

- a) **DOV/20/00566 – Erection of 4 semi-detached and 4 terraced dwellings, new vehicular access, parking and associated works including the erection of cycle and bin stores and 3-metre high fencing - Delfbridge Manor, 10 Dover Road, Sandwich**

Reason for report – Number of contrary views (6)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010)

CP1 – Settlement Hierarchy

CP6 – Infrastructure

DM1 – Settlement Boundaries

DM11 – Location of Development and Managing Travel Demand

DM13 – Parking Provision

DM15 – Protection of the Countryside

DM16 – Landscape Character

National Planning Policy Framework (NPPF) (2019)

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 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 identifies the three overarching objectives of the planning system in relation to the aim of achieving sustainable development; an economic, social and environmental objective.

Paragraph 11 states that decision making should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.

Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 124 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.

Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

Paragraph 170 states that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Chapter 16 (Paragraphs 189-202) seeks to conserve and enhance the historic environment.

#### National Planning Practice Guidance

#### National Design Guide (2019)

#### Kent Design Guide (2005)

The guide provides criteria and advice on providing well designed development, emphasising that context should form part of the decision making around design.

#### SPG4 Kent Vehicle Parking Standards

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

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

There have been a number of previous applications at the site including;

DOV/12/00700 – Change of use and conversion to 10 flats – Granted  
DOV/15/00344 – Erection of three no. one bedroom flats and five no. two bedroom flats in two blocks with associated vehicular access – Refused  
DOV/15/00992 – Erection of 2no. two storey linked buildings incorporating 8no. flats with associated car parking – Refused – Appeal Allowed  
DOV/19/00733 – Erection of 4no. semi-detached and 4no. terraced dwellings, new vehicular access, parking, associated works including the erection of cycle and bin stores and 3m high fencing – Granted

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

Representations can be found in full in the online planning file. A summary has been provided below:

Sandwich Town Council – No response received.

KCC Highways and Transportation – Have no objection in principle bearing in mind the extant permission for 8 dwellings on the site. Whilst I would prefer to see some additional parking for the three bedroom dwellings, the amount of parking proposed complies with policy DM13 in this edge of town centre location. Conditions for the following are suggested: provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing, including

only one space being provided at the rear of the site as shown; provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing; vehicular access to the rear of the site restricted to the user of the designated disabled parking space only; submission of a construction management plan before the commencement of any development on site to include: routing of construction and delivery vehicles to/from site, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities, temporary traffic management/signage, access arrangements. Request that one of the proposed parking spaces is fully fitted out to enable charging of electric vehicles, with an additional space fitted with ducting etc to enable conversion for vehicle charging in the future. On receipt of amended plans, confirmed they had nothing to add to previous comments.

Environment Agency – Have assessed this application as having a low environmental risk and therefore have no comments to make. The applicant may be required to apply for other consents directly from the EA and is advised to contact the EA to establish whether a consent will be required (contact details to be included as an informative). On receipt of amended plans, commented they maintained their previous position.

Network Rail – have no comments to make in relation to any material planning considerations for this proposal. Network Rail would like to take this opportunity to make the applicant aware that the road proposed to access the site is within Network Rail's ownership and the applicant will need to contact Network Rail in relation to this and go through the clearance process (response to be included as an informative).

Southern Water – Requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. An informative in relation to SUDS (to be included on the decision notice should permission be granted) is recommended and a condition requiring details of the proposed means of foul and surface water sewerage disposal, to be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water, prior to the commencement of the construction of the development is suggested. On receipt of amended plans, confirmed their original response remained valid and unchanged.

KCC Archaeology - The proposed development site is situated just outside the historic core of the medieval town of Sandwich alongside Dover Road. In the late twelfth or early thirteenth century the medieval hospital of St Bartholomew's was founded on the opposite side of Dover Road from the site in question. The site therefore lies outside the primary area of medieval development. That being said the site is still of archaeological potential. There may be evidence for road-side activity and rubbish dumping associated with the medieval town and archaeological works along the road frontage in 2005 revealed archaeological deposits of fifteenth and seventeenth century date alongside the Delf Stream. There is also the potential for presently unknown archaeological remains to be present that predate the medieval town and I note that significant numbers of Roman coins (as well as Bronze Age metalwork) have been recovered from fields to the south-east of the application site. It is possible that the proposed development works may impact upon remains of archaeological interest and a pre-commencement condition for a programme of archaeological work to be submitted is suggested (and included at the end of this report).

