

a) **DOV/20/00319 – Construction of an additional tennis court and erection of a 2.5-metre high fence – Sandwich Tennis Club, Sandown Road, Sandwich**

Reason for report: Due to the number of objections received.

b) **Summary of Recommendation**

Planning Permission be Granted

c) **Planning Policy and Guidance**

Planning and Compulsory Purchase Act 2004

- Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- 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.
- 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 the characteristics of an area, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM25 – Proposals for development that would result in the loss of open space will not be permitted unless the development complies with set out criteria.

National Planning Policy Framework (NPPF)

The most relevant parts of the NPPF are summarised below:

- Chapter 2 of the NPPF seeks to achieve sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development can be broken down into three overarching and interdependent objectives: an economic objective; a social objective; and an environmental objective.
- Decision should apply a presumption in favour of sustainable development. This means that: development proposals which 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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- 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.
- The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- Chapter 4 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise and advises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.
- Chapter eight states that planning decisions should aim to achieve healthy, inclusive and safe places which, inter alia, promote social interaction, are safe and accessible and “enable and support healthy lifestyles, especially where this would address green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling”. To provide social, recreational and cultural facilities and services the community needs, planning decisions should:
 - (a) “plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - (b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;
 - (d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - (e) ensure an integrated approach to considering

Access to opportunities for sport and physical activity is important for the health and well-being of communities.

- Chapter twelve states that “the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning policies and decisions should ensure that developments:
 - (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not

- preventing or discouraging appropriate innovation or change (such as increased densities);
 - (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - (f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- Chapter 16 requires that the historic environment is conserved and enhanced. Applicants should describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities should identify and assess the significance of any heritage asset that may be affected by a proposal. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The Kent Design Guide (KDG)

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

Section 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990 states that, 'In the exercise, with respect to any building or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

d) **Relevant Planning History**

DOV/08/01286 - Display of non-illuminated post sign – Granted.

DOV/14/01069 - Erection of a new clubhouse – Granted.

DOV/16/00151 - Variation of condition 2 of planning permission DOV/14/01069 to allow amendments to approved drawings (application under Section 73) – Granted.

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

Sports England

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595).

KCC Highways and Transportation

An additional court could be used by 4 players for doubles. They are unlikely to all drive alone to the site so it could generate a demand for two parking spaces. If there is another doubles game on immediately afterwards then another 4 players may turn up before the end of the first match, requiring another two spaces. There could be a demand for 4 spaces at one time.

There are parking restrictions as necessary on the highway in the vicinity of the site and other areas where on-street parking already takes place. The site is accessible from the town by non-car modes. The demand for on-street parking would not have a severe impact on the highway.

County Archaeologist

Views awaited.

Public Rights of Way Officer

No comments to make.

Sandwich Town Council

RESOLUTION: To recommend approval with the caveat that vehicular access to the Sandown Road Allotments be provided.

Public Representations –

Thirty- eight letters of support have been received, raising the following issues:

- It will enhance a fantastic local community owned sporting facility, opened to all;
- The proposed extra court is sited within the existing footprint of the tennis club land;
- The proposal would not impact to the overall aspect of the tennis club site;
- An additional court would greatly improve the facilities available to local community whether players are actual club members or not;
- More courts would mean that players would not have to queue/wait to play as currently happens, making joining the club a more attractive proposition;
- A thriving club is an invaluable community asset in terms of physical recreation as well as social interaction;
- The tennis club is outdated, being tarmac, this is an opportunity to improve facilities;
- The club is overwhelmed by members wanting to play;
- The extra court will greatly enhance the possibilities to expand the junior and adult coaching programmes benefitting the whole community;
- Tennis is a sport that not only has physical benefits and also positive mental stimulation.
- The position of the court will ensure minimal impact to neighbouring properties;
- The club links to the schools is strong and will provide further opportunities for schools and club facilities;
- The club is busier at weekends, when Manwood Road is empty at this time, so there will be plenty of parking;

