

D10

F/TH/15/1204

PROPOSAL: Erection of 39No. dwellings with formation of vehicular access to Manor Road and associated parking and landscaping

LOCATION: Land Adjacent And Rear Ashbre Manor Road St Nicholas At Wade BIRCHINGTON Kent

WARD: Thanet Villages

AGENT: Mrs Jane Scott

APPLICANT: H.A.S Trust C/O G W Finn

RECOMMENDATION: Defer & Delegate

Defer and delegate to officers for approval subject to receipt of a legal agreement covering the agreed planning obligations and to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

GROUND:

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The development hereby approved shall be carried out in accordance with the submitted drawings 2686-01 dated 18 November 2015; 2686-10A, 2686-11A, 2686-12A, 2686-13A, 2686-14A, 2686-15A, 2686-16A, 2686-17A, 2686-18A, 2686-19A, 2686-20A, 2686-21A, 2686-22A, 2686-23A, 2686-24A, 2686-25A, 2686-26A, 2686-27A, 2686-28A, 2686-29A, 2686-30A, 2686-31A, 2686-32A, 2686-33A, 2686-34A, 2686-35A, 2686-37A, 2686-38B, 2686-39A, 2686-40A, 2686-41A, 2686-42A, 2686-43A, 2686-44A, 2686-45A, 2686-46A, 2686-47A, 2686-48A and 2686-49A dated 7 December 2015; 2686-36A, 2686-55, 2686-56, 2686-57, 2686-58, 2686-59 and 2686-60 dated 23 December 2015; 595-210B and 595-211C dated 18 March 2016; 2686-04A, 2686-05A, 2686-06A, 2686-50B, 2686-51B, 2686-52B, 2686-53B, 2686-54B, 2686-61, 2686-62, 2686-63, 2686-64 and 2686-65 dated 23 March 2016; 2686-07D and 2686-08E dated 11 April 2016; 595-202B and 595-203E dated 25 May; and 2686-03E dated 27 May 2016.

GROUND:

To secure the proper development of the area.

3 Prior to the first occupation of development hereby approved the means of access, including the build-out at the point of access, shown on drawing 595-202B be completed and thereafter maintained.

GROUND:

In the interests of highway safety

4 Prior to the first occupation of the development hereby approved, all off-site highway works as shown on approved drawing 595-202B shall be completed.

GROUND:

In the interests of highway safety.

5 The development hereby approved shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.

GROUND:

In the interests of highway safety.

6 Prior to the first occupation of the development hereby permitted the approved visibility splays shall be provided with no obstructions over 1m above carriageway level. The approved splays shall thereafter be implemented in full and maintained.

GROUND:

In the interest of highway safety

7 Prior to the first occupation of the development hereby permitted the approved 1 metre x 1 metre pedestrian visibility splays shall be provided with no obstructions over 0.6m above footway level. The approved splays shall thereafter be implemented in full and maintained.

GROUND:

In the interest of highway safety

8 Prior to the first occupation of the development, the area shown on the submitted plan as vehicle parking spaces and turning areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

GROUND:

In the interests of highway safety.

9 Prior to the first occupation of the development the following works between a dwelling shall be completed:

- (a) Footways and/or footpaths, with the exception of the wearing course;
- (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

GROUND:

In the interests of highway safety.

10 Prior to the first occupation of the development, details relating to the provision of secure cycle parking facilities for each dwelling shall be submitted to, and approved in writing by, the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details.

GROUND:

In the interests of promoting increased cycling in accordance with Policy TR12 of the Thanet Local Plan

11 Prior to the commencement of development, a Construction Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority to include the following:

- (a) Routing of construction-related vehicles;
- (b) Timing of deliveries;
- (c) Parking for site personnel;
- (d) Parking and turning for delivery vehicles;
- (e) Wheel washing facilities

GROUND:

In the interests of highway safety

12 No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to, and approved in writing by, the local planning authority. The detailed drainage scheme shall be based on the strategy prepared by Herrington Consulting Limited and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through infiltration features located within the curtilage of the site.

GROUND:

To prevent pollution, in accordance with the advice contained within the NPPF.

