

a) **DOV/21/00274 – Erection of 44 dwellings with associated access, parking, open space, landscaping, drainage and infrastructure - Land at Archers Low Farm, Sandwich**

Reason for report: Due to the number of contrary views.

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the district must comply with the Settlement Hierarchy.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development of 15 or more dwellings should provide 30% of the total homes proposed as affordable homes.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon the characteristics of an area, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of or adversely affect the character or appearance of the countryside will only be permitted where it is in accordance with allocations in Development Plan Documents, is justified by the needs of agriculture, is justified by the need to sustain the rural economy or it cannot be accommodated elsewhere.
- DM16 - Development that would harm the character of the landscape will only be permitted if it incorporates any necessary mitigation measure.

Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

Draft Local Plan (Regulation 18)

- 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.

National Planning Policy Framework (NPPF)

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where an LPA cannot demonstrate a five year housing land supply), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance (set out in footnote 7) 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
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Chapter five of the NPPF confirms that the Government's objective is to significantly boost the supply of homes and requires authorities to seek to deliver a sufficient supply of homes, based on a local housing need assessment. The size, type and tenure of housing for different groups in the community should be assessed and reflected in policies. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless:
 - 1. off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - 2. the agreed approach contributes to the objective of creating mixed and balanced communities

Local Planning Authorities should identify a five year supply of specific, deliverable sites and identify more broadly supply beyond this.

- Chapter eight encourages development to aim to achieve healthy, inclusive and safe places by, amongst other things: promoting social interaction; allowing easy pedestrian and cycle connections; providing active street frontages; supporting healthy lifestyles; and ensuring that there is a sufficient choice of school places to meet the needs of existing and new communities. Of particular importance to this application is the promotion of safe and accessible green infrastructure and sports facilities. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

- the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- Chapter nine promotes sustainable transport, requiring that the planning system should actively manage patterns of growth in support of this objective; although opportunities to maximise sustainable transport solutions will vary between urban and rural areas. 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.
- Chapter eleven requires that land is used effectively, having regard for: the need for different types of housing and the availability of land suitable for accommodating it; local market conditions and viability; the availability and capacity of infrastructure and services (including the ability to promote sustainable travel modes); the desirability of maintaining an areas prevailing character; and the importance of securing well-designed, attractive and healthy places. Where there is an anticipated shortfall of land to meet identified need, low densities should be avoided.
- Chapter 12 states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. Planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way

it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

- Chapter fourteen requires that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk. Development should be directed away from areas at the highest risk of flooding. Major development should incorporate sustainable drainage systems unless there is clear evidence that this would not be appropriate.
- Chapter fourteen requires that planning decisions should contribute to and enhance the natural and local environment by:
 - a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- Chapter sixteen requires that applicants describe the significance of any heritage assets affected by the development, including any contribution to their setting. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Account should be taken when determining applications of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

The Kent Design Guide and National Design Guide

- These guides provide criteria and advice on providing well designed development.

d) **Relevant Planning History**

There is no planning history directly relevant to the determination of the current application.

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

Most recent comments (relating to the scheme before members). Previous comments relating to earlier iterations are available online.

Sandwich Town Council

Objection. The site is an integral part of the unspoilt countryside that wraps around this part of Sandwich and as a result makes a significant contribution to the town's setting. The construction of dwellings and the formation of a new access onto Sandown Road would constitute an unwarranted intrusion on the countryside to the detriment of the sensitive landscape setting of this part of town. The retention of the trees on the site, even if associated with a buffer area, and coupled with the retention of farming and woodland uses nearby, would not be able to mitigate the visual harm to an acceptable extent. There are already significant traffic problems on St. George's Rd and Sandown Rd that cause obstructions and gridlock. The site was removed from a previous Local Plan in 2013 by the Planning Inspector and nothing has changed to make this site suitable for proposed development. There are inconsistencies regarding the tree report and ecology. Root protection area concerns remain, post pressure for tree works. Loss of habitat. Fail to see how the biodiversity measures proposed would result in biodiversity net gain, the proposed biodiversity enhancements at the site are open to question. This is an unsuitable site for development as building will disrupt the natural diversity which exists on the site with its wide belts of trees, grassland and all their associated habitats. As the site is only 200m from the Thanet Coast and Sandwich Bay Special Protection area the development potentially degrades these habitats through the loss of a natural habitat which is so close. The town council request that the application be refused.

Kent Highway Services

The proposals are likely to generate around 22 two-way vehicle movements in the network peak hours, with around 6 of these being via Sandown Road and the town centre to the west of the site, and around 16 being via St George's Road and New Street/Dover Road to the south. Whilst Sandown Road and St George' Road are both subject to on-street parking restricting the flow of traffic to single-way in some sections, there are other regularly-spaced areas allowing two-way flow and the additional trips will therefore not have a severe impact on the operation of the highway. The impact of the additional trips at the St George's Road/New Street junction and the level crossing south of this has been assessed and is not severe, with the junction still operating within capacity and an addition of only one or two vehicles to the queue at the crossing when it is in operation.

An acceptable access with suitable visibility can be achieved in Sandown Road. An additional pedestrian route is provided to St George's Road together with an uncontrolled pedestrian crossing, providing a more direct route to the nearby school and railway station. The access proposals have been subject to an independent safety audit, and the works within the existing highway will be carried out by the developer through a separate s.278 agreement with the Highway Authority.

Sufficient parking is provided within the site in accordance with policy DM13. It should be noted that whilst not a reason to object to the proposals in highway terms, the internal roads are not currently acceptable for adoption due to the outstanding matters further below, and the roads would therefore remain private.

No objections raised to the proposals in respect of impact on the highway network and provision of suitable access, subject to conditions.

Highways England

Referring to the planning application referred to at land at Archers Low Farm, in the vicinity of the A2 (which forms part of the Strategic Road Network), notice is hereby permitted given that Highways England's formal recommendation is that we a) offer no objection, on the basis that we are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in MGCLG NPPF 2019 Para 108-11 and Dft Circ 02/13 Para 8-11).

Kent Country Council Lead Flood Authority

Having reviewed the latest information received and given that the principles proposed for dealing with surface water remain largely as previously approved but with a reduced impermeable area we have no objection to the application.

We would advise that the connection point and discharge rate will need to be confirmed as acceptable with southern water. A condition is recommended before any phase that development shall not begin until a sustainable surface water drainage scheme has been submitted and approved. In addition to this, a further condition should be imposed on any approval setting out 'No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority'.

Southern Water

The exact position of the public foul rising main must be determined on site by the applicant before the layout of the proposed development is finalised. conveying features should be located within 5 metres of a public foul rising main. 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.

In order to protect public sewers, Southern Water requests that if consent is granted a condition is attached to any permission to ensure the protection of public sewers. Furthermore, the initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Southern Water has undertaken a desktop study of the impact of the proposed development on the existing public surface water network. The results of this assessment indicate that with a connection at the "practical point of connection", there is an increased risk of flooding if the proposed surface water run off rates are to be discharged at proposed connection points. At Planning Consultation stage, we refer to the interests of other Parties with regards to Surface Water disposal principles including the Environment Agency and Lead Local Flood Authority (LLFA). If connection to a combined sewer proves to be the only viable means of disposal and should we have no option but to accept such discharge, then it should be at a discharge rate set by the LLFA in consultation with Southern Water. A further condition should be imposed in this respect.

The planning application form makes reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity.

Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should: - Specify the responsibilities of each party for the implementation of the SuDS scheme. - Specify a timetable for implementation. - Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

The design of drainage should ensure that no groundwater or land drainage is to enter public sewers. We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. should ensure that no groundwater or land drainage is to enter public sewers. Our investigations indicate that Southern Water can facilitate water supply to service the proposed development.

Kent County Council Economic Development

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests. These tests have been duly applied in the context of this application and gives rise to the following specific requirements. In addition, wheelchair accessible dwellings and a broadband condition.

The following contributions should be secured per dwelling.

- Primary education – towards the expansion of primary schools in Sandwich and Eastry. £4642.00
- Secondary education – towards expansion of selective and non-selective secondary schools. £4540.00
- Community Learning – Towards equipment, resources and classes at Deal Adult Education Centre. £16.42
- Youth Service - Towards addition resources and services for Dover youth services at District Youth Hub, Deal. £65.50
- Library Bookstock – Towards additional resources, equipment and stock – Sandwich Library. £55.45.
- Social Care - Towards specialist care accommodation, assistive technology systems, adapting community facilities, sensory facilities and changing places within Dover District. £146.88
- Waste - Towards works at Dover HWRC to increase capacity. £54.47

Please note that these figures:

- are to be index linked by the BCIS General Building Cost Index from April 2020 to the date of payment (Apr-20 Index 360.3)

- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

Kent and Medway Clinical Commissioning Group

This proposal will generate approximately 128 new patient registrations based on the dwelling mix provide. The proposed development falls within the current practice boundaries of Sandwich Medical Practice and Ash Surgery.

There is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises. Whilst it is not possible at this time to set out a specific premises project for this contribution we can confirm that based on the current practice boundaries we would expect the contribution to be utilised as set out above. Any premises plans will include the pooling of S106 contributions where appropriate.

The CCG is of the view that the above complies with the CIL regulations and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services.

Please note that for any s106 contributions secured by the CCG, the legal agreement should detail NHS England and Improvement (NHSE/I) as the recipient of the funding.

KCC Ecology.

We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If planning permission is granted, we advise that a condition securing the implementation of a biodiversity method statement and ecological enhancements is attached.

Developer Contributions will need to be provided to mitigate against recreational pressure on a Special Protection Area due to the increase in dwellings within the zone of influence; Therefore, we advise that due to the need for the application to contribute to the Strategic Access Management and Monitoring Strategy (SAMMS), there is a need for an appropriate assessment to be carried out as part of this application.

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Therefore, Dover District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMS, there is a need for an appropriate assessment to be carried out as part of this application.

We have reviewed the ecological baseline and proposed mitigation as outlined within the submitted ecological report. We are satisfied with these measures in principle, however, would advise that these measures are bought together into a biodiversity method statement and secured as a condition of any granted planning application; suggested wording is provided at the end of this document.