- The courts are not up to date with current Lawn Tennis Association Standards as they recommend artificial clay as the preferred surface. This will allow the club to have 2 court surfaces to meet the criteria of the LTA;
- Post Covid19 world the pursuit of healthy outdoor activities should be paramount in peoples thinking and future planning in leisure activities for young and old alike;
- Many players walk or cycle to the club and there are bike racks to encourage this;
- Players use of the courts is principally during weekends and summer evenings at a time when the roads are quiet and ample parking;
- The proposal will not impinge or impact on surrounding areas or access points;
- It will enhance the look of the area as well as being inducement for sport for all;
- The club has been badly impacted by the need to allow Southern Water to take over the single court, so the expansion would provide a much-needed boost to recovery;
- The Sandwich Tennis Club has been active at this site for over a hundred years and will be better to serve the community in line with the national drive to improve people's fitness and wellbeing;
- The matter of access to allotments across the land leased to the tennis club by DDC were discussed and agreed prior to the granting of new leases in 2016, the new court will have no effect whatsoever on the existing legal access to the allotments, which uses a shared path several metres from the new court;
- The tennis club made an informal agreement to allow allotment holders access by vehicles along the far side of the existing pair of courts;
- I do not believe the issue of the vehicle access across the new court site has any relevance to this application, since there is no existing right of access to the affected new court;
- Raising money for such developments is always very difficult for clubs so having the possibilities to do so when Southern Water finish their essential work, is an opportunity not to be missed;
- There is a misconception that the land belongs to the allotments when the fact is, it belongs to the tennis club since the lease was signed off with all respective councils some years ago indicating that at some point in time, a fourth court would be built;
- There is an existing single court which has been destroyed and a 4th court is currently no more than an industrial wasteland due to the Southern Water;
- The Town Council has had no complaints about the club as it is run well.

Fourteen letters of objection have been received, raising the following points:

- The club do not have site parking and park outside houses on Sandown Road, making parking difficult for residents;
- There has been no vehicular access been allocated for the use of the allotment holders;
- Without the ability to bring heavy loads of manure, compost and other supplies close to the site would be unworkable;
- The allotments are a benefit to future generations of the town, and we hope the Council will help preserve them;
- In recent years a great deal of hard work has been done to restore the land and achieve the high level of success that has been recognised by awards and many visitors;

- There is a pedestrian access via a path to a gate, periodically allotment holders need to take deliveries of heavy deliveries, to achieve these necessary jobs, the vehicles need to get as close to the allotments as possible;
- There has always been a verbal permission to cross a grass area between the two courts, this will be closed off completely;
- The SAS are suffering and need help from Dover District Council in regard to the vehicular access;
- Everyone has had to fight for survival due to the losses of the sewage works by Southern Water;
- The allotment site is award winning that is both diverse for wildlife and high yielding for its plot holders;
- I would urge anyone who believes this application has little or no impact on its neighbours, to walk down the site and have a look at just how close the proposed court is to the existing allotment plots;
- The tennis court is a tight fit, effectively locking the allotments in and blocking our vehicle drop off facility;
- Vehicle access is a necessity for any allotment's future viability, to function properly and is a standard to maintain well-kept plots and site;
- There is a footpath leading to a very narrow passage to the allotment and a wooden gate provides access, but is not practical to ferry any of the above heavy bulky materials all the way from the road;
- Sandown Road has little available parking, certainly not for offloading which would block traffic flow and be a hazard;
- 40% of the allotment holders are octogenarians;
- In 2016 the Tennis Club showed the projection plan for the future layout of this court, this included parking to the front of the club house which could have been used by allotment holders;
- The new plan shows that the court will remove almost 50% of the existing allotments;
- An environmental impact study should be undertaken;
- Section 12 of the application form that ticked no box for all sections but given the wildlife biodiversity awards from the Kent Wildlife Trust this declaration is also erroneous;
- Section 23 of the application form, yes has been ticked, however the applicant has failed to complete the advice information section as required;
- There are serious errors and incorrect statements submitted by the applicant render it invalid and consequently permission should be refused;
- Designated sites, important habitats or other biodiversity

Three neutral representations have been received, raising the following comments:

- The understanding is that the screening vegetation removed by Southern Water shall be replaced;
- Some of the members of the tennis club are quite dismissive of the potential impact on residents of the proposed expansion;
- There hasn't been any evidence of the courts being used by local schools;
- The block plan would suggest that there is room to move the proposed double court eastwards by metre;
- The proposed construction of the base of the court mentions a limestone layer, obviously to aid surface water drainage. I'm concerned that using limestone would have a lasting impact on the soil surrounding it by changing

the ph. This is something that could affect the allotments long term. There are inert alternatives available;

