. It is considered that the provision of a high quality dwelling in a sustainable location is a sufficient public benefit to overcome the limited harm identified.
- 2.13 In conclusion, having regard to both the statutory duty of the council under The 'Act' and the policy within the NPPF, no harm would be caused to the setting of the nearby Listed Buildings or the Conservation Area.

#### Highways/Travel Impacts

- 2.14 Policy DM13 requires that provision for parking should be a design led process based upon the characteristics of the site and the locality. Provision for residential development should be informed by guidance in the Table for Residential Parking (Table 1.1 in the DDCS), and cycle provision informed by KCC Guidance SPG4. In line with Policy DM13 of the CS the dwelling would require the provision of 1 off-street car parking space for a 1 bed dwelling in such a location.
- 2.15 The building sits within a tight site and there is no scope for the provision of any off-street parking. It is noted that there is limited on-street parking available within 200m of the site. A bus stop is located within 50m of the application site, the railway station is located 300m from the site and the majority of the local facilities are within easy walking distance. Having regard to these factors, it is considered that the site is in a sustainable location and would allow for a variety of modes of transport to be used, including more sustainable modes. Therefore, the proposal is not considered to cause severe harm to the local highway network or an unacceptable impact on the highway safety and would not warrant a refusal on this basis.

#### Impact on Neighbours

- 2.16 There are no residential properties in the vicinity to be directly affected by the proposal.

#### Living Conditions of Future Occupiers

- 2.17 Regard has been had to the paragraph 127 of the NPPF requires the developments to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The proposed dwelling, together with their individual rooms would be of a good size, whilst all habitable rooms would be naturally lit. It is noted that given the restrictive nature of the site, provision of amenity space has not been achieved. Whilst this is not considered ideal, by virtue of its location in a scenic area, the lack of amenity space in this instance is considered acceptable.

## Ecology

- 2.18 Having regard for Natural England's Standing Advice, it is not considered that the site includes any features likely to provide habitat for protected or notable species.

### The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment

- 2.19 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.
- 2.20 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.
- 2.21 Following consultation with Natural England, the identified pathway for such a likely 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.
- 2.22 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.
- 2.23 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.

## Archaeology

- 2.24 The site is located on the southern side of the historic town of Sandwich. The development lies within the Sandwich Walled Town Conservation Area and immediately adjoins the town walls scheduled monument just outside the site of the town's New Gate. Sandwich has been rightly described as the '*completest medieval town in England*'. It is understood that across the town important archaeological remains associated with the Sandwich's medieval past are often found at relatively shallow depth. By virtue of the site's sensitive location, KCC Archaeology requested a further addendum to help understand the below ground impacts that would arise from the scheme and how these might affect archaeological remains, including for example from any foundations, services or any other below ground works that might be required to deliver the proposal. Following the receipt of further information, KCC Archaeology identified two main issues including the potential for new impacts from the proposed works on below ground archaeology – although it was acknowledged that the proposed slab foundation and re-use of service connections would minimise the impacts, as far as possible; and managing the construction works in relation to accidental damage to the adjoining scheduled monument. It was further advised that the first issue could be addressed by means of planning conditions requiring archaeological works and agreement of foundation designs whilst the second issue could be dealt with by means of conditions requiring fencing to be erected around the scheduled monument and a comprehensive

construction management plan. The above approach proposed by KCC has also been considered acceptable by Historic England. In conclusion, the proposal is considered acceptable subject to appropriately worded conditions and would accord with paragraph 189 of the NPPF.

### Drainage and Flooding

- 2.25 The application site lies within Flood Zone 2 which is considered to be an area at 'medium risk' from flooding. Where development within areas at risk of flooding is proposed, paragraph 158 of the NPPF requires that the Sequential Test is applied and, if necessary, that the Exception Test is applied. The aim of the Sequential Test is to steer development to areas with the lowest risk of flooding. However, development may be permitted where there are no reasonably available sites which are appropriate for the development in areas with a lower probability of flooding.
- 2.26 The application has been supported by a site-specific flood risk assessment (FRA) and a sequential test. The sequential test has been carried out in accordance with the methodology prescribed within the Council's SFRA Site Specific Guidance for Managing Flood Risk. The methodology within the guidance for the search of comparator sites refers to a number of sources of information available within DDC's evidence base for applicants which include the following:
1. Authority Monitoring Report (AMR) – this report provides information on sites with 'extant planning permission' and allocated sites.
  2. Economic Development Needs Assessment (EDNA) – This report provides information on strategic scale employment sites.
  3. Housing Economic Land Availability Assessment (HELAA)
  4. Brownfield Register
- 2.27 The SFRA also states that if it is not possible to identify a minimum of 2 sites for comparison from the sources above, applicants should approach local land/property agents. Land for sale is often advertised by size not capacity, and therefore in this circumstance applicants should request information on available sites which are  $\pm 10\%$  the size of the application site (in sqm).
- 2.28 The sequential test has been carried out in accordance with the methodology within the SFRA. The submitted sequential test demonstrates that no sequentially preferable sites have been found in the town of Sandwich which are available. As such, the sequential test is considered to have been passed. By virtue of the site being in flood zone 2, the application does not qualify to be assessed against the exception test as set out in the NPPF. This has also been confirmed by the Environment Agency (EA). EA have raised no objections in relation to the proposal and have recommended a condition (which relate to the flood mitigation measures) to be attached in the event of grant of planning permission.
- 2.29 Further to the above, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF, paragraph 163, states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible.
- 2.30 Whilst Southern Water have raised no objection in this instance, it is considered that in the event of grant of planning permission, pre-commencement conditions requiring the

submission of detailed schemes for both foul water and surface water disposal should be imposed.

### **3. Conclusion**

- 3.1 It is concluded that no harm would arise in respect of the character and appearance of the wider Conservation Area. It would not cause harm to the residential amenity of the neighbouring occupiers. It is considered acceptable in terms of highways impact and drainage. Finally, whilst it is considered to cause less than substantial harm to the historic significance of the adjacent scheduled monument, the harm is considered to have been minimised by virtue of the high quality design of the proposed dwelling, whilst the benefit arising from the proposal (an additional home) is considered to outweigh the minimal harm identified. Having regard for the above, it is recommended that the application be approved, subject to conditions.

### **g) Recommendation**

I Planning permission be granted subject to conditions:

(i) 3-year time limit (ii) Approved plans (iii) samples of materials (brick, slate etc) (iv) measures to prevent the discharge of surface water onto the highway (v) pre-commencement condition for Construction Management Plan (vi) pre-commencement condition – archaeological works (vii) pre-commencement condition – foundation design (viii) pre-commencement condition – temporary fencing (ix) removal of PD rights (classes A, B, C D and E) (x) Surface water disposal scheme (xi) foul water drainage scheme (xii) flood mitigation measures (Environment Agency) (xiii) sample panel of brickwork (xiv) Joinery details (xv) windows set in reveals (xvi) details of flues, vents and boundary treatments(xvii) eaves details.

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

### **Case Officer**

Benazir Kachchhi