

DOV/21/01201 & DOV/21/01202 – Combined Report

DOV/21/01201 – Change of use and conversion 2no. dwellings and a retail shop or office. Erection of a first floor rear extension, alterations to windows, rear parapet wall to be lowered, and restoration/painting to elevations (part rear elevations, roof lanterns, window bars and first floor rear windows to be removed)

DOV/21/01202 - Conversion to 2no dwellings, retail/office use to include: erection of 1st floor rear extension; removal of existing and erection of new internal walls.

10 Cattle Market, Sandwich

Reason for report – Number of contrary views (6 Public Representations)

a) Summary of Recommendation

Planning permission and listed building consent be granted.

b) Planning Policy and Guidance

Core Strategy Policies (2010)

CP1 – Settlement Hierarchy

DM1 – Settlement Boundaries

DM11 – Location of Development and Managing Travel Demand

DM20 – Shopfronts

DM22 – Shopping Frontages

DM24 – Retention of Rural Shops and Pubs

Land Allocations Local Plan - Development Plan Document (2015)

LA18 – Sandwich Town Centre

Sandwich Neighbourhood Area (no plan currently adopted)

National Planning Policy Framework (NPPF) (2021)

Paragraphs 2, 7, 8, 11, 38, 47, 48, 86, 110, 111, 120, 123, 130, 134, 167, 168, 174, 194-208

National Planning Practice Guidance

National Design Guide (2021)

National Model Design Code (2021)

Planning (Listed Buildings and Conservation Areas) Act 1990

Sections 16(2), 66 and 72

Kent Design Guide (2005)

SPG4 Kent Vehicle Parking Standards

Draft Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

c) Relevant Planning History

Various applications including:

DOV/87/00995 – installation of gas central heating and flue terminal – Granted

DOV/93/00468 - One double sided non illuminated hanging sign, two sets of individual non illuminated letters, & one single sided nameplate. – Granted

DOV/93/00469 - One double sided non illuminated hanging sign, two sets of individual non illuminated letters, one single sided nameplate. – Granted

DOV/95/00433 – Installation of cash machine dispenser within existing window - Granted

DOV/95/00434 – Installation of cash dispenser within existing window – Granted

DOV/97/00616 – Projecting sign and fascia sign – Granted

DOV/97/00619 – Replacement of fascia letters and projecting sign – Granted

DOV/97/01016 – Addition of a second projecting sign – Granted

DOV/97/01194 – Additional projecting sign – Granted

DOV/98/00281 – Replacement fascia letters and symbol – Granted

DOV/98/00282 – Fascia sign – Granted

DOV/99/00284 – Display of 4 advertisement signs at first floor level – Granted

DOV/00/01348 – Relocation of existing ATM and alterations to external door – Granted

DOV/01/00412 - Provision of internal ramp, relocation of existing Auto-Bank, alteration of entrance door and ground floor refurbishment. – Granted

DOV/01/00516 - Windows, frames and rainwater goods to be painted black and removal of night safe hatch. – Granted

DOV/07/01091 – Installation of 2no. air conditioning units – Granted

DOV/08/00068 – Installation of 2 air conditioning units – Refused

DOV/11/00204 – Internal and external alterations – Granted

DOV/14/01113 – Installation of a replacement ATM – Granted

DOV/14/01114 – Installation of a replacement ATM and associated alterations – Granted

d) Consultee and Third Party Responses

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

Sandwich Town Council – Initially commented: “Sandwich Town Council Planning

Committee met on 11th August 2021 and resolved to accept this planning application. Sandwich Town Council requests that Dover District Council amend the numbering of this building as it is listed as 10-12 Cattle Market but Sandwich United Reform Church is also 12 Cattle Market. Sandwich Town Council further request that this amendment is confirmed to Sandwich Town Council”.

The site address was amended accordingly, and upon re-consultation, the Town Council advised “Recommend approval subject to substantial sound proofing, ancient rights and privacy dealt with by planning law”. In response to the Listed Building Consent re-consultation, they advised “Sandwich Town Council Planning Committee meet on 16th November 2021 and resolved to recommend approval of the amended plans for this planning application.”

