

- a) **DOV/22/01497 - Outline application for the erection of up to 53 dwellings with associated parking, open space, landscaping, drainage and associated infrastructure (with all matters reserved except access) (existing buildings to be demolished) - Land at 52 New Street, Ash**

Reason for report – Number of contrary views (19)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Ash Neighbourhood Plan: ANP3, ANP4, ANP5, ANP6, ANP7A, ANP9, ANP13, ANP14, ANP15 and ANP16

Core Strategy Policies (2010): CP1, CP4, CP5, CP6, CP7, DM1, DM2, DM5, DM11, DM13, DM15, DM16

Land Allocations Local Plan (2015): LA 21 – Land to the South of Sandwich Road, Ash, DM27

Local Plan (2002) Saved policies: Policy CO8 Development affecting hedgerows.

Draft Dover District Local Plan to 2040

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 (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF.

Draft policies SP1, SP2, SP3, SP5, SP11, SP13, SP14, SP15, CC1, CC2, CC4, CC6, CC8, PM1, PM2, PM3, PM4, H1, E2, TI1, TI2, TI3, NE1, NE2, NE3, HE1 and HE3 are considered most relevant to this application.

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 12, 47, 48, 60, 78, 92, 93, 104, 110, 111, 112, 113, 119, 120, 124, 130, 131, 132, 133, 134, 152, 154, 157, 174, 180, 183, 184, 194, 195, 199

National Design Guide & National Model Design Code (2021)

- d) **Relevant Planning History**

Neighbouring sites, part of the site allocation LA21/ ANP7a

DOV/22/01120 - Erection of 3 detached dwellings, 6 semi-detached dwellings, realignment of part of highway, new access and roadway, associated parking and landscaping – Refused

DOV/21/01545 | Erection of 3 no. detached dwellings, 6 no. attached dwellings, realignment of part of highway, new access and roadway, associated parking and landscaping – Refused

20/00284 – 63 Sandwich Road - Hybrid application: (Phase 1) Full application for erection of 20no. dwellings and 4no. flats, access, parking, associated infrastructure and landscaping; (Phase 2) Outline application for a building comprising 10no. flats and 5no. dwellings (with all matters reserved except access and layout) – Resolution

to grant, subject to completion of S106 Agreement in relation to Development Contributions as set out in the report above, subject to the submission and approval of a bat survey and mitigation as necessary, and subject to conditions

e) Consultee and Third-Party Representations

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

Ash Parish Council –

Comments were raised relating to:

- Lack of Buffer Zone would impact biodiversity.
- New entrance to Sandwich Road would impact road safety.
- Proposals will create a rat run with concerns over pedestrian safety due to proposed shared surface.
- Speed limit on Sandwich Road should be reduced
- Development of a traffic management plan
- New street access visibility splay is not considered adequate
- Impact on Bus Stops on Sandwich Road

KCC Economic development - Have made comments requesting the following contributions:

- Primary Education £4,642.00 per dwelling, Total £241,384.00 Towards the expansion of local primary schools in the Ash and Wingham planning group
- Secondary Education £4,540.00 per dwelling, total £236,080.00 Towards the expansion of secondary schools in the Deal and Sandwich non-selective and Dover District selective planning groups
- Community Learning £16.42 per dwelling, total £853.84 Towards additional equipment, resources, and classes to be delivered locally and at Deal Adult Education Centre
- Youth Service £65.50 per dwelling, total £3,406.00 Towards additional equipment, resources, and services for the Dover Youth Service
- Library Service £55.45per dwelling, total £2,883.40Towards additional resources, equipment, and stock (including digital infrastructure and resources) to be made available at Ash Library
- Social Care £146.88 per dwelling, total £7,637.76 Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the District
- All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)
- Waste £54.47 per dwelling, total £2,832.44 Towards works at Dover HWRC to increase capacity
- Broadband Condition

KCC Highways–

Initial comments were made that the two site accesses are within close proximity on Sandwich Road serving the wider site would seem a piecemeal approach and that 3 points of access (including New Street) requires justification. Also made comments that the current approach of providing a second point of access onto Sandwich Road would undermine the existing access to the west, and that consideration should be

given to providing a more holistic approach. However appreciates that the wider site is under separate ownerships.

Made initial comments relating to the two options that were initially proposed, visibility splays, pedestrian crossing, bus stop relocation, refuse freighter tracking, access width and relocation of the existing 30/60mph speed limit on Sandwich Road. Made comments in relation to downgrading New Street access to emergency access only. Made comments in relation to the Road safety audit, Parking provision, Construction Traffic and Trip Generation.

KCC Highways requested additional Information be provided.

Following the submission of further information, a subsequent consultation response was received.

Raises concerns that the application may preclude the neighbouring site, and discussions with the neighbouring landowners to create a site utilising a single access would have been beneficial. Made comments about Saunders Lane which is located approximately 400 metres east of the proposed site and provides a link between A257/ Ash to Woodnesbrough/ Eastrypa. An increase in vehicles on Sandwich Road is likely to have an impact on this route. Made suggestion that the applicant assesses whether there is any scope for mitigation in this location. While this application in isolation is unlikely to have a detrimental impact on the local highway network, the site is clearly part of a wider phased development of 100 dwellings where the trip assessment has not been assessed. Across the 3 sites, it may be considered appropriate to request a contribution towards improvements to the A257/A256 and the A258/A256 junctions. I am not minded to accept the current site in isolation without due consideration of the cumulative impact.

It was noted that Access Option 1 is being pursued as the most suitable, immediately west of the existing bus stop. The bus stop is proposed to be moved 30 metres to the west to remove conflicts between vehicles utilising the site access and a waiting bus. An uncontrolled pedestrian crossing with dropped kerbs and tactile paving is proposed. As Stage 1 Safety Audit is required in respect of the crossing and the relocated bus stop. Having consulted with KCC Public Transport Team, It is preferred that the works are progressed by the developer as opposed to via Section 106 contributions. Consultation with all affected properties will required, and this should be secured by way of an appropriate condition. Alternatively, demonstrating effective engagement with affected residents will be required. Dropped kerbs and tactile paving is proposed at the Cherry Garden Lane / Sandwich Road junction, with footway widening of the footway between Cherry Garden Lane and the site access. The proposed relocation of the speed limit to the east of Collar Makers Green will require a separate Traffic Regulation Order (TRO). As this requires a separate consultation exercise, I suggest this is conditioned by way of best endeavours. Red surfacing and dragons teeth road marking would represent a maintenance liability and would be an unnecessary addition for a gateway feature. Tracking has been submitted to illustrate a bus in the new location does not obstruct vehicles entering or exiting the site.

The New Street access has been downgraded to an emergency access, where retractable bollards are proposed to the north of the parking space for Plot 2, while serving as a pedestrian and cycle route. The access is 4.8 metres in width at the initial crossover and narrows to 3.7 metres. The implementation of yellow lines are required at the emergency access, to ensure that visibility and access is maintained at all times. As with the relocation of the speed limit signage, this requires a separate consultation exercise (TRO), I suggest this is conditioned by way of best endeavours. Whilst any

TROs are being progressed, I suggest a Temporary Traffic Regulation Order (TTRO) is applied for while any permanent TRO is being progressed.

Further information was submitted comprising additional details in relation to trip distribution, which had been requested due to the cumulative impact of the wider site. The cumulative impact of the wider site has been established, assessing the impact on the A257/A256 and A256/A258 junctions. KCC Highways are minded to accept the impact on these junctions not having a severe impact on the highway network.

The off-site works can be secured by Condition and will require an updated RSA as part of the S278 submission. The Agreement should be sought prior to works commencing to ensure that the agreement is in place in sufficient time.

A separate Traffic Regulation Order (TRO) is required for the relocation of the speed limit; whereby updated speed surveys will be required. The dragons teeth and red surfacing are currently present, whereby it is acknowledged that replacing the features would be acceptable to provide a relocated speed limit gateway. Again, this will be secured via the TRO process. Double yellow lines at the emergency access at New Street will be secured by a TRO.

Suggested conditions include:

- Construction management plan
- Provision of measures to prevent the discharge of surface water onto the highway.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- Provision and maintenance of the visibility splays shown on drawing H01-P4 with no obstructions over 1.05 metres above carriageway level within the splays, prior to the use of the site commencing.
- The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
- Submission and approval of details of an uncontrolled crossing on Sandwich Road and relocation of the bus stop as outlined on drawing H01-P4, which shall be secured by Section 278 Agreement prior to the site commencing.
- Submission of a Traffic Regulation Order secured by best endeavours for double yellow lines at New Street emergency access and the relocation of the speed limit on Sandwich Road (including relocated dragons teeth and red surfacing) prior to first occupation.

KCC PROW- No comments

KCC Minerals and Waste- No comments

National Highways- No objection

NHS- Have asked for financial contributions of **£44,928** towards refurbishment, reconfiguration and/or extension of Ash Surgery and/or Sandwich Medical Practice

and/or Aylesham Medical Practice and/or Canterbury Medical Practice and/or towards new general practice premises development in the area.

DDC Ecology – Has made comments relation to the submitted Biodiversity Metric and assessment of biodiversity net gain. Made comments in relation to the need for further bat surveys and breeding bird survey. Has requested conditions in relation to biodiversity method statement, lighting design (to reduce impact on bats), ecological design strategy, and habitat management and monitoring plan.

DDC Tree officer- Initial response: The applicant has already submitted a tree survey that identifies 9 category B and 25 category C individual trees, the proposed site plan shows the loss of at least 19 trees including 5 category B. Before providing full comments, a full pre-development tree survey/report BS5837:2012 Trees in relation to design, demolition and construction - Recommendations should be submitted, to provide the following information: A Tree Constraints Plan, An Arboricultural impact assessment, An Arboricultural method statement and A Tree protection plan.

Second response: The Preliminary Arboricultural Impact Assessment, Method Statement and Tree Protection Plan dated 30th March 2023 states that a total of 36 individual trees (including nine of B category), four tree groups and one hedge requires removal to facilitate the proposed development, equalling a total of 2,000m² of canopy cover. In addition, sectional removal of one group and one hedge is necessary. As the application is outline, and as such no details of site levels, ground works, drainage etc is not yet available, it is assumed that extensive ground works across the site will require the removal of all internal trees. Only the front boundary 'hedge' H1 and G6 are to remain, and details of how they will be protected have been provided, but sections of these will be removed to allow for access and private amenity space. Although it is stated that mitigation planting (45 trees) will be undertaken, it is not believed that this will compensate for the complete removal of the existing established tree cover.