Environmental Health – Do not object to the development. Note the noise report (KP Acoustics Report 12286.NIA.01 Rev.C 03/03/2015) submitted in support of this application. Whilst the report was completed in 2015, an update has been provided by Daniel Green, Member of the Institute of Acoustics and the conclusions of the report are accepted both for the noise and vibration concerns.

### Public Representations:

6 members of the public have objected to the proposals (as of 9<sup>th</sup> November 2020) and the material considerations are summarised below. Matters such as impact on an individuals' property value, loss of views etc are non-material considerations and are not included below.

- Access - access road proposed is owned by British Rail, used as a service road for the railway and as access for disabled and parents with prams who cannot cross the over line bridges. Concerns are raised regarding rights of access for the track, also used by two farms throughout the year. No passing places and single file (approximately 4m wide) with a blind bend before coming out on the Deal/Sandwich Road. Anyone coming down the track in a vehicle has to reverse roughly 150m past the footpath entrance to the railway and past the proposed exit/entrance to the new development. Large numbers of school children arrive by train between 8.00-8.30 and 15.00-16.00. Concerns regarding safety if farm vehicles had to reverse with school children, disabled users and parents with prams using track.
- Safety concerns regarding use of access track if more traffic were to use it and pedestrian safety
- Concerns the use of the track to serve 8 new properties would generate many more vehicle movements, including service vehicles, which may have difficulties turning within the development.
- Existing established trees provide a high degree of privacy, significant screening and landscaping are proposed to be removed. Tree survey should be undertaken
- Removal of trees, screening and privacy would be directly affected by the development
- Development site is affected by surface water flooding. Flood risk assessment should be undertaken accordingly
- Concern regarding disturbance and disruption of construction and delivery vehicles to and from site, including parking and turning areas for construction and deliveries, dust, dirt and timings of construction and deliveries
- Previous proposals at the site for fewer dwellings and further from neighbouring properties, not requiring removal of trees.
- Loss of outlook (would be looking out onto brick walls where currently there are lime trees)
- Trees are home to birds, squirrels and other wildlife
- Concerns regarding proximity to Delfbridge Manor
- Loss of trees that currently provide privacy and environmental issue of removing trees
- Maintenance implications have already been discussed at Residents Association meetings and it has been agreed to maintain them (the trees)
- Houses should be reconfigured to move them further away from the existing building and allow the retention of those trees and the screen it provides
- Provision in lease for additional parking for flats 9 and 20 at the northern rear ground area
- Only one parking area for disabled is provided, all other parking is designated at the front which will involve all the new residents having to carry all their shopping via the pedestrian access on our leases
- Other concerns regarding compliance with building regulations in 2014 plans (for another property)

### **1. The Site and the Proposal**

- 1.1 The application site relates to a plot of land to the east of Dover Road. The site is located outside of the settlement confines identified in Policy DM1 and is therefore (technically) considered to be within the countryside (subject to DM15). It comprises a flat, triangular parcel of disused land to the rear of a large building (Delfbridge Manor) which contains residential flats (previously used as Council Offices and a Nursery). The site is bounded by agricultural fields to the south and a track to the north, which runs parallel to the railway track and leads to the fields to the rear (southeast) of the site.
- 1.2 This application seeks permission for the erection of 4no. semi-detached and 4no. terraced dwellings, new vehicular access, parking, associated works including the erection of cycle and bin stores and 3m high fencing. The design and positioning of the dwellings has been amended from that originally submitted, with the dwellings positioned further from the west site boundary in order to avoid the loss of a row of established lime trees which separate the site from Delfbridge Manor (to the west). The revised design has been re-advertised and subject to further consultation accordingly.
- 1.3 The proposed dwellings would be finished in facing brickwork with tile and slate roofs and painted timber windows and doors. Units 1, 2, 4 and 5 would be two and a half storeys in height and would contain three bedrooms (one in the attic) and house six people. Units 3, 7 and 8 would be two storeys in height, with two bedrooms for four people and unit 6 would be two storeys in height containing one bedroom for two people. Each dwelling would have a private garden to the rear (enclosed by fencing), would have off-street parking, shared secure cycle storage (for 12 cycles) and refuse storage. One disabled parking space would be provided (adjacent to unit 6).

## **2. Main Issues**

- 2.1 The main issues for consideration are:
  - The principle of the development
  - Planning history of the site
  - The impact on heritage assets
  - The impact on the countryside and landscape area
  - The impact on residential amenity

### **Assessment**

#### **Principle of Development**

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.3 However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF 2019 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 'failed' the Housing Delivery Test), 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. It is considered that the policies which are most important for determining the application are DM1, DM11, DM15 and DM16.

