

- a) **DOV/23/00420 – Development comprising engineering and excavation works to facilitate the creation of a shallow artificial training lake for water sports associated with the wider site; the change of use of the land to enable 23 pitches for tents/touring caravans and seven static caravans; erection of single storey facilities building, additional parking and drainage – White Mills Wake and Aqua Park, Ash Road, Sandwich**

Reason for report – Number of contrary views (21) and a petition regarding the noise at events.

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11, DM13, DM15, DM16

Draft Dover District Local Plan (March 2023) – The Draft Dover District Local Plan is being examined. Following the Inspectors' initial advisory letter, consultation on the Main Modifications commenced on 11 April 2024. Whilst that process is not complete and the final report has not been received, there is a high probability that policies will eventually be adopted as originally worded or as proposed to be modified. Therefore, having regard to paragraph 48 of the National Planning Policy Framework, they can generally be given a considerable amount of weight. The relevant policies are: SP1, SP2, SP6, SP14, SP15, CC1, CC5, PM1, PM6, E1, E4, T1, T13, NE1, NE2, NE3, NE6

Dover District Local Plan 2002

OS7 – Proposals for outdoor sports and recreational facilities or for the expansion/enhancement of existing facilities.

National Planning Policy Framework (NPPF) (2021): Paragraphs 2, 8, 11, 47, 88, 96, 115, 117, 135, 167- 171 180, 186

- d) **Relevant Planning History**

DOV/03/00010, DOV/03/00936, DOV/04/01260 – Three separate applications all for change of use of land to recreational use for hovercraft experience – Refused.

DOV/20/01447 – Development comprising engineering and excavation works (including land re-profiling) to facilitate the creation of a shallow artificial lake for water sports activities with associated facilities (including reception building with ancillary uses, cable pulley system, inflatable aqua park and storage units), parking, landscaping and formation of a new site access from Ash Road – Granted.

DOV/22/01383- Variation of Condition 7 (existing vehicular, UK Power access), 8 (existing vehicular access, delivery vehicles) and 23 (extended hours - 6am to 10am) of planning permission DOV/20/01447 (Development comprising engineering and excavation works (including land re-profiling) to facilitate the creation of a shallow artificial lake for water sports activities with associated facilities (including reception building with ancillary uses, cable pulley system, inflatable aqua park and storage

units), parking, landscaping and formation of a new site access from Ash Road (application under Section 73) – Granted

CON/20/01447/A - 3 - Mast details – Condition approved.

CON/20/01447/B - 16 - Construction management plan – Condition approved.

CON/20/01447/C - 17 - Walkover survey - Condition approved.

CON/20/01447/D - 18 - Ecological Enhancement/Management Plan – Condition approved.

CON/20/01447/E - 20 - Written spec for an Archaeological watching brief – Condition not approved.

CON/20/01447/F - 25 - Secured by Design – Condition approved.

CON/20/01447/G - 11 - Watercourse diversion - Condition approved.

CON/20/01447/H - 12 - Drainage verification report – Information given.

CON/20/01447/I - 15 - Disposal of foul sewage – Condition approved.

CON/20/01447/J - Condition 20 - Archaeological watching brief - Condition part approved.

CON/20/01447/JJ - Condition 20 - Archaeological watching brief – Condition approved.

CON/20/01447/K - 4 - Supplementary landscaping scheme - Condition approved.

CON/20/01447/L - 5 - Provision and surfacing of parking areas - Condition approved.

CON/20/01447/M - 7 - Closure of existing access - Condition approved.

CON/20/01447/N - 12 - Verification report - Condition approved.

CON/20/01447/O - Discharge of condition 21 (event management plan) pursuant to application 20/01447 Development comprising engineering and excavation works (including land re-profiling) to facilitate the creation of a shallow artificial lake for water sports activities with associated facilities (including reception building with ancillary uses, cable pulley system, inflatable aqua park and storage units), parking, landscaping and formation of a new site access from Ash Road – Condition not approved.

CON/20/01447/OO - Discharge of condition 21 (event management plan) pursuant to application 20/01447 Development comprising engineering and excavation works (including land re-profiling) to facilitate the creation of a shallow artificial lake for water sports activities with associated facilities (including reception building with ancillary uses, cable pulley system, inflatable aqua park and storage units), parking, landscaping and formation of a new site access from Ash Road - Condition Approved.

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

Representations can be found in the online planning file; a summary is provided below:

River Stour (Kent IDP) – No objection. following amendments the holding objection has been removed. IDP are satisfied with the surface water management strategy, pending the final details drainage design being dealt with by condition and a requested a Verification Report Condition. A small request made to alter the proposed condition set out by KCC in regard to this, to make reference to the requirement for an overflow from the internal drainage ditch to the North Poulders Stream, an Environment Agency managed Main River.

Environment Agency (EA) – No objection. Whilst the caravan and camping pitches are acceptable within the FZ3 (flood zone 3) it is important these are used for short-term holiday use only and that the LPA is satisfied with the flood warning and evacuation procedures, there should be no use of facilities if there is a risk of flooding (also applies to the mobile static buildings again only temporary short-term accommodation in association with the recreation facility”.

They defer to the Lead Local Flood Authority with respect to the surface water drainage strategy and recommend that no permission is granted until such time they are satisfied flood risk will not be exacerbated by the additional development.