Bat surveys found evidence of roosting serotine, brown long eared, and soprano bats within the building south of the site. A European protected species mitigation (EPSM) licence will be required to carry out the proposed development due to the impacts upon roosting bats. The Conservation of Habitats and Species Regulations 2017 requires Dover County Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Dover County Council must consider whether it is likely

that an EPSM Licence from Natural England will be granted, and in so doing must address the three tests when deciding whether to grant planning permission for the proposed development. We are satisfied, in principle, with these measures and consider it likely that a licence could be achieved. We advise that these measures are included as a condition of any granted planning application (included within the biodiversity method statement).

Reptile surveys have been undertaken on site with a population of slow worm and common lizard recorded as being present. A reptile receptor site has been proposed towards the south of the site with a methodology for displacement under ecological supervision. We are satisfied with these measures in principle, however, advise that these measures are secured as a condition of any granted planning application through a biodiversity method statement.

Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, then mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work, development must cease until after the juveniles have fledged.

We note the surveys undertaken for hazel dormouse which indicate likely absence. Therefore, no further surveys or mitigation measures are required.

We advise that measures to enhance biodiversity are secured as a condition of planning permission if granted. This is in accordance with Paragraph 175 of the NPPF "opportunities to incorporate biodiversity improvements in and around developments should be encouraged".

Dover District Council Tree & Horticulture Officer

Concerns are raised in respect of the redesign of the access road and encroachment into the root protection zone of T12 (pine) which was agreed to retain. There are no details about the AIA and the encroachment of 20% into the RPA does not comply with the recommendations of BS5837. The AIA report suggests that the Arboricultural Method Statement once approved, but this should be received prior to determination.

It has been noted that the tree has historically been located adjacent to a ploughed field which would have an influence on its rooting growth, and that BS5837:2012 is meant for guidance and recommendation, but I am of the opinion the details provided in the AIA are too vague. The information supplied is not sufficient to demonstrate that the encroachment into the RPA is feasible and not likely to have an adverse effect on the tree.

In respect of the layout, despite slight amendments to the size of the gardens, it is highly likely there will be post-development pressure for works to or felling of these trees. Whether the fencing of the rear section of the garden to protect trees in practice is questioned. Post development pressure on trees is not mentioned in the AIA.

There is no mention of what the proactive management of the tree belts would involve and how that would improve health, structural diversity, and biodiversity.

Proposed tree planning cannot be substituted for mature woodland, certainly not for many decades, even if established and management are good.

Dover District Council Housing Manager

The applicant has sought advice from DCC in relation to the affordable housing units types and sizes which have a proven need and demand in this location. The applicant has amended their plans to take account of the information provided and has provided a policy compliant application. There is a high need and demand for affordable rented properties of all sizes in Sandwich, and there is a particular need for flats. This application proposes affordable rented

flats and houses with 1, 2 and 3 bedrooms. This will contribute towards meeting the local affordable housing need. The application also proposes 2 and 3 bedroom houses for shared ownership, which will meet the needs of first time buyers who are unable to afford to buy a property outright in the local area. Since making this comment, the Council have released a First Homes Position Statement in response to the Governments requirements in relation to the introduction of the First Homes affordable home ownership product, and the new Shared Ownership model. The information provided by the applicant does not indicate which of the affordable properties will be First Homes, and some clarity is required in this respect. The tenure split of the affordable housing element of the scheme should now be: 25% First Homes (2 bedroom houses) 20% Shared Ownership 55% Social / Affordable rent

Dover District Council Senior Environmental Health Officer

Further to my earlier comments dated 26th March 2021 I have reviewed the Phase I/II Geoenvironmental Assessment (Gemco R01: Issue 1 Jan 21). The report examines the potential for contaminated land to impact on the development and the conceptual site model developed and reported on.

Overall the risk to future occupiers was considered to be low/very low and site considered suitable for development. EP concur with these findings. I would therefore recommend a suitable condition securing the above is included in any decision notice.

KCC Senior Archaeological Officer

The proposed development site is located to the south-east of the historic port town of Sandwich and lies just outside the Sandwich Walled Town Conservation Area. As such you may wish to discuss the application with your council's conservation officer in respect of any potential impacts on the townscape of medieval Sandwich and the setting of the conservation area.

The application is accompanied by an archaeological desk-based assessment which was prepared by RPS on the applicant's behalf. The desk-based assessment is somewhat superficial in its nature, and I am not in full agreement with some of the conclusions reached. Archaeological background. The proposed development site lies on an area of slightly raised ground (at about 4m aOD) on the southern edge of the former Sandwich Haven an area of once open water, sheltered from the open sea by the Deal Spit/Pepperness at the mouth of the Wantsum Channel. Archaeological evidence from the Archers Low/Sandown area suggests an extensive site developed here in the Late Iron Age, perhaps as a centre for coastal trade. Large numbers of Iron Age coins have been recovered from the area, including several from the application site itself. Historic map regression suggests the presence of historic trackways converge of the waterfront in the Sandwich area, including a branch from the Roman road at Eastry towards the Sandown area and a trackway heading northwards from the Iron Age/Romano-British site at Worth. Based on pottery and coin evidence it is suggested that the Iron Age/Romano-British settlement here peaked in the period c 50 BC to AD 80, after which it would be eclipsed by the major Roman settlement At Richborough (about 2.7km to the north-west). Nevertheless, Roman-British activity and occupation appears to have continued in some form in the Archers Low/Sandown area into the fourth century AD. It has been postulated, although it remains unproven, that the early medieval precursor to medieval Sandwich may have been located in the area of the proposed development, albeit to date the only archaeological evidence to support such a hypothesis is the discovery of a few scattered sherds of early medieval pottery.

The applicant's desk-based assessment suggests that the site has a moderate to high potential for archaeological remains of Late Iron Age and Romano-British date. The archaeological background above suggests that such remains may be associated with a coastal trading settlement/port that covered a relatively extensive area. This being the case it is possible that any archaeological remains present could be of greater significance than is

suggested in the applicant's desk-based assessment. Similarly, if archaeological evidence were present to support the hypothesis of an early medieval coastal settlement to support the ecclesiastical and royal site at Eastry then such remains would be of considerable archaeological interest. I therefore recommend that provision be made in any forthcoming planning consent for a programme of archaeological (including geoarchaeological/palaeoenvironmental) evaluation to be carried out, followed by appropriate measures for the safeguarding or further investigation and recording of archaeological remains.

Kent Police

Previously, one of our main concerns was the proposed play area which we believed may have had a detrimental effect on the existing properties in the area. We can see from the amended plans, that this concern has been addressed with a landscape buffer. Please can we request this buffer be dense and a prickly species to prevent individuals hiding themselves and articles of crime in these areas.

Perimeter, boundary and divisional treatments are in line with SBD guidance. However, we still have reservations over the route between plots 42-43. Routes such as this can attract ASB and provide areas of concealment for criminal activity. We recommend this route either be removed from the plans of secure gates for the use of residents only.

Parking – We continue to have concerns over rear parking courts proposed for plots 39-44. Whilst we do understand that many applicants prefer not to have parking bays at the front of plots due to aesthetic reasons, parking courts result in an increase of vehicle related crimes if they are not secured, lit or overlooked. We require all parking areas to have natural surveillance from active windows before we can support his application.

Lighting – Please note we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer particularly where a lighting condition is improved, to help avoid conflict and light pollution.

Cycle Storage is lockable, as previously requested. For further security we recommend an SBD or sold secure ground/wall anchor.

Public Rights of Way

No comments to make

Public Representations

At the time the report was written, 460 letters of representations have been received, of which 450 are objections and 7 are in support and 3 are neutral. These comments are summarised below:

- Site is allocated in the LALP for residential development with an estimated capacity of 40 dwellings, this application refers to 44 dwellings
- This site should not be allocated
- Determination should not precede the outcome of the Local Plan
- Other allocations in Sandwich are in a different 'landscape' (LA14 and LA16)
- Brownfield sites should be built upon, not greenfield/arable farmland
- In 2012 the planning inspector refused the allocation of a scheme and it was removed from the Development Plan
- Unsustainable development
- Could result in further developments, urban spawl.
- Lack of infrastructure to accommodate the additional houses (doctors, schools etc.)
- No benefit to local community
- Water scarcity (hose pipe bans and low water pressure)

- Adverse impact on highway safety/greater risk of accidents
- Traffic assessment conducted during lockdown and its conclusions are rejected
- Inadequate footpaths
- Additional parking pressure
- Congestion
- Lack of public transport
- Inadequate visibility
- Emergency vehicle access inadequate
- Loss of trees including TPO's
- Adverse impact on the countryside
- Loss of green space
- Poorly-designed housing
- Out of character with the properties within St Georges Road
- Architectural vernacular is out of keeping
- Density too high
- Erosion of boundaries of settlements
- This is an area of great importance to the setting of Sandwich (ratified by the Inspectorate of Planning)
- The site would be prominent in winter from Sandown Road/lack of screening
- Harm to wildlife, habitat and biodiversity
- Natural Environment and Rural Communities Act 2006 duty to have regard for conserving biodiversity
- Replanting trees, does not compensate for loss of mature/wild woodland
- There is a need for wildlife corridors
- Increase on visitor pressure on Sandwich Bay SPA (DM Policy 40)
- The SBBO (Sandwich Bay Bird Observatory) should be consulted
- Impacts on birds (Bird surveys only completed during the summer; site is on a migration path, displacement of birds)
- Harm to residential amenities
- Sandwich is a medieval town
- The site is a vital green space
- Environmental concerns and carbon footprint
- Negative impact on mental health
- Difficulties insuring houses
- Flooding risks (site bounds FRZ's 2 and 3, surface water and sewerage capacity)
- Refuse collections
- Building affordable homes, pushes house prices up
- Additional pollution
- Size of houses, would not allow first time buyers
- No explanation of how local houses will be addressed.
- Lack of mobility accessible homes
- Archaeological impact
- Light Pollution
- No need for more housing (reducing housing need and 176 dwellings being built in Sandwich)
- Problems with social distancing
- Harm to the safety of school children
- Lack of community engagement

Neutral comment

- The land is away from the conservation area:

- Only 44 proposed dwellings, reasonable development:
- Good road network:

Support

- Sandwich needs more housing:
- Additional income to the area:
- Young people need houses:

- f) 1. **The Site and the Proposal**
- 1.1 The application site is located on the south eastern edge of Sandwich, adjacent to the settlement confines of the town, within an Area of Archaeological Potential and Flood Zone 1. The site is within an accessible location, being able to walk into the town and public transport (namely Sandwich train station and bus stops). Sandwich benefits from a range of shops, doctors, surgeries, a dentist's surgery, schools, employment and other facilities and services. The town also has good quality, frequent bus and rail services.
- 1.2 This application relates to a rectangular shaped area of former agricultural land, which has more recently been left to grass, enclosed by numerous trees. There is a mixed woodland (the subject of a TPO) to the north eastern edge of Sandown Road, continuing along the south eastern boundary. Along the north west of the boundary is additional screening (which do not benefit from a TPO). There are 10 juvenile English Oaks (the subject of a TPO) along the south western boundary separating the properties within St Georges Road and the application site.
- 1.3 There are a number of redundant buildings on the site associated with the sites former agricultural use and telephone mast. To the south eastern boundary of the site (outside of the application site) is a small vehicle track connects to Sandown Road
- 1.4 The properties within St Georges Road are a mixture of different architectural styles and designs.
- 1.5 The original application submitted was for 52 dwellings on this site, however following some amendments, the applicant is now proposing the erection of 44 dwellings with associated access, parking, open space, landscaping, drainage and infrastructure.