Trees and sections of hedgerows within the site were removed in the summer of 2022 and it is recognised that the removal of existing vegetation and boundary hedgerows is contrary to the Adopted Ash Neighbourhood Plan and the DDC Local Plan, therefore it is proposed to make a blanket tree preservation order over the site to prevent any further felling until such times as a decision is made.

DDC Planning Policy Team-

Open Space to meet the needs of the development should be provided on-site as per the quantum set out in PM3 of the Reg19 Local Plan. Minimum recommended sizes for new Open Space to be provided on site are also included within PM3. If on-site provision is not achievable and Part d of PM3 is engaged, then contributions to off-site provision will be required. If this off-site provision is progressed, reference to projects identified in the local area/settlement set out in the Infrastructure Delivery Plan/Infrastructure Delivery Schedule should be referred to.

As made clear in Policy PM4, the Sports Facilities calculations below are taken from the Sports England Calculators and are a starting point for the assessment of Sports Provision to meet the needs of the development, and include Playing pitches, indoor Bowls, Sports Halls and Swimming as recommended by the current evidence base.

Playing Pitches:

- Natural Grass Pitches = Capital Cost **£13,333**, Lifecycle cost (per annum) **£2,777**

- Artificial Grass Pitches = Capital Cost **£5,542**, Lifecycle cost (per annum) **£182**

Sports Facilities:

- Swimming Pools **£28,040**

As set out in the Infrastructure Delivery Plan/Infrastructure Delivery Schedule the projects that are recommended that these contributions go towards would be:

- District wide swimming need - Tides Leisure Centre Project
- Playing pitches (natural) - Pitch quality enhancements at Ash Recreation Ground
- Playing pitches (artificial) - District wide AGP new provision

Kent Police- A series of recommendations have been made for how the developer could achieve Secure by Design.

Southern Water- Southern Water can facilitate foul sewerage disposal to service the proposed development.

Discharging surface water to the public sewer would increase the risk of flooding if the proposed surface water run off rates are to be discharged at proposed connection points, unless this is a brownfield redevelopment and surface water flow no greater than existing levels. Should permission be granted, Southern Water request a condition relating to surface water drainage. An informative is also recommended.

Environment Agency- No comments

Natural England – Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

RSPB- Objects due to lack of mitigation for Turtle Doves.

RSIDB- Have requested a condition is attached to any permission granted to ensure that a detailed drainage strategy is submitted and that any such strategy establishes the off-site implications for the proposed discharge to the 'Sandwich Brook'. It must be ensured that this feature forms part of a contiguous network and is not a 'blind' feature with no onward connectivity.

If it can be demonstrated that water can be effectively conveyed from the point of discharge to our wider receiving network, the applicant will need Land Drainage Consent from Kent County Council for any works that have the potential to affect flow in any ditch or watercourse on the site, and we would look to work with them and your Authority to apply our Byelaw 3, specifically with regard to seeking a Surface Water Development Contribution for any increase in rates/volumes of discharge that may be directed into our District. Any such contribution will be a one-off payment, and will serve

to facilitate the management of the increased flows resulting from the development into our District.

KCC Lead Local Flood Authority- No objection, subject to conditions being imposed.

Third party Representations:

19 representations of objection have been received and are summarised below:

- 51-53 Sandwich Road is outside village confines
- Loss of bungalow and large building at 51- 53 Sandwich Road
- Proposal would harm the rural character and appearance of the area and is badly designed
- Removal of hedgerow
- Provision of two accesses is contrary to the Approved Land Allocation Plan and would cause disruption
- Highways safety issues, potential rat-running and congestion with increased traffic
- Poor visibility at Sandwich Road/A257 (bypass) junction and New Street/Sandwich Road junction
- Vehicle parking on Sandwich Road would obstruct vision with a new junction
- On Sandwich Road any speed limit would be ignored without enforcement.
- Ash has a disproportionate amount of the district's housing target
- Additional infrastructure is needed
- Water usage should be reduced in new developments
- Need for open space, including allotments, and concern regarding maintenance of open space
- Impact on listed building (50 New Street).
- Construction works would impact neighbouring properties
- Impacts on neighbours (overlooking, bouse and disturbance etc.)
- Asbestos roofing on existing buildings
- No biodiversity net gain, harm to habitats, inadequate ecological surveys and inadequate mitigation
- Development should be on "Brownfield" part of site only
- Increase in air pollution
- There are level differences

1 representation in support have been received and are summarised below:

- Provision of housing

Other comments raised neither in support or objection, were in relation to:

- Asbestos roofs on the existing buildings on site, safety precautions for removal and disposal and liaison with neighbours.

f) 1. The Site and the Proposal

1. 1 The site is located on the eastern side of Ash. Sandwich Road is to the North and New Street to the South of the site, as shown in figure 1 below. The majority of the site is located within the Ash village confines as shown in the Ash Neighbourhood Plan. A small portion of the site is not allocated and consists of the bungalow at 51-53 Sandwich Road.

1. 2 The site (apart from 51-53 Sandwich Road) forms part of a wider housing allocation for an estimated 95 homes, in the Ash Neighbourhood Plan 2021 and Dover District Land Allocations Local Plan 2015, as shown below in figure 2.
1. 3 The site comprises former orchard land, which was cleared in summer 2022. There is hedgerow and tree planting along the north, west and east boundaries and some of southern boundaries. There are existing buildings on the site including 2 no. two storey buildings adjacent to New Street, single storey former commercial buildings within the site at the southern end and a single storey residential property at 51-53 Sandwich Road.
1. 4 The north boundary of the site adjoins Sandwich Road, the southern boundary adjoins New Street and the west boundary adjoins a residential property and paddock land at Cherry Gardens. The site also abuts residential development at 48-56 New Street.
1. 5 The east boundary of the site abuts land at 63 Sandwich Road (Agri site) which is used for storage and distribution. There is a music school within one of the buildings on this site. The application site also abuts residential development at Pippin Close (Collar Makers Green) the south-east.
1. 6 At the southern end of the site are a collection of buildings associated with the former use of the site, and two buildings fronting onto New Street, an early twentieth century doubled fronted villa and a later twentieth century house. Both are two storeys in brickwork.
1. 7 The southern end of the site is higher, with the ground levels falling towards the northern end.

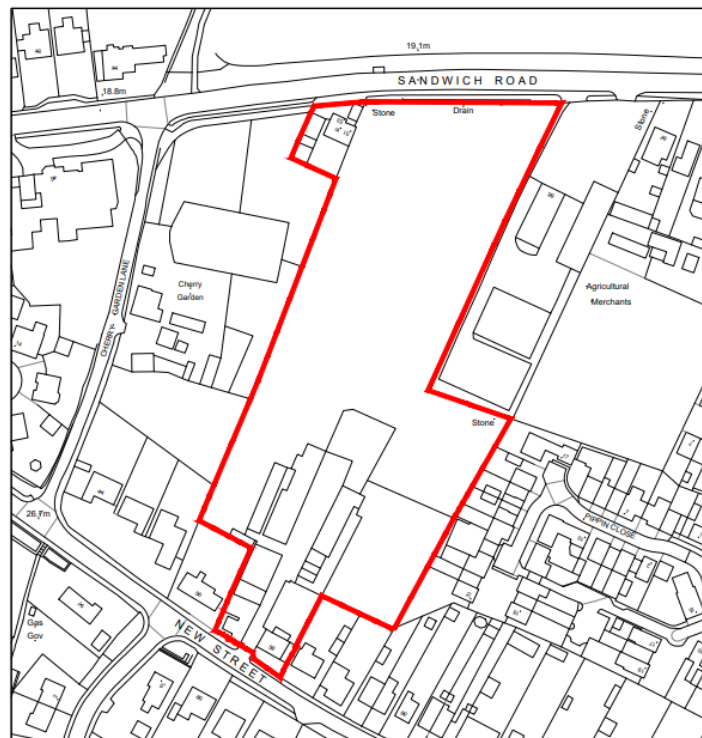


Figure 1: Site location plan (not to scale)



Figure 2: Wider site allocation ANP7a/ LA21 (not to scale)



Figure 3: Aerial Photograph of site

1. 8 The proposal is for outline permission for the erection of up to 53 no. dwellings with associated parking, open space, landscaping, drainage and associated infrastructure, with all matters reserved except access, and existing buildings to be demolished.

1. 9 The application proposes a new vehicle access onto Sandwich Road on the northern boundary of the site. A second emergency/ cycle/ pedestrian access is proposed onto New Street on the southern boundary of the site.
1. 10 A sitewide masterplan (figure 8) has been submitted which illustrates how development of this portion of the wider site allocation could allow for a comprehensive approach to development of the wider site and would not prejudice the implantation of the wider site.



Figure 4: View showing the Sandwich Road side of the site, looking east along Sandwich Road



Figure 5: View showing the New Street Entrance to the site



Figure 6: View from within the site looking south



Figure 7: View from within the site looking south



Figure 8: Illustrative masterplan for wider site allocation with application site outlined in red (not to scale)