Dover District Councils Environmental Protection – advises only concern is the disposal of foul water from the planned caravan site. The information required needs to show how foul and wastewater from the operation of the caravans and any outbuildings will be disposed of. This can either be dealt with by condition or supplied as part of the consultation process.

Advice regarding noise specifically: within the provided Planning Design and Access Statement on section 5.34 that the applicant infers that the “*tent / touring pitches would not generate sufficient significant additional noise at the site and therefore would not lead to significant adverse impacts on health and the quality of life of the nearest residential properties.*” When reviewing the application information the EP officer accepted this statement. Given that the nearest residential dwelling to the proposed development will be 250 metres away, the noise solely generated by those staying at the location or those using the new pool as outlined in the application is unlikely to be a significant disturbance to nearby dwellings.

EP advise that many of the comments shown in the objections from residents refer to events at the site from the pre-existing site operation and specifically events of August 2023. This is outside of the current application but is controlled by conditions within that permission (DOV/20/01447). The presence of music events at the site would be there with or without this permission and this application in EP’s view would not be a significant contributing factor to their operation or escalation. Therefore, there is no justification to object to the application on noise grounds. If noise issues are noted, the authority has powers under statutory nuisance and other regimes to tackle such issues.

Natural England – advises, subject to the appropriate financial contribution being secured, they are satisfied that the proposal will mitigate against the potential recreational impacts on the site.

Southern Water - advises the Environment Agency should be consulted regarding the use of a private treatment works which disposes of effluent to sub-soil irrigation and provide details of when sustainable drainage (SuDs) will be adopted and specifications (information to be included as an informative if permission is granted).

Kent County Council Flood and Waste Management – has advised that the greenhouse calculations have been amended and further clarification has been provided regarding the permeable paved area. The proposals now limit all runoff from the static van pitches and training lake areas to below greenfield rates. Permeable paving across the road/parking areas will provide storage/treatment of road runoff before discharging into the adjacent ditch, reflecting existing conditions. They have no objection in principle to these proposals. Further clarification of operational characteristics proposed spillway must be provided as part of the detailed design stage, including cross sectional drawings. In particular, where the car park and overflow swale interact.

Kent Highways and Transportation – initially raised concerns regarding the cumulative impact on the A256/A257 roundabout and requested additional information be submitted to clarify the impacts of the development. Following amendments/additional information being submitting, the objection has been removed subject to planning conditions being attached to any granted of permission.

Sandwich Town Council – Support. However, it does not agree that static homes should be situated on site and sets out the River Stour Internal Drainage Board conditions should be met, and the identified issues addressed. The formation of wildlife ponds to be delivered. The soft landscaping and planting are completed as per specification on the planning permission and site design. The noise is curtailed after 8pm.

Kent Public Rights of Way – No comment.

Kent Police – Various comments regarding what the development would need to demonstrate in order to achieve Secured by Design accreditation. Comments are specifically made regarding: the need for secure perimeter; the need for natural surveillance; management of car parking areas; the choice of tree species; space outside of the entrance doors, to both mobile homes and facilities buildings illuminated, CCTV; window and door specification; and cycle/bin storage; management plan for security with reporting structure, gas bottle storage.

Kent and Fire Rescue Services – advises applicant should be aware that Fire & Rescue Service would require access routes, hardstanding and turning facilities.

Dover District Council Senior Environment Officer – sets out that The Preliminary Ecological Appraisal (PEA) identified the potential for impacts to water voles, grass snakes, nesting birds, hedgehogs, brown hares and badgers. On this basis, a condition should be imposed for a biodiversity method statement. In respect of the Habitat Enhancement Plan, the proposals will provide biodiversity enhancements for the current scheme, as well as addressing the loss of the habitat enhancements secured under 20/01447. The Ecological Design and Management Strategy (EDMS) must be secured within planning permission. In terms of biodiversity the proposed lighting is adequate.

Third party Representations: – 21 letters of objections have been received and 7 in support of the application, these are summarised below.

Objecting

- Unacceptable noise and disturbance to local residents.
- Adverse impact on the highway.
- Overdevelopment of the site.
- Object to camping and music license.
- Rubbish and potential damage.
- Holiday Park rather than a camp site;
- How will BBQ's and light be controlled and enforced – (officer note: this would be controlled under Environmental protection legislation).
- Lack of event management plan (officer note: this condition has now been approved).
- Lack of compliance in respect of landscaping conditions – (officer note: this has been addressed and further planting has recently been undertaken).
- Overrides condition 2 of previous approval the 2 ponds with wetland planting will be replaced by a campsite.
- Plenty of camping and caravan sites within Sandwich.
- Impact on ecology.
- No information regarding disposal of foul and sewage.
- Damage to the historic surroundings.

Supporting

- Great idea.
- Sandwich needs the investment.
- Good for the local employment.
- Good for tourism.
- The development serves to expand and diversify the existing facilities.
- Sensitive to local surroundings and countryside.

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

- 1.1 The site extends to 0.8 hectares and comprises of the existing car park and land associated with White Mills Wake & Aqua Park, which is situated to the north-west of Sandwich and accessed off the north of Ash Road. The site is fairly flat and was previously used for grazing, however this forms part of the wider wakeboarding centre, which adjoins the site to the east, and includes a large lake, facility building (containing reception, café/restaurant, shop and viewing deck), changing rooms, storage containers and a car parking area. It is outside of the settlement confines and therefore in the countryside for planning purposes, and in part within Flood Risk Zones 2 and 3, though is predominantly identified within Flood Zone 3.
- 1.2 The surrounding countryside is characterised by agricultural uses including a farm shop (White Mill Farm Shop) to the south, Archers Low Nursery to the west. Apart from isolated dwellings, the closest residential properties are at Wantsume Leas, beyond the railway line and approximately 280m to the east at the closest point on the site boundary.