- 2.4 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.
- 2.5 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. There is some tension with the NPPF which provides a more flexible approach, particularly at an edge of settlement location such as this. While the policy broadly accords with the NPPF's objective to actively manage patterns of growth to support the promotion of sustainable transport, the strict application of the policy in this context is inconsistent with the NPPF and as such the policy should attract significantly less weight.
- 2.6 Policy DM15 seeks to avoid development which would result in the loss of, or would adversely affect the character or appearance of the countryside, unless it is in accordance with allocations made in Development Plan Documents, justified by the needs of agriculture, justified by a need to sustain the rural economy or a rural community, or it cannot be accommodated elsewhere and would not result in the loss of ecological habitats (provided measures are incorporated to reduce any harmful effects on countryside character). Parts of DM15 can be regarded as being inconsistent with the NPPF (for example, the universal opposition to "loss of countryside"). DM15 also talks about the "character and appearance" of the countryside being important, whereas the NPPF seeks to protect "character and beauty". In the circumstances therefore, Policy DM15 should be afforded less than full weight.
- 2.7 Policy DM16 seeks to avoid development which would harm the character of the landscape as identified through the process of landscape character assessment, unless 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 the harm and/or incorporate design measures to mitigate the impacts to an acceptable level. This policy is also considered to be in line with the objectives of the NPPF and is therefore not considered out-of-date and should continue to attract significant weight.
- 2.8 From the foregoing, Policies DM1, DM11 and DM15 are to varying degrees not up to date. Together with Policy DM16, these are the most important policies for assessing the application. Taken together and given the importance in particular of Policy DM1, it is considered that the 'tilted balance' (paragraph 11, NPPF) 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.

- 2.9 Whilst the site is located outside the settlement confines of Sandwich, it is in close proximity to the confines (approximately 50m from the settlement boundary identified in Policy DM1) and is not considered to be an isolated dwelling as identified in Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018]. In respect of Policy DM11, the site is within walking distance of the Town Centre and local services, which are accessible entirely via public pavement. The site benefits from good links to public transport, with bus services available on Dover Road to the west of the site and Sandwich Train Station is located on the opposite side of the access road to the north of the site and provides high speed train links to London. As such, the site is considered to be in a sustainable location, well served by a range of means of public transport and therefore in accordance with the objectives of Policy DM11 and the NPPF.
- 2.10 With regard to previous planning history, the application site is the subject of a previous planning application for the development of 8 flats which was allowed at appeal in May 2017. Whilst this permission has lapsed, more recently, planning permission was granted for the 'erection of 4no. semi-detached and 4no. terraced dwellings, new vehicular access, parking, associated works including the erection of cycle and bin stores and 3m high fencing' (planning reference DOV/19/00733 Granted 28<sup>th</sup> August 2019). This application is still extant and could reasonably be implemented. The appeal decision (to approve residential development on the site) is an important material consideration. More so, the current extant planning permission for 8 dwellings, which is considered to be a realistic fall-back position which must be afforded substantial weight as a material consideration.
- 2.11 The principle of residential development on the application site has therefore been established and is considered acceptable, subject to an assessment of the development of all other material respects, including impact on visual and residential amenity.

#### Planning History of the Site

- 2.12 As discussed, planning permission for the erection of 4no. semi-detached and 4no. terraced dwellings (and associated vehicular access, parking, cycle and bin stores, fencing and other associated works) was granted under application DOV/19/00733. The dwellings were to be constructed of facing brickwork, with tile and slate roofs and painted timber windows and doors. This accords with what is now proposed under the current application. There would have been four 3 bedroom (6 person) dwellings, three 2 bedroom (4 person) dwellings and one 1 bedroom (2 person) dwelling, which is the same housing mix as proposed under the current application. The access, parking, cycle storage and refuse/recycling storage arrangements proposed under the current application are also the same as previously approved. There would be a separation distance of approximately 7.1m between the closest proposed dwelling and Delfbridge Manor; the same distance as previously approved. The main change to the proposals is that the width of the dwellings has been increased and the depth has been decreased. Under the current scheme proposed, Units 1, 2, 3, 4, 5, 7 and 8 would measure approximately 11.1m in depth and Unit 6 would measure approximately 7.56m in depth. Units 1, 2 and 3 would be aligned. Units 4 and 5 would be set approximately 0.6m further forwards (north) of Units 1, 2 and 3, and Unit 6 would be set approximately 5.1m back from the front build line of Unit 5. Units 7 and 8 would be set at an oblique angle, with the rear elevations facing southeast. The width of the dwellings proposed under this application would vary from approximately 4.3m to 5m.