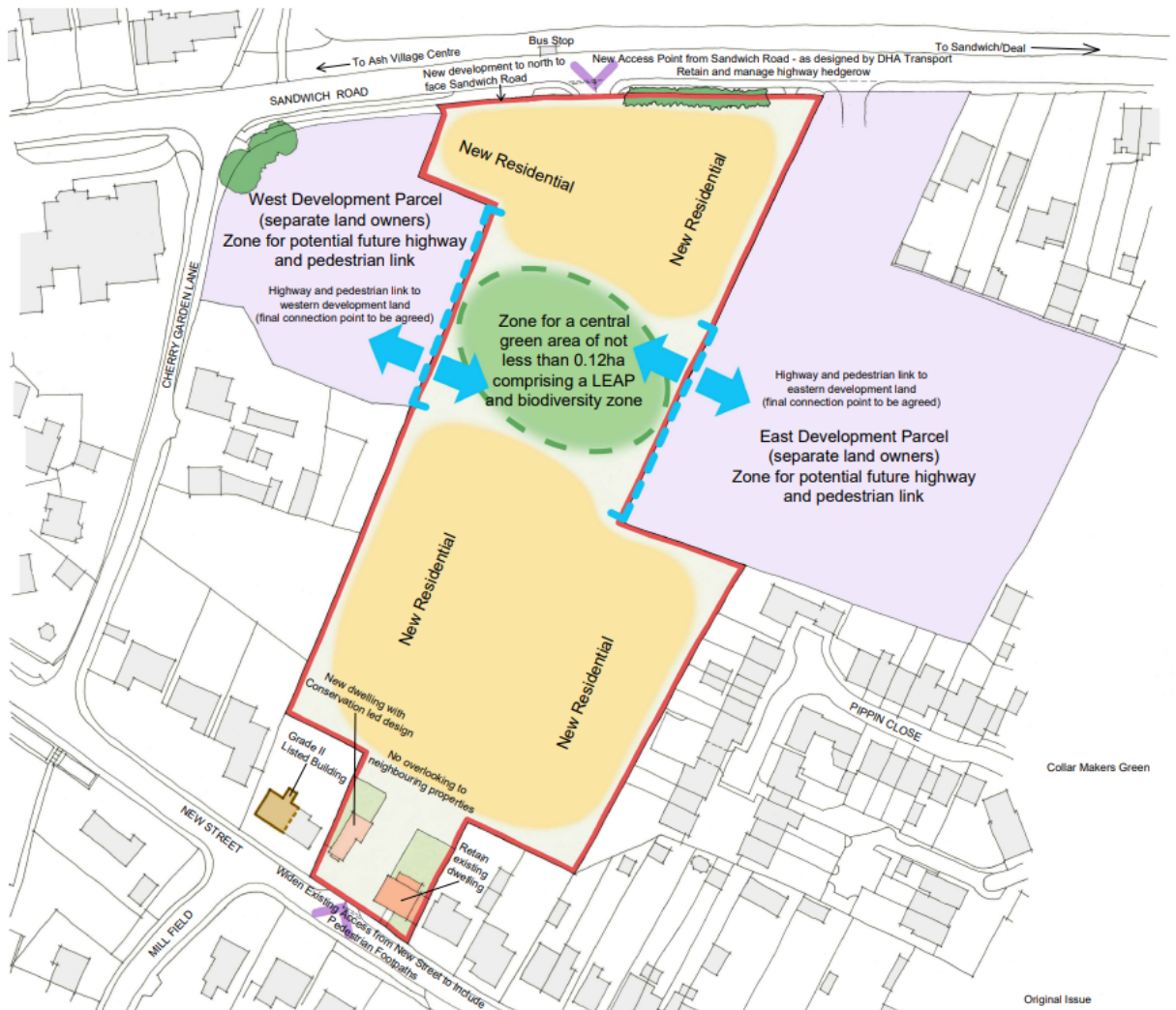


Figure 9: Land use parameter plan (not to scale)

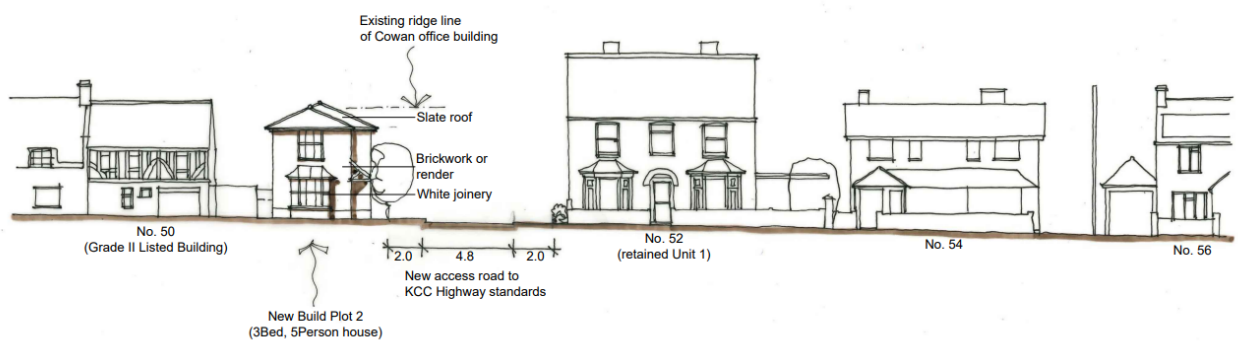


Figure 10: Illustrative proposed street elevation on New Street (not to scale)

2. Main Issues

2. 1 The main issues for consideration are:

- The principle of development
- Design
- Heritage Impact
- Landscape Impact
- Impact on living conditions
- Housing mix and affordable housing
- Highway issues
- Ecology and trees
- Flood risk and drainage
- Archaeology
- Contamination
- Infrastructure and Developer contributions

Assessment

Principle of Development

2. 2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
2. 3 The application site forms part of a wider site allocated for housing development in the adopted Ash Parish Council Neighbourhood Development Plan (2021) and the Land Allocations Local Plan (2015). Therefore, policies ANP7a and LA21, which relate to the allocation in the respective plans, are considered the most relevant in determination of this application.
2. 4 Policies CP1, DM1, DM2 and DM11 of the adopted core strategy (2010), are also considered relevant to the principle of development. Policies CP1 and DM1 act together to confirm that the defined urban area and villages are intended to be the focus for new development in the district, DM2 seeks to protect land or buildings last in use for employment purposes, and DM11 seeks to manage travel demand.
2. 5 Draft policies SP1, SP2 and TI1 are considered relevant to the principle of this development. Draft policy SP1 seeks to ensure new development contributes to climate change mitigation including by reducing the need to travel and maximising opportunities for sustainable transport options. Draft policy SP2 seeks to ensure new development creates opportunities for active travel, including provision of safe walking and cycling routes. It also seeks to ensure new developments are designed to be safe and accessible and seeks to ensure access to greenspaces and spaces for play and recreation, as well as local services and facilities. Draft policy TI1 requires that development be readily accessible by sustainable transport modes through the provision of high quality, engineered, safe and direct walking and cycling routes within a permeable site layout.
2. 6 Notwithstanding the primacy of the development plan, paragraph 11 of the NPPF states that where the policies which are most important for determining the

application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted.

2. 7 At the present time the council has a demonstrable 5-year housing land supply and has not failed to deliver the housing delivery test requirement (delivering 88%). Furthermore, it is considered that the main policies for determining the application LA21 and ANP7a are up-to-date given that they relate to site allocations and as such the 'tilted balance' (paragraph 11, NPPF) would not be engaged. As such the principle of development is assessed against policies ANP7a and LA21.
2. 8 Policy ANP7a) of the Ash Neighbourhood Plan and Policy LA 21 of the Land Allocations Plan both allocate the site for an estimated capacity of 95 homes. Both policies require that any planning application is preceded by and is consistent with a development brief that has been agreed by Dover District Council, and that there is a comprehensive approach to development of the whole site but if the site is developed incrementally, each phase must demonstrate that it will not prejudice the implementation of the whole development. The policies also require that the impact of development on the setting of the village and wider landscape is minimised and that the existing boundary hedgerows are retained and enhanced as part of the development. The policies require vehicle access is taken from Sandwich Road with an emergency access from New Street, and that there is no vehicular access to the site from Cherry Garden Lane. Policy ANP7a) states that "*Proposals which meet the following criteria will be supported: 7a.1 Any application for development is preceded by and is consistent with a development brief that has been agreed by Dover District Council*". A development brief has not been produced and agreed to by DDC prior to submission of any applications for the wider site. Planning applications for the neighbouring sites at 63 Sandwich Road and Cherry Garden Lane were not supported by a Development Brief as part of the applications. This application is also not supported by a development brief, contrary to the Ash NDP.
2. 9 The application is however supported by an illustrative masterplan drawing for the wider site allocation (figure 8). The masterplan indicates two accesses to the wider application site from Sandwich Road and one emergency access from New Street. Vehicle, cycle and pedestrian access is provided between the three separate parcels. The layout is considered to indicate connectivity between the three sites and a cohesive layout and arrangement of built form and open space.
2. 10 It is considered that the masterplan represents a coordinated and comprehensive proposal. Therefore, the applicant has demonstrated that the current application accords with an agreed comprehensive approach to development of the wider site and that the development of this site will not prejudice the implementation of the whole site allocation for ANP7a / LA21.
2. 11 In addition to this, there are specific requirements of the site allocation policies. The application proposes a new vehicle access from Sandwich Road with emergency access from New Street. The planning application relating to the adjacent site to the east at the former Agri site, shows the retention of the existing

access into this site. Therefore, there would be two accesses onto Sandwich road. Neither policy ANP7a nor LA21 specify the number of vehicle accesses for the wider site. The provision of two vehicle accesses is therefore considered acceptable in principle, subject to satisfactory highway safety, as well as landscape, visual, arboricultural and ecological impact.

2. 12 Part of the existing boundary hedgerow along Sandwich Road would be removed to facilitate the vehicle access and visibility splays. The relevant policies require that the boundary hedgerows are retained and enhanced as part of the development. Technically the removal would not be in accordance with this part of the policy. However, provision for replacement and enhancement of the hedgerow would be made.
2. 13 It is considered that the impact of the development on the setting of the village and wider landscape has been minimised in accordance with both policies, through the proposed initiative layout, scale and landscaping. This would be further assessed at reserved matters stage.
2. 14 Financial contributions are sought via s106 to mitigate impact on the Thanet Coast and Sandwich Bay Ramsar and SPA sites and Sandwich Bay SAC site, in accordance with LA21. In addition, some open space is being provided within the site.
2. 15 There is a live planning application to the east of this site which relates to the remainder of the wider site allocation for policy LA 21. Application DOV/20/00284 is a hybrid application for (Phase 1) a full application for erection of 18 dwellings and 4 flats, access, parking, associated infrastructure and landscaping; and (Phase 2) an outline application for a building comprising 10 flats and 5 dwellings (with all matters reserved except access and layout). Planning committee resolved to grant this application on 13th July 2023.
2. 16 Two applications have been submitted for the site to the west at Cherry Garden, DOV/21/01545 and DOV/22/01120, both have been refused as they were considered to be contrary to the requirements of policy LA21 of the Land Allocations Plan and policy ANP7a of the Ash Neighbourhood Plan.