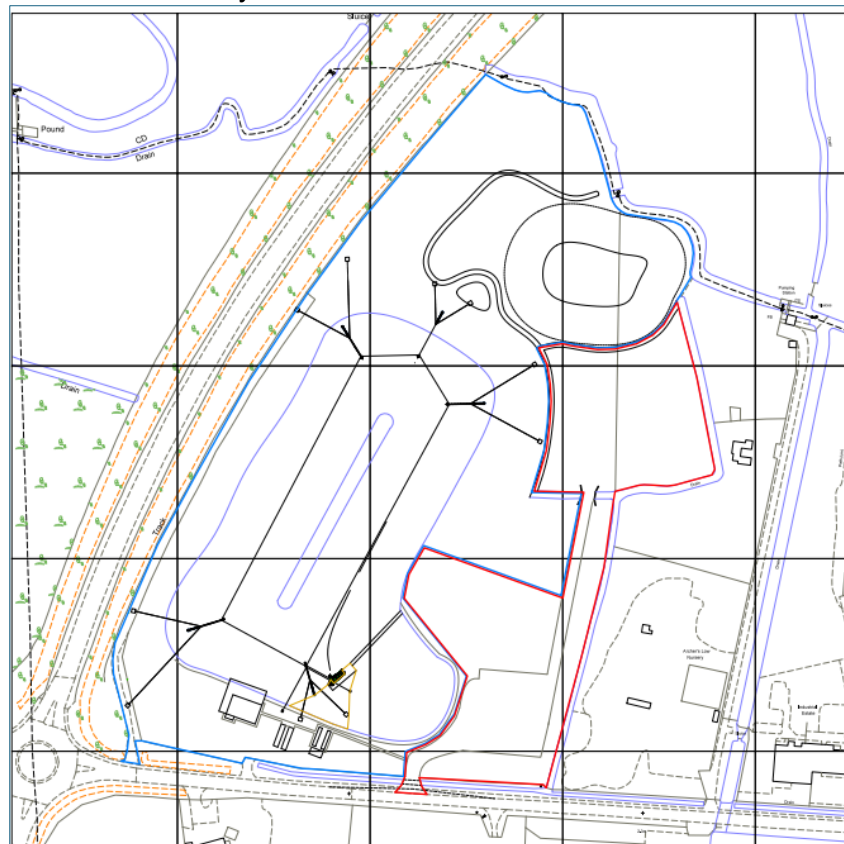


Figure 1: Site location Plan

- 1.3 Planning permission is proposed for the engineering and excavation works to facilitate the creation of a shallow artificial training lake for water sports activities associated with the wider site, the change of use of the land to enable 23 pitches for tents/touring caravans and seven static caravans and single storey facilities block and additional parking. As shown in Figure 2.

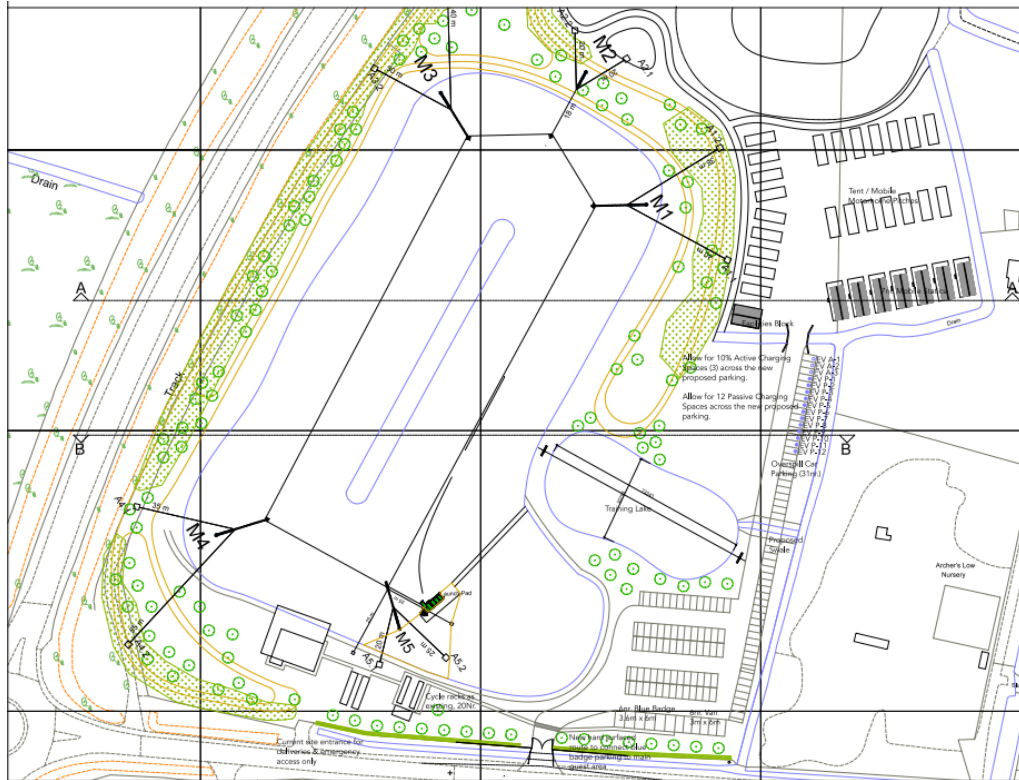


Figure 2 – Proposed block plan.