Environmental Health - Whilst I note that 10 Market St is a town centre location with businesses involved in the night-time economy, there are several other residential properties nearby and there are no major activities involving significant elevated noise levels. However I note from the proposed plans that part of the proposed is located adjacent to the common wall with the Mermaid Locker food outlet/restaurant at 8 Cattle Market. There is also proposed commercial use on the ground floor adjacent and below the proposed residential use.

Sound insulation between residential/residential premises is normally dealt with by the Council’s Building Control Department under Approved Document E of the current Building Regulations. Approved Document E specifies minimum sound insulation qualities of partitions between properties. As such the Environmental Protection Team would not comment on this.

However, there is no standard governing the sound insulation properties of partitions between residential/commercial properties. Commercial uses generally create more noise than residential premises. We would therefore require the sound insulation between commercial/residential to be of a higher standard than specified in Approved Document E. As a guide, we would expect the level of sound insulation provided by the wall partition to be in the order of R_w [1] 60dB. I would therefore recommend that the following additional conditions be placed on the application: - Full particulars and details of a scheme for sound insulation between the commercial and residential parts of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include details on measures to ensure that there are no flanking transmission paths for noise between the commercial and residential premises. The approved scheme shall be installed before commencement of the use hereby permitted and permanently retained thereafter.

[1] R_w is the weighted sound reduction index: This is a weighted single figure descriptor of the sound insulation performance of a partition measured under laboratory conditions

Heritage Officer -

(Heritage Consultant Comments)

General & Historic Building Description and Significance: This building, last used as a branch of the HSBC bank is located at the centre of the historic town centre of

Sandwich, on a prominent corner site opposite the Guildhall and facing out to the Cattle Market, with frontages facing north and east. The building connects with other properties to the north – the Mermaid's Locker restaurant/bar and to the south is the open garden areas associated with St John's Cottages and the United Reformed Church. The south elevation is clearly visible in views from the south beside the flank of the guildhall. The overall form of the building with its steep hipped roof form would suggest a C15th date and the building appears as the Mermaid Inn in historic photos, at that time retaining the original massive central stack and hipped medieval roof form but superficially modernised in the C18th, with the jetties underbuilt and the framed elevations over rendered and provided with multi-pane sash windows. The building became a bank in the 1950s and was brutally converted to the use on the 1960s with the interiors and rear wall of the original building demolished to facilitate the erection of a large flat roofed rear extension, this replacing the C19th rear outbuildings and courtyard areas. This extension even cut into the rear of the secondary north range facing out toward the Mermaid's Locker leaving an awkward sliver of the historic roof covering a curious arrangement with a long and generally unusable space with a raised first floor and restricted head room. Within, all is modern – dating from the 1960s. The floor structure, interiors and even the central stack and roof structure were all rebuilt in modern materials, leaving only the external appearance of the C15th surviving and appearing relatively unaltered despite it having been gutted out and mostly reconstructed.

Comments: The building really has been gutted out as a result of the 1960s bank conversion and nothing remains within of the original C15th building, even the stack and roof structure of the main frontage range are modern reconstructions constructed in modern materials and techniques. Despite this the building retains much of its historic appearance but only the three external elevations to the north, east and south survive from the original building these being the C18th refronting and underbuilding of the principal north and east elevations and the south elevation, which appears to have been rebuilt in brickwork in the C19th. Whether any of the C15th hall framing survives under the modern cement render is hard to tell. The proposed conversion has resulted from the consideration of several alternative design options and appears to be the only way of finding a new use for the building that has become redundant and stood empty for several years. Although the building has been gutted out and nothing remains of historic interest, the proposed scheme works with the grain of the historic building reconstructing the historical division between the original frontage structure and its former Victorian rear outbuildings and also restoring the form of the northern range, whose roof was so brutally truncated by the 1960s flat roofed extension. The rear extensions are not so much a replacement for the flat roofed rear bank extension but are actually built off it as first floor extensions. These extensions do approximate to the plan form of the lost rear ranges, leaving a tiny courtyard formed at the centre of it – but only at first floor level. It is not clear from the available evidence whether the original rear ranges were single or two storey buildings, but the proposed extensions are of a traditional form that compliments the appearance of the main frontage range and do not introduce any jarring elements in the scene as seen from the south. However, the proposed arrangement, with the upper floor brickwork set back behind the retain parapet wall of the ground floor bank extension appears awkward and I suggest that