2. **Main Issues**

- 2.1 The main issues are:
- Principle
 - Housing Mix and Affordable Housing
 - Character and Appearance
 - Residential Amenity
 - Highways
 - Ecology
 - Habitat Regulations
 - Contamination
 - Drainage and Flooding
 - Development Contributions
 - Archaeology
 - Other Matters
 - Planning Balance

Assessment

Principle

- 2.2 Before considering the principle of the development, it is necessary to consider the impact that the publication of the Regulation 18 plan has on the assessment of this application. The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this 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.
- 2.3 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 is the development plan, unless material considerations indicate otherwise. The starting point for the assessment of applications is replicated at Paragraphs 2 and 12 of the National Planning Policy Framework (NPPF). An important material consideration is the NPPF which, broadly, seeks to achieve sustainable development. Notwithstanding the primacy of the development plan, paragraph 11 (c) and (d) of the NPPF states that development which accords with an up-to-date development plan should be approved without delay whilst, where there are no relevant development plan policies or where the policies are out-of-date, permission should be granted unless:
- i. the application of policies in this Framework that protects 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.

In assessing point (i) above, the 'policies' referred to are those relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

- 2.4 Having regard for paragraph 11, it is necessary to consider whether the development plan is up-to-date and whether the policies which are most important for determining the application are out-of-date, permission should be granted unless policies in the NPPF for protected areas or assets provide a clear reasoning for refusing the development or where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF as a whole. A footnote confirms that whether policies are out of date also include instances where the local the local planning authority cannot demonstrate a five year housing land supply or where the delivery of housing falls below 75% of the housing requirement in the previous three years.
- 2.5 It is considered that policies CP1, CP4, CP6, DM1, DM5, DM11, DM13, DM15 and DM16 are the 'most important' policies for determining this application. For completeness, the tilted balance is not engaged for any other reason, as the council has a demonstrable five year housing land supply (6.35 years worth of supply) and have not failed to deliver 75% of the housing delivery test requirement (delivering 88%).

- 2.6 Policy CP1 sets out a settlement hierarchy and provides that “the location and scale of development in the district must comply with the Settlement Hierarchy”. Within this policy Sandwich has been identified as a Rural Service Centre, with the main focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to a wide rural area. CP1 is considered to be more restrictive than the NPPF and therefore attracts reduced weight. In this instance, the application site is adjacent to the confines and therefore is considered to comply with the aims and objectives of this policy.
- 2.7 Policy CP4 sets out that planning applications for residential development for 10 dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing mix in which they are located and develop an appropriate housing mix and design taking account of the guidance in the Strategic Housing Market Assessment and the need to create landmark, foreground and background buildings, vistas and focal points. The policy is generally considered consistent with the NPPF and is considered to continue to attract significant weight. Within Sandwich the dominant housing provision purpose is to reinforce and reflect the character of the area while taking any opportunities to improve design standards. How the development will respond to this requirement will be discussed later in the report.
- 2.8 Policy CP6 sets out that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time is needed. This policy is consistent with the aims and objectives of the National Planning Policy Framework and as such attracts full weight. In this instance, the reliable mechanism proposed would be a s106 legal agreement, the requirement from the appropriate consultees is set out below.
- 2.9 Policy DM1 generally seeks to restrict development which is located outside of the settlement confines unless it is justified by other development plan policies or it functionally requires such a location or is ancillary to existing development or uses. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF as the housing requirement has increased since the settlement confines were drawn, whilst the confines act to restrict housing supply. That said, it is noted that the housing Local Housing Need requirement has come down over the past year. However, it remains the case that this policy is considered to be out-of-date and, as a result, should carry only limited weight. In this instance, the proposed development is adjacent to the settlement confines and is therefore considered to be within the countryside, the development does not require such a location, nor would it be ancillary to existing development or uses and is therefore considered to be contrary to policy DM1 of the Dover District Core Strategy.
- 2.10 Policy DM5 sets out the Council will seek applications for residential developments of 15 or more dwellings to provide 30% of the total homes proposed as affordable homes, in home types that will address prioritised need. This policy is considered to be broadly consistent with the NPPF and attracts significant weight. The policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions, which is discussed at the end of the report.
- 2.11 Policy DM11 requires that, (1) applications which would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximise walking, cycling and the use of public transport. The policy also states that, (2) development that would generate travel will not be permitted outside of the settlement confines

unless justified by other development plan policies. Finally, the policy states, (3) Development that would generate high levels of travel will only be permitted within urban areas in locations that are, or can be made to be, well served by a range of means of transport. The blanket restriction imposed under (1) is contrary to the NPPF, albeit the remainder of the policy broadly accords with the NPPF. Whilst the policy is not considered to be out of date, it does attract reduced weight in this instance, having regard in particular to the relatively close proximity of this site to the town confines of Sandwich. Again, highway impacts will be discussed later in this report.

- 2.12 Policy DM15 resists the loss of countryside (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met, it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside as a blanket approach is more stringent an approach than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development. There is therefore some tension between this policy and the NPPF. Whilst it is not considered that this tension is sufficient to mean that the policy is out of date, it is considered that the policy attracts reduced weight. In this instance, the site is generally well screened by trees on three sides. Whilst a small proportion of the trees along the Sandown Road frontage would be removed for the site entrance, new tree planting is proposed as mitigation elsewhere. It is considered the proposed development would remain largely screened and as such, the proposal by this application would have limited impact on the character and appearance of the countryside. This will be discussed in more detail later in this report.
- 2.13 Policy DM16 requires that development which would harm the character of the landscape will only be permitted if it accords with a development plan allocation and incorporates any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level. Policy DM16 is considered to be consistent with the NPPF and is considered to attract full weight. The impact on landscape character will be addressed later in the report.
- 2.14 Policy DM1 is out-of-date, whilst CP1, DM11 and DM15 are to differing degrees in tension with the NPPF, albeit they are not considered to be out-of-date. DM1 is considered to be particularly important to the assessment of the application and it is therefore concluded that the basket of 'most important policies' are out of date and the 'tilted balance' described at paragraph 11 (d) of the NPPF is engaged.
- 2.15 Notwithstanding the tilted balance being engaged, it is concluded that the principle of the development is contrary to policies DM1, DM11 and DM15.

Housing Mix and Affordable Housing

- 2.16 The proposal would provide 44 dwellings comprising of one five bed, ten three-bed, nineteen four-bed open market dwellings, together with four one-bed, six two-bed and four three-bed dwellings. Policy CP4 of the Core Strategy requires that housing application for 10 or more dwellings identify how development will create, reinforce or restore the local housing market, particularly in terms of housing mix and density. Paragraph 3.34 of the Core Strategy identifies the broad split of demand for market housing, recommending: 15% one-bed; 35% two bed; 40% three-bed; and 10% four bed and larger (albeit this split has been superseded by more recent Strategic Housing Market Assessments). The proposal comprises the following market housing mix:

Number of bedrooms	% Market Proposed
One (x0)	0%
Two (x0)	0%
Three (x19)	63%
Four (x10)	33%
Five (x1)	4%

- 2.17 The affordable housing provision is (albeit affordable housing is not counted in the monitoring of policy CP4 in the AMR), as follows:

Number of bedrooms	% Affordable Proposed	% Proposed overall
One (x4)	29%	9%
Two (x6)	43%	14%
Three (4)	29 %	52%
Four (0)	0%	23%
Five (0)	0%	2%

Note: All the percentages are rounded up.

- 2.18 Whilst the recommended housing mix proportions are certainly not rigid, they should inform the housing mix proposed. It is also noted that the recent Authority Monitoring Reports advise that over monitoring period, one, two and three bedroom dwellings have been under-provided, whilst the number of four bedroom dwellings provided has significantly exceeded required need. The proposal would contribute towards the current disparities within the district, weighing against the development.
- 2.19 The National Planning Policy Framework sets out in paragraph 65 where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing is required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Policy DM5 of the Core Strategy requires that 30% of new dwellings are provided as Affordable Housing. As shown in the table above, the application is proposing just under 32% of the overall development to be affordable and therefore the proposal would accord with local and national requirements.
- 2.20 Concerns have been raised by local residents in respect of the desire to provide genuine affordable housing for local people to work in, but the proposal has a large number that will be beyond affordable. During the process the applicant has sought advice from Dover District Councils Housing Manager in respect of the affordable housing unit types and sizes which have a proven need and demand in this location. DDC's Housing Manager has set out that "there is a high need and demand for affordable rented properties of all sizes in Sandwich, and there is a particular need for flats. This application proposes affordable rented flats and houses with 1, 2 and 3 bedrooms. This will contribute towards meeting the local affordable housing need. The application also proposes 2 and 3 bedroom houses for shared ownership, which will meet the needs of first time buyers who are unable to afford to buy a property outright in the local area. That said, there is a lack of clarity from the applicant in respect of which of the affordable properties will be first homes, however, the exact properties and tenure split can be addressed within the legal agreement". The proposed mix of dwelling sizes meets the needs within the area and, as such, subject to the precise

tenure mix and the delivery of these dwellings being secured by legal agreement, it is considered that the development accords with policy DM5.