- 1.4 The proposed lake would be used by wakeboard beginners and would be sited to the east of the main lake and in between the existing car park to the south and landscaping bund to the north. The lake would utilise the cable-system suspended above the water. The masts would be approximately 6 metres tall, significantly smaller than those currently on site. In order to accommodate the lake, excavations would take place with the lake be approximately 31m by 73m with a minimum depth of 1.5metres. The existing access would be utilised, and an additional 31 car parking spaces would be provided, or which 12 would be passive charging spaces (as shown in figure 2).
- 1.5 The single storey facility building would be provided within the southwestern element of the proposed campsite. This building would include female/male facilities washrooms, measuring 6.6 metres x 9.8 metres with an overall height of 5.1 metres and an eaves height of 2.4 metres 9 (as shown in figure 3). Seven static homes are proposed within the southeastern corner of the campsite, these would consist of three bedrooms, living space, shower/wc rooms, with a small veranda with a depth of 1 metre and height of 1.3 metres (as figure 4 shows), these would provide tourist accommodation. The proposed materials for these buildings are powder coated aluminium sheet roof and wood/composite cladding. An additional 23 visitor/holiday tent or touring caravan pitches are also proposed.

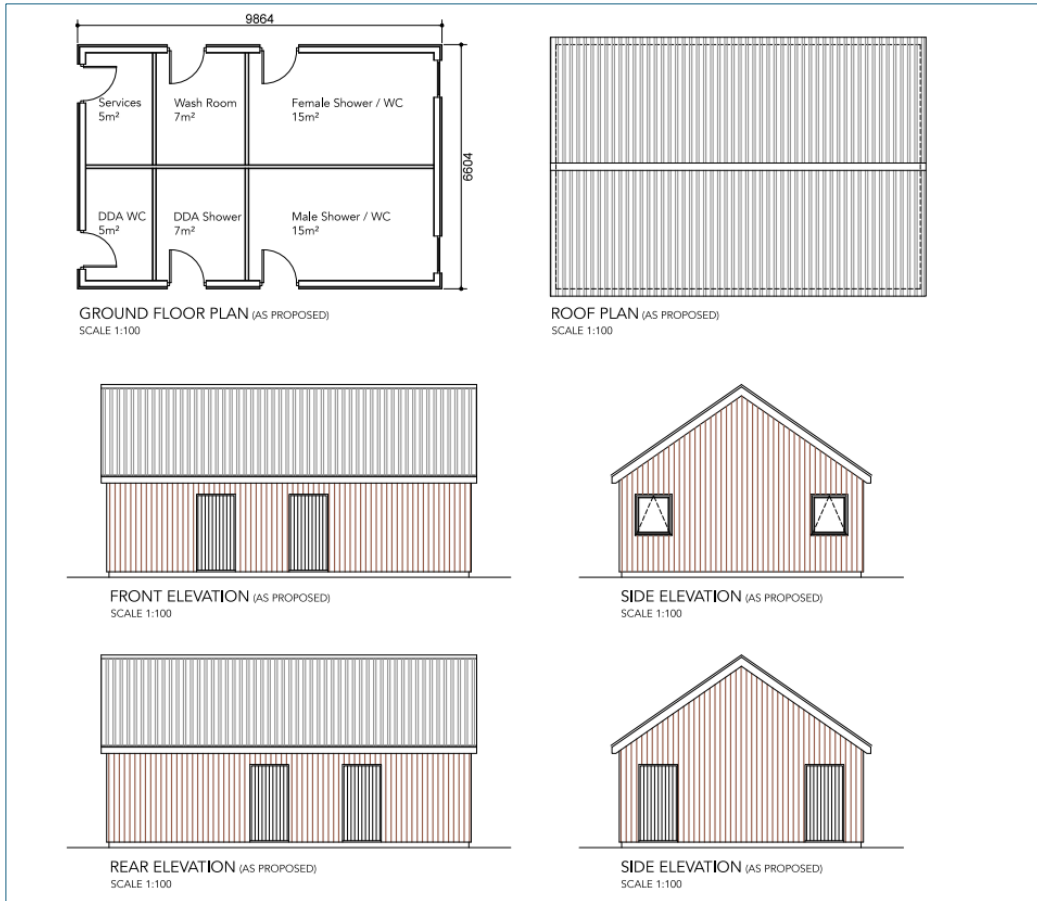


Figure 3 – Proposed elevations for the facilities building.