Design

2. 17 ANP1 states that development proposals must have regard to the purpose of conserving and improving the physical surroundings. ANP6 states that proposals for new development should demonstrate a high standard of design which respects and reinforces the local distinctiveness of its location, surroundings and the individual character areas of the Parish. ANP6 also states that new developments should be designed to avoid increased vulnerability to the impacts of climate change by ensuring development demonstrate how adaption measures and sustainable development principles have been incorporated into the design and proposed implementation.
2. 18 Draft policy SP1 seeks to ensure that all new built development contributes to the mitigation of, and adaptation to climate change. Applications for qualifying new built development must be supported by a climate change statement. This is echoed in draft policy CC2 which provides details of Sustainable Design and Construction including life cycle and adaption of buildings and minimisation of waste. All applications for new buildings should be accompanied by a

Sustainable Design and Construction Statement demonstrating how the requirements of this Policy have been met.

2. 19 Mitigation is sought through the use of low carbon design approaches to reduce energy consumption in buildings, the use of sustainable construction techniques and optimisation of resource efficiency, incorporation of renewable and low carbon technologies, provision of opportunities for decentralised energy and heating, maximisation of green infrastructure and reduction of the need to travel and maximisation of opportunities for 'smarter' sustainable transport options. Adaptation is sought by designing to provide resilience to the impacts arising from a changing climate, incorporating multi-functional green infrastructure to enhance biodiversity, manage flood risk, address overheating and promote local food production, improving water efficiency, and ensuring that development does not increase flood risk.
2. 20 Draft policy SP2 seeks to ensure the creation of healthy, inclusive and safe communities by ensuring that new development is well served by services and facilities, creating opportunities for active travel, including provision for safe cycle and pedestrian routes, ensuring that new developments are designed to be safe and accessible, to minimise the threat of crime, promoting social interaction and inclusion, and the provision of new green infrastructure, and spaces for play, recreation and sports.
2. 21 Draft policy PM1 states that all development in the district must achieve a high quality of design, that promotes sustainability, and fosters a positive sense of place. New development must demonstrate an understanding and awareness of the context of the area. It should be compatible with neighbouring buildings and spaces, and respect and enhance character to create locally distinctive design or create character where none exists. Further to this, PM1 requires new development to be designed to give priority to people over cars and prioritise sustainable transport choices.
2. 22 The provisions sought in the above policies are intertwined and contribute to the overall sustainability of proposals.
2. 23 The application site is approximately 800m (Approx. 10 minute walk) from the centre of Ash, and a range of services and facilities to meet day to day needs are accessible by foot or bicycle. The development proposes cycling and pedestrian access to Sandwich Road and New Street, close by to bus stop locations and access onto the PROW network. The application is for outline permission; however an illustrative layout has been submitted which indicates a permeable and well connected layout that has designed with footways through and shared surfaced areas. The layout utilises the principles of designing out crime and would include good levels of natural surveillance of open space, parking and footpaths. A centrally located area of open space would provide an equipped play area and a biodiversity area. Trees and planting are provided throughout, the details of which will be secured at reserved matters stage and should comprise native and biodiverse planting, with trees located to provide shading. The proposed gross density is approximately 36 dph which is considered to represent efficient use of land and appropriate for the surrounding context. The density accords with draft policy PM1 which requires a density of between 30-50 dph.
2. 24 An energy statement and a sustainability statement have been submitted with the application. The sustainability statement sets out how choice of materials,

water and energy efficiency and on-site energy generation would contribute towards reducing carbon emissions. The illustrative layout indicates that there are opportunities to use landscaping and orientation to provide shading from trees and the design of the buildings including external features such as shading to windows, which would be secured at reserved matters stage. An indicative energy strategy has been prepared, using the energy hierarchy and a fabric first approach. The strategy sets out that the development will aim to achieve the Future Homes standard, as required by draft policy CC1. The strategy recommends air source heat pumps and roof mounted photovoltaic panels to provide onsite energy generation.

2. 25 A proposed access plan and an illustrative site plan has been submitted with the application. The proposal includes the formation of a new access onto Sandwich Road, with removal of a significant portion of the hedgerow. Emergency, cycle and pedestrian access is proposed from New Street.
2. 26 The loss of a portion of the hedgerow on Sandwich Road would involve some change to existing character of the immediate area, however there would be replacement planting which would be secured at reserved matters stage and through condition. The removal of the hedge is discussed in more detail in further sections of the report.
2. 27 An illustrative site plan has been submitted which shows how 53 dwellings, including 15 apartments, could be accommodated within the development. A land use parameter plan has also been submitted which indicates 0.12ha of centrally located open space to be provided on the site, including a biodiversity area and a locally equipped play area.
2. 28 The illustrative site plan shows a central spine road running through the development, with a turning head towards the southern end of the site. A private drive would provide access from new street for plots 1 and 2 only, and would provide the emergency and cycle/ pedestrian access from New Street.
2. 29 The illustrative plan shows that some plots would be directly accessed off the spine road by driveways, there would also be shared drives and provision of mews streets off the spine road. The illustrative plans shows how pedestrian, cycle and vehicle access could be provided to the remainder of the wider site allocation.
2. 30 Historically the prevailing historic character of this area of Ash was linear development fronting on to Sandwich Road and New Street. Over the last two decades, residential development at Gardeners Close on the former Brewery site to the west of Cherry Garden Lane, and residential development at Collar Maker's Green to the east of the site, has been built. This has led to the infilling of land between Sandwich Road and New Street.
2. 31 The illustrative site plan shows frontage onto Sandwich Road and New Street, which would be in keeping with the existing pattern of development. The layout also shows development set back behind the street frontage, this is also considered in keeping with the character of the area.
2. 32 The buildings are shown as two storey/ two and a half storey which is considered acceptable in this location. The submitted Design and Access Statement (DAS) indicates that the dwellings will be designed in a traditional architectural style using materials including brickwork, tile hanging and timber weatherboarding.

However, both scale and appearance would be considered at reserved matters stage. Details of landscaping including native plant species would be secured at reserved matters stage.

2. 33 The illustrative site plan indicates that the principles of crime prevention, such as active frontages and natural surveillance opportunities could be provided. Kent Police have requested a condition for the development to be designed in accordance with the principles of designing out crime. Opportunities for designing out crime would be secured at reserved matters stage.
2. 34 Draft policy PM2 states that on schemes of 20 or more dwellings, the Council will require 5% of the development to be built in compliance with building regulation M4(3) (wheelchair accessible homes), with the remaining development to be built in compliance with building regulation part M4(2). Kent county council have asked for all dwellings to meet M2(4) standards. It is considered a condition should be added requiring accordance with M2(4) standards.
2. 35 To conclude, it is considered that the development proposed would form a compatible and suitable expansion of the village, provided the detailed design and landscaping is sensitively considered. Officers are of the view that the design overall is acceptable and complies with adopted and draft local policy and the aims of the NPPF.

Impact on Heritage Assets

2. 36 ANP6 requires development proposals to respect, conserve and enhance the settings of Listed Buildings and street frontages as described in the Ash Character Assessment and to respect the integrity, character and appearance of the conservation areas.
2. 37 The NPPF outlines at paragraphs 199 and 200, that great weight must be given to the conservation of listed buildings irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The NPPF also requires the local planning authority, when assessing an application to 'identify and assess the particular significance of any heritage asset that may be affected by the proposal. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
2. 38 Adjacent to the southern end of the site is the Grade II 50 New Street. The illustrative site layout indicates that the existing dwelling at 52 New Street would be retained as residential accommodation. The former Cowan office building between 50 and 52 New Street would be demolished and a new dwelling proposed in its place. Illustrative drawings have been submitted which indicate how a new dwelling could be accommodated in this location, with a height, form and appearance which would conserve or enhance the setting of the grade II listed 50 New Street.

2. 39 The site lies approximately 150m from Street End Conservation area. The Grade I listed Church of St Nicholas is located approximately 600m to the west of the site. Given the separation distance to the conservation area and Grade I church and the position of the development adjacent to existing development in this area of Ash, as well as the proposed height and massing, it is not considered that there would be any unacceptable impact on the setting of these assets.

Landscape and Visual Impact

2. 40 Paragraph 174 of the NPPF states that development should contribute to and enhance natural and local environment by protecting and enhancing the intrinsic character and beauty of the countryside.
2. 41 ANP1 states that development proposals must have regard to the purpose of conserving and improving the physical surroundings and the natural beauty by enhancing and expanding the trees and hedgerows, preferably native/indigenous, and landscape within the designated area. Developments should respect the natural environment within the designated site and adjacent land by enhancing and re-connecting the existing natural features such as veteran trees, hedges, protecting wildlife corridors/ watercourses. Developments would maintain the distinctive views and visual connectivity of the village with the surrounding countryside from public vantage points within, and adjacent to, the built-up area, in particular those defined on Map 6 (Key views in and around the village of Ash). Lighting should only be directed where necessary and there should be no loss of night-time dark skies due to light pollution.
2. 42 Policy DM16 relates to landscape character and seeks to avoid development that would result in harm to the character of the landscape unless it is in accordance with allocations made in the development plan, or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate impacts to an acceptable level.
2. 43 Draft policy NE2 states that proposals should demonstrate regard to the Landscape Character Area, as defined by the Dover District Landscape Character Assessment 2020.
2. 44 A tree protection order was made on 23rd March 2023 on the hedgerow on the northern boundary of the site along Sandwich Road, TPO/22/00016, which covers a group of trees comprising of Hawthorn, Sycamore, Blackthorn and Malus. The reasons for making the order are stated as *“the row of trees is highly prominent in the street scene and is considered to contribute to the local landscape. Felling of trees within the adjoining orchard has recently been undertaken and as such a TPO has been served on the trees to secure their conservation and ecological value, and the rural character of the area”*.
2. 45 A further provisional TPO, TPO/23/00014, was made which covers the entire application site, except for the area covered by 51-53 Sandwich Road. The description is given as relating to “trees of whatever species including Silver Birch, Oak, Hawthorn, Walnut, Spruce, Ash and Sycamore”.
2. 46 Reasons for the Tree Preservation Order were given as: *“An outline planning application is currently under consideration for development at the site (22101497). Trees have already been removed prior to any consent being in place. As such a Tree preservation Order has been served to secure the retention of the remaining trees until such times as any planning permission is in*

place and to protect any trees identified for retention in such development scheme both during and post development”.

- 2. 47 The levels across the Site falls from south to north. The submitted LVA states that the southern part of the Site is situated around 25 metres Above Ordnance Datum (AOD) and the northern part of the Site at around 20m AOD.
- 2. 48 Beyond Sandwich Road to the north of the site are agricultural fields and running through the fields is a public bridleway EE466, which extends between Sandwich Road and the A257. Public footpaths EE106 and EE53A also run though the agricultural fields to the northwest of the site. The site is visible from PROWs EE466, EE106 and EE53A as well as from the A257 itself and Hills Court Road to the north of the A257.