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

- 1.1 The site is located to the north of Sandown Road, to the east of the main settlement of Sandwich. The application site is located within an Area of Archaeological Potential, Article 4, Sandwich Conservation Area and Open Space. For the purposes of this application, due to the location outside of the Settlement Boundaries, the application site is technically considered to be within the countryside for planning policy purposes.
- 1.2 Along the northern edges, the tennis club borders the water treatment plant, Sandown Road Allotments, Quay and River Stour runs beyond the allotments, with an established screening dividing the pedestrian walk and the River Stour. Along the southern edge, the Sandwich Tennis Club borders Sandown Road and is screened from the street by an established screen, although following the emergency works undertaken by Southern Water, a section of this screen has been removed. Sandown Road is characterized by Sporadic dwellings opposite the proposal. To the west, is a detached dwelling known as Spindrift, dividing this property and the existing single tennis court is an area of grassland, at the time of the site visit, being used by the allotment holders and a 1.8 metre fence forms the perimeter of Spindrift. To the west, of the application site is an area currently laid to grass, providing an informal access to the rear of the site.
- 1.3 Sandwich Tennis Club consists of a double tennis court, club house and single tennis court (adjacent to the application site). The application site had previously been laid to lawn, with an informal arrangement between Sandown Allotment holders and Sandwich Tennis Club, to allow parking for unloading for the allotment holders. The application site has recently been the subject of emergency works required by Southern Water and the single tennis club has also been damaged and is currently not in use. There is an existing pedestrian access between the double tennis courts and the club house for access to the allotments to the north of the site (to be retained).
- 1.4 Planning permission is sought for the construction of an additional tennis court and the erection of a 2.5, high fence. The proposed tennis court would measure 36.2 metres x 17.4 metres abutting the existing club house and consist of a quarter-inch polypropylene membrane glued onto a hard surface. The Inline filler would then be applied to provide a reddish coloured tennis surface. The access and vehicular access do not form part of this application.

2. Main Issues

The main issues are:

- The principle of the development
- Heritage Impacts;
- The potential impacts on the residential amenities;
- Highways
- Ecology
- Other Matters

- Planning Balance

Assessment

The Principle of Development

- 2.1 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is the development plan, unless material considerations indicate otherwise. This starting point for the assessment of applications is replicated at Paragraphs 2 and 12 of the National Planning Policy Framework (NPPF). An important material consideration is the NPPF which seeks to achieve sustainable development. Notwithstanding the primacy of the development plan, paragraph 11 (c) and (d) of the NPPF state that development which accords with an up-to-date development plan should be approved without delay whilst, where there are no relevant development plan policies or where 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 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.
- 2.2 In assessing point (i) above, the 'policies' referred to are those relating to: SPA's; SAC's; Ramsar Sites; SSSI's; Greenbelt; Local Green Space; AONB's; National Parks; Heritage Coast; irreplaceable habitats; designated heritage assets (including assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments); and areas at risk of flooding or coastal change.
- 2.3 In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy (CS) and Land Allocation Action Plan (LALP) through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases the evidence base is out of date. It is also recognised that some of the detailed policies applicable to the assessment of this particular application (including Policies CP1, DM1, DM11, DM15 and DM16) are to various degrees, now considered inconsistent with aspects of the NPPF and as such are out-of-date. That does not mean however that these policies automatically have no or limited weight. They remain part of the Development Plan and must therefore be the starting point for the determination of the application. Furthermore while the overall objective of a policy might be held out-of-date, greater weight can nevertheless still be applied to it depending of the nature/location of the proposal in question and the degree to which the policy (in that limited context) adheres to and is consistent with the policy approach in the NPPF.
- 2.3 As a matter of judgement, the most important policies for the determination of this application are considered to be Core Strategy policies CP1, DM1, DM11, DM13, DM15, DM16 and DM25. These policies relate to the principle of whether the development is acceptable on this site or, in the

case of policy DM16, whether the development would cause harm to the character of the landscape.