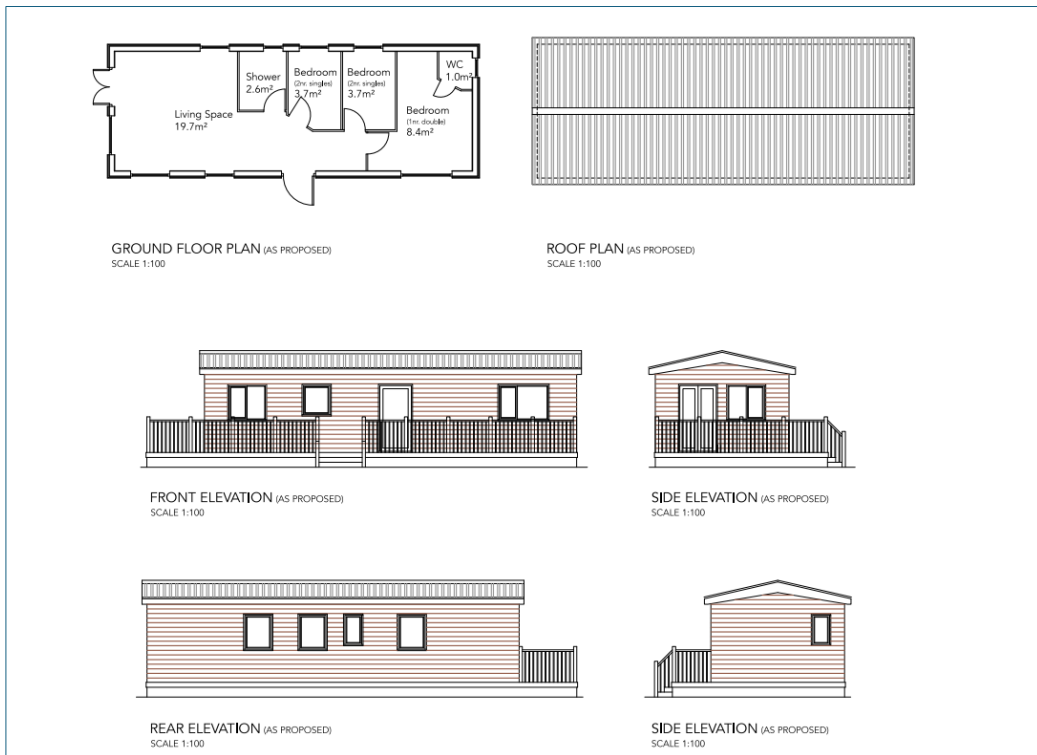


Figure 4 – Proposed elevations for the static homes.

- 1.6 The documents supporting the application include a planning, design and access statement, preliminary ecological appraisal, statement of community involvement, flood risk assessment, lighting scheme.

2. Main Issues

- 2.1 The main issues for consideration are:

- Principle of the development
- Landscape and visual appearance
- Residential amenity
- Drainage
- Ecology
- Highway Safety and parking
- Other matters

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 Policy CP1 states that the location and scale of development in the District must comply with the Settlement Hierarchy which informs the distribution of development in the Core Strategy. The site lies outside the confines of any defined settlement and is therefore in the rural area/countryside for the purposes of planning policy.
- 2.4 Policy DM1 says that development will not be permitted on land outside settlement confines unless specially justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses. Saved policy OS7 relates to proposals for outdoor sports and recreational facilities or for the expansion/enhancement of existing facilities to the to the provision of outdoor sports and recreation facilities and requires major facilities to be provided in Dover or Deal, or close to the urban edge of those towns or, if located at a rural settlement, they are intended only to satisfy an identified local need. This proposal relates to an existing business, which by its nature functionally requires a rural location and is ancillary to an existing use. The proposal is therefore compliant with policy DM1 of the Core Strategy.
- 2.5 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. As set out above, the development would generate travel beyond the settlement confines, however, would accord with the exceptions of Policy DM1 and saved policy OS7.
- 2.6 Policy DM15 requires that applications which result in the loss of countryside, or adversely affect the character or appearance of the countryside, will only be permitted if it meets one of the exceptions. Whilst it is considered that the development would have only a limited impact on the character and appearance of the countryside (discussed in detail later in the report), this alone would be sufficient for a proposal to be considered contrary to DM15.

- 2.7 Policy DM16 states that development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level. It is considered (further in this report) that the development would have only a limited impact on the character of the countryside and no significant adverse impact on the landscape, incorporating measures such as landscaping to mitigate the impact. Consequently, the development would not conflict with DM16.
- 2.8 For the above reasons, the development is in accordance with the exceptions of policies DM1, DM11, however would be contrary to DM15 of the Core Strategy but would accord with the objectives of DM16 and saved policy OS7. It is considered that these policies are most important for determining the application.
- 2.9 The NPPF advises at paragraph 11, that proposals that accord with an up-to date development plan should be approved without delay. Where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (policies include those relating to habitats sites, SSSI, AONB, Heritage Coast, irreplaceable habitats, designated heritage assets and those of archaeological interest and areas at risk of flooding or coastal change), or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. An assessment of the most important policies for the determination of the application must be undertaken to establish whether the 'basket' of these policies is, as a matter of judgement, out-of-date. Additionally, criteria for assessing whether the development plan is out-of-date are explained at footnote 8 of the NPPF. This definition includes where the council are unable to demonstrate a five-year housing land supply (or a four-year supply, which is applicable for DDC); or, where the council has delivered less than 75% of the housing requirement over the previous three years (the Housing Delivery Test).
- 2.10 Having regard for the most recent Housing Delivery Test, and in accordance with the updated NPPF at paragraphs 77 and 226 the Council can demonstrate a four-year housing land supply and has not failed the Housing Delivery Test. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date.
- 2.11 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver a greater number of dwellings per annum. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result of this, should carry only limited weight. Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. The blanket approach to resist development which is outside of the settlement confines does not reflect the NPPF, albeit the NPPF aims to actively manage patterns of growth to support the promotion of

sustainable transport. Given that the policy otherwise reflects the intention of the NPPF to promote a sustainable pattern of development, on balance, it is not considered that DM11 is out-of-date. However, the weight to be afforded to the policy, having regard to the sites co-location with the existing business, is reduced.