Figure 11- View towards the site, looking south from Bridleway EE466.

- 2.49 The development would increase the built form on the site and within this area of Ash, and remove a section of existing hedgerow along Sandwich Road, as such it would have potential to increase the visual prominence of development contained within the site.
- 2.50 The site is within the local character area D2: Ash Settled Horticultural Belt, as identified in the Dover Landscape Character Assessment 2020. Key characteristics are identified as landform gradually sloping from the Ash Ridge, St. Nicholas church on the Ash ridgetop as a landmark feature, linear development along roads, a dense network of PROWs that connect settlements and roads and provide public access to the agricultural land, and a built-up edge of settlements and/or scattered farmsteads generally evident in views.

- 2.51 Landscape and development management guidance includes improving boundary treatments with the use of native hedgerows to help filter views of urban fringe uses, protecting the valued recreation use of the landscape, seeking opportunities to further enhance opportunities for access and seeking to create a well-structured landscape framework to define edges and integrate settlement within the wider landscape.
- 2.52 The ANP identifies key views towards and away from the village. The site is within the field of view of some of these including KV1, KV4 and KV6. From all three of these viewpoints, it is considered that the proposed development would be read the context of existing development within the village envelope, due to the siting of the development, the proposed height of the development and the retention of some and enhancement of the existing hedgerow to Sandwich Road.
- 2.53 A Landscape and Visual Appraisal (LVA) has been undertaken and submitted. The LVA considered that the vacant buildings adjacent to New Street and the ruderal vegetation across the Site result in a low condition and scenic quality. The LVA acknowledges that there is a scenic and functional value to the vegetation along the Site's northern edge, adjacent to Sandwich Road, which forms part of the wider vegetation structure along Sandwich Road. However, the LVA makes an assessment that the vegetation along the Site's northern boundary is not prominent in views due to its height and form.
- 2.54 The LVIA assesses that the site is perceived as part of the settlement pattern, bound by residential and transport land uses and the rural character is due to the fields to the north of the Site. It assesses the landscape value of the site as low.
- 2.55 The LVA seeks to assess the landscape and visual impacts of the development at one year and 15 years after completion of the development. Fifteen landscape receptors were identified, including some of the local character areas listed in the Ash Neighbourhood Development Plan Character Assessment October 2018. The LVIA states that at year 15 there would be a minor beneficial effect on the New Street Character area, negligible adverse on Sandwich Road and the "North Rural Strip" character areas, and a minor adverse on the site itself. For all other landscape receptors there would be a neutral impact identified.
- 2.56 Thirteen visual receptors were identified. The LVIA states that at year 15 there would be a moderate adverse impact to pedestrians/ cyclists/ motorists on Sandwich Road and users of public bridleway EE466 to the north of the site. There would be minor adverse impact to residents of Collar Maker's Green and Cherry Garden Lane, negligible adverse impact to residents of Sandwich Road to the east of the site, residents of New Street, users of New Street and users of the A257. Neutral impact is identified to all other receptors.
- 2.57 To conclude, it is considered that the proposed development would have some visual impact on views from the surrounding area, and some landscape impacts on the landscape receptors identified in the LVA, however it is considered that this would not be an unacceptable amount and could be adequately mitigated.
- 2.58 The provision of enhancement hedgerow planting to the northern boundary can be secured through details of landscaping required at reserved matters stage.
- 2.59 Further to this it is considered the outline illustrative site plan and parameter plan indicate that layout, landscape and design would be able to minimise impacts on

the setting of the village and surrounding area, and that appropriate scale, form and materials could be secured which would conserve the character of the surrounding landscape.

Impact on Residential Amenity and Future Living Conditions

- 2.60 Draft policy PM2 relates to quality of residential accommodation and requires that all new residential development, including conversions, must be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions for neighbouring properties through overlooking, noise or vibration, odour, light pollution, overshadowing, loss of natural light or sense of enclosure. Development should be of an appropriate layout with sufficient usable space and contain windows in all habitable rooms to facilitate comfortable living conditions with natural light and ventilation. Well-designed private or shared external amenity space should be provided on-site, that is of appropriate size and fit for purpose.
- 2.61 Although at outline stage, given the separation distances retained to existing surrounding properties as shown on the indicative site plan, it is considered that at reserved matters stage a layout and design could be secured which would result in no significant adverse loss of neighbour amenity.
- 2.62 A Residential Noise Assessment has been submitted. The report is directed mainly at road (Traffic) noise sources and recommends a sound reduction for glazing to habitable rooms and that they are fitted with acoustic trickle vents. DDC EP therefore request condition which requires all window glazing used for habitable rooms shall achieve a sound reduction value of 30 dB Rw + Ctr, and that all such windows shall be fitted with acoustically treated trickle vents.

Housing Mix and Affordable Housing

- 2.63 Core Strategy Policy DM5 and draft Local Plan Policy SP5 require 30% affordable housing for schemes of this size. Draft policy SP5 states that affordable housing shall be provided with a tenure split of 55% affordable/social rent, 25% First Homes (at 30% discount rate) and 20% other affordable home ownership products.
- 2.64 Core Strategy Policy CP4 and Policy H1 of the draft Local Plan require the mix of major residential development to reflect the Council's latest evidence of housing need and market demand. This latest evidence is the Council's Strategic Housing Market Assessment – Partial Part 2 Update, December 2019 ("the SHMA").
- 2.65 The outline scheme proposes the following mix for the market homes, 0 no. 1 bedroom (0%), 9 no. 2 bedroom (24%), 15 no. 3 bedroom (41%) and 13 no. (35%) 4+ bedroom homes. It is considered that the this mix generally reflects the need and market demand identified in the SHMA.
- 2.66 Fifteen affordable homes are proposed. These are proposed as 1 no. 1 bedroom apartment, 11 no. two bedroom apartments and 3 no. two bedroom houses. The exact tenure and mix of the affordable homes would be sought through the provision of an affordable housing scheme through the s106 agreement.

Impact on Parking/Highways

- 2.67 Policy ANP15 seeks that proposals should include measures to minimise and make acceptable the impacts on the local road network by demonstrating how walking and cycling opportunities have been prioritised and new connections have been made to existing routes.
- 2.68 Draft policy TI1 states that development should, in so far as its size, characteristic and location, be readily accessible by sustainable transport modes through the provision of high quality, engineered, safe and direct walking and cycling routes within a permeable site layout, contribute to sustainable transport proposals including off-site improvements to cycling and walking routes and public transport facilities, and make provision for secure cycle parking and storage in accordance with the Parking Standards. It states that the Council will safeguard the Public Rights of Way network, and other existing cycle and walking routes, from development that would compromise their use and will encourage their enhancement and extension.
- 2.69 Draft policy TI3 requires proposals to meet the requirements of Kent Design Guide Review: Interim Guidance Note 3 in relation to vehicle parking. Policy DM13 sets requirements for parking provision in compliance with SPG4 which sets out standards for the maximum number of parking spaces.
- 2.70 A Transport Statement has been submitted as part of the application, and additional assessments carried out, with two additional technical notes submitted.
- 2.71 The proposals when first submitted included two options for access. Option 1 is now being progressed. The proposal has been amended during the course of the application to take into account consultee and neighbour comments.
- 2.72 The scheme now proposes a new vehicle access onto Sandwich Road. Emergency, cycle and pedestrian access is proposed from New Street to the majority of the site. Vehicle access from new street is provided for units 1 and 2 only.

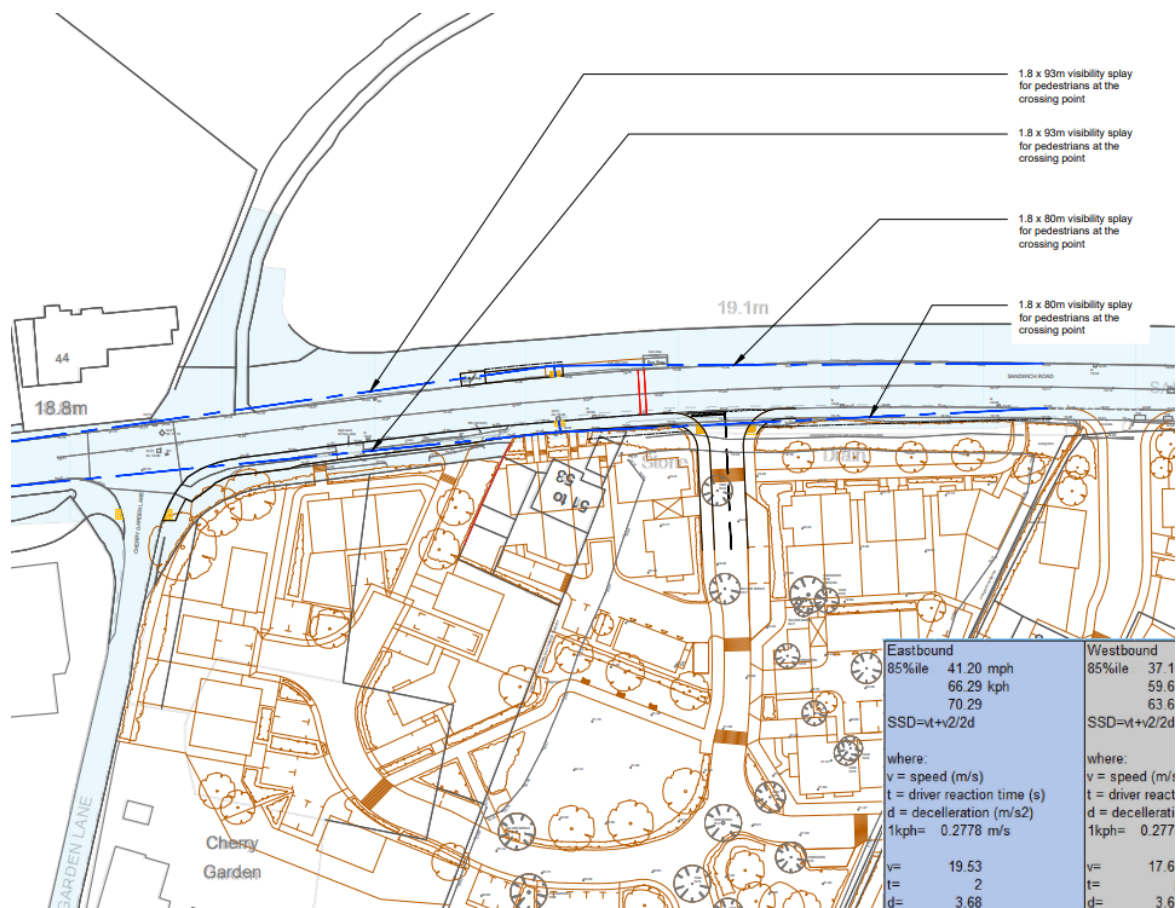


Figure 12: Access from Sandwich Road (not to scale)