13 Prior to first occupation of the development hereby approved, details of the implementation, maintenance and management of the sustainable drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

GROUND:

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

14 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

GROUND:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

15 Prior to the first occupation of the development, details relating to the provision and permanent retention of the pedestrian link between the site and the Public Footpath TE10 shall be submitted to, and approved in writing, by the Local Planning Authority. The pedestrian link shall thereafter be implemented in full and thereafter maintained.

GROUND:

To support sustainable pedestrian links in accordance with guidance contained within the National Planning Policy Framework.

16 Prior to the commencement of development hereby approved, full details of both hard and soft landscape works, to include:

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- the treatment proposed for all hard surfaced areas beyond the limits of the highway
- walls, fences, other means of enclosure proposed

shall be submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include the ecological enhancement measures as identified within the submitted Ecological Appraisal document.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

17 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives any written consent to any variation.

GROUND:

In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan

18 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837: 2005 using the following protective fence specification:-

Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority.

The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed.

At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area.

Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point.

There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policies D1 and D2.

19 Prior to the commencement of the development hereby approved, details of the number, location and design of the bat boxes to be installed within the development shall be submitted to and approved in writing by the Local Planning Authority.

GROUND:

In the interests of nature conservation in accordance with the advice contained within the NPPF

20 Prior to the commencement of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

GROUND:

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan.

21 All dwellings hereby permitted shall be provided with the below ground infrastructure necessary to accommodate Superfast Fibre Optic Broadband 'fibre to the premises', where there is adequate capacity (internal min speed of 100mb to each building).

GROUND:

To serve the future occupants of the development in accordance with Policy D1 of the Thanet Local Plan and the guidance contained within the NPPF.

INFORMATIVES

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW.

Prior to the submission of any reserved matters application, the applicants, agents, or successors in title, are encouraged to undertake pre-application discussion with the Local Planning Authority. As part of this pre-application discussion, it may well be necessary to consult with external bodies such as Kent Police Crime Prevention Design Advisors to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety.

SITE, LOCATION AND DESCRIPTION

The site is presently used as part of an existing agricultural field as part of a wider farmstead. The site is therefore devoid of any permanent structures at this time. It is located to the west of properties fronting Manor Road, and lies beyond the defined village boundary and conservation area.

The site itself is relatively flat with minor changes across its axis. The eastern boundary of the site along Manor Road is open and only defined by the small verge from the road. The northern boundary to Ashbre is delineated by a low chain link fence, whilst the southern and western boundaries are defined by trees and hedgerows. The north west boundary is currently only defined by the existing footpath connecting into Bell Meadow.

The site is covered by policy CC2 of the saved Local Plan but is otherwise free of tree preservation orders, heritage constraints or flood risk designations.

Surrounding Area

The surrounding land use to the north, south-east and east is residential, whilst land to the south-west and west is more countryside and arable fields.

Immediately to the north east of this site is the site to the rear of Manor Hall, which has been the subject of a separate planning application for 17 dwellings (application reference F/TH/15/0770 - approved at committee in April 2016). To the north west is the existing Bell Meadow playing field, whilst land to the south and south west remains agricultural. Land to the east is residential.

RELEVANT PLANNING HISTORY

There is no relevant recent planning history relating to this application site. The site was the subject of a pre-application submission in 2015 for residential development.

PROPOSED DEVELOPMENT

The proposed development seeks detailed planning permission for 39 detached, semi-detached and terraced two-storey dwellings.

The accompanying Design and Access Statement explains the design approach to the development of this site. The proposed scheme would deliver a mix of 2, 3, 4 and 5 bedroom dwellings on the site, including the provision of 12 affordable dwellings.

Access to the site is proposed via a new access onto Manor Road. A pedestrian footway is also proposed along the southern edge of Manor Road to link up with the footpath on the northern side into Manor Lea Road.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan Policy (2006) Saved Policies

- D1 - Design principles
- D2 - Landscaping
- H1 - Housing provision
- H4 - Windfall sites
- H8 - Size and type of housing
- H14 - Affordable housing provision
- H15 - Rural Local Needs Housing [not a relevant policy as not local needs/affordable]
- CF2 - Development contributions
- SR5 - Doorstep and local play space
- CC1 - Development in the Countryside
- CC2 - Landscape and Character Area
- R1 - General Levels of Development
- TR12 - Cycling
- TR16 - Car parking provision

NOTIFICATIONS

Neighbouring dwellings in Manor Road, Wotton Court, Wansum Court, The Finches and Bridges Close were notified by letter. A site notice was also displayed. A total of 9 individual letters of objection have been received raising the following points of concern:

- Conflict with the Local Plan
- Overbearing development and loss of outlook
- Out of character with the area
- Highway concerns
- Loss of parking
- Proximity to adjoining properties
- Strain on community facilities

St Nicholas-at-Wade and Sarre Parish Council - summary of St Nicholas-at-Wade and Sarre Parish Council objections to the above planning application:

- The planning application contravenes TDC Local Plan 2006
- The planning application contravenes new TDC Draft Local Plan
- Traffic concerns
- Strains on local services
- Strains on utilities

CONSULTATIONS

Kent Highway Services - (25 January 2016) The initial comments placed a holding objection to the scheme due to various revisions being required to the layout and confirmation on the suitability of the access. To address these revised plans have been provided by the agent as well as a safety audit of the proposed new junction.

(9 June 2016) I refer to the safety audit, designers response and drawings numbers 595/202 Rev. B, 203 Rev.E, 210 Rev. B, 214, 213 Rev. A, and 2686-03 Rev. E submitted for the above.

The proposed development may generate 22 vehicle movements in the network peak hours in Manor Road, which can be accommodated as current traffic flows are low. These additional movements will likely all be tidal in nature (southbound in the morning peak and northbound in the evening peak) due to the proposed build-out at the access preventing movements to/from the north. Whilst some limited on-street parking takes place in the southern section of Manor Road, there is sufficient width for vehicles to pass parked vehicles and sufficient space to allow vehicles to wait for a vehicle coming in the opposite direction to pass. Whilst there is a short section of Manor Road between the site boundary and St Nicholas Lodge without a footway, this is a low speed environment with good approach visibility which is used by pedestrians at present without any apparent crash problems. The proposals also include a connection to the existing public right of way to the north of the site and a contribution to surface this path, providing a connection to the pedestrian routes to the school, village amenities and bus stops.

Whilst the proposals will give rise to additional movements at the Manor Road/A28 Canterbury Road junction, there is no pattern or volume of crashes to suggest there is an existing problem at this junction which will be exacerbated by the proposals. It is accepted that the visibility at the junction of Manor Road with The Length is below current standards, however this junction appears to operate without apparent crash problems and the proposals are in any case unlikely to generate additional vehicle movements in the northern section of Manor Road.

The site access proposals have been independently safety audited and adequate visibility and manoeuvring room is provided. The amount of car parking proposed within the site is acceptable and unlikely to lead to on-street parking on the highway.

Taking all of the above into account the proposals are unlikely to have a severe impact on the highway network which would warrant a recommendation for refusal on highway grounds, subject to safeguarding conditions and s.106 agreement.

KCC Sustainable Drainage - The proposed use of infiltration drainage features and detention basins at this location is acceptable in principle. At the detailed design stage this outline proposal will be subject to appropriate ground investigation and infiltration testing to demonstrate that the principle can be validated.

KCC Biodiversity - We have reviewed the submitted information and we are largely satisfied with the information however we do require clarification, prior to determination, on the following points:

Birds

The ecological report has only assessed the impact on birds breeding within the hedgerows/trees within the proposed development site. We recommend that additional information is submitted prior to determination assessing the impact the proposed development will have on all breeding birds and wintering birds.

Reptiles

The submitted report has highlighted that there is some limited potential for reptiles to be present within the tall ruderal vegetation within the site boundary. We would like additional information to be provided confirming that there is suitable habitat adjacent to the site for any reptiles to be moved/pushed in to and the habitat will be retained in perpetuity.

Badgers/Hedgehogs

The submitted survey has highlighted that there is potential for badgers and hedgehogs to be present within this site and advise that a precautionary approach is implemented to avoid impacting the species during the construction works. We advise that this must be implemented if planning permission is granted.

Bats

We are satisfied with the conclusions of the report that the bats are most likely to be foraging/commuting along the field boundaries which will be retained as part of the proposed development. The recommendations within the submitted report must be incorporated in to a lighting scheme.

Enhancements

The report has made a number of recommendations of ecological enhancements which can be incorporated in to the site. Confirmation of which enhancements will be included within the scheme (if planning permission is granted) must be submitted for comments.