Character and Appearance

- 2.21 The application site is located to the east of Sandwich and is, for the most part, undeveloped comprising former agricultural land. Land to the west is residential and to the north, east and south is a patchwork of fields and tree belts/hedgerows. Along the northeast southwest axis is an existing access track with a store and derelict outbuildings. There is an additional, unused, access located off St Georges Road. The field is bounded on all sides by trees of a mixture of ages, species, condition and character. St Georges Road is linear in appearance with properties and their amenity spaces backing onto the application site. Directly opposite the access track onto Sandown Road is a property known as 'Poplar Farmhouse'.
- 2.22 Paragraph 130 of the National Planning Policy sets out that 'planning decisions should ensure that developments function well and add quality of the area, not just for the short term but over the lifetime of the development'. Furthermore, developments should be visually attractive as a result of good architecture, layout and appropriate and effect landscaping. The application site is an edge of village settlement and as such any future development should provide a soft transition from the town into the countryside and respond well to the local spatial characteristics.
- 2.23 The original submission was for the erection of 52 dwellings with a spinal road through the middle of the site with properties arranged around cul de sacs along the north western boundary. Concerns were raised over the density of the proposed scheme as it was considered to have an adverse impact on trees and resulted in a design with a poor layout. The development has now been reduced to 44 dwellings. Excluding the Reptile Receptor Site, the site is approximately 2ha (the emerging Local Plan measures the site to be 2.19ha), albeit the north western, north eastern and south eastern boundaries and the access to St Georges Road are not developable due to the presence of trees and/or the shape of the site. Excluding these areas, the developable parts of the site equate to around 1.4ha. The density of the development across the 2ha equals approximately 22 dwellings per hectare (dph), whilst across the developable part of the site the density would equal approximately 31dph. Policy CP4 of the seeks development to exceed 40dph (net) wherever possible and advises that densities of less than 30dph (net) will seldom be justified. In this case, the net developable area would contain around 31dph. Whilst this is a relatively low figure and is viewed in the context of a site where the significant areas would remain undeveloped, it is considered that this density is derived from the characteristics of the site and the wider area. The site is in an 'edge of settlement' location, where density must respond to the transition between built form and countryside. With these constraints in mind, the emerging Local Plan has an estimated capacity of 40 dwellings, indicating that a lower density would be appropriate in this location. For these reasons, subject to the detailed assessment of visual impacts, the proposed number of dwellings on the site is considered to be appropriate.
- 2.24 Regard must be had for the potential viewpoints of the site from surrounding vantage points. Principally, the development will be seen from Sandown Road along the frontage of the site. Much of this view would be filtered by the retained trees along this frontage, although views through and between trees would be gained, whilst the access road would be fully visible and would permit unobstructed views into the site. From further along Sandown Road to the east some views of the site can be gained over and through the hedges which bound the road, with the hedge becoming sparse in places. Clear views towards the site are possible from a wide farm access and

between the buildings to the east of Poplar Farmhouse. These views are, however, restricted by the trees and vegetation around the site itself. From St Georges Road, to the north-west, the houses along the road screen most views of the site. However, views of the site can be gained between buildings and, where buildings are single storey, over roofs. Views of the site are also gained along the gap in development which is proposed to provide the pedestrian link between the site and St Georges Road. The site is not visible to any significant degree from public vantage points to the south.

- 2.25 Amendments have been made to the scheme during the course of the application. The scheme as originally submitted had a significant impact on some areas of trees within the site, whilst the layout was considered to be too suburban in character. The amended scheme which is before members has reduced the number of units, moved dwellings away from the boundaries of the site and amended the layout to create a more organic character. The buildings proposed along the Sandown Road 'frontage' would be set behind the retained tree belt. Units 1 and 40 to 44 would face towards Sandown Road, presenting an attractive built environment to this important viewpoint. The buildings would be staggered to break up this 'frontage' and soften the visual impact of the development. Moving into the site, the dwellings would continue the organic character through variations in the orientation of buildings and the depth of front gardens, such that the enclosure of the street fluctuates as you move through the development, referencing the character of parts of Sandwich and villages in the vicinity. The scheme has also sought to avoid a highway dominated layout, by ensuring that the roads within the development do not appear overengineered, varying in width and surface finish. Within the 'Feature Square', the road would run through a larger space, being defined by surface material and being contained by trees. Several cul-de-sacs are proposed in a variety of forms, with courtyards and shared surface lanes continuing the 'edge of settlement' character. The buildings would be set away from the north western boundary of the site behind retained trees. Whilst the roofs of some of these buildings would be visible in the gaps between and over the buildings on St Georges Road, it is not considered that they would be prominent in views or appear out of context with the residential character of the road.
- 2.26 The buildings would all be two storeys in height. Whilst there are some single storey dwellings on St Georges Road, the majority of the dwellings in the area are two storeys in height. Having regard for the existing character of the area it is considered that the proposed scale of the dwellings is appropriate for this edge of settlement location. Furthermore, given the height of vegetation to be retained, views of many of the buildings would be partially softened, reducing the visual impact of the development more generally.
- 2.27 Each dwelling is individually designed, albeit some are variations of other houses within the development. This variety responds to the variety found in the neighbouring areas of Sandwich, where each property or small group of properties are of a bespoke design. That said, there are common features to many of the proposed houses which give the development a shared character. Many of the properties would have projecting bays and open porches or canopies. Gables are typically finished with barge boards and, in some instances decorative timber detailing. Where pitched roofs extend beyond the front elevation of houses, they are supported by visible rafter 'feet'. Windows are generously sized and, dependent on the exterior material of the dwelling, have headers and/or window cills. Some houses would include a chimney. Whilst many of these do not appear to be functional, they do add to the interest of the roof scape. The dwellings would be finished in a mixture of red brick, multistock brick, hanging tiles and render, under a mixture of red and black/grey tiles. Overall, the design of the dwellings is considered to be well conceived, producing a high quality development. Key views

through the development would be punctuated by visually interesting front elevations or dwellings set at angle presenting well detailed elevations.

- 2.28 Concerns have been raised by third parties regarding the developments impact on the trees within the site and adjacent to the proposed development. Linked concerns regarding ecology will be discussed separately later in this report. The site is a roughly rectangular field which is surrounded on two sides by belts of mature or late-mature woodland and along the north-west side are 10 juvenile oaks, an Atlantic Cedar and a Pine. These are all subject to Tree Preservation Orders. Along part of the south western boundary and extending along the track between the site and St Georges Road are a group of trees and other vegetation which is not the subject of the TPO.
- 2.29 The applicant has provided an updated Arboricultural Impact Assessment based on the amended scheme for the 44 dwellings. The report confirms that the proposed development would require the loss of twenty one trees individual trees and the loss or partial loss of trees within groups 4, 5, 6, 10 and 11. This would include the removal of some of the TPO woodland area along Sandown Road to facilitate the provision of the entrance road. Of these trees, the applicants report considered that: two individual trees and the trees lost in Group 5 are classed as Category U trees; two individual trees and the trees lost in Groups 4 and 6 are classed as Category C trees; eleven individual trees and the trees lost in Group 11 are Category B trees; and six individual trees and the trees lost in Group 10 are Category A trees. A plan showing the trees which would be lost will be shown to the committee. The report also advises that the development would have the potential to impact upon some of the retained trees, due to encroachment into Root Protection Areas and the location of paths and the construction access, albeit mitigation is recommended to reduce these potential impacts. Finally, the report advises that works would be required to several groups of trees (Groups, 6, 7, 9, 10 and 11) and one individual tree, principally to raise the crowns of trees and reduce the crowns to provide clearance to proposed dwellings and to reduce windloading. In order to try and mitigate against the loss of trees, the applicant is proposing the creation and management of a new woodland on land to the south east of the site, covering an area of around 1,600sqm.
- 2.30 It must be noted that objections have been received from third parties regarding the loss of and impact on trees. This includes the submission of a representations from an arboriculturist employed by residents.
- 2.31 The councils Tree and Horticultural Officer (the Tree Officer) has provided advice regarding the impact of the development on the trees within the site. These comments made have had regard for the applicants tree reports as well as the comments from, and on behalf of, third parties. The Tree Officer has raised concerns with the developments impact on the trees within the site.
- 2.32 The site access would result in the loss of a mature Atlas Cedar (T11), as well as other trees within the tree belt along the Sandown Road frontage. A mature Pine (T12) would also be significantly affected, as the proposed access road would cause a significant encroachment into its root protection zone, (contrary to the recommendations of BS5837). The Tree Officer has advised that the Pine in particular possesses a high visual amenity value and its loss would be detrimental to the local landscape. Whilst the Tree Officer has suggested an alternative location of the access, the application has reached a point where a determination needs to be made on its current layout, rather than seek further amendments (the scheme having been amended previously to address other concerns, which has resulted in the access being relocated to its current location). The tree officer has criticised the lack of a detailed tree survey to precisely identify the trees which would be lost, with the applicants tree report citing

somewhere between 27 and 32 trees being lost. Being cautious, it has been assumed that the higher number of trees would be lost as a direct result of the development.