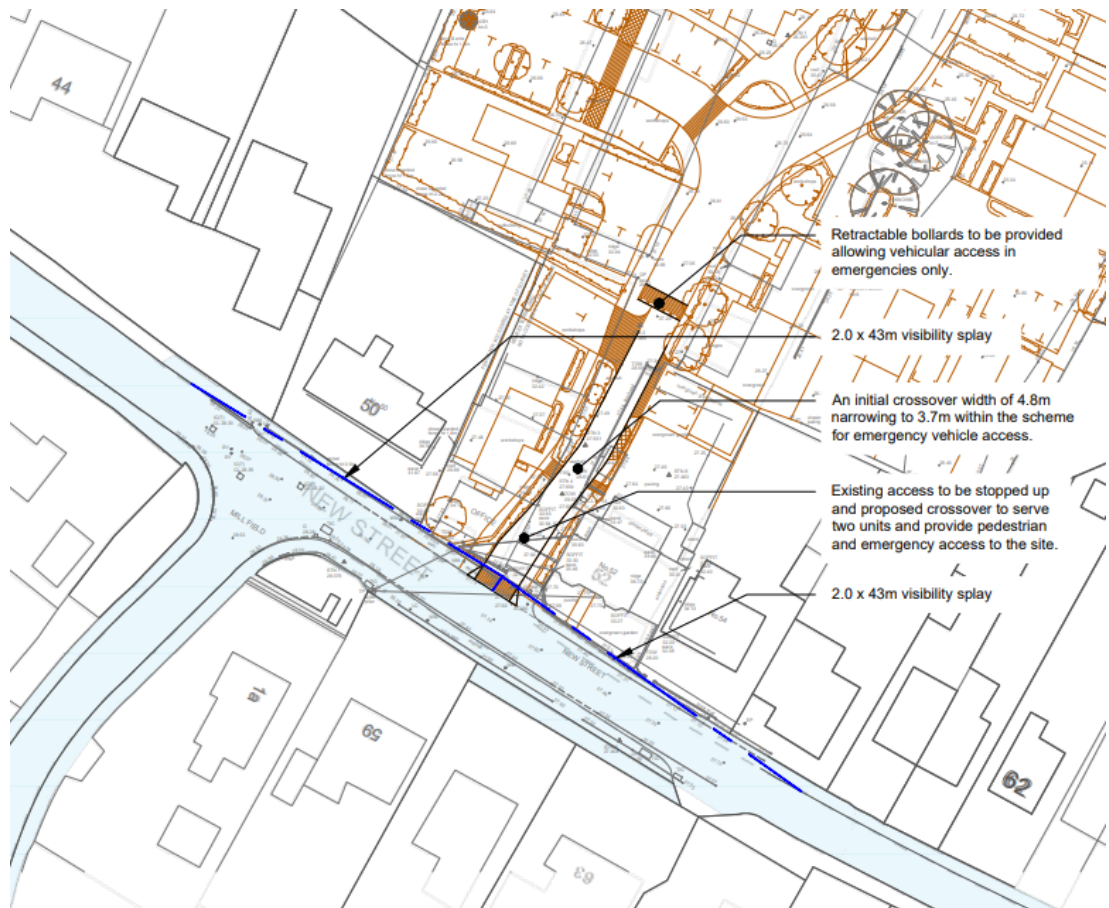


Figure 13: Access from New Street (not to scale)

- 2.73 The new access onto Sandwich Road is proposed, as shown in figure 12. This would be designed as a priority junction. An automated traffic count was carried out. Vehicular visibility splays of 2.4m x 80m eastbound and 2.4 x 93m westbound are proposed. The access would have an initial carriageway width of 5.5m, and then narrow to 4.8m
- 2.74 The New Street access (figure 13) has been downgraded to an emergency access, retractable bollards are proposed to the north of the parking space for Plot 2, while serving as a pedestrian and cycle route. The access is 4.8 metres in width at the initial crossover and narrows to 3.7 metres. KCC Highways have requested the implementation of yellow lines are required at the emergency access, to ensure that visibility and access is maintained at all times.
- 2.75 The level of vehicle parking proposed on the illustrative site plan is considered acceptable for the number and size of properties in this location. Cycle parking has been proposed within garages and garden sheds, and this will be secured by a condition.
- 2.76 Tracking has been submitted to illustrate turning for a 11.4m long refuse freighter and a fire tender.

Off-Site Highway Works

- 2.77 Proposed off-site highways works include the relocation of the existing eastbound bus stop on Sandwich Road. The bus stop is proposed to be moved 30 metres to the west to remove conflicts between vehicles utilising the site access and a waiting bus. An uncontrolled pedestrian crossing with dropped kerbs and tactile paving is also proposed across Sandwich Road. Dropped kerbs and tactile paving is proposed at the Cherry Garden Lane / Sandwich Road junction, with footway widening of the footway between Cherry Garden Lane and the site access. The relocation of the speed limit change from 60 mph to 30 mph on Sandwich Road, is proposed near to the east of the access to Collar Makers Green.
- 2.78 KCC Highways and transportation have stated it is preferred that the offsite works are progressed by the developer (through a S278 application) as opposed to via Section 106 contributions. KCC Highways and transportation have stated that consultation with all affected properties will required, and this should be secured by way of an appropriate condition. Alternatively, demonstrating effective engagement with affected residents will be required.
- 2.79 The proposed relocation of the speed limit to the east of Collar Makers Green will require a separate Traffic Regulation Order (TRO). As this requires a separate consultation exercise, KCC Highways and transportation suggest this is conditioned by way of best endeavours.
- 2.80 The New Street access has been downgraded to an emergency access with retractable bollards. The implementation of yellow lines is required at the emergency access, to ensure that visibility and access is maintained at all times. As with the relocation of the speed limit signage, this requires a separate consultation exercise (TRO), KCC Highways and transportation also suggest this is conditioned by way of best endeavours. Whilst any TROs are being progressed, KCC suggest a Temporary Traffic Regulation Order (TTRO) is applied for while any permanent TRO is being progressed.

Trip Distribution and Junction Assessment

- 2.81 An assessment has been submitted, which assess the impact of the proposed development, in combination with that of the wider site allocation, at the A257/A256 and A258/A256 junctions. An assessment of the potential increase in use of Saunders Lane has also been submitted.
- 2.82 The submitted traffic flow diagrams show that the majority of the vehicles (97%) leaving both the application site and the wider allocation would turn right and head east along Sandwich Road away from the centre of Ash.
- 2.83 The assessment states that no vehicles would turn right into Saunders Lane and that all vehicles would continue east to the Sandwich Road/A257 junction. The assessment finds there is no incentive for any vehicles to use Saunders Lane as a short cut to Woodnesborough, Sandwich or to join the A256 to the south or east of Eastry.
- 2.84 An assessment of impact on junctions has been submitted which shows flows across the weekday AM and PM peak periods for a number of junctions in proximity to the site and specifically the A257/A256 and A258/A256 junctions.

Junction	AM Flows	PM Flows
Application Site	22	22
Sandwich Rd/A257	21	21
A257/A256	10	9
A256/A258	4	4

Table 1: Development flows through local junctions

Figure 14: Table indicating number of vehicle movements from application site (53 dwellings only)

Junction	AM Flows	PM Flows
Application Site	46	44
Sandwich Rd/A257	43	41
A257/A256	19	19
A256/A258	8	8

Table 2: Development flows through local junctions

Figure 15: Table indicating number of vehicle movements from wider site allocation (approximately 100 dwellings)

- 2.85 For the application site only there would be a small number of vehicle movements travelling through the junctions, which is assessed to have a negligible effect on their operation. For the development of the wider site allocation, it is assessed that vehicles would readily disperse across the network, resulting in an immaterial impact in each case. It is noted in this regard that these assessments have been based on pre-Covid assumptions around vehicular trip generation and assignment during the traditional network peak periods.
- 2.86 The assessment notes that the wider site has been included as part of the Dover District Council Regulation 19 Transport Modelling Forecasting Report (October 2022), which has been submitted as part of the evidence base for the Submission Local Plan. The above Modelling Report demonstrates that both the A257/A256 junction and A256/A258 junction currently operate well within their design capacity. Whilst they are forecast to approach theoretical capacity in 2040 with the Local Plan and committed developments in place, no mitigation is identified.
- 2.87 The assessment concludes that the proposed development in combination with the wider site allocation would not have a significant or 'severe' adverse impact on the operation of the A257/A256 or A256/A258 junctions and that this is evidenced by the assessments undertaken in support of the Submission Local Plan. It is also concluded that the trip distribution exercise presented does not identify Saunders Lane as a route that would be materially used by future site residents.
- 2.88 KCC Highways and transportation raise no objection to the proposals, subject to a number of conditions being imposed, including provision of a construction management plan, provision of measures to prevent the discharge of surface water onto the highway, use of a bound surface for the first 5 metres of the access from the edge of the highway, completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing, provision

and maintenance of the visibility splays, details of highway works, submission and approval of details of an uncontrolled crossing on Sandwich Road and relocation of the bus stop, submission of a Traffic Regulation Order secured by best endeavours for double yellow lines at New Street emergency access and the relocation of the speed limit on Sandwich Road (including relocated dragons teeth and red surfacing) prior to first occupation.

- 2.89 Given all of the above, it is considered that the proposals meet the requirements of policy DM13, draft policies TI1 and TI3, and the aims and objectives of the NPPF.