it would be preferable if the building could instead continue straight up from this wall. This would however need the cooperation of the neighbour, to allow the eaves to overhang their property. I also suggest that it would be better if the existing parapet could be reduced down to roof level and the new upper storey clad in tile hanging rather than brickwork. This would create a more informal character and would be more appropriate for what is almost certainly going to be a timber framed upper storey. This would also allow a marginal increase in the size of the courtyard in the centre which is very tiny. Apart from this the proposal seems very acceptable and I suggest only that conditions are imposed requiring submission of materials and ensuring that the detailing of the roof (eaves, ridges, hips) and joinery is all done in the traditional way.

Recommendations: Revert to applicant to suggest the south elevation parapet is reduced down to roof level and that the replacement building is reared off the existing south wall, without the set back and clad with tile hanging rather than brickwork. Once this is resolved, they recommend granting the application subject to a number of conditions.

Site & Setting – Limited Impact on C/A

NPPF Harm Level Assessment – ‘moderate positive’

Other Notes – Minor Amendments required

Principal Heritage Officer Comments:

Further to the consultation for the above and to confirm details of our discussion following receipt of the response from the consultant, I have additional comments as follows:

The consultant has suggested the potential to remove the parapet and continue the line of the exterior brickwork uninterrupted: in retrospect I feel that this helps to break up the elevation and reduces the visual bulk of the proposed addition. There is also the suggestion that the brickwork to the 1st floor addition is amended to tile hanging and I consider this to be a positive amendment, as having two different materials would help with the bulk as noted.

In respect of the condition relating to the rainwater goods I note that the listed building has cast iron but I do feel that we should allow for the potential use of good quality aluminium on the new build rather than require cast (recommends a condition in this respect and that the assessment stated a preference for cast iron but to allow for good quality cast aluminium).

Following the receipt of amended plans, the Principal Heritage Officer informally advised “Received the reconsultation- looks fine as discussed. Earlier consultation notes the conditions plus we discussed the rainwater goods”.

Historic England – On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

Following receipt of revised plans, advised; On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

Southern Water – Provided records (a map available to view in the online planning file) showing the approximate position of public combined sewer close to the existing development. Any new external works proposed within the standoff distance of public apparatus the applicant will be required to contact Southern Water.

- The 150 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No new development or new tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer (their contact details are included and the response would be sent as an informative if permission is granted). The surface water drainage from the site will utilise the existing connections to the public sewer. Surface water may be discharged to the existing sewer, provided the rate of discharge to sewer is no greater than existing contributing flows.

Environment Agency - No response received – If received, Members will be updated at the Committee Meeting.

KCC Highways and Transportation - Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration (an informative is suggested).

Public Representations:

In respect of the Planning Application, nine representations of support, one representation neither objecting or supporting and six representations in objection were received and are available to view in the online planning file and are summarised below. In respect of the Listed Building Consent, one representation in support was received and is also summarised below. Matters such as problems arising from the construction period and loss of views are not material

considerations and cannot be considered in the assessment of an application.

Supporting

- Building has been empty for years and is starting to deteriorate and look extremely run down. Has remained derelict for some years.
- Surely it is within best interests of the building and all that live in the area that it be restored and brought back into use. Preferable to refurbish empty and deteriorating buildings before building new. Would like to see this building in the middle of town used again rather than sitting empty and brought back to its true potential. Puts an empty building back to use. Support as need to recycle and refurb brownfield development to sustain life in the community at the same time as demonstrating high quality low impact eco developments can take place within existing built infrastructure and not just in new build estates. Re using the existing building shell can save over 177kg of CO2 per M2 of brick wall compared to building new. these impacts should be considered positively against other impacts. Would like to see the building being used again rather than sitting empty and it will be nice to see the outside refreshed and tidied up. Building has huge potential, love the garden terrace.
- No reason to have more bank premises within Sandwich, especially given Barclays and Natwest buildings have both been converted for other uses. Physical bank branches are no longer feasible in today's digital economy – particularly true in a small market town like Sandwich. Question the need for additional retail space in Sandwich.
- Happy to see that some commercial use has been retained also. Support the application in terms of the retention of some commercial use and residential dwelling and believe the application will be to the benefit of the local community.
- No parking provision however Guildhall car park isn't far away and lots of properties in Sandwich don't have dedicated parking.
- Tastefully done. Will be an excellent addition to the neighbourhood. Feel that the work will be sympathetically carried out and to the highest standard of workmanship making good use of the building as it currently stands. Am sure the design can take into consideration the minor impacts of conversion from bank to family home dealing with overlooking and the like.