- 2.12 Policy DM15 resists the loss of 'countryside' (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met; it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside (another blanket approach) is more stringent than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development (Paragraph 180). There is some tension between this policy and the NPPF. Consequently, it is concluded that the policy is not out-of-date and should attract moderate weight for the reasons set out in the assessment section below.
- 2.13 Policy DM16 seeks to avoid development that would harm the character of the landscape, unless it is in accordance with allocations in the development plan and incorporates any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate the impacts to an acceptable level. As with Policy DM15, this policy is considered to be in some tension with the objectives of the NPPF (particularly Paragraph 180), by resisting development that would harm the character of the landscape, unless the impact can be otherwise mitigated or reduced. Consequently, it is concluded that the policy is not out-of-date, however should attract reduced weight for the reasons set out in the assessment section below.
- 2.14 Whilst policies DM11, DM15 and DM16 are not considered to be out of date, all carry less than weight t varying degrees. Policy DM1 is considered to be out of date. Taking the basket of policies as a whole, given how important policy DM1 is to assessing the principle of development, it is concluded that the most important policies are out of date and the paragraph 11 presumption in favour of sustainable development is engaged.
- 2.15 The Draft Local Plan is being examined and its policies are considered to be material to the determination of applications, with the weight attributed to the policies dependant on their compliance with paragraph 48 of the NPPF.
- 2.16 Draft Policy SP1 of the Submission Draft Dover District Local Plan seeks to ensure development mitigates climate change by reducing the need to travel and Draft Policy SP2 seeks to ensure new development is well served by facilities and services and create opportunities for active travel. Draft Policy TI1 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes. Draft Local Plan Policy SP6 seeks to support economic growth within the district, promoting rural employment opportunities in accordance with draft Policy E1. Policy E1 supports employment development in the countryside (beyond the settlements identified in draft Policy SP4) within or adjoining existing rural employment sites and to bring back into use previously developed land (amongst other criteria). As discussed further in the report, it is considered the use, amount of development is compatible with the surrounding area and countryside, the level and type of activity the proposal would generate and the functional and visual relationship it

has with the adjoining use would not result in harm to the character and appearance of the surrounding area and countryside, it would conserve the biodiversity and not result in unacceptable intrusion into open countryside, it would not have a significant adverse impact on residential amenity, appropriate provision would be made for additional car parking and would be acceptable in respect of highways impact in accordance with the objectives of the draft Policies.

- 2.17 The Policies are considered to attract a considerable amount weight, having regard for paragraph 48 of the NPPF.
- 2.18 It is considered that policies DM1, DM11, DM15 and DM16 are to a greater and lesser extent in tension with the NPPF, although for the reasons given above some weight can still be applied to specific issues they seek to address, having regard to the particular circumstances of the application and the degree of compliance with NPPF objectives, in this context. The proposal would accord with draft Policies SP6, E1 and E4.

Landscape and Visual Appearance

- 2.19 The site is located outside the settlement confines of Policy DM1 and Policies DM15, DM16, draft Policy NE2 and Paragraph 180 of the NPPF are also relevant, seeking to protect the character and appearance of the countryside and landscape character areas. The support from the NPPF supporting rural tourism and leisure developments (paragraph 88I), (paragraph 102) for opportunities for sport are also subject to the impact on the countryside and rural environment being acceptable.
- 2.20 The Landscape Character Assessment prepared as part of the background evidence for the new Local Plan identifies the site as lying within the Ash Levels Landscape Character Area (LCA). This is described as a distinctive large scale, flat and low-lying area of arable and pasture grazing. Although large parts of the LCA are characterised by an open, visually exposed landscape, the site is visually separated from the remainder of the LCA by the embankment that carries the bypass, meaning that it does not share the longer-distance views that prevail in the rest of the LCA. In this instance, the application site immediately adjoins and forms part of the White Mills Wakeboarding and Aqua Park.
- 2.21 In terms of the impact on visual amenity, there would be limited views of the site, primarily those from the bypass itself, which affords elevated views onto the site. In respect of the proposed lake and associated pully system, taking into account the proposed location to the east of the established lake and to the northeast of the inflatable aqua park, it is considered the training lake would be read in conjunction with these developments and as such would not have an adverse impact on the visual amenities of the wider area.
- 2.22 The extent of built development is considered to be relatively small and limited to the proposed facility block and the seven static homes. It is accepted that this would be visible from the bypass due to the elevated position, however much of this is screened to a degree by the existing bund around the application site and the sporadic planting between fields. Furthermore, the applicant is proposing to use the existing buildings within the wider complex, and as such have a visual relationship with those buildings currently in situ, namely the café and the wider site. As such, the overall conclusion is that there would be no significant harm to either landscape character or visual amenity in accordance with policies DM15

and DM16 of the Dover District Core Strategy, draft Policy NE2 and the aims and objectives of the NPPF.