Impact on Ecology and Trees

- 2.90 Policy ANP4 states that developments should provide biodiversity net gain of 10% and take the opportunity to maximise the benefits for biodiversity. Developments should seek to avoid any harm and to minimise any adverse impact upon the local biodiversity, habitats and wildlife. Where necessary and appropriate, proposed development should demonstrate that the conservation of protected and rare species will be maintained, including that of their foraging habitat. Where necessary and appropriate, development should incorporate additional features for the support of protected species, such as bird and bat boxes, swift bricks and roosting sites and access routes for wildlife (e.g. hedgehogs).
- 2.91 The Environment Act which requires developments to provide a mandatory net gain of 10% will apply from November 2023 only to applications submitted after Biodiversity Net Gain takes effect (November 2023).
- 2.92 Paragraph 180 requires that when determining planning applications, local planning authorities should refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for. It also states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 2.93 Draft policy SP14 echoes this requiring that every development connects to and improves the wider ecological networks in which it is located, providing on-site green infrastructure that connects to off-site networks. Proposals must safeguard features of nature conservation interest, and retain, conserve and enhance habitats. Draft local plan policies SP14 and NE1 work together to ensure that the green infrastructure and biodiversity of the district are conserved and enhanced and seek biodiversity net gain.
- 2.94 Saved policy C08 states that development which would adversely affect a hedgerow will only be permitted if no practicable alternative exists and suitable native replacement planting is provided.
- 2.95 Draft policy SP13 relates to protecting the districts hierarchy of designated environmental sites and biodiversity assets. Draft policy NE3 sets out that financial contributions should be secured for developments within a 9km zone of influence of the Thanet Coast and Sandwich Bay SPA, towards monitoring and mitigation measures set out in the Thanet Coast and Sandwich Bay SAMM.
- 2.96 Paragraph 99 of ODPM circular 06/2005 states: "it is essential that the presence or otherwise of protected species and the extent that they may be affected by the

proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.

- 2.97 An approximately 4m high native hedgerow, predominantly hawthorn, runs along the north boundary and part of the east and west boundaries. A number of trees are also present within the site including silver birch, walnut, and oak.
- 2.98 A tree protection order was made on 23rd March 2023 on the hedgerow on the northern boundary of the site along Sandwich Road, TPO/22/00016, which covers a group of trees comprising of Hawthorn, Sycamore, Blackthorn and Malus. The reasons for making the order are stated as “the row of trees is highly prominent in the street scene and is considered to contribute to the local landscape. Felling of trees within the adjoining orchard has recently been undertaken and as such a TPO has been served on the trees to secure their conservation and ecological value, and the rural character of the area”.
- 2.99 A further provisional TPO, TPO/23/00014, was made which covers the entire application site, except for the area covered by 52-53 Sandwich Road. The description is given as relating to “trees of whatever species including Silver Birch, Oak, Hawthorn, Walnut, Spruce, Ash and Sycamore”. Reasons for the Tree Preservation Order were given as: “An outline planning application is currently under consideration for development at the site (22101497). Trees have already been removed prior to any consent being in place. As such a Tree Preservation Order has been served to secure the retention of the remaining trees until such times as any planning permission is in place and to protect any trees identified for retention in such development scheme both during and post development”.
- 2.100A preliminary arboricultural impact assessment has been submitted with the application, including a tree survey, method statement and tree protection plan. The arboricultural impact assessment states that a total of 36 individual trees (including nine of B category), four tree groups and one hedge would require removal to facilitate the proposed development. In addition, sectional removal of one group and one hedge is necessary.
- 2.101It is however considered that there would be opportunities to retain a greater number of trees and boundary hedges than currently proposed at this stage. It is considered that a condition requiring a full arboricultural impact assessment should be imposed so that a greater number of trees can be retained once the final proposed layout is known. This would also be assessed as part of the reserved matters submission covering detailed layout and landscape proposals.
- 2.102Habitats and features are present on and around the site, indicating ecological value and the potential for protected species presence that must be taken account of in assessing the planning application. The application is supported by a preliminary ecological appraisal (PEA) to assess the ecological potential of the site.
- 2.103The PEA identified the need for further surveys for reptiles and bats. The PEA did not identify further need for breeding bird surveys. However, given the history of the site as a known breeding site for turtle doves and some remaining hedgerows/ trees on site with some limited habitat opportunities, a breeding bird survey was also requested.

- 2.104 A reptile survey was carried out to confirm the presence / likely absence of reptile species within suitable terrestrial habitat. Seven visits were made to the site in total. No reptiles were found.
- 2.105 A presence/absence bat survey was carried out with one nighttime visit. No bats were seen emerging from or returning into any of the buildings. A low number of common pipistrelle, soprano pipistrelle, noctule and Myotis sp. bats were seen and heard commuting and foraging.
- 2.106 The buildings are thus not considered likely to be used as a bat roost. However, as the survey were carried out outside the recommended timing of May to August, updated surveys will be necessary to confirm the absence of roosting bats. Lighting can be detrimental to roosting, foraging and commuting bats. Three of the four species detected, the common pipistrelle, soprano pipistrelle and noctule bats, are species which are not negatively impacted by streetlights. But Myotis sp. bats can be adversely affected by lighting.
- 2.107 A breeding bird survey was carried out and an interim report submitted. Two visits took place. No turtle Doves were recorded on the site, but one was noted singing approx. 350m WSW of the site by Coombe Lane. It is considered that the full breeding bird survey should be submitted and approved, with details of any mitigation required, before planning permission is granted.
- 2.108 Species considered to be of conservation importance are those included in Schedule One of the Wildlife and Countryside Act (WCA), and the Birds of Conservation Concern (BOCC) Red and Amber lists. No Schedule One species has been recorded but the table shows the presence of within the site of three species which are included in the Birds of Conservation Concern Red List (Starling, House Sparrow and Linnet) and five species which are Amber-listed (Woodpigeon, Whitethroat, Wren, Song Thrush and Dunnock).
- 2.109 The PEA makes recommendations for ecological enhancements including hedgehog nesting boxes, 13 x 13 cm holes being cut into the base of the fences to allow greater permeability across the site to benefit hedgehogs and other ground-based terrestrial animals), bird boxes, integrated 'swift bricks' in new buildings, integrated bat boxes on new buildings or bat boxes on retained mature trees, tree / shrub/ hedgerow planting (native species to be used only), planting of hedges with dormouse friendly species (using native species), climbing plants on walls and other vertical structures, wildflower plug/bulb planting in amenity grassland and private gardens, consideration of using grid mesh system (or Ground Reinforcement Grids) with topsoil and seeding with a wildflower species mix, to car parking areas and new access drives to retain some vegetation as well as drainage, or Gravel turf, Fruit Espaliers and Wildflower-rich Grassland Creation.
- 2.110 The proposal includes native hedgerow and tree planting, and creation of habitat areas and features. A net biodiversity gain assessment has been submitted with the application. Although the proposal seeks to make biodiversity gains and enhancements across the site, it would not meet policy ANP4 which requires a net biodiversity gain of 10%.
- 2.111 It should be noted that a 10% biodiversity gain was not sought as part of planning application 20/00284 for the neighbouring site at 63 Sandwich Road, and therefore the requirement under ANP4 was not met for this site either. As such

the provision of a biodiversity net gain of less than 10% would be consistent with the approach taken on the neighbouring site.

- 2.112 However, the proposal would accord with the aims of the national planning policy framework in this respect, which does not currently set a target percentage for biodiversity net gain.

Flood Risk and Drainage

- 2.113 Draft policy SP1 seeks to mitigate and adapt to climate change by ensuring development does not increase flood risk, including by taking a sequential approach to location of development. NPPF paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

- 2.114 The site is located within flood zone 1. The site is more than one hectare in size and as such, a Flood Risk Assessment (FRA) is required to support a planning application. A drainage statement has been submitted which outlines the surface water drainage strategy for the site.

- 2.115 The FRA states that the highest level is approximately 27.68 metres Above Ordnance Datum (AOD) in the southern part of the site, falling to approximately 18.80 m AOD in the north-eastern corner of the site.

- 2.116 The FRA identifies a ditch running along the northern boundary, which is not considered to connect to further watercourses. The FRA identifies that the Sandwich Brook is located approximately 50 m to the north-west of the site and flows in a north-easterly direction into the Goshall Stream approximately 450 m to the north-east of the site. It identifies that the Sandwich Brook has a small catchment of less than 0.5 km² at the nearest location to the site.

- 2.117 Goshall Stream is located approximately 290 m to the east of the site and flows in a northerly direction into the River Stour, approximately 2.6 km to the northeast of the site. The Goshall Stream flows into the River Stour Internal Drainage Board (IDB) Administration Area approximately 1.4 km to the north-east of the site.

- 2.118 The River Stour Internal Drainage Board have made a representation and have stated that "Whilst this site lies outside of our IDB Drainage District, the surface water strategy submitted with this application states that the surface water from this development will not be able to be disposed of via infiltration; it further states that it will be discharged ultimately to a watercourse (the 'Sandwich Brook') on the north side of Sandwich Road. This watercourse forms part of a drainage network that discharges directly into our Drainage District. We would therefore request that a Condition is attached to any permission granted to ensure that a detailed drainage strategy is submitted and that any such strategy establishes the off-site implications for the proposed discharge to the 'Sandwich Brook'. It must be ensured that this feature forms part of a contiguous network and is not a 'blind' feature with no onward connectivity. If it can be demonstrated that water can be effectively conveyed from the point of discharge to our wider receiving network, the applicant will need Land Drainage Consent from Kent County Council for any works that have the potential to affect flow in any ditch or watercourse on the site, and we would look to work with them and your Authority to apply our Byelaw 3, specifically with regard to seeking a Surface Water Development Contribution for any increase in rates/volumes of discharge that may be directed into our District."

2.119 Byelaw 3 states:

“Control of Introduction of Water and Increase in Flow or Volume of Water No person shall as a result of development (within the meaning of section 55 of the Town and Country Planning Act 1990 as amended (“the 1990 Act”)) (whether or not such development is authorised by the 1990 Act or any regulation or order whatsoever or none of them) for any purpose by means of any channel, siphon, pipeline or sluice or by any other means whatsoever introduce any water into any watercourse in the District so as to directly or indirectly increase the flow or volume of water in any watercourse in the District (without the previous consent of the Board).” Any such contribution will be a one-off payment, and will serve to facilitate the management of the increased flows resulting from the development into our District.”

2.120 The drainage statement states that the proposed access point along the northern boundary may be subject to an ordinary watercourse consent if it affects the ditch along the northern boundary identified on OS mapping.