Neither objecting nor supporting

- From informal discussion with the applicant, believes the proposal would be used for holiday lets – concerned that without this being added as a planning condition, the creation of permanent residences could lead to conflict between new residents and existing business which holds premises licence operating until midnight 7 days a week
- Permanent residential use would raise potential issues with an ancient and regularly deficient foul and surface water system
- Creation of another floor to the rear elevation immediately overlooks only living accommodation windows and proposed skylights give unrestricted views into neighbouring bathroom and living room. Has the potential to

cause distress and anxiety and remove the quiet and safe enjoyment of neighbouring premises.

Objecting

- Overlooking/privacy – windows will be looking over the gardens that have been created in the centre of town which is a quiet haven for wildlife and the residents of St Johns Cottages. Neighbouring cottages were rescued from demolition 52 years ago and garden which has been there since 1287 has been recreated. Street view photographs disguise the bulk of the extension as seen from neighbouring land. First floor extension windows will overlook the St Johns Cottages and invade their privacy
- Object to new extension to the back of the building. Object to the lowering of the parapet wall. Strongly object to lowering the boundary wall and will not give permission.
- Windows overlooking neighbouring property will cause continuous noise, light pollution and complete loss of privacy.
- Noise – already there is noise from the living accommodation that exists on that corner
- Parking – no provision which is a big issue in Sandwich
- Overdevelopment – great benefit to restoring this property to use in the centre of the conservation area in Sandwich but this planning application is overdevelopment. Site has always been a single use building (first a pub, then a bank). Would be overdevelopment to create two dwellings and a business premises, as demonstrated by the need for access only through a narrow hallway shared by all three and no place for rubbish and recycling storage, except within each premises. Second floor will dominate neighbouring property and all surrounding buildings.
- Heritage impact – all proposals are within the curtilage of listed buildings and badly affect them. Will downgrade the area which is of historical value
- Proposed west end elevation shows that the plan adds significant buildings within the footprint that are not illustrated clearly to show their relationship to the surrounding buildings. Alterations to the boundary wall and the windows to lounge and bedroom on the first floor will all be major intrusions to the privacy and enjoyment of the gardens of St Johns Cottages
- Would suggest the property remain the same size and be made into one dwelling. Not retail use as there is enough retail space already within the town.
- Concerns regarding access during construction – building work would inevitably cause damage to neighbouring land and enormous disturbance. Query how any work to the existing window and proposed window in the original building could be done without access to neighbouring land. Seems to be no consideration on how to carry out this work without invading the grounds of St Johns Cottage gardens

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

- 1.1 The site relates to a two storey Grade II Listed Building, located within the Sandwich Walled Town Conservation Area (subject to an Article 4 Direction) and within Sandwich Neighbourhood Area (which has no adopted neighbourhood plan). The site is within the settlement confines and the building was last in use as a bank. It is positioned on the west side of Cattle Market and is bounded by the gardens of No's 1 – 6 Saint Johns Cottages (a Grade II Listed building) to the south and by No 8

Cattle Market (The Mermaids Locker), which has a restaurant at ground floor level and residential accommodation at first floor level, to the northwest of the site (also a Grade II Listed Building).

- 1.2 This application seeks permission for the change of use and conversion of the building to 2no. dwellings and a retail shop or office (at ground floor level). The proposals include the erection of a first floor rear extension, alterations to windows, rear parapet wall to be lowered, and restoration/painting to elevations (part rear elevations, roof lanterns, window bars and first floor rear windows to be removed).
- 1.3 During the course of the application, the address of the site was changed from 10-12 Cattle Market to 10 Cattle Market. The application was re-advertised accordingly. Following the receipt of comments from the Heritage Officer, amended elevation plans were received showing the south and west first floor level elevations would be finished in clay tile hanging. As a result, the first floor was no longer proposed to be set back from the parapet wall of the ground floor level and whilst the ridge height remained the same, the length of the ridge had increased under the revised plan. This amendment was subject to further advertisement, with consultation due to end on 3rd December. Should any representations be received between the finalising of this report and the Committee Meeting, Members will be verbally updated at the meeting accordingly. Furthermore, due to the number of representations received in respect of the Listed Building Consent application, it should be noted that this could be determined under Officer Delegated Powers.