Designated Sites

The proposed development is less than 5km from the Thanet Coast and Sandwich Bay SPA and Ramsar site. Studies carried out have highlighted that recreation is a potential cause of decline in bird numbers within the designated sites. In order to address this potential issue TDC have produced a Strategic Access Management and Mitigation Plan and advise that the applicant contributes to the SAMMP.

Subsequent comments received on 16 March following receipt of additional information from the applicant confirms that the concerns previously identified within our EAS advice note issued in January 2016 have been resolved and there are no objections to the proposed development.

Birds - We have reviewed the submitted information and we are satisfied the information provided is sufficient to determine the planning application.

Reptiles - We advise that we are satisfied that sufficient information has been provided to satisfy us that, if present, reptiles can be retained within the site and adjacent habitat. We recommend if planning permission is granted that the hedgerows are enhanced to increase their suitability to be used by reptiles - for example creating log piles within the hedgerows.

KCC Public Rights of Way - No comments

KCC Development Investment - The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

Primary School Provision

The proposal gives rise to additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the Phase 1 expansion of Birchington Primary School, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded. A contribution of £2,360.96 per 'applicable' house (x39) is required towards the construction of phase 1 of the Birchington Primary School expansion.

Secondary School Provision

The proposal gives rise to additional secondary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the extension of existing Secondary School accommodation within the locality. The contributions from this development will be allocated towards the construction

cost of Royal Harbour Phase 1 works. A contribution of £2,359.80 per 'applicable' house (x39) is required towards the first phase of expansion at Royal Harbour Phase 1 works.

Libraries

This new development will generate new borrowers for the Library Service. Bookstock in Thanet at 953 items per 1000 population is below the County average of 1134 and both the England and total UK figures of 1389 and 1492 respectively. The County Council therefore requests £48.02 per dwelling (x39) to address the direct impact of this development.

Social Care

The proposed development will result in additional demand upon Social Care (SC) (Older People, and also adults with Learning or Physical Disabilities) services. All available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet. In addition, the Social Care budgets are fully allocated, therefore no spare funding is available to address additional capital costs for social care clients generated from new developments.

The County Council request Thanet Council ensure the delivery of 1 Wheelchair Accessible Home (as part of the affordable housing element on this site) to fully mitigate the impact of this development on Social Services, with nomination rights given in consultation with KCC Social Care.

Superfast Fibre Optic Broadband

To provide: 'fibre to the premise' (superfast fibre optic broadband) to all buildings (residential, commercial, community, etc) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings.

Strategic Housing - the Council's housing team indicated that the affordable housing provision should be revised from the submitted 6 x 2 bed and 6 x 3 bed to include provision of some 4 bed units to reflect the wider housing mix. The requested split should include the following: 4 x 2 bed; 6 x 3 bed and 2 x 4 bed.

The applicant subsequently confirmed in an email (21 January) that the revised split of 4 x 2 bed, 6 x 3 bed and 2 x 4 bed can be provided. The mix proposed of 6x3bed, 4x2bed and 2x4bed, is in accordance with the housing need in Thanet. Housing Associations do not generally build 5 bedroom houses, so the mix of 2, 3 and 4 bed affordable units are more appropriate, than a direct proportionate mix of the private units.

Southern Water - Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent: "A formal application for connection to the public sewerage system is required in order to service this development.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed water infrastructure plans have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Kent Police - There is no mention of crime prevention in the Design and Access Statement. I recommend that boundary treatments conform to Secured by Design specifications being 1.8m in height for side and rear gardens. If this planning application is given approval we would suggest the following condition is included:

"The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter maintained.

Natural England - The application site is in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Thanet Coast & Sandwich Bay Special Protection Area (SPA). The above site is also designated at a national level as Sites of Special Scientific Interest (SSSIs) (the Thanet Coast SSSI).

Natural England is satisfied that the proposed developments being carried out in strict accordance with the details of the applications, as submitted, will not damage or destroy the interest features for which the SSSIs named above have been notified.

COMMENTS

This application is reported to planning committee as a departure from the saved Local Plan and was also called to committee by Councillor Ken Gregory. The main considerations with

regard to the planning application are the principle of development; the impact upon the character and appearance of the local area; the impact upon living conditions of neighbouring property occupiers and future occupiers; highway safety; Biodiversity impacts; Drainage and flood risk considerations, and Environmental Health considerations.