- 2.33 In addition to the trees which would be directly lost as a result of constructing the scheme, the development also has the potential to cause harm to and even the loss of trees due to construction activity and post development pressure. The tree officer has advised that the proposed dwellings are relatively close to trees on the boundaries of the site and consequently, scaffolding erected to enable construction could require trees to be cut back to enable access. The impacts during construction could be reduced through the inclusion of a condition requiring that development be carried out in a manner which avoids damage to the existing trees. Such a condition would ensure that trees are protected by fencing conforming to the relevant British Standard, that within the spread of branches there are no fires or storage of material or equipment, larger roots are not cut, ground levels under trees are not altered and trenches are not dug within root protection areas. It is also suggested that an Arboricultural Method Statement would need to be secured by condition, prior to any works taking place (albeit the Tree Officer would have preferred that this was provided at the application stage), whilst a construction management plan would be required to, amongst other things, ensure that suitable access routes are available for larger vehicles and that large or heavy vehicles are used and stored in areas which do not damage trees above or below ground (including by way of compaction of the ground). Whilst such conditions could not ensure that no damage is caused to trees (and this residual damage should weigh against the scheme) it would minimise the impact during construction. Post development, the Tree Officer has raised concerns regarding the proximity of trees to dwellings and their gardens. This is a point which is also raised by third parties, who have drawn attention to the limited size of some of the gardens and, consequently, averred that the occupiers of these dwellings would be particularly affected by trees in close proximity. Such pressure could lead to pressure to reduce or even remove these trees. The Tree Officer has identified properties to the north western boundary in particular, as the trees to the rear of these dwellings are mainly juvenile and therefore have the potential to become significantly larger, whilst the rear gardens of these dwellings are relatively small. Whilst I reach the conclusion that it would be reasonable to fence off the rear parts of the gardens of units 1-5, as proposed by the application (and that the retention of this fence and the removal of permitted development rights for outbuildings and rear extensions to these properties would meet the tests required of conditions), I concur with the Tree Officers conclusion that the development would still be likely to place some future pressure on these trees. Again, it is considered that this harm weighs against the development.
- 2.34 Having had regard for the advice of the Tree Officer and the well-articulated comments of third party comments, it is concluded that the development would result in the direct loss of a significant number of trees and would be likely to place additional pressure on trees both during construction and occupation. The consequential loss of and impact on trees would have a significant adverse effect on the visual amenity of the area, whilst trees are also intrinsically valuable in their own right, aside from their contribution to the visual amenity of the area.
- 2.35 Whilst the majority of trees would be retained, due to the significant number of trees which would, directly or indirectly, be lost or otherwise harmed, the application proposes the establishment of a new woodland on land within the ownership of the applicant. The woodland would be located to the south east of the site between Poplar Farmhouse and the proposed Reptile Receptor Site. The area would be planted with a mixture of native species, together with a small number of Pine, Norway Maple and Cedar, reflecting the mixture of trees present on the existing site, whilst providing species which may support wildlife in the area. This woodland, aside from the intrinsic

visual and ecological benefits of planting trees, would further screen the site in views from the east. The Tree Officer and third parties have rightly drawn attention to the fact that a newly established woodland would take many decades to become established and is not a like for like replacement (both in terms of visual amenity value and ecological value) for a mature woodland. Consequently, whilst this provision is welcomed, it does not fully mitigate the loss of trees within the site.

- 2.36 As set out throughout the preceding paragraphs, it is considered that the impact on trees and the wider visual impacts through the loss of trees is significant. Whilst some measures are proposed to reduce or mitigate this harm, significant harm remains. This harm carried weight against the development in the planning balance.
- 2.37 The development proposes a range of planting within the site to complement the existing vegetation around the peripheries of the site, as well as planting throughout the development. Within and around the existing areas of trees and within newly planted areas of grass, native and ornamental shrub planting, plug planting, wildflowers and bulbs would provide interest and enhance the character of the development as a whole. New hedges would be provided along the Sandown Road frontage and around south eastern boundary of the site. New hedges would also be planting within the development to provide a soft form of enclosure to private spaces. Forty four trees would be provided around the roads and footpaths of the development, with thirteen trees planted along the path to the southeast of the site and along the south western boundary and thirty one trees lining the roads through the development. Further trees would be planted in the proposed woodland. Overall, the density of tree planting throughout the development would, subject to the securing the provision and retention of trees of a reasonable size by condition, ensure a verdant and attractive development.

Residential Amenity

- 2.38 The site lies to the northwest of St Georges Road and to the northeast of Poplar Farmhouse, The Old Barn. There are a couple of properties sited to the west of the proposed track and trim trail.
- 2.39 Poplar Farmhouse and The Old Barn are separated from the site by an existing access track which runs along the northeast boundary and substantial screening (which is to remain). The main alteration to the residential amenities in respect of these properties would be the proposed woodland to the rear of the properties, with the proposed dwellings themselves a significant distance away. I am therefore satisfied the residential amenities currently enjoyed by the occupiers of these properties would remain largely unaltered and as such, the impact on these properties is considered to be acceptable.
- 2.40 Concerns have been raised by residents within St Georges Road, whose rear gardens back onto the site. The majority of properties have gardens of approximately 14 metres (measured from the rear elevations to the means of enclosure). Plots 1-5 of the proposed development and the proposed parking area directly behind the 158/156 St Georges Road are to have a double stack hedge planting along the dividing boundary, with the juvenile oaks (subject to TPO's) providing additional screening between the properties and the development. It is considered that, given the dividing distance between the existing and the proposed dwellings, the proposal would not result in any unacceptable loss of light, sense of enclosure or overlooking. The proposed development is considered acceptable in this instance. Furthermore, the existing trees, which are proposed to be retained would provide additional protection of residential

amenities (although as has been discussed, the retention in perpetuity of these trees cannot be guaranteed).

- 2.41 Careful consideration needs to be given to the occupiers of Harbury House, 152, 148, 146 and 142 St Georges Road as these properties all have a different relationship to the proposed dwellings, than the majority discussed above. Turning to Harbury House, the property is orientated at any angle due to its position on the corner of St Georges Road and has a large expanse of glazing within the rear elevation overlooking the site and a balcony at first floor. Plot 1 has been orientated to overlook the woodland to the front of the site, although there are windows proposed at first/second floor level looking towards St Georges Road, I am satisfied that given the orientation of both properties and the dividing distance, the proposed development will not adversely impact on the residential amenities of those occupiers of Harbury House. Again, retained and proposed screening would further reduce the impact of the development.
- 2.42 Occupiers within properties 152, 148 146, 142 St Georges Road have all raised concerns over the track and trim trail being positioned within close proximity of the dwellings. This issue was raised with the applicant during the course of the application, especially in respect of the jumping bars and parallel bars being within close proximately with the flank elevations of 152 and 148 St Georges Road. These have now been moved towards the plots 11 and 12 within the application site. In addition to this, a defensible hedge is to be planted along the boundary of 152 St Georges (this is a welcomed addition by Kent Police). Along the boundaries of 146 and 142 St Georges Road, the existing screening is to be retained, further limiting the potential impact on the residential amenities of these properties, which can be dealt with by condition.
- 2.43 Number 146 St Georges Road is a form of 'backland' development to the rear of St Georges Road, this property has a dividing distance of approximately 5.3 metres from the flank elevation of the dwelling to the boundary fence, whilst Plot 11 is proposed to be built within approximately 2 metres off this boundary. The proposed dwelling has been designed with a window at first floor serving an en-suite window. This window could create an unacceptable level of overlooking; however, this overlooking could be mitigated by a condition to ensure that the window is obscure glazing and non-opening to prevent any overlooking or an unacceptable perception of overlooking. Given the dividing distance separating these properties, it is considered the proposed development will not result in an unacceptable loss of light or sense of enclosure to 146 St Georges Road.
- 2.44 Turning to the living conditions of future occupiers, the proposed dwellings have been arranged to allow for reasonable separation between units with a back-to-back arrangement of approximately 20 metres. Whilst in some instances this distance would reduce, it is not considered that this would be so close that it would cause an unacceptable standard of accommodation, particularly in circumstances where dwellings are angled away from each other, and for this reason it is not considered the layout would result in an unacceptable level of overlooking, loss of light or sense of enclosure to future occupiers of the development, with a reasonable standard of residential amenities provided.
- 2.45 The proposed dwellings would have private amenity space, the exception to this rule is Plots 18-21 which are one-bedroom flats, however these have been designed to be within close proximity of the open space. All dwellings would be naturally lit and ventilated. It is not considered that any dwelling would be unacceptably impacted by noise or disturbance. The proposed pumping station would be 15m from the side elevation of the building containing Plots 18-21, in accordance with the advice received from consultees (albeit the bike and bin store is within the 15m separation distance).

For these reasons, it is considered that any living conditions for future occupiers would be acceptable.

- 2.46 The residential amenities of existing occupiers of the properties surrounding the site and the future occupiers of the dwellings proposed have been considered. It is concluded that the development is acceptable in these respects, subject to appropriate conditions to remove permitted development in respect of extensions, insertions of new windows, and any alterations within the roof slopes, to ensure that any such alterations can be assessed by the Local Planning Authority.

Impact on the Highway

- 2.47 Third parties and Sandwich Town Council have raised concerns regarding the safety of St Georges Road and Sandown Road. Many of the objections are in respect of the additional vehicular movements along St Georges Road, especially at the pickup and drop of times of the local school and by virtue of the agricultural vehicles and lorries which use the road. Furthermore, concerns have been raised over the junction from St Georges Road onto Sandown Road when the Sandwich Open is on and the timing of the traffic management plan being undertaken during covid times. Given the information that has been provided and the consistency of the comments, particular attention must be paid for how the road is operating at present and what impact the development would have on these existing issues.
- 2.48 KCC Highways questioned the applicants calculations regarding the application of the Covid correction factor (i.e. how reduced vehicle movements during Covid are accounted for in transport assessments), assumptions made for school trips, TEMPRO growth (i.e. increasing the assumed vehicle movements on the network to account for background increases caused by 'off-site' factors, such as other development in the area) and the actual timing and duration of the operation of the level crossing during the morning peak hour (prior to Covid restrictions if different from the current situation). To address this issue the applicant has used data collected by the Deal Road roundabout, which was completed prior to Covid, 'growing' it to the current year to account for changes for vehicle movements on the network over time and referencing this against new survey data for the Deal roundabout collected during the national lockdown. This approach has been accepted by KCC Highways and is considered to be a robust method for understanding existing movements on the network upon which to assess the impacts of the current application.
- 2.49 The proposed development has been modelled using the standard methodology (the nationally accepted TRICS which references actual data from similar comparison sites) based on the erection of 52 dwellings rather than the 44 dwellings now proposed and has been superseded by comments received by KCC Highways. The conclusion of the report is that the proposed development is likely to generate approximately 25 vehicle trips in the morning peak hour and up to 23 vehicle trips in the evening peak hour. A total of 246 vehicle trips could be expected across a 12 hour day, which equates to approximately 21 trips per hour on average. That said, in August 2021 KCC Highways commented on the proposal and noted the reduction to the 46 dwellings (this has been further reduced to 44 dwellings) and concluded the proposal would likely generate around 22 two-way vehicle movements in the network peak hours, with 6 of these being down via Sandown Road and the town centre to the west of the site, and around 16 being via St Georges Road and New Street/Dover Road to the south. Furthermore, the applicant has undertaken traffic surveys in respect of the Deal roundabout and provided details in respect of the clarification requested by KCC Highways on the actual timing and duration of the operation of the level of the crossing during the morning peak hour (prior to covid restrictions if different from the current situation).