2. Main Issues

- 2.1 The main issues for consideration are:
 - The principle of the development
 - Impact on heritage assets and street scene
 - The impact on residential amenity
 - Other material considerations

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 the plan, unless material considerations indicate otherwise.
- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located within the defined settlement confines and the proposed extension would be ancillary and the proposal therefore accords with Policy DM1.
- 2.4 Policy DM2 seeks to protect employment land and buildings (specifically those within Use Class B). The last use of the building was as a bank, which is not a B Use Class and therefore the Policy is not relevant to the assessment of this

application.

- 2.5 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 accords with Policy DM11.
- 2.6 DM22 sets out that within secondary shopping frontages, planning permission will only be given for A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaway) uses within the ground floor of premises. Following changes to the Use Classes Order, Class A was revoked from 1st September 2020 and Classes A1, A2 and A3 would now fall under Use Class E and Classes A4 and A5 would fall under a Sui Generis use. Notwithstanding this, the proposals are to retain part of the ground floor of the building for use as a retail shop or office (specified in application form as Use Class A2). As both a retail and office use would fall within the new Class E, it is considered that the proposed use would accord with Policy DM22, albeit only part of the ground floor would be retained for the use (and therefore the development would in part be contrary to Policy DM22).
- 2.7 Policy LA18 (of the Land Allocations Local Plan 2015), as with Policy DM22, sets out that within secondary shopping frontages in Sandwich Town Centre, planning permission will only be granted for A1, A2, A3, A4 and A5 uses within the ground floor premises. As set out above, part of the ground floor would be retained for use as a retail shop or office and as such, the development would only partly accord with Policy LA18.
- 2.8 For the above reasons, it is considered that the development accords with Policies DM1 and DM11, however is in part contrary to Policies DM22 and LA18.
- 2.9 The NPPF advises, at paragraph 11, that proposals that accord with an up-to-date development plan should be approved without delay. An assessment of the most important policies for the determination of the application must be undertaken to establish whether the 'basket' of these policies is, as a matter of judgement, out-of-date. Additionally, criteria for assessing whether the development plan is out-of-date are explained at footnote 7 of the NPPF. This definition includes: where the council are unable to demonstrate a five-year housing land supply; or, where the council has delivered less than 75% of the housing requirement over the previous three years (as assessed by the Housing Delivery Test).
- 2.10 Having regard for the most recent Housing Technical Paper (2021), the Council are currently able to demonstrate a five-year supply. The council have delivered 80% of the required housing as measured against the housing delivery target; above the 75% figure which would trigger the tilted balance to be applied. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date.
- 2.11 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 557 dwellings per annum. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF, is out-of-date, although in the circumstances here, where the development is within an existing settlement, it's not considered that the objectives of DM1 would be unduly

inconsistent with the NPPF. As such, DM1 can carry some weight..

- 2.12 Policy DM11 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. It is considered that the blanket restriction imposed under (1) of DM11 however is contrary to the NPPF, albeit the remainder of the policy broadly accords with the NPPF. Insofar as this application is concerned, it is considered that DM11 is not out-of-date and should continue to attract significant weight.
- 2.13 Policy DM22 is considered to be more restrictive than the NPPF, which encourages town centres “to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters” and “recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites” (Paragraph 86). In this instance, the former bank has been vacant for several years and, as set out further in this report, it is considered that the retention of part of the ground floor for commercial use and change of use of the rest of the building (and extension) to residential use would bring the building back into a viable use, resulting in its long term preservation. The NPPF seeks to diversify town centres, and, as a matter of judgement, it is considered that Policy DM22 is in tension with the NPPF, is out of date and, as a result, should carry only limited weight.
- 2.14 Policy LA18, for the same reasons as Policy DM22, is considered to be more restrictive than the NPPF (particularly Paragraph 86). As a result, it is considered that Policy LA18 is in tension with the NPPF, is out of date and should therefore carry only limited weight in the planning balance.
- 2.15 The Council is in the Regulation 18 or ‘consultation’ phase of the draft Dover District Local Plan. This is the start of a process for developing a new local plan for the district, replacing in due course the Core Strategy and Land Allocations Local Plan. At this stage the draft is a material planning consideration for the determination of planning applications, although importantly it has little weight at this stage. As the plan progresses, it will be possible to afford greater weight to policies or otherwise, commensurate with the degree of support/objection raised in relation to them during the consultation process. A final version of the Plan will be submitted to the Planning Inspectorate for examination to determine if the Plan can progress to adoption and, if so, the degree to which final modifications will/will not be required. At the time of preparing this report therefore, policies within in the draft plan are material to the determination of the application, albeit the policies in the draft Plan have little weight at this stage and do not materially affect the assessment and recommendation.
- 2.16 Consequently, it is considered that the development plan policies most important to the determination of the application (Policies DM22 and LA18) are out of date and as such, the tilted balance approach of Paragraph 11 of the NPPF is engaged.