Principle

In considering the planning application under section 38(6) of the Planning Act, any determination must be made in accordance with the development plan (in this case the Thanet Local Plan) unless material considerations indicate otherwise. The NPPF sets out at paragraph 215 that due weight should be given to relevant policies in existing plans according to the degree of consistency with the policies within the NPPF.

The site is non-previously developed land beyond the village confines. The proposal is therefore contrary to the aims of saved policy H1 that states that residential development on non-allocated sites will be permitted on previously developed land within the existing built up confines unless specified by other Local Plan Policies. This policy constraint, however, needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis the National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development. In this case whilst the site lies beyond the village confines, it is adjacent to existing residential properties and has good pedestrian access to local Bus stops as well as the facilities within St Nicholas-at-Wade. It could therefore be considered a sustainable location with regards access to services and facilities.

The site has been included within policy HO4(B) of the draft Local Plan, along with an adjacent site, as a residential development with the rural settlements potentially capable of providing 50 dwellings between 2016-21. The draft Local Plan has limited weight at this stage due its lack of progress, however it reflects the most recent view of the council with regards to the assessment of the sites suitability for residential development.

The development of this site for housing could therefore be acceptable subject to the detailed consideration of all other material considerations including the impact upon the character and appearance of the area, the impact on living conditions of neighbouring properties and highways safety.

Character and Appearance

The NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place; respond to local character and history; reflect the identity of local surroundings and materials; and are visually attractive as a result of good architecture and appropriate landscaping (paragraph 58). Policy D1 of the Thanet Local Plan outlines that the design of all new proposals must respect or enhance the character or appearance of the area particularly in scale, massing, rhythm and use of materials.

The application site is currently an area of agricultural land beyond the village confines. In its present condition it could be considered that the site serves a practical function as arable land whilst also functioning as a gap in the settlement pattern and therefore must be

considered in the context of saved policy SR11 of the Local Plan. This states that development will not be permitted on such sites where they provide recreation opportunities, meets a deficiency in recreational facilities, or has intrinsic benefits that contribute to the character or the area. In this case the application site has most recently been used as agricultural land and does not therefore provide recreational opportunities or meet a deficiency in recreational facilities. The area further to the north-west provides a valuable role as an area of protected open space for formal and informal recreation and has a public right of way through it connecting it to the main village centre.

Despite the site functioning as a gap in the settlement it does not contribute positively towards the character or the area itself or provide for longer views that can be considered to be of intrinsic benefit. Its development for the provision of new housing is therefore not considered to represent a conflict with the aims of saved policy SR11.

The submission sets out a density development of 16.6 dwellings per hectare as set out in the accompanying technical reports. The layout achieves an appropriate density with sufficient spacing between the individual dwellings and opportunities to provide appropriate soft landscaping to enhance the street scene. The lower density of development is also considered to reflect the surrounding pattern of development, including that proposed on the adjoining site to the north east (TH/15/0770). This scheme also results in the provision of detached and semi-detached properties (the exception being two terraces of three as part of the affordable provision), which is again in keeping with the surrounding built character.

The scheme is designed so that all of the proposed dwellings are two storey in nature. Whilst this means that the proposals are of greater scale than the existing properties to the immediate south of the site, this scale of development is in keeping with the wider character of the area particularly to the north and east. In this context the contrast with the scale of those two properties immediately south is not considered to result in unacceptable impacts to the wider character and appearance.

The NPPF is clear in setting out that policies and decisions should not stifle innovation, originality or initiative but should seek to promote or reinforce local distinctiveness (paragraph 61). It goes on to state that permission should be refused for development of poor design where it fails to improve the character and quality of an area and the way in which it functions.

The architectural approach to the development seeks to incorporate design elements that are present within the local area. The street scene is varied with the use of different roof forms and subtle variation in the palette of materials to create a well designed estate that would fit into the immediate surrounding, recognising that the immediate surrounding area lacks a single distinctive architectural style.

The contrast between the tile hanging, weatherboarding and brickwork provides a subtle contrast within the wider street scene. Contrasting surface materials are also proposed for the road surface and parking areas to delineate between private and shared zones. Whilst the materials have been specified within the submission regarding colours a standard condition is considered appropriate to control the specific materials used.