- 2.4 Policy CP1 sets out a settlement hierarchy and provides that “the location and scale of development in the District must comply with the Settlement Hierarchy”. In locations such as the application site, the policy states ‘that it is suitable for a scale of development that would reinforce its role as a provider of services to a wide rural area’. CP1 is considered to be more restrictive than the NPPF, which is more supportive of promoting healthy and safe communities than CP1. However, the proposed development is considered to reinforce its role as a provider and is ancillary to the existing use of the site. As such, the development would accord with CP1 and, for the purposes of assessing this particular application, it is considered that CP1 broadly accords with the NPPF and should be attributed only slightly reduced weight.
- 2.5 Policy DM1 generally seeks to restrict development, which is located outside of the settlement confines, unless it is justified by other development plan policies or it functionally requires such a location or is ancillary to existing development or uses. In this instance, the proposed development is adjacent to the settlement confines and therefore is considered to be (technically) within the countryside. It should be noted, at the time of the most recent site visit, the existing single tennis court was not currently able to be used following the emergency works by Southern Water and the proposed application site. The application site is positioned between the existing club house and a single tennis court (albeit it not currently in use), and therefore would be ancillary to the existing use of the site. Consequently, the development is considered to be in accordance with DM1.
- 2.6 Policy DM11 requires that, (1) applications which would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximise walking, cycling and the use of public transport. The policy also states that, (2) development that would generate travel will not be permitted outside of the settlement confines unless justified by other development plan policies. Finally, the policy states, (3) Development that would generate high levels of travel will only be permitted within urban areas in locations that are, or can be made to be, well served by a range of means of transport. Sandwich Tennis Club is an established club with three existing courts and is accessible from Sandwich by a range of different types of transport. The additional court could be used by 4 players for doubles and it is unlikely they would all drive alone, so on balance, it is accepted that an additional car journey could be generated due to the proposal, however the proposed development is unlikely to generate high levels of travel demand and have a detrimental impact on the highway. It is considered that the proposed development complies with Policy DM11 and is support largely by the NPPF.
- 2.7 Policy DM15 advises that applications which would result in the loss of, or adversely affect the character or appearance of, the countryside, will only be permitted if one of three exceptions are met, where it cannot be accommodated elsewhere and where it does not result in the loss of ecological habitats. Development will also be required to incorporate measures to reduce, as far as practicable, any harmful effects on

countryside character. Given the position of the application site between the clubhouse and the existing tennis court, the proposed development is not considered to impact on the character and appearance of the countryside and meets the criteria in respect of DM15 point v. in that it does not result in the loss of ecological habitats.

- 2.8 Policy DM16 requires that development which would harm the character of the landscape will only be permitted if it accords with a development plan allocation and incorporates any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level. Due to the nature of the proposal and the position as discussed above, it is considered the proposed development would not be highly visible within the street scene and as such, would not result in a negative impact on the landscape. It is therefore concluded that the development accords with Policy DM16. Policy DM16 is consistent with the NPPF and is considered to attract full weight.
- 2.9 The application site is designated as open space and therefore policy DM25 is considered to apply. Policy DM25 sets out that proposals for development which would result in the loss of open space will not be permitted unless inter alia it is for small-scale development that's ancillary to the enjoyment of the open space; and the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value. Paragraph 97 of the NPPF seeks to protect open space from development except where the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. In this instance the proposed development is considered to be small-scale and is clearly ancillary to the enjoyment of the open space by members of the community. The open space affected is not considered to have any overriding visual amenity interest. The development would result in an enhancement of recreation provision. For the purposes of this application, it is considered that policy DM25 is broadly consistent with the NPPF and full weight should be given to it. The application proposal is considered to accord with the objectives of policy DM25.

Heritage Impact

- 2.10 The application site is located within the Sandwich Walled Town Conservation Area. The NPPF (Para 193 & 194) require that great weight be given to the conservation of the heritage asset and that any harm to or loss of the significance of the asset should require clear and convincing justification. In line with NPPF requirements, a Statement of Significance and a Heritage Statement have been submitted with the application.
- 2.11 Sandwich Tennis Club currently consists of a double tennis court to the west of the site, a single tennis court to the east (which has recently been removed, due to Southern Waters work) and a club house in the centre of the site. The proposed development would be sited between the existing clubhouse and the single tennis court and the land levels would remain the same as they are at the moment. New 2.5m high fencing would be placed around the court. This would consist of green and powdered coated green posts, with a green coated wire chain-link fence. The form/appearance of the development would be entirely consistent with the existing visual

character of the site. Fronting the site with Sandown Road is a 2.5m high hedge which screens much of the existing tennis club facilities from wider views within the conservation area. The proposed new court will benefit from the same screening and by reason of its form and the prevailing context (formed by the existing tennis infrastructure) it is not considered that any harm would arise from the proposal to the character or appearance of the Conservation Area - it would not appear as an isolated and/or incongruous feature.