- 2.13 Due to the previous planning history of the site (where residential development had been considered acceptable at appeal by a Planning Inspector), the development was found to be acceptable in principle and due to the siting, scale and design of the dwellings, the development was considered acceptable in respect of visual and residential amenity.

#### Impact on Heritage Assets

- 2.14 The application site is to the south of Sandwich Railway station, which contains three Listed Buildings; Sandwich Railway Station, Footbridge and Passenger Shelter; all of which are Grade II Listed. On the opposite side of Dover Road, and a significant distance from the site of the proposed dwellings is St Barts Conservation Area, which contains several Grade II and II\* Listed Buildings. A design and access and heritage statement has been submitted assessing the impact on these heritage assets in accordance with paragraph 189 of the NPPF.
- 2.15 In respect of the impact of the proposals on the significance of the setting of the St Barts Conservation Area and the Grade II and II\* Listed Buildings on the west side of Dover Road, the proposed dwellings are not considered to affect the setting or significance of these heritage assets due to their siting (to the rear of the large detached Delfbridge Manor) and separation distance. Consequently, the proposals would preserve the character and appearance of the Conservation Area in accordance with the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.16 With regard to the impact of the proposals on the Listed Buildings at Sandwich Railway Station, the site is separated from these by a private roadway (which would be used to access the site as well as fields to the rear of the site). This is bounded by a tall dense hedgerow of trees and shrubs which together provide a substantial level of screening. As identified in the Inspectors' Report for the allowed appeal against the refusal of DOV/15/00992 (APP/X2220/W/16/3166825), these heritage assets are understood and appreciated in the context of the linear railway line, rather than their wider surroundings. The proposals would be largely screened from view of the railway station throughout the year by intervening trees and as such, would be only glimpsed from the Grade II Listed Footbridge. The plans submitted indicate that these trees would be retained, and the siting of the proposed dwellings would not necessitate their removal. Given this screening, as well as the separation distance from the Listed Buildings, the proposals preserve the setting of the listed buildings and, consequently are not considered to result in harm (either substantial or less than substantial) to the significance of the heritage assets, in accordance with the NPPF. As such, the development is considered to preserve the settings of the Listed Buildings in accordance also with the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Impact on the Countryside and Landscape Area

- 2.17 The site is outside of the defined settlement confines set out in Policy DM1 and for planning purposes, is therefore considered to be within the countryside and subject to Policies DM15 and DM16. DM15 seeks to avoid development which will harm the character or appearance of the countryside and DM16 seeks to avoid development which would harm the character of the landscape area. Furthermore, Paragraph 170 of the NPPF states that 'decisions should contribute to and enhance the natural and local environment by... recognising the intrinsic character and beauty of the countryside'. Paragraph 127 states that planning

decisions should ensure that developments 'will function well and add to the overall quality of the area', be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping', be 'sympathetic to local character and history' and 'establish or maintain a strong sense of place'.

- 2.18 The proposed dwellings would be sited to the rear of Delfbridge Manor; a three storey detached building comprising 10 flats. Due to the location of the site and open fields to the south, there would be distant views of the development from the south of the site. The development has been designed to reflect the diverse nature of dwellings in this part of Sandwich and would be finished in facing brick with tiled roofs of varying heights. First floor rear balconies have also been incorporated to replicate the balconies on the south elevation of Delfbridge Manor. The development would be seen as a continuation of the existing buildings on the western part of the site, although significant planting and screening would be installed along the southern boundary of the site which would reduce the visual impact of the proposals. Subject to the imposition of conditions regarding the design and landscaping, which are required in the interests of visual amenity, the development is considered unlikely to result in significant harm to the character and appearance of the countryside and wider landscape area and would accord with Policies DM15, DM16 and with the aims and objectives of the NPPF.