The results of these surveys have led to KCC Highways being satisfied that 'the impact of the additional trips at the St George's Road/New Street junction at the level crossing south of this has been assessed and is not severe, with the junction still operating within capacity and an addition of only one or two vehicles to queue at the crossing when in operation.

- 2.50 St Georges Road and Sandown Road operate a 30 mph speed limit which would remain unchanged. Many of the public representations have raised concern regarding the use of St Georges Road, in particular in respect of the current on-street parking arrangements and congestion caused as a result. The applicant has provided a detailed plan clearly indicating the double yellow lines to the west of St Georges Road, dropped kerbs and restricted areas where the road is too narrow to park and the areas to be kept clear for school pick-ups and drop-offs and this was observed during the site visits. This information has been provided to KCC Highways who have acknowledged both of these roads do not currently have any road restrictions and do, in part, restrict the flow of traffic to single-way in sections, but there are other regularly-spaced areas allowing two-way flow and the additional trips will therefore not have a severe impact on the operation of the highway. Moreover, in respect of the concerns from residents in respect of the potential overspill of parking spaces that could be caused by the proposed development, the application proposes a level of car parking (and visitor spaces) in excess of the levels required by the councils Policy DM13. The National Planning Policy Framework sets out that planning permission should only be refused on highway grounds where the residual cumulative impacts on the road would be severe. As set out above, having taken advice from Kent Highway Services this not considered to be the case in this instance.
- 2.51 In response to concerns raised by third parties regarding impacts at school drop-off/pick up times, the applicant has provided details of trips associated with the school, demonstrating that 63 percent of the staff drive and 17 percent of pupils access the site via private car. Based on 1,010 pupils and 122 staff (the most up to date numbers available for the school), this indicates that approximately 174 pupils travel to the site via private car and 77 staff drive to the site. As is the standard practice when calculating the level of trips attached to a school site a number of assumptions have been applied to the above trips, such as: 70 percent of staff will arrive in the morning peak hour and 45 percent will depart in the afternoon peak hour; a sibling reduction factor has been applied which, based on other secondary schools in Kent, assumes that 50 percent of pupils travel with a sibling; at any one time five percent of pupils will be absent through illness or otherwise; and five percent of pupils will attend breakfast clubs and ten percent will attend after school clubs. Based on these assumptions this shows there would be 54 arrivals in the morning associated with staff, 118 arrivals associated with pupils being dropped off and 118 departures associated with parents leaving the school. A total of 171 movements to the school and 118 movements from the site. It was not considered necessary to consider the PM peak trips because these trips take place outside the network standard PM peak hour. These details have been provided to KCC Highways who have not raised any objection in this regard and therefore it is considered the cumulative impact on the roads is not considered severe and warrant a refusal on this basis.
- 2.52 There are two accesses proposed in respect of the proposed development, a vehicular access off Sandown Road and a pedestrian path off of St Georges Road. It is acknowledged that the existing access on St Georges Road is restricted due to its width and the visibility achievable in this location. Therefore, the vehicular access has been designed to access onto Sandown Road with visibility splays achieving the required 2.4m x 43m x 2.4m for a 30mph road. To achieve this a section of the woodland would need to be removed (this has been discussed earlier in the report)

and maintained at height of one metre to ensure there is no obstruction. The proposed access would allow the free flow of two-way traffic in and out of this junction at anytime, whilst the applicant has demonstrated through the provision of swept path drawings that the access would be suitable for refuse lorries and the fire brigade. Sandown Road has the benefit of a footpath running along the outside of the proposed development and therefore careful consideration has had to be given to the use of the existing pedestrians using the footpath and pedestrians going to and from the proposed development. The applicant is proposing a continuation of the existing footpath with a 1.8 metre wide footway on each side of the carriage way sweeping round into the site, which would transition into a shared surface further into the development. At the Sandown Road junction the proposed footpath would incorporate drop kerbs and tactile paving to cross across the proposed entrance to the site. KCC Highways are satisfied suitable visibility can be achieved within Sandown Road, with the access proposed having been the subject to an independent safety audit, and the works within the existing highway will be carried out by the developer through a separate s.278 agreement with the Highway Authority. Furthermore. The access is considered to be of a suitable standard to adopted by KCC Highways. A condition should be attached to any grant of permission to ensure that the necessary off-site highway works are delivered.

- 2.53 Turning to the proposed pedestrian access off of St Georges Road, St Georges Road is served by an existing lit footpath which provides links into and out of Sandwich. There is some evidence of a historic access off of St Georges denoted by a five bar gate, however at the time of the site visit it was evidentially overgrown and impassable. The applicants are proposing to reinstate this access for use by pedestrians linking the development to St Georges Road to allow easy walking access into Sandwich Town and towards public transport links. It has been noted that the footpath on the eastern side of St Georges Road is not continuous and therefore the applicant is proposing to provide a crossing point by providing drop kerbs and tactile paving on St Georges Road in the vicinity of this access to aid pedestrians, this can be secured by condition. The proposed access has been designed with suitable visibility splays and pedestrian barriers to prevent direct crossing into St Georges Road and as such, the proposed pedestrian access is considered to be accepted by Kent Highway Services in that the development would not cause severe harm to existing users of the adjoining network and those using the development and is considered to accord with the aims and objectives of the National Planning Policy Framework, in particular paragraph 109.
- 2.54 The proposed internal site layout has been designed with good forward visibility around corners. The access roads are of a reasonable width, sufficient to allow cars to pass each other and to allow larger vehicles such as refuse and emergency vehicles to manoeuvre around the site freely. The layout has been designed with a spinal road leading to a focal square which would limit the speed limits through the site. Furthermore, the proposal has intended to create a development which gives priority first to pedestrians and cycle movements, both within the scheme and with neighbouring areas in accordance with the National Planning Policy Framework.
- 2.55 Turning to the concerns of parking arrangements, policy DM13 of the Core Strategy requires developments to provide sufficient car parking spaces, having regard for the scale of the development and its location. DM13 does, however, acknowledge that car parking provision should be design-led. The application site is located in a sustainable location on the edge of the town, being close to facilities, services and public transport connections. In such locations, on a 'suburban edge' the expectations as set out in table 1.1 of the Core Strategy advises that dwellings should have a minimum of:

Nature of Guidance	Minimum requirements
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1 & 2 Bedroom flats	1 space per unit
1 & 2 Bedroom Houses	1.5 spaces per unit
3 Bedroom Houses	2 independently accessible spaces
4 Bedroom Houses	2 independently accessible spaces
5 Bedroom Houses	2 independently accessible spaces
Additional Visitor Parking Spaces	On- Street areas 0.2 per unit.

- 2.56 Concerns have been raised by third parties that the occupiers of the proposed dwellings would be forced to park on an already busy road along St Georges Road, especially due to many owners of garages no longer using these for parking, but rather for storage. Having regard to the policy DM13 the applicant would be required to provide a total of 90 parking spaces, whilst garages are only considered acceptable as additional parking spaces to the amount required (i.e. garages do not count towards parking provision). The proposed development has been designed to have a total of 114 parking, of which: 67 would be surface level (open) spaces; 19 would be car port spaces; 12 would be within garages (and therefore not counted); and 16 would be unallocated or visitor spaces. Excluding the garage spaces, there would be allocated spaces 88 spaces and 16 unallocated spaces, such that the development would provide more spaces than the minimum number required by the councils policy. It would be considered appropriate to impose a condition on any grant of planning permission to retain the garages proposed for the use of parking only and for no other purposes.
- 2.57 During the construction phase, it is accepted there will be in an increase in vehicular movements during the construction phase, including those by larger vehicles. In accordance with advice from KCC Highways, it is recommended that, should planning permission be granted, the submission and approval of a Construction Management Plan should be secured by condition to manage: parking and turning areas for construction/delivery vehicles and site personnel, timing of HGV movements (these will need to avoid school drop-off/pick up times, temporary traffic management/signage, before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development (which will incorporate details of the roads used by construction vehicles).
- 2.58 In addition to the above, KCC Highways have recommended a suite of conditions to ensure the provision of cycle storage (the applicant has provided a plan showing this can be provided towards each dwelling), electrical charging points, highway improvements and completion of access prior to the site commencing, amongst others detailed below. It is considered for the reasons outlined discussed and having due regard to the comments received by KCC Highways the proposed development would be acceptable in highway terms.

Ecology

- 2.59 Due regard should be given to paragraphs 179 and 180 of the National Planning Policy Framework which seeks to protect, enhance biodiversity and securing net gains for biodiversity and wider environmental gains. The development has the potential to impact the habitats, species and ecology generally on and around the site, including the protected habitats and the species they support which are near to the site. The application has been supported with a number of ecological assessments, given the amendments throughout the life of the application. The most recent is dated July 2021 and details the results of survey undertaken in 2020 & 2021 to inform the ecological assessment. This comprised a desk-based study, a Phase 1 Habitat Survey, an

assessment of the potential for the habitats on site to support species, including a bat building and tree roost assessment, and protected species surveys, including bat emergence, re-entry and activity survey, a dormouse survey and a reptile survey.