- 2.12 The site falls within an archaeologically sensitive area. Information from the applicant states that an archaeological survey was conducted very recently as part of the 2016 clubhouse construction, directly adjacent to the proposed new court and that the area was found to be a medieval town 'waste dump' of no archaeological significance. In addition, the entire footprint of the proposed new court was excavated as part of Southern Water's repairs to the Sandwich sewer main under the river Stour. Prior to commencing work, Southern Water carried out their own test digs and found nothing of historic significance. The sewer pipe excavations are to a depth far in excess of what will be required for the foundations of a tennis court. The applicant indicates therefore that there are unlikely to be any archaeological implications arising from the proposal. Comments are awaited from KCC County Archaeology and the recommendation is framed to account for any late comments received.

Residential Amenities

- 2.13 Chapter 12 of the National Planning Policy Framework aims to achieve well - designed places. Paragraph 127 (f) of that chapter sets out 'planning decisions should ensure that developments create places with a high standard of amenity existing users. Abutting the eastern boundary of the application site is Spindrifft a detached dwelling with a 1.8 metre close boarded fence denoting their perimeter. Currently separating this property and the existing single tennis court is an area of shrub land, which was being used by the allotment holders when the Southern Water works were being undertaken. Given the existing arrangement in respect of the single tennis court and the positioning of the proposed tennis court to the west of the existing, it is considered the potential impact on these residents would remain unaltered.
- 2.14 Concerns had been raised by residents directly opposite the site in Sandown Road in respect of the loss of established screening during the SW works. Following a recent site visit, this screening and fence has been replaced and will take some time to reestablish. However, the comments received in respect of this issue, was to request the replacement of the screen and therefore it is considered these concerns have been addressed. For the reasons set out, I consider the proposal would not cause undue harm to the residential amenities currently enjoyed by the existing occupiers of the surrounded dwellings.

Ecology

- 2.15 The Sandown allotment holders have over the previous year's won wildlife biodiversity awards from the Kent Wildlife Trust. Following the recent Southern Water works, it is regrettable that these works have resulted in the loss of wildlife. Having regard for Natural England's Standing Advice, it

is not considered that the site subject of this application contains any features likely to provide habitat for protected to notable species or their habitat, being impact impacted by the development and therefore it is considered unreasonable in the circumstances to request the developer to provide an ecological appraisal. On this basis, I am satisfied the proposal would not cause undue harm to ecology.

Highway Considerations

- 2.16 Concerns have been raised over the impact the additional tennis court could have on the existing highway. Policy DM11 of the Dover District Council's Core Strategy sets out 'development that would generate travel will not be permitted unless justified by development plan policies. 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 transport'.
- 2.17 The application site is located adjacent to the settlement confines of Sandwich, which is served by a range of means of transport including, a train station, bus stops and car parks within the town and a network of pedestrian walkways to the site. Having taken advice on this matter from Kent Highway Services, they have advised that an additional court could be used by 4 players for doubles. However, these players are unlikely to drive alone, so it could generate a demand for two parking spaces. If there is another doubles game on immediately afterwards then another 4 players may turn up before the end of the first match, requiring another two spaces. There could be a demand for 4 spaces at one time. There are parking restrictions as necessary on the highway in the vicinity of the site and other areas where on-street parking already takes place. The site is accessible from the town by non-car modes. Therefore, the demand for on-street parking would not have a severe impact on the highway. On this basis, and in line with the aims and objectives of policy DM11 of the Core Strategy and would warrant a reason for refusal.
- 2.18 Consideration has also been given to the loss of the current informal vehicle access arrangements for allotment holders. Given the infrequency of the need for such vehicle access and the availability of other parking within the vicinity, no concerns are raised by KCC Highways about the possibility of displacement of parking arising from the loss of this access.

Flooding

- 2.19 The application site is located with flood zones 2 and 3 and therefore consideration needs to be given to paragraphs 151 – 161 of the NPPF which sets out the need to apply a sequential test and exception test. In this case the proposed development is considered to fit within the 'Less Vulnerable category of development and the site functionally requires to be located on this site as it needs to be co-located with the existing tennis club and as such, the sequential test is passed. In this instance, no exception test is required due to the nature of the development and therefore the proposed development is considered acceptable in respect of the aims and objectives of the National Planning Policy Framework.