#### Impact on Residential Amenity

- 2.19 Due to the siting and scale of the proposals, the new dwellings would be most visible from the flats within the rear (east) part of Delfbridge Manor. This building has several windows on the rear (east) elevation; however, it is separated from the site by fencing and a number of tall dense trees which would be retained. Unit 1, which is the westernmost dwelling proposed would have only two windows at first floor level on the flank elevation and would serve non-habitable rooms. Furthermore, views towards Delfbridge Manor from the proposed first floor rear balcony would be restricted by the line of trees, such that views would be of the adjacent communal garden. As such, the proposed development is considered unlikely to result in direct interlooking or overlooking and would therefore preserve the privacy of the occupiers of the adjacent flats within Delfbridge Manor.
- 2.20 Due to the separation distance from other nearby properties, the proposals are considered unlikely to result in significant harm to the privacy of other surrounding residents. For the same reasons, and due to the scale and design of the proposals, the development is considered unlikely to result in a significantly overbearing impact on the residential amenities of surrounding occupants. Furthermore, taking into consideration the scale of the proposed dwellings, distance to surrounding properties and trees and vegetation surrounding the site, the development is considered unlikely to result in significant overshadowing or loss of light to the amenities of surrounding residents. In this respect, the proposals would accord with Paragraph 127 of the NPPF which relates to amenity.

#### Amenity of the Proposed Occupiers

- 2.21 Each dwelling would have a private garden, off street parking and secure cycle storage. Whilst being at the edge of the Town and located outside of the settlement confines, the site is in a residential area and noise and vibration reports have been submitted demonstrating future occupants would be unlikely

to experience significant noise or disturbance from the nearby train station (discussed further below). The units would contain well-proportioned rooms, access to balconies, main living areas and south facing gardens benefitting from direct sunlight throughout the day. Consequently, in accordance with Paragraph 127 of the NPPF, the development is considered to provide a high standard of amenity for future occupants.

#### Other Material Considerations

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

- 2.22 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.
- 2.23 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.
- 2.24 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.
- 2.25 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.
- 2.26 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.
- 2.27 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.

#### Other Matters

##### Impact on Parking/Highways

- 2.28 Each dwelling would have one private parking space within the site. Whilst on-street parking in this section of Dover Road is not restricted, it is generally limited to the western side only, due to the width of the road and its heavy use, as the main route into Sandwich Town centre. Parking is available in some nearby roads to the west and north (on the other side of the railway line), however this is limited and near to existing saturation. Parking within Sandwich is generally subject to parking controls with either time restrictions or parking permit systems in place. As such, it is, on balance, considered that the parking requirements for the site should accord with the 'edge of centre' requirements set out in Policy DM13. Given that each dwelling would have one parking space and off-street visitor parking is available, the development is considered to accord with the requirements of Policy DM13. Furthermore, the site is within walking distance of the town centre and associated shops and amenities, as well as having excellent access to public transport with Sandwich Station located to the north of the site and bus services available from Dover Road (directly to the west of the site). Secured cycle storage would also be provided as part of the development and as such, it is reasonably considered that occupants would likely be less reliant on private motor vehicles for day to day journeys.
- 2.29 Seven parking spaces would be allocated to the proposed development within the car park to the front (west) of Delfbridge Manor. There would be three visitor parking spaces and ten parking spaces retained for residents of Delfbridge Manor. One disabled parking space is proposed within the eastern half of the site, which would be accessed via the shared track to the north. It is of note that this parking arrangement is the same as allowed at appeal under application DOV/15/00992 and under the more recent application DOV/19/00733 and that whilst parking spaces were required to be provided under condition 7 of DOV/12/00700, this did not specify the number or location of parking spaces, or that these should be restricted for occupants of Delfbridge Manor only. In respect of the access track which would give access to the disabled parking space, this track is used by vehicles to access the agricultural land to the rear (southeast) of the site, by network rail in relation to the adjacent train station and to access a garage to the rear of one of the properties to the northwest of the site. Whilst the use of the lane by one vehicle would generate additional movements it would be extremely limited. In order to prevent occupants from creating driveways or parking spaces adjacent to their properties, which would result in the increased use of the shared access road, a condition restricting this is suggested accordingly. KCC Highways and Transportation raises no objections to the proposals and therefore, subject to the suggested conditions, the development is considered unlikely to result in significant harm to highways and pedestrian safety.
- 2.30 KCC have requested that one of the proposed parking spaces is fully fitted out to enable charging of electric vehicles and an additional space is fitted out with ducting to enable conversion for vehicle charging in the future. Whilst the provision of such infrastructure is desirable, at present the council do not have a policy to require such provision whilst, equally, the NPPF does not mandate such provision. That said, in line with our emerging policy approach it is proposed that a condition be imposed requiring cabling to serve one of the spaces within the car park and the disabled parking space to enable the installation of vehicle charging points in the future.