In regards to landscaping the application is supported by a landscape assessment that sets out the three principle landscaped areas within the site (the main frontage and then the two public spaces within the site either) would be covered by a maintenance agreement as part of a section 106 agreement. Whilst the landscape assessment considers the impacts of the development on views into/from the landscape character area there are no landscape details regarding the scheme layout itself. The submitted plans indicate planting along the street frontage to soften the built form, together with planting along some of the boundaries between plots to reinforce a rural character. However, in the avoidance of any specific details it will be necessary to ensure the submission and approval of a detailed hard and soft landscape scheme through conditions on any approval.

This scheme lacks the immediate street frontage presence that is present elsewhere along Manor Road due to the setting back of plots 1 to 4 behind a managed area of open space. However, the provision of a landscaped frontage is welcomed and subject to it being maintained free of boundary treatment is considered to represent an enhancement locally.

In conclusion it is therefore considered that the development of this site for 38 dwellings of two storey nature is acceptable in principle without harming the character and appearance of the surrounding area. The detailed design of the elevations together with an appropriate palette of materials demonstrates that an acceptable scheme can be achieved to ensure compliance with saved policy D1 of the Local Plan.

Living Conditions

The nearest residential development lies to the north of the site to the existing single storey building of Ashbre. It is also pertinent to consider the relationship between the proposed development of this site and that of the adjoining site to the rear of Manor Hall (TH/15/0770). Although this site has not been built it has been granted following the April planning committee and it is therefore necessary to consider how the two schemes might relate to each other and whether there is a conflict with the layouts of either that would result in unacceptable impacts should they both be approved.

Due to the separation distances along the northern boundary of the site with Ashbre and the layout of plots 37 to 39 there is no opportunity for any degree of overlooking that would be detrimental to the existing amenity provision for the occupants of the property. In regards to the relationship with the adjoining development site it should be noted that separation distances between properties is acceptable, with the proposed dwellings approximately 15 metres from the boundary and the adjoining proposed dwellings being approximately 11 metres from the boundary.

Within the proposed development, the layout examples provided within the Design and Access Statement demonstrate that the separation distances between buildings and likely positioning of windows would result in acceptable standards of accommodation for all future occupants concerning both outlook and private residential amenity.

The layout also includes the provision of a field access between plots 21 and 22 via a private drive. The applicant has confirmed that this access is required in order to provide the farmer with access to the field for future management.

In relation to the provision of doorstep play space as set out in policy SR5, the individual dwellings are provided with adequate garden space to provide a safe play area for children. The scheme also provides three distinct areas of open space within the layout, although one of these fronts Manor Road and is therefore not suitable for any form of informal recreation. The larger central green would function as an area of green space also suitable for informal recreation. It is not a requirement to make provision on site for open space due to the scale of the proposed development. It should be noted that the emerging local plan envisaged this site coming forward with development of the adjoining land (F/TH/15/0770) and providing 50 or more dwellings, in which case on site open space would be required. In the circumstances it is not considered appropriate to request on site open space provision either from the individual sites or on site through a combination of both. A financial contribution towards the improved provision of open space in the surrounding area is therefore considered an appropriate measure to ensure the needs from the developments are met locally.

In relation to the provision of doorstep play space as set out in policy SR5, the individual dwellings are provided with adequate garden space to provide a safe play area for children.

Affordable Housing

Affordable Housing is dealt with through policy H14 of the Thanet Local Plan setting out 30% as the starting point for negotiations on all qualifying developments of more than 15 dwellings or sites of more than 0.5 hectares. Based on the provision of 39 units in total on the site the affordable housing requirement would be to provide 12 units. The applicant has confirmed that they are intending to meet this obligation, which would be secured through a legal agreement.

The applicant has provided a plan to show that plots 5 to 16 would be the affordable units. The revised split of 4 x 2 bedrooms, 6 x 3 bedroom and 2 x 4 bedroom units. This split of provision is in accordance with the latest Strategic Housing Market Assessment requirements, demonstrating a preference for the larger family units.

The applicant has also confirmed that the proposed split will be eight units for affordable rent and four for shared ownership. This provision will be secured through a legal agreement, however the applicant has confirmed this is acceptable through the submission of Heads of Terms.

The level of affordable housing to be provided on site is therefore considered acceptable.