Other Matters

- 2.20 Of concern to the Sandown allotment holders is the loss of the grassed area, which has been used for the periodic unloading and loading of heavier, bulky items. This has been an informal arrangement between the allotment holders and the tennis club. The allotment holders have a legal 'right' of pedestrian access through the middle of the site and this arrangement would remain and is set out in the lease agreements between Dover District Council and Sandwich Tennis Club. Legally, the existing right of access is an easement, which is a legal interest in land.
- 2.21 Therefore, the allotment holders benefit from a legal right to access the plots by foot. The use of vehicles to access the allotment land is not a right that was granted when the leases were entered into. Thus, the allotment holders currently have no right to pass over the pedestrian access with vehicles. It is possible for easements to also arise by prescription (long use – over 20 years) but no claim has been made to this effect.
- 2.22 It is accepted the proposed development would not facilitate the existing informal vehicle access arrangement. In that regard though, it's important to point out, given the informal arrangement that currently exists, that vehicle access could be prohibited at any time by the Tennis Club.
- 2.23 Given the above, it's considered that the loss of the vehicle access is essentially a private matter between the allotment holders and the Tennis Club. In view of the informality of the access and the ability of the Tennis Club to prohibit its use, it is not considered to be a matter of public interest such that the control of this access need form part of the deliberations regarding the acceptability or otherwise of this application. The imposition of a planning condition for instance that sought to maintain this access would be both unnecessary (to make the current application acceptable) and unreasonable (imposing a burden on the applicant that would not be justified in the public interest) – Any such condition(s) therefore would fail the tests in the NPPF for imposition.
- 2.24 Another area of concern from the Sandown allotment holders is the loss of some of the existing allotment arrangements. However, having taken advice from Dover District Council Estates department, I am informed that the proposed tennis court is on the land being leased by the Sandwich Tennis Club and not that of the allotment holders and as such there would not be an unjustifiable loss of allotment land.
- 2.25 It's understood that discussions are well advanced between Dover District Council, Sandwich Tennis Club and the allotment holders to secure vehicle access to the allotments by other means which would be pursued outside the scope of this planning application. This is considered to be the appropriate means for dealing with this issue.

Planning Balance

- 2.26 The National Planning Policy Framework seeks to achieve sustainable development. Paragraph 8 of the National Planning Policy Framework states, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): These three overarching objectives to sustainable development are economic, social

and environmental. In respect of the proposed development these can be divided as set out below:

- 2.27 Economic role – The proposed development would make use of existing unused land, thus ensuring that the existing site would support the growth of a local sports club. The proposed development would be built to Lawn Tennis Association standards which could encourage new members to the club. Given the positioning of the site near the town of Sandwich, it is considered the proposal would encourage members to walk into the town and encourage more people to use the local shops and facilities, thus contributing to the local economy.
- 2.28 Social Role – The application site is located within the boundaries of the existing Sandwich Tennis Club. The proposed development would promote social interaction. Chapter 8 of the NPPF sets out amongst other things that 'planning policies and decisions should aim to achieve healthy, inclusive and safe places which 'enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of sports facilities. In this instance, the proposed development would result in an additional tennis court, which is considered to be provision of an additional sporting facility, which would allow more members/new members to support their healthy lifestyle.
- 2.29 Environmental – The proposed development would use an existing site and as a result would make effective use of the land. Impacts on the visual appearance/character of the area would be very limited.
- 2.30 It is considered the proposal would satisfy the relevant NPPF objectives.

3. Conclusion

- 3.1 The tennis club (applicant) has indicated it needs to update its facilities to the new Lawn Tennis Association standard for competitive and leisure tennis. They wish to expand their facilities to keep pace with public demand for tennis in Sandwich and it's understood that by expanding to two pairs of courts this would enable competitive match and league tennis to be scheduled at the same peak times as group coaching and group leisure tennis sessions.
- 3.2 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, unless the adverse impacts would significantly and demonstrably outweigh the benefits. In this instance, the proposed development is easily accessible by a number of different modes of transport, including walking and cycling. The proposal is not considered to adversely impact on the character and appearance of the conservation area or cause undue harm to residential amenities and the enhancement of facilities within the club would adhere to the NPPF objective of promoting and supporting healthy lifestyles.
- 3.3 In all respects the proposal is considered to be acceptable in planning terms. Views of the County Archaeologist area awaited, but subject to these, it is recommended that permission be granted.

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Recommendation

I SUBJECT TO the views of the County Archaeologist, PERMISSION BE GRANTED, subject to the following conditions:

(1) Time limits for implementation, (2) approved plans, (3) details of hard and soft landscaping with details of maintenance, (4) construction management plan, (5) provision of loading and unloading areas for vehicles, (6) Relevant archaeological conditions.

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 report and as resolved by Planning Committee and to draft and issue a Statement of Reasons.

Case Officer

Karen Evans