Impact on Heritage Assets and Street Scene

- 2.17 The application property is a Grade II Listed Building, and is surrounded by other Listed Buildings, including 6 & 8 Cattle Market to the north, 1 to 6 St Johns Hospital Almshouse (and gardens – referred to as 1-6 St Johns Cottages elsewhere in this

report) to the west, and the United Reformed Church to the southwest. To the southeast of the site, on the opposite side of the highway is the Grade II* Listed Guildhall, and there are a number of other Grade II Listed Buildings in proximity of the site. In addition, the site is within the Sandwich Walled Town Conservation Area, which is subject to an Article 4 Direction. Chapter 16 of the NPPF and Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out requirements relating to the assessment of the impact on heritage assets. In particular, special regard must be had to the desirability of preserving the listed building and its setting or any features of special architectural or historic interest which it possesses, and special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 199 of the NPPF sets out that great weight should be given to the conservation of heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 2.18 This report deals with both the application for planning permission and for Listed Building Consent for the proposals. In accordance with Paragraph 194 of the NPPF, a heritage statement has been submitted with this application. The application has been reviewed by the Heritage Consultant and the Principal Heritage Officer, and their comments are available to view in full in the online planning file and are included in the relevant section of this report. They consider that little of the original 15th Century building remains, with the north and east elevations being refronted in the 18th Century and the south elevation being rebuilt in brickwork in the 19th century and the building being gutted internally in the 1960's bank conversion works. They consider that although nothing remains of historic interest, the proposed scheme works with the grain of the historic building, reconstructing the historical division between the original frontage structure and its former Victorian outbuildings and also restoring the form of the northern range (which was truncated by the 1960's flat roofed extension). The suggested amendments to the external materials of the extension (to incorporate tile hanging and to build the extension directly above the existing parapet) have been made (albeit a hidden gutter has been incorporated which would avoid the need for guttering to overhang third party land).
- 2.19 In respect of impact on nearby Listed Buildings and the Conservation Area, the design and appearance of the proposed works to the building are considered to enhance the appearance of the site, to conserve the significance of other heritage assets and result in no harm, either substantial or less than substantial, to their significance. A number of conditions have been suggested requiring samples of external materials (specifically the roof tiles and tile hanging), joinery details including sections of the rooflights (which should be conservation style), details of rainwater goods and details of the roof construction, to ensure the details are appropriate to the Listed Building and would conserve the appearance of the Conservation Area and setting of heritage assets. Subject to this, it is considered the proposed works would result in a moderate positive impact, preserving the Listed Building and its setting. Due to the siting, scale and design of the extension and proposed works, I consider that the development would be sympathetic to the local character and would function well and add to the overall quality of the area, in accordance with Paragraph 130 of the NPPF. It is also considered that the works would bring the public benefit of providing two additional dwellings which would

contribute to the 5 year housing land supply, and would secure the long term maintenance of the building, representing its optimum viable use (in accordance with NPPF Paragraph 201). Having had regard to Chapter 16 of the NPPF, and giving great weight to the conservation of these heritage assets (Paragraph 199), it is considered the proposed development would accord with the objectives of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Residential Amenity