### Impact on Flood Risk

- 2.31 The proposed dwellings would be located within Flood Zone 1, which has the lowest risk from flooding. No bedrooms or sleeping accommodation would be located on the ground floor level of the property and the Environment Agency has been consulted, advising that the application has a low environmental risk. Due to the size of the site (less than 1 hectare), a flood risk assessment is not required. Furthermore, as the proposed dwellings would be located within Flood Zone 1, a sequential test is not required. Nonetheless, a condition for details of surface water disposal to be submitted is suggested. Subject to this, the development is considered acceptable in this regard.

### Drainage

- 2.32 Southern Water was consulted on the application and advises that a formal application for a connection to the public foul sewer would need to be made by the applicant or developer. They request a condition is imposed for details of surface water and foul sewerage drainage to be submitted should permission be granted, as well as an informative. Both conditions are included in the recommendations of this report.

### Noise/Vibration

- 2.33 The site is within relatively close proximity to Sandwich Train Station, which has regular high-speed train services to London. Given its proximity, both noise and vibration studies have been submitted. These find that the proposed dwellings would be unlikely to experience significant/unacceptable levels of disturbance from noise or vibration, supported by the comments of Environmental Health. As such, the proposals are considered acceptable in this respect.

### Trees

- 2.34 Concerns have been raised by third parties in respect of the loss of trees. As discussed at paragraph 1.2, the siting of the proposed dwellings has been amended from that originally advertised, such that the dwellings would be sited approximately 7.1m from the closest part of Delfbridge Manor and the line of trees between this building and the proposed development would now be retained. The amended design of the proposal has been re-advertised; however no further comments were received at this second advertisement stage. In order to ensure the protection of these trees and to enhance the character and appearance of the site, a condition for the development to be carried out in such a manner as to avoid damage to the existing trees is suggested. Subject to this, it is considered there would be no adverse impact on trees.

### Contributions

- 2.35 The application proposes the erection of eight dwellings. The threshold for the provision of affordable housing required by Policy DM5 includes sites of more than 5 units; however, subsequent guidance within Planning Practice Guidance states that "Planning obligations for affordable housing should only be sought for residential developments that are major developments". Having regard for this advice, as the development is not a major development, it is considered unreasonable to require that the development provide affordable housing or a contribution towards off-site affordable housing. Likewise, this lower limit in the guidance also relates to other tariff style planning obligation (s106 obligations)

and as such, this application will not be required to make this contribution. No requests for contributions towards infrastructure have been received. In the absence of any evidence that specific infrastructure is required to make the development acceptable in planning terms, it is considered that the development complies with policies CP6 and DM27 of the Core Strategy.

### **3. Conclusion**

- 3.1 The application site is located outside of the settlement confines, and the creation of residential development in this location is therefore contrary to Policy DM1. However, planning permission has previously been granted for residential development at the site. This permission is extant, could reasonably be implemented, and as such, is a fallback position and is a material consideration which is considered to attract significant weight. In light of the tilted balance approach applied under Paragraph 11 of the NPPF, and as discussed above, the development is considered to accord with Policies DM11, DM15 and DM16. The development is considered to accord with the sustainable development objectives of the NPPF and is acceptable in principle.
- 3.2 For the reasons outlined in this report, the development is considered acceptable in respect of impact on the countryside and landscape area, impact on the significance of the setting of designated heritage assets, and impact on the residential amenities of nearby residents. Subject to the conditions suggested below, it is considered that the proposed development would accord with the aims and objectives of the National Planning Policy Framework.

### **g) Recommendation**

#### **I PERMISSION BE GRANTED subject to conditions:**

(1) Standard time condition, (2) list of approved plans (3) samples of materials (4) details of soft and hard landscaping (including boundary treatments) and schedule of planting (5) development shall be carried out in such a manner as to avoid damage to the existing trees, their root systems and other planting (6) provision and retention of refuse and bicycle storage (7) provision and retention of vehicle access and parking space and restriction of access to the rear of the site to the user of the designated disabled parking space only (8) submission of a construction management plan (9) details of surface water disposal (10) details of foul sewerage disposal (11) programme of archaeological work (12) cables for EV charging points (13) removal of permitted development rights for Classes B and C of Schedule 2, Part 1 of GPDO (14) no vehicle hardstandings shall be created within front gardens to prevent use of the access by vehicles

#### **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**

Rachel Morgan