Residential Amenity

- 2.23 NPPF paragraph 135 (f) says that planning decisions should create places that have a high standard of amenity for existing and future users. In this instance, given the distance between the application site and the nearest residential properties, the principal issue to consider in terms of impact on residential amenity is noise.
- 2.24 Concerns have been raised over the noise and disturbance from the existing site and a petition has been received in this regard. Whilst being sympathetic to local residents, noise from the existing use of the site is outside of the scope of this planning application. This application must be assessed on the basis of the material impacts it would cause and whether these warrant refusal. However, it is important for members to be aware that an event management plan has been approved (since an event took place in August 2023) as part of the 2020 application to manage such events. Furthermore, Dover District Councils Environmental Health Officers are able to address noise impacts of development under separate legislation, should they amount to a statutory nuisance.
- 2.25 That said, local residents have also raised concerns relating to the potential for noise and disturbance with regards to the campsite. The applicant has stated within the Planning Design and Access Statement that the “tent / touring pitches would not generate sufficient significant additional noise at the site and therefore would not lead to significant adverse impacts on the health and quality of life of the nearest residential properties.” This statement is accepted by Dover District Councils Principal Environmental Health Officer. Furthermore, the advice received from Environmental Health is that having regard to the nearest residential dwelling to the proposed development will be 250 metres away, the noise solely generated by those staying at the location or those using the new pool as outlined in the application is unlikely to be a significant disturbance to nearby dwellings. As such, a refusal would not be warranted on this basis.
- 2.26 In respect of the proposed lighting around the campsite, nine low level bollards are proposed around the campsite, with a further 5 within the car park area. The bollard fittings have a downward facing louvre design which directs the light to illuminate around the bollard only and will be fitted with motion sensors. As such, there would be limited opportunities for light pollution in respect of residential amenities. For these reasons above the proposed development is not considered to result in harm to the residential amenities currently enjoyed by local residents and as such the proposal accords with the aims and objectives of the NPPF.

Drainage

- 2.27 The majority of the site is within Zone 3; the main flood risk comes from tidal flooding, as the local drainage network is hydraulically linked to the tidally influenced River Stour. However, the site is shown to be protected by flood defences; it is not functional flood plain. The NPPF requires that inappropriate development should be avoided in areas at risk of flooding by directing it away from areas of highest risk. Under these conditions it is necessary to apply the sequential test. The aim of the sequential test is to steer new developments to areas with the lowest risk of flooding (paragraph 168). However, given the

specific nature of the proposed lake, requiring a relatively flat site capable of accommodating a body of water, it is unlikely that a suitable alternative site could be found in an area of lesser flood risk. Water-compatible development is categorised as “less vulnerable” in NPPG advice regarding the location of development in different flood zones; the Exception Test does not need to be applied, therefore.

- 2.28 With respect to the camping and camping element of the proposal, these are acceptable within flood zones 3, however this is subject to short-term holiday use only and it is therefore considered appropriate to impose a condition on any grant of permission for this purpose only and also in respect of the static homes, an additional condition would be imposed ensuring short-term accommodation in associated with the recreation facility should members be minded to approve the application. It is on this basis the Environment Agency have no objection to the proposal, however they have advised that details of adequate rescue/evacuation and emergency plans should be provided in amongst other things and as such a condition is considered appropriate for these details to be submitted with these details.
- 2.29 Kent County Council as the Lead Local Flood Authority raised some concerns regarding the surface water due to the use of permeable paving not being included in the hydraulic modelling and the greenfield runoff calculations needing to be clarified, it is on this basis a revised Flood Risk Assessment was submitted. KCC now raise no objections as these issues have now been addressed. Furthermore, the proposals now limit all runoff from the static van pitches and training lakes to below greenfield rates. The permeable paving will provide storage/treatment of road runoff before discharging into the adjacent ditch reflecting existing conditions by way of SUDS and Geocellular storage tanks. However, KCC have requested conditions to be imposed on any grant of permission in respect of a detailed sustainable surface water drainage scheme, verification report being submitted and approved prior to commencement of development. The River Stour Internal Drainage Board (IBD) are satisfied with the conditions proposed by KCC as the Lead Local Flood Authority, although have requested an informative be placed on any planning approval. Therefore, it is concluded the proposed development accords with the aims and objectives of the NPPF and draft Policies CC5 and CC6.

Ecology

- 2.30 In respect of ecology, a preliminary ecological appraisal (PEA), has been submitted and reviewed by the Senior Natural Environment Officer. The development has the potential for impacts to water voles, grass snakes, nesting birds, hedgehogs, brown hares and badgers. Having taken advice from the Senior Natural Environment Officer, a condition is considered to be appropriate in respect of a biodiversity method statement to protect wildlife from harm during construction, this would be prior to the commencement of any development. Concerns have been raised over the loss of the habitat enhancements secured under 20/01447 due to the loss of the proposed small wetland that was due to be created (not yet provided) in the area of the proposed campsite is proposed. Within the PEA it is suggested that a larger wildlife pond to the north be created. On the advice of the Senior Natural Environment Officer, the proposed biodiversity enhancement for the current scheme is considered acceptable, as well as addressing the loss of the habitat enhancement secured under 20/01447. That said, the advice is that an Ecological Design and Management Strategy (EDMS) will need to be secured with the grant of planning permission. It must

be noted that there will need to be amendments to the landscaping approved under 20/01447, to accord with this planning application. The applicant will be advised by way of an informative.