- 2.20 The proposed extension would be visible from a number of nearby properties and concerns have been raised in third party representations in respect of the impact of the extension and change of use on neighbouring residential amenity.
- 2.21 In respect of privacy, at ground floor level, the security bars would be removed from the two existing windows on the south elevation, which directly overlook the neighbouring garden to the front of St Johns Cottages. The proposed first floor extension would feature two windows on this south elevation. All of these windows would serve habitable rooms within the proposed dwellings. No windows are proposed on the west (rear) elevation. The other windows are either existing, or would face an enclosed courtyard area at first floor level (and the proposed rooflights would be located on an inner facing roofslope which would prevent interlooking to other properties).
- 2.22 The agent has provided an overlooking study which shows that the windows on the south elevation would overlook the communal gardens of St Johns Cottages. This is a communal garden (rather than private garden where residents would expect a higher level of privacy) which is currently visible from the public highway and there are already windows at ground floor level on the application property which overlook this garden. Whilst additional windows would be installed which would overlook the garden, on balance, the proposal is not considered to result in such significant loss of privacy to warrant refusal. Furthermore, it is considered that due to the location of other proposed windows (which would not provide direct views into No. 8 Cattle Market), and separation distance from other neighbouring properties (such as the dwellinghouses of St Johns Cottages), the development would be unlikely to result in direct interlooking between the proposed dwellings and neighbouring properties.
- 2.23 The proposed extension would be visible from the windows of a number of neighbouring properties and concerns have been raised in public representations in respect of this impact. The design of the proposed extension has been amended from that originally advertised, and the first floor extension would be finished in tile hanging. Due to the design and appearance of the proposed extension, as well as separation distance, I consider the development would be unlikely to result in an overbearing impact on the amenities of occupants of the St Johns Cottages. The proposal would be more visible from No. 8 Cattle Market, which has several windows on the south elevation, believed to serve a bathroom and living room. The extension has been sited to position the proposed massing away from this neighbouring property, and although the development would be directly visible, it is considered that due to the proposed design and materials, on balance, the

development would be unlikely to result in an unacceptably overbearing impact on neighbouring amenity.

- 2.24 Due to the siting of the proposed extension and direction of the sun path, the extension would cast shadow towards No. 8 Cattle Market in the morning and midday. During the evening, the shadow would fall largely on the application property itself. Based on the planning history for No. 8 Cattle Market (application DOV/07/00274), it is believed that the closest first floor window to the proposed development serves a bathroom (a non-habitable room) and that a window further from the site serves a living room (based on one of the third party responses stating the two room uses). Whilst the proposal would result in some overshadowing to the neighbouring (mixed use) property for part of the day, this would be limited by the siting and scale of the proposal and hipped roof of the extension. On balance, the development is considered unlikely to result in unacceptable harm to the living conditions of neighbouring occupants.
- 2.25 In respect of the amenities of the proposed occupants, both would share the same access (which would also be used by the commercial unit) on the flank elevation, however the dwelling to the front of the building would have an additional (existing) access. This dwelling would contain a lounge and kitchen at ground floor level and three bedrooms at first floor level. The dwelling to the rear of the site would contain a kitchen and sitting area/TV room at ground floor level and two bedrooms and a lounge within the extended first floor. There would also be a central courtyard area at first floor level. Both dwellings would have internal utility/bin storage and 1 bicycle storage space would be provided for each dwelling (also internally).
- 2.26 Queries have been raised in the public representations regarding the proposed use of the dwellings and whether they would be holiday lets. The application form identifies that the units are to be market housing and as such, it is not considered appropriate to suggest a condition is imposed in this respect. Concerns have also been raised in the public representations in relation to noise and disturbance from neighbouring commercial premises which are licenced. Environmental Health Officers have been consulted and have raised no objection, however have suggested a condition is imposed for details of a scheme for sound insulation between the commercial and residential parts of the development to be submitted to and approved in writing by the local planning authority. Subject to this, occupants of the proposed dwellings are considered unlikely to experience unacceptable noise or disturbance and the development is considered to accord with the amenity objectives of Paragraph 130(f) of the NPPF.