- 2.60 Bats, and their roosts, are protected under the EU Habitats Directive (transposed into UK law as the Conservation of Species and Habitats Regulations 2019) (Amendments)(EU Exit)), and the Wildlife and Countryside Act 1981 (as amended). This protects bats from being killed, injured, captured and disturbed and their roosts from being damaged, destroyed and obstructed.
- 2.61 The bat tree roost assessment found three trees with moderate bat roosting potential on site. Subsequent bat emergence and activity surveys conducted in August and September 2020 found no bats to emerge from the trees observed. Continuous use of the south-west boundary by a low number of commuting and foraging bats were observed and recorded, with calls from emergence time and indicating the boundary provides a key link between roosts and foraging sites. The southern boundary is also considered to be a key corridor within the zone of influence for offsite roosting bats. Therefore, the habitats on site are considered to be of local importance. The report concludes on this point that the trees within the southern boundary will be retained alongside measures during construction and post construction including sensitive lighting strategy (this can be dealt with by way of condition). Furthermore, there are existing buildings on the site to be demolished. There is evidence of bats within buildings B2 and B3. Due to the presence of bats, a Natural England licence will be required before the works can commence and a replacement roost structure would need to be provided to replicate a suitable feeding roost, being constructed of a rough wood surface to encourage climbing and hanging. The location of the replacement roost features would be adjacent to the to the offsite reptile receptor area to the east replacing the derelict piggery. This mitigation would be maintained in the long term. This approach has been agreed in principle by Kent County Council Ecology and Natural England subject to appropriate conditions, to include a lighting strategy amongst others.
- 2.62 In respect of Dormice the ecological assessment sets out “habitats on site are considered suitable for dormice, however a nest tube survey was completed in August 2020 with a total of 50 dormouse nest tubes being erected within the scrub and trees on the site and within suitable dormouse habitat on site, during this time there was no evidence of dormice on site”. KCC ecology are satisfied on this basis that no further surveys or mitigation measures are required.
- 2.63 A survey in December 2020 was undertaken to investigate great crested newts, a single ditch to the south of the site was noted to be dry during the survey, with some evidence of aquatic vegetation growing, however, due to the distance of the site from suitable potential breeding ponds these are considered to be sub optimal for breeding habitat for GCN. Furthermore, two ponds were located within 250m of the site, both residential gardens and man-made, concrete based ornamental ponds unsuitable for GCN. Therefore, there has been no records of great crested newts or granted GCN European Protected Species Mitigation Licences were received or identified during the desk study. Due to the lack of suitable breeding habitat and distance of the site from suitable breeding habitat and dry ditches, no further surveys were deemed necessary as the likelihood of GCN being present is considered to be negligible. Precautionary measures have been recommended in this unlikely event that GCN are utilising the site for terrestrial purposes. It is concluded the presence of GCN is negligible, however that said, should any GCN be found on site then all work must stop whilst an ecologist is contacted. This can be conditioned as such.

- 2.64 The reptile report confirmed a peak count of one adult common lizard and a peak count of two slow worms within the red line boundary. No other reptile or amphibian species were recorded during the surveys. The site is therefore considered to be of a low population for common lizard and slow worms. A receptor site would be provided within the applicant's control, to receive reptiles which will be translocated. The receptor site would include a strip of long grassland to connect the receptor site to suitable habitats within the wider area and have brash piles collected and trees felled on the site, this will create new habitats for a range of species including reptiles, amphibians, saproxylic invertebrates and small mammals. Following a detailed search, fencing will be installed prior to commencement of construction works. This fencing will comprise of semi-permanent reptile fencing, whilst the receptor area will be open for reptiles to disperse away from the construction area. Prior to the installation, the footprint of the fencing will be checked by an ecologist for any sheltering reptiles. In the event that reptiles are found during construction, all works will be stopped. KCC Ecology are satisfied with these measures in principle, however these measures would need to be secured by a S106 and appropriate conditions through a biodiversity method statement.
- 2.65 The ecological assessment sets out that eight terrestrial wintering bird surveys were carried out on the site and the immediate wider area for foraging Golden Plover due to the location of the site and close proximity to the Thanet Coast and Sandwich SPA. Whilst no Golden Plover were identified, the survey did find that other species of birds use the site and surrounding area. In particular those who's conservation status has been noted to be of concern, are members of the Thrush family, Dunnock, Kestrel, Lapwing and Redwing. The conclusion of the report suggests mitigation measures incorporate four schwegler 1B boxes (or similar) will be mounted on mature boundary trees, ten bird nest bricks and five swift bricks will be included in the buildings at 2-3m above ground level to provide further nesting and roosting opportunities for birds on site, as well as on the new building. Hedge planting will also provide additional nesting and shelter opportunities for birds, as well as encouraging invertebrates for them to feed on. Further details on locations would be provided within an Ecological Mitigation Strategy. KCC have requested the work to vegetation may provide suitable nesting habitats carried outside of the bird breeding season and examination by an experienced ecologist prior to starting work and if any nesting birds are during work, development must cease until after juveniles have fledged.
- 2.66 It is considered that the methodologies of the surveys are acceptable. Subject to the proposed mitigation enhancement being secured by condition and within the S106 Agreement, the development would cause no harm to habitats or protected or notable species.
- 2.67 Local residents have set out that the loss of species cannot be dealt with by ways of mitigation. However, having regard to the NPPF paragraph 180 'when determining planning applications, local planning authorities should apply the following principles if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), or adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. In this instance, as set out above the ecology can be mitigated on and off the site (at the receptor site) and this approach has been accepted by Natural England and KCC Ecology.

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

- 2.68 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.

- 2.69 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.
- 2.70 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.
- 2.71 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.
- 2.72 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance with a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour at Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education).
- 2.73 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.
- 2.74 For completeness I have set out below the SPA index-linked figures for reference, this can would be secured by a S106. The precise sum would need to have regard for the most up to date figures at the time that the S106 is completed.

Number of bedrooms in a house	Bond (£)	Monitoring etc. (£)	Total (£)
1	13.69	6.05	19.74
2	27.37	12.11	39.48
3	41.06	18.16	59.22
4	54.74	24.22	78.96

Contamination

- 2.75 The applicant has provided Geoenvironmental Assessments and conceptual models in respect of contamination which sets the overall risk to future occupiers which is considered to be low/very low and considered to be suitable for development. Dover District Council Senior Environmental Protection Officer has concurred with these findings. There are a number of recommended actions which should be addressed by a suitably worded condition. Furthermore, Dover District Councils Senior Environmental Protection Officer has requested a further condition should be imposed on any planning approval requesting that if during the course of development, significant

contamination is suspected or found, works shall cease and the Local Planning Authority shall be notified in writing immediately. These proposals can be dealt with by the imposition of conditions and as such, the proposed development is considered to be acceptable in respect of contamination.

Flooding, Drainage and Utilities

- 2.76 Local residents have raised concerns and evidenced issues in respect of flooding in areas of the proposed application site and at the junction of Sandown Road and St Georges Road and therefore careful consideration has to be given and advice has been sought from the Local Lead Flood Authority and Southern Water.
- 2.77 The site lies in Flood Risk Zone 1 and, as such, is in an area with the lowest risk of flooding from rivers or from the sea (albeit parts of Sandown Road are in Flood Risk Zones 2 and 3). The location of the site is therefore sequentially preferable in terms of flood risk. Notwithstanding this, it remains necessary to consider whether the development would cause an increased risk of localised surface water flooding. For completeness, it should be noted that the north eastern corner (along Sandown Road) had once been at a higher risk, but following the recent Environment Agency map this is no longer the case.
- 2.78 The application has been supported by a flood risk assessment and drainage strategy, based on the scheme of 46 dwellings rather than the 44 dwellings now proposed. Following an investigation into the site, it has been concluded that the development should discharge into the existing public sewer located within St Georges Road via an adoptable Type 3 Pumping Station under controlled conditions which will restrict the flow.
- 2.79 Surface water will be dealt with through the provision of a cellular attenuation crates and lined permeable pavements. This would provide sufficient storage for a 1:100 year storm plus a 40% allowance for climate change, in accordance with guidance (together with a further buffer of 10% urban creep'). These controlled measures would allow restricted discharge into the surface water drainage network. The Local Lead Flood Authority have set out that the connection point and discharge rate will need to be confirmed as acceptable with southern water. The LLFA have requested a condition to be imposed on any grant of permission for the detailed sustainable surface water drainage scheme to be submitted and approved prior any development, to ensure, the development does not exacerbate the risk of on/off site flooding. A further condition is requested for the submission of a verification report in respect of the surface water drainage, to ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems.
- 2.80 The controlled flows from the site can be accommodated within the local network without increasing the risk of flooding, subject to conditions being attached to any grant of permission requiring that a scheme for the provision of surface water drainage infrastructure, together with a timetable for its implementation, and details of foul water drainage, again together with a timetable for its implementation, are provided and that the approved schemes are implemented. Subject to such conditions, it is considered that the development would provide adequate surface and foul water drainage, without increasing the risks of localised flooding.

Developer Contributions

- 2.81 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. However, the policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions.
- 2.82 The applicant has confirmed that affordable housing will be provided on site and has provided a plan indicating the locations of the plots. In total 14 affordable houses will be provided, which equates to a policy compliant 30% (31.8%) of total provision. These dwellings would be provided in two groups. It is considered that this layout provides a suitable balance between co-located affordable houses to allow for their efficient management and maintenance, such that they will be attractive to affordable housing providers, whilst avoiding large concentrates of affordable units. The identified affordable houses would comprise of four one-bed units, six two-bed units, and four three-bed units. The applicant has also confirmed these affordable houses will be wheelchair adaptable in accordance with KCC's request. Subject to the affordable housing being secured, it is considered that the requirements of Policy DM5 will be met.
- 2.83 In accordance with Policy DM27 of the Land Allocations Local Plan, the development would be expected to provide Open Space on site, or a contribution towards off-site provisions, to meet the Open Space demand that would be generated by the development. In this instance the application proposes an area off of St Georges Road, with a play area outside of the proposed dwellings. It should be noted that, the track and trim trail has caused concerns over the local community in that the proposed equipment was unsuitable close to 152 and 150 St Georges Road, the applicant is proposing to plant a native scrub mix along the adjoining boundary with 152 St Georges Road and the retention of some of the existing screening along the boundary of 150 St Georges Road. The LAP has been moved further within the site, although final details can be dealt with by a suitably worded condition. The maintenance could be secured by a S106 Agreement. In addition to this, there would be a large open area which could be used for informal play. Both of these areas are located such that they would be easily accessible for future occupants of the development. Subject to securing the provision and maintenance of this Open Space, it is considered the requirements of Policy DM27 will be met.
- 2.84 Local residents have raised concerns in respect of a lack of local infrastructure regarding the local doctors and places within local schools to name a few. KCC have advised the application would place additional demand on their facilities and services, for which there is insufficient capacity. The development would increase the number of school children within the area and therefore in primary education a contribution of £4,642.00 per house (40) and £1,160.50 per flat (x2) (note: the contribution excludes 1 bed units of less than 56sqm GIA, and any sheltered accommodation) would be required towards the expansion of primary schools in Sandwich and Eastry. A requirement of £4,450.00 per house and £1,135.00 per flat would be required for secondary school places towards the expansion of selective and non-selective secondary schools in the Dover District. For special education the contribution would be required for the expansion of the Beacon school at Walmer. Further pressures would be put on community learning, libraries and social care provision, for which there is currently insufficient capacity. Consequently, contributions have been requested towards projects in Sandwich to meet the needs generated by the development. In particular: £722.48 have been requested for equipment for community learning class, £2,822.00 towards Youth Services, £2,439.80 for Sandwich library and £6,462.72 for social care and £2,396.68 for waste to increase capacity. Projects have been identified

which would increase the capacity of each local facility. The identified projects are reasonably close to the application site and the construction or expansion of these facilities would meet the needs which would be generated by the development.