- 2.31 During the course of the application details have been provided with regards to the proposed lighting and the impact the lighting could have on the habitats. These details include the erection of 9 bollards around the campsite and a further 5 within the car parking area. These lights have been designed to have a downward facing louvre design which directs the light illuminate around the bollard only and will be fitted with motion sensors. Having consulted the Senior Natural Environment Officer this element of the proposal is considered adequate in terms of the biodiversity considerations and minimising the potential impacts. Therefore, the development is considered acceptable having had regard to the NPPF and the objectives of draft Policies SP13 and SP14. Having regard to draft Policy NE1 the application was submitted prior to the Government requirement to demonstrate a minimum 10% biodiversity net gain, such that the draft policy is considered to attract limited weight in this instance.
- 2.32 The impacts of the development have been considered and assessed. There is also a need to consider the likely significant effects on European Sites and the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.33 Detailed surveys at Sandwich Bay and Pegwell Bay have been carried out. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within the district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.34 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.35 In terms of Draft Local Plan policy NE3 and the Thanet Coast and Sandwich Bay SPA Mitigation and Monitoring Strategy, the site is located within the 9km Zone of Influence radius of the SPA and therefore a total financial contribution is required of £5,635, to be secured by a Unilateral Undertaking, the UU has been received. It is considered that the proposal complies with Draft Local Plan policies SP13, SAP55, NE3 and NPPF Chapter 15.

Highway Impact

- 2.36 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. Draft policy TI2 sets out that development that would generate significant traffic movements must be well related to primary and secondary road network. Paragraph 114 of the NPPF sets out 'in assessing sites for specific applications for development should ensure that appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location. There is a footway along the northern side of Ash Road, providing a pedestrian link into Sandwich. The town of Sandwich is approximately 0.96km from the application site. There are bus stops for local

services about 200m away from the proposed site entrance. The National Cycle Route 1 is approximately 800m to the east.

- 2.37 The existing access would be utilised to access the application site. Being in close proximity to the A256/A257, concerns were originally raised by Kent Highway Services in respect of the proposed trip generation and requested a cumulative assessment of the proposed works, these details have been provided. Clarification has also been sought and received in respect of the use of the training lake and this is not to be used for any other purposes (i.e. inflatables) than the intended use, thus reducing any additional traffic movements to the site. It is on this basis Kent Highway Services have removed their objection in this regard, subject to a construction management plan being submitted. However, it must be borne in mind that such conditions cannot limit the lawful use of the public highway and must meet the tests for conditions, in particular they must be necessary to make the development acceptable in planning terms and enforceable. For this reason, details of vehicle routing to and from the site will not be included in the construction management plan condition. The proposed development is considered to comply with paragraph 115 of the NPPF as the traffic from the development is not considered to be severe.
- 2.38 Policy DM13 of the Core Strategy advocates a design-led approach to the provision of car parking, based upon the characteristics of the site, the locality, the nature of the proposed development and design objectives. The proposed development has been designed with an additional 31 car parking spaces, of which 3 of these spaces will be active charging spaces and 12 will be passive charging spaces across the new development. Kent Highway Services are satisfied with this arrangement subject to the spaces being provided prior to the site commencing. Overall, the proposals would be in accordance with Policy DM13 of the Dover District Council Core Strategy and the aims and objectives of the NPPF.

Archaeology

- 2.39 The site is located on reclaimed marshland within the former Wantsum Channel and there is the potential for deposits of palaeoenvironmental and geoarchaeological interest, and also possibly for buried ancient land-surfaces and associated archaeological remains. The previous planning permission for the wider site requested an archaeological watching brief was carried out during the excavation. In the conclusion of the report, it sets out that 'Any archaeological potential within the site would be structured by the most recent deposits. It would be likely to be relatively recent, dating from the Later Iron Age onwards, and reflective of the unstable nature of the deposits and the cost and practicality of venturing out into the marshland. In the absence of the outcrops of any solid geological material, this would be likely to be transient structures, like platforms, or modes of transport like rafts or boats, and could be expected to be very sparsely distributed. No such rare survivals were encountered in the present observations'. It is on this basis, that the appropriate planning condition would be for an archaeological watching brief to be imposed on any grant of planning permission.

Secure by Design

- 2.40 Kent Police have provided some comments, whilst it is accepted that some of those suggestions are inappropriate for other reasons (including visual impact), there is scope to incorporate many of them and this can be secured by condition.

3. Conclusion

- 3.1 The proposed development is considered to expand and diversify the existing sports and leisure facility, whilst providing additional tourist accommodation within a sustainable location. The visual impact will be relatively well-contained within the site and immediate surroundings, and the impact on the character of the landscape is acceptable. In respect of the harm to the residential amenity, this is not considered to be significant. Finally, the proposal is considered acceptable in respect of the flooding, highways and ecology being mitigated through the use of planning conditions.
- 3.2 The NPPF identifies three interrelated objectives that underpin the achievement of sustainable development: economic, social and environmental. This scheme brings benefits under each of those headings.

g) Recommendation

- I PLANNING PERMISSION BE GRANTED, subject to a unilateral undertaking to secure ecological mitigation and conditions to include:
1. Time Limit.
 2. Approved plans.
 3. Static homes limited to short term use associated with the aqua park.
 4. Samples of external materials
 5. Provision and permanent retention of parking spaces.
 6. Construction management plan (highways)
 7. Detailed sustainable surface water drainage scheme
 8. Verification report pertaining to the surface water drainage scheme.
 9. Details of flood warning and evacuation plans.
 10. Submission of details to demonstrate compliance with principles of Secured by Design.
 11. Archaeology watching brief.
 12. Submission of an ecological design and management strategy.
 13. Submission of a biodiversity method statement.
- 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

Karen Evans

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).