2.121 The drainage statement sets out that Sustainable Urban Drainage (SuDS) techniques will be used to deal with the surface water generated by the development. The drainage statement states that if the results of infiltration testing and site investigation prove favourable, the proposed drainage strategy will utilise infiltration techniques. It states that as infiltration techniques have not been confirmed to be feasible at this stage, an attenuation-based strategy has also been provided, which proposes discharge into Sandwich Brook to the north-west. A discharge to this watercourse could be achieved via a connection into a surface water sewer along Sandwich Road.

2.122 The drainage strategy identifies a number of SUDs measures which may be feasible. This could include an attenuation basin, bio-retention areas, rain gardens and tree pits which will provide source control features, water quality treatment, encourage evaporation and transpiration.

2.123 It identifies that it is necessary to also include below ground storage to achieve the volume of attenuation needed, as a result of space constraints, in addition to above ground storage. The attenuation volume needed could be provided in the form of geo-cellular storage throughout the site, which could be overlain with a granular sub-base or permeable paving to provide water quality treatment. Whilst the precise method of surface water drainage is not known, it is considered that there is confidence that the site could be suitably drained.

2.124 The scheme proposes to connect to the public sewer for foul drainage. Details of both surface and foul drainage will be secured by condition.

Archaeology

2.125 Draft policy HE3 relates to archaeology. Part of the site lies within an area of archaeological potential. The application is accompanied by an Archaeological desk-based assessment.

2.126 The desk-based assessment identifies that the Site is considered to have a high potential for below-ground archaeological remains. It is likely that such remains

would relate to the Roman, Post Medieval and Modern periods, deposits from the Prehistoric period could also be encountered.

2.127 The Canterbury to Richborough Roman Road runs east-west along the northern boundary of the Site, and the Dover to Richborough Roman road runs just south of the Site.

2.128 The Protected Military Remains of a Supermarine Spitfire I is recorded c.200m south-west of the Site. These points are often inaccurate and therefore there is a potential for remains associated with the crash to survive within the site.

2.129 The archaeological potentials and importance have been assessed. The submitted assessment identifies that a phased approach to archaeological mitigation is likely to be required at the site, initially in the form of trial trenching to determine the presence or absence of archaeological remains, their character, date, extent, depth, state of preservation and significance. The results of trenching will determine if any further archaeological work is needed and what the scope of that work would be.

2.130 It is possible therefore that the proposed development will impact buried archaeological remains.

2.131 KCC Archaeology have not responded to the consultation request. However, based on the likelihood and significance of remains, it is considered by officers that provision be made in any forthcoming planning consent for a programme of archaeological works. It is considered that this can be secured by a pre-commencement condition.

Contamination

2.132 The NPPF states (Paragraph 93) that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

2.133 A phase 1 desk top assessment has been submitted, which recommends intrusive site investigation is carried out to assess underlying shallow ground conditions, presence of made ground, and potential contamination levels across the site.

2.134 DDC Environmental Protection have been consulted and have requested conditions are imposed which relate to further investigation, potential remediation and verification report, and discovery of previously unidentified contamination.

Infrastructure and Developer Contributions

2.135 Policy CP6 of the Core Strategy emphasises that development that generates 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 it is needed. Draft Local Plan Policy SP11 retains this approach, to ensure infrastructure is delivered at the right time in the right place to meet the growing needs of the district.

2.136 KCC have requested that, in order to meet the needs generated by the development, contributions would be required to deliver primary and secondary

school places, community learning, youth service, library services, social care and waste services. They have demonstrated that there is currently insufficient capacity to meet the needs generated by the development and that the contributions requested would allow for the infrastructure upon which the development would rely to be provided.

2.137 Draft policy PM4 requires that sports facilities are provided. The Sport England Sport Facility Calculator has been used to assess the needs arising from the development. The contribution would amount to £28,040 in total based on 53 dwellings being delivered. As set out in the Infrastructure Delivery Plan/Infrastructure Delivery Schedule and Indoor Sport Strategy 2023 a district wide strategic swimming need has been identified. These contributions will go towards the Tides Project which will be meeting this need. There are no projects currently identified for bowls or Sports Halls in this area of the district, and therefore these contributions will not be sought at this time.

2.138 As set out in the IDS and supporting Open Space and Sport Topic Paper, there is an identified need to improve pitch quality of natural grass pitches at Ash Recreation Ground. Contributions are not sought towards changing facilities as money is already held for this project. The District has an identified strategic need for AGPs through the Local Football Facility Plan and therefore these contributions will be sought. As set out in the policy, maintenance contributions will also be sought towards these facilities.

2.139 Draft policy PM3 requires that residential development of ten or more dwellings will be required to provide or contribute towards the provision of open space that meets the needs of that development, in addition to appropriate maintenance costs. A play area upgrade has recently been carried out at Ash Recreation ground, and there are no further identified projects relating to play, allotments/community gardens or accessible greenspace in the Ash area. Furthermore, the proposed development includes 0.12 ha of open space on site, including a locally equipped play area and amenity greenspace. Therefore, it is agreed these contributions will not be sought.

2.140 As set out previously in the report, the development would deliver a policy compliant amount of affordable housing.

2.141 In light of the consultation responses received and planning assessment above, the following obligations (which are considered to accord with the tests for requesting contributions) would be required to be secured through a S106 agreement if planning permission was to be granted.

Matter	Contribution
Primary Education	£4,642.00 per dwelling, total £241,384.00 Towards the expansion of local primary schools in the Ash and Wingham planning group
Secondary Education	£4,540.00 per dwelling, total £236,080.00 Towards the expansion of secondary schools in the Deal and Sandwich non-selective and Dover District selective planning groups

Community learning	£16.42 per dwelling, total £853.84 Towards additional equipment, resources, and classes to be delivered locally and at Deal Adult Education Centre
Youth service	£65.50 per dwelling, total £3,406.00 Towards additional equipment, resources, and services for the Dover Youth Service
Library Service	£55.45 per dwelling, total £2,883.40 Towards additional resources, equipment, and stock (including digital infrastructure and resources) to be made available at Ash Library
Social care	£146.88 per dwelling, total £7,637.76 Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the District
Waste	£54.47 per dwelling, total £2,832.44 Towards works at Dover HWRC to increase capacity.
NHS Heath Care	£44,928 Towards refurbishment, reconfiguration and or extension to Ash Surgery and/or Sandwich Medical practice and/or Aylesham and or Canterbury and/or towards general practice premises in the area.
Sports facilities/ playing pitches	Natural Grass Pitches = £16,110 Artificial Grass Pitches = £5,724 Swimming Pools = £28,040 Total= £49874
Open space	No financial contributions sought. On-site provision of LEAP and some amenity greenspace.
Affordable housing	30% affordable housing; split 55% affordable/social rent, 25% First Homes (at 30% discount rate) and 20% other affordable home ownership products. Affordable housing scheme to be submitted and agreed before submission of first reserved matters application, based on percentage and tenure split agreed at this outline stage.
Thanet Coast and Sandwich Bay Special Protection Area Mitigation Strategy (SAMMS)	£41,874.56

3. Conclusion

- 3.1 It is considered that the application demonstrates a comprehensive approach to the development of the wider site and that the development of this site will not prejudice the implementation of the whole site allocation for ANP7a and LA21.
- 3.2 Whilst the application is not supported by a development brief, contrary to the Ash NDP, the application is supported by an illustrative masterplan drawing for the wider site allocation, which is considered to indicate connectivity between the three sites and a cohesive layout and arrangement of built form and open space. It is considered that the impact of the development on the setting of the village and wider landscape would be minimised in accordance, through the proposed initiative layout, scale and landscaping.
- 3.3 The proposal would allow for the development of new homes in a sustainable location, including a policy compliant level of affordable homes. There would be economic benefits provided by the development at construction stage and when built, by providing new homes which in turn would provide support for village services and amenities.
- 3.4 The application proposes a new vehicle access from Sandwich Road with emergency access from New Street. Neither policy ANP7a nor LA21 specify the number of vehicle accesses for the wider site. The access arrangement proposed is considered to be acceptable.
- 3.5 A net biodiversity gain assessment has been submitted. The proposals would not meet policy ANP4 which require a net biodiversity gain of 10%, which would weigh against the scheme. However, the proposal would accord with the aims of the national planning policy framework in this respect.
- 3.6 Part of the existing boundary hedgerow along Sandwich Road would be removed to facilitate the vehicle access and visibility splays. The relevant policies require that the boundary hedgerows are retained and enhanced as part of the development. Provision for replacement and enhancement of the hedgerow would be made. There would also be some loss of other sections of hedgerows and trees within the site. This would contribute to some weight against the scheme.
- 3.7 To conclude, in this case it is considered that the benefits identified have greater weight than the adverse effects identified, and as such planning permission should be granted.

g) Recommendation

- I PERMISSION BE GRANTED subject to completion of a further bat survey, a S106 Agreement in relation to Development Contributions as set out in the report above and to the submission and approval of a breeding bird survey and mitigation as necessary, and subject to the following conditions:
 - 1) Submission of reserved matters
 - 2) Time limits
 - 3) Approved plans
 - 4) Samples of materials
 - 5) Provision of refuse/recycling storage
 - 6) Provision of bicycle storage

- 7) Provision of vehicle parking spaces
- 8) Strategy for potential contamination risks
- 9) Previously unidentified contamination
- 10) Measures to prevent the discharge of surface water onto the highway
- 11) Use of a bound surface for the first 5 metres of the access from the edge of the highway
- 12) Completion and maintenance of the access
- 13) Provision and maintenance of the visibility splays
- 14) Submission of Highways details
- 15) Submission and approval of off-site highway works
- 16) Submission of details for double yellow lines at New Street and the relocation of the speed limit on Sandwich Road (including relocated dragons teeth and red surfacing)
- 17) Construction management plan
- 18) Details of surface water management
- 19) Verification report for surface water drainage
- 20) Details of foul drainage
- 21) Programme of archaeological works.
- 22) Provision of Broadband
- 23) Housing to meet Building Regulations M4(2) standard
- 24) Designing out crime measures
- 25) Final arboricultural impact assessment and tree/hedge protection plan and measures
- 26) Biodiversity Method Statement
- 27) Lighting design
- 28) Ecological Design Strategy (on-site only biodiversity net gain and enhancements)
- 29) Habitat Management and Monitoring Plan (on-site)
- 30) Sound reduction for windows

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

Case Officer

Nicola Kingsford

The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).