- 2.85 KCC have also demonstrated that the expectation would be to provide High-Speed Fibre Optic and as such these details should be prior to the commencement of the site. This can be dealt with by a suitably worded condition.
- 2.86 The NHS identified the proposed development would generate approximately 128 new patient registrations based on the dwelling mix. The proposed development falls within the current practice boundaries of Sandwich Medical Practice and Ash Surgery. There is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises. Whilst it is not possible at this time to set out a specific project for this contribution, the NHS have advised that a project will be brought forward to increase the capacity of a surgery in Sandwich or Ash, or deliver a new surgery within the catchment. The proposed contribution towards general practice would be a total of £46,116.00.
- 2.87 It is considered that the requested contributions set out above are CIL compliant. Each has been demonstrated to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The applicant has confirmed that they are willing to provide the accepted contributions, and this can be dealt with within the section 106 agreement.

Archaeology

- 2.88 In respect of potential below ground heritage assets, Kent County Councils Senior Archaeological Officer has set out the following. The proposed development site is located to the south-east of the historic port town of Sandwich and lies just outside the Sandwich Walled Town Conservation Area. The application is accompanied by an archaeological desk-based assessment. The desk-based assessment is somewhat superficial in its nature and the KCC Archaeologist is not in full agreement with some of the conclusions reached. The proposed development site lies on an area of slightly raised ground (at about 4m aOD) on the southern edge of the former Sandwich Haven an area of once open water, sheltered from the open sea by the Deal Spit/Pepperness at the mouth of the Wantsum Channel. Archaeological evidence from the Archers Low/Sandown area suggests an extensive site developed here in the Late Iron Age, perhaps as a centre for coastal trade. Large numbers of Iron Age coins have been recovered from the area, including several from the application site itself. Historic map regression suggests the presence of historic trackways converge of the waterfront in the Sandwich area, including a branch from the Roman road at Eastry towards the Sandown area and a trackway heading northwards from the Iron Age/Romano-British site at Worth. Based on pottery and coin evidence it is suggested that the Iron Age/Romano-British settlement here peaked in the period c 50 BC to AD 80, after which it would be eclipsed by the major Roman settlement At Richborough (about 2.7km to the north-west). Nevertheless, Roman-British activity and occupation appears to have continued in some form in the Archers Low/Sandown area into the fourth century AD. It has been postulated, although it remains unproven, that the early medieval precursor to medieval Sandwich may have been located in the area of the proposed development, albeit to date the only archaeological evidence to support such a hypothesis is the discovery of a few scattered sherds of early medieval pottery. The applicant's desk-based assessment suggests that the site has a moderate to high

potential for archaeological remains of Late Iron Age and Romano-British date. The archaeological background above suggests that such remains may be associated with a coastal trading settlement/port that covered a relatively extensive area. This being the case it is possible that any archaeological remains present could be of greater significance than is suggested in the applicant's desk-based assessment. Similarly, if archaeological evidence were present to support the hypothesis of an early medieval coastal settlement to support the ecclesiastical and royal site at Eastry then such remains would be of considerable archaeological interest. Given the potential importance of the site, it is considered appropriate to impose a condition to secure the implementation of an archaeological field evaluation.

Other Matters

- 2.89 Comments have been received in respect of land, which was proposed to be allocated for fifty dwellings, being previously being removed from the Land Allocations Local Plan (which was adopted in January 2015) by the Inspector on landscape/visual impact grounds. However, it is considered for the reasons set out above there are opportunities to mitigate the potential impacts of the development on the local landscape character, whilst the passage of time has meant that there is renewed need to find further suitable sites to meet the districts housing need.
- 2.90 Third parties have drawn attention to the sites inclusion in the Regulation 18 Local Plan. Some third parties have suggested that the determination of this application should be held in abeyance until the Plan is adopted, whilst others have commented that the draft allocation is for 40 dwellings and not 44 as is proposed by this application. As set out earlier in this report, the draft Plan is a material consideration, albeit it currently carried little weight due to still being in the early stages of the plan making process. Notwithstanding the sites proposed allocation, the council has a live planning application and has a duty to determine planning applications in a timely fashion. As such it is not considered reasonable to withhold determination on this basis and should instead determine the application in accordance with the development plan, unless material considerations indicate otherwise.
- 2.91 The land was last used for agriculture. The land is classified as Grade 1, which is 'Best and Most Versatile'. The NPPF, at paragraph 174, advises that planning decisions should recognise the economic and other benefits of best and most versatile agricultural land. Whilst the loss of this agricultural land is therefore material to the determination, it is not considered that its loss carries great weight due to the limited size of the parcel of land and its disconnect with the wider agricultural landscape.
- 2.92 Concerns have been raised regarding light pollution. This cuts across several topic areas, including visual amenity, crime and disorder and ecology. The impact of light has been considered in these respects and, subject to a condition requiring details of the lighting proposed, it is considered that the development would not cause unacceptable harm to ecology (including protected species) and could strike an appropriate balance between ensuring a safe environment and an acceptable impact on the visual amenity of the development and the character and beauty of the wider area.
- 2.93 All of the material planning considerations raised by third parties and consultees have been considered.

3. Conclusion/Planning Balance

3.1 As set out earlier in this report, the tilted balance is engaged and, as such, paragraph 11 of the NPPF requires that permission be granted unless the adverse impacts of the development significantly and demonstrably outweigh the benefits.

3.2 The National Planning Policy Framework it seeks to achieve sustainable development. Paragraph 8 of the NPPF states 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These three overarching objectives to sustainable development are economic, social and environmental. In respect of the proposed development these can be divided as set out below:

- Economic role – The proposed development would be built adjacent to the confines of Sandwich. Due to this location, occupiers of the dwellings would be more likely to travel to Sandwich to meet their day to day needs, providing additional support for local shops, facilities and services and public transport. Additionally, the construction phase would support employment on a temporary basis.
- Social Role – The proposed development is considered to meet the requirement of building a strong, vibrant and healthy community by ensuring there is a sufficient number and range of homes which would be provided to meet the needs of present and future generations, albeit this benefit is tempered by the housing mix. The development would benefit from accessible services and open spaces to reflect current and future needs. The proposed development is considered to have been well-designed.
- Environmental – The development would produce a high quality built environment which, given the constraints of the site, would make an effective use of the land. The proposal mitigates its ecological impact through the introduction of new species rich planting throughout the development (in place of a former agricultural field with limited biodiversity) and ecological enhancements. The development would incorporate electric vehicle charging. These benefits are balanced against the loss of trees around the peripheries of the site which are more biologically diverse, which would be replaced by a less biologically diverse new woodland (which would take a long time to establish). The development would also, necessarily, urbanise the visual appearance of the site in the views which can be gained.

3.3 It is considered that this is a finely balanced case. Whilst the site is in sustainable location which would minimise travel and support local facilities and services, and is generally of a high quality design, this is balanced against the loss of and impact on trees whilst the development would necessarily alter the character of the site in views, particularly from Sandown Road. The development is, subject to conditions and subject to affordable housing and development contributions being secured by legal agreement, acceptable in other material respects. Whilst significant weight is attributed to the loss of and impact on trees, it is not considered that this significantly and demonstrably outweighs the benefits of the development. Consequently, on balance, it is recommended that planning permission be granted.

g) **Recommendation**

I PERMISSION BE GRANTED subject to a S106 to secure affordable housing, development contributions, ecological mitigation and the planting and retention of a new woodland, and subject to conditions to include:

(1) standard time limit

- (2) approved plans
- (3) samples of materials
- (4) details of window reveals, headers and cills
- (5) details of hard and soft landscaping
- (6) details of external lighting
- (7) details of refuse storage
- (8) construction management plan
- (9) provision and retention of visibility splays
- (10) measures to prevent the discharge of surface water onto the highway
- (11) provision and retention of vehicle parking spaces
- (12) provision of EV charging point to serve each dwelling
- (13) provision and retention of secure, cycle facilities
- (14) provision of pedestrian crossing and other off site highway works
- (15) completion and maintenance of the access, including use of a bound surface for the first 5 metres
- (15) completion of access road within the site to serve each dwelling
- (16) contaminated land
- (17) ecological mitigation and details of enhancement of biodiversity (including a Biodiversity Method Statement)
- (18) details of surface water drainage infrastructure
- (19) details of foul water drainage infrastructure
- (20) measures to protect the public sewers
- (21) removal of certain permitted development rights for extensions, outbuildings, insertion of additional windows, alterations to roof slopes and conversion of garages.
- (22) obscure and non-opening window to Plot 11
- (23) provision and retention of 'Trim Trail', together with details of maintenance and management
- (24) Arboricultural Method Statement
- (25) provision and retention of fencing to the rear gardens of units 1 to 5
- (26) programme of archaeology, including geoarchaeological and paleoenvironmental evaluation

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

Case Officers

Karen Evans and Luke Blaskett