Other Material Considerations

Impact on Parking/Highways

- 2.27 The site is located within the Town Centre and Settlement Confines (identified in Policy DM1) and no off-street parking is currently available within the site or proposed. Sandwich Town Centre is a controlled parking zone, with resident

parking schemes in operation and double yellow lines are in place in this section of the town. A public car park is located to the south of the site (Guildhall Car Park). Policy DM13 sets out that for 2 and 3 bed flats/houses in a city/town centre location, a maximum provision of one parking space per dwelling is required. In this instance, nil provision would accord with Policy DM13.

Impact on Flood Risk

- 2.28 The application site is located in Flood Zone 3 (in an area that benefits from flood defences) which has the highest probability of flooding without the local flood defences. Accordingly, a Flood Risk Assessment has been provided. Paragraph 168 of the NPPG sets out that development involving a change of use (and minor development) should not be subject to the sequential or exception test. Notwithstanding this, the Flood Risk Assessment addresses both tests and sets out that there will be no increase in surface water generated by the development and that minor foul drainage requirements would be designed in accordance with building regulations to connect into the existing private system serving the property which in turn connects to the public combined drainage system. The Assessment sets out a number of measures which would be incorporated within the development, including the installation of suitable flood barriers across the two entrance doorways to prevent water ingress, that the ground floor levels of the residential properties be set no lower than the existing levels and that services be set at least one metre above ground floor level. It is considered appropriate to suggest a condition for the development to be carried out in accordance with the recommendations of the flood risk assessment is imposed, albeit it is considered appropriate to await the further expected views of the Environment Agency before finalising these.
- 2.29 Southern Water have been consulted accordingly and have raised no objections, advising that the developer will need to make a formal application for any new connection to the public sewer (information to be included as an informative if permission is granted). Furthermore, they advise that surface water may be discharged to the existing sewer provided that the rate of discharge is no greater than existing contributing flows. Subject to the suggested condition, the development is therefore considered acceptable in this regard.
- 2.30 The site lies within a SSSI Impact Risk Zone, however due to the scale of development proposed, consultation with Natural England is not required.

Commercial Unit

- 2.31 The proposed unit would be used as a retail shop or office. No details of the number of employees, or business hours have been provided within the application form.

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

- 2.32 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.
- 2.33 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.
- 2.34 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.
- 2.35 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.
- 2.36 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.
- 2.37 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.

3. Conclusion

- 3.1 The application site lies within the settlement confines and the tilted balance approach set out in Paragraph 11 of the NPPF is considered to be engaged as the Policies most important for determining the application are out-of-date and in conflict to a greater or lesser extent with the NPPF. The proposal is considered to accord with Policies DM1 and DM11, however is in part contrary to DM22 and LA18. Notwithstanding this, the NPPF is supportive of a mix of uses, including residential use, in Town Centres. Due to the design of the proposals, the development is considered to conserve and preserve the significance of the Listed Building, and it is considered the proposed use would ensure the long term

maintenance of the building and bring a public benefit of providing two dwellings, contributing to the 5 year housing land supply. Furthermore, the development is considered to conserve the character and appearance of the Conservation Area and the significance of nearby Listed Buildings, and would preserve the character and appearance of the street scene. The impact on neighbouring residential amenity has been considered, and on balance, is considered acceptable. Other material considerations have been addressed and the development is considered acceptable in this regard. Consequently, having had regard to the tilted balance engaged by Paragraph 11 of the NPPF, for the reasons outlined above, it is considered that the disbenefits of the application do not significantly and demonstrably outweigh the benefits of the development. Subject to the conditions suggested below, it is considered, on balance, that the proposed development would accord with the aims and objectives of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Recommendation

- I PLANNING PERMISSION BE GRANTED (for DOV/21/01201) subject to conditions: (1) Standard time condition, (2) list of approved plans (3) scheme of sound insulation between the commercial and residential parts of the development be submitted (4) the development be carried out in accordance with the recommendations of the submitted Flood Risk Assessment (5) Any relevant Environment Agency conditions.

LISTED BUILDING CONSENT BE GRANTED (for DOV/21/01202) subject to conditions:

(1) standard time condition (2) list of approved plans (3) samples of external materials to be submitted – including tiles to be used on elevations and roof (4) joinery details for the proposed windows (5) details of the roof construction – eaves, verges, hips, ridges, valleys (6) details and profiles of rainwater goods (7) details of rooflights

- II KCC Highways and Transportation Informative and Southern Water Informative and Southern Water contact information informative
- III 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