Play Provision

The Parish Council have raised an objection to the development on the basis of the proposal failing to accord with the requirements of emerging policy H04B in that the larger development of land at Manor Road is required to 'incorporate open space in accordance with the standards set out in Policy SP27.' The clear inference in this policy relates to the

second requirement in respect of developments of 50 dwellings or more. The link in Policy H04B is included based on the expectation that the entire site (reference S488 or R25_146 in the SHLAA) would come forward as a single application providing more than 50 dwellings. The adjoining site has come forward as a separate detailed application for 17 dwellings and it is not appropriate to join the schemes together to consider the cumulative development of 56 dwellings in order to trigger the requirement for each scheme to deliver an appropriate level of on-site open space.

In accordance with the requirements of Policy SR15 the development would require a commuted payment for the provision, maintenance and upgrading of play facilities which should be provided within a maximum walking distance of 200 metres from the site. The application site is located directly to the south of the existing Bell Meadow play space, which would be used by future residents and therefore contributed towards in order to mitigate for its impacts. Financial contributions towards the improved provision of open space are therefore considered an appropriate measure to ensure the needs from the developments are met locally. The cost of providing an equipped area of play has been calculated as £34,125 in accordance with the adopted Planning Obligations and Developer Contributions SPD 2010. The financial contribution will be passed to St. Nicholas Parish Council who maintains the existing play area to be used for improvements to the play area.

The financial contribution has been agreed by the agent, and will be included within the legal agreement.

Highways

In terms of the access the layout shows a single point of entry and exit via Manor Road. The details of the access include a build out to prevent left turns from the site and these have been discussed at length with Kent Highways who have confirmed that the proposals are now acceptable in principle.

The proposal seeks to provide a total of 99 space for the 39 units. The ratio is set out in detail within the accompanying Transport Assessment, stating that in accordance with the adopted IGN3 note 83 spaces would be required for the scheme. The additional numbers provided are a result on the provision of tandem parking, which results in a reduction of 50% of spaces of the spaces (of 31 spaces an allowance is only made for 15 in total).

KCC Highways and Transportation have advised that public footpath TE10 running along the southern boundary of Bell Meadow forms part of the direct route to and from the primary school and other services within the village and is unpaved, and is therefore likely to be used. The provision of an all-weather surface to this section of footpath TE10 would provide a continuous paved pedestrian link between the site and the school and encourage its use, and the applicant should therefore provide this surface. KCC's Countryside Access Team has advised that £15,000 will be sufficient for these works. This cost has been split proportionately across this and the adjacent housing development site (the subject of a separate application), with a requirement of £11,000 through this application. The agent has agreed to the provision of the financial contribution, which will be secured through the legal agreement. This represents a sustainable benefit for the development and the wider area, providing a public link for the benefit of the immediate area.

In conclusion, the scheme provides an appropriate level of on-site car parking and cycle parking assessed against policy requirements, along with sustainable pedestrian links, and an acceptable form of access. The impact upon highway safety is therefore considered to be acceptable.

Ecology and Biodiversity

The NPPF states at paragraph 109 that the "planning system should contribute to and enhance the natural and local environment by... minimising impacts on biodiversity and providing net gains in biodiversity where possible..." The NPPF then states at paragraph 118 that "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

An ecological scoping survey was submitted with the planning application outlining the details of a phase 1 habitat survey carried out on the site. The applicant has confirmed that the site has been regularly ploughed with no cover making it an inappropriate site for nesting birds. Further information has been provided to address the initial KCC ecology comments and it has been confirmed that this has addressed the initial comments.

Habitat Regulations

Under the Natural Environment and Rural Communities Act (2006) "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these functions, to the purpose of conserving biodiversity." Information on the impacts of recreational disturbance upon Thanet Coast and Sandwich Bay Special Protection Area, Ramsar site, Sandwich Bay Special Areas of Conservation, Thanet Coast Special Areas of Conservation, the Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest and the Thanet Coast Site of Special Scientific Interest has been published in recent years.

Natural England consider that the evidence suggests a significant impact on bird distribution in both summer and winter months and consider that a year round warden would be precautionary and appropriate to mitigate this potential impact. A contribution to this mitigation is therefore required in the form of £184 per residential unit, which has been accepted as an appropriate approach by Natural England.

Drainage and Flood risk

The application site is not within an area prone to flooding and is designated as being of low risk, accordingly the development would not pose a flood risk issue. The submitted Design and Access Statement and separate Surface Water Management Strategy confirms that the scheme will incorporate SuDS to control surface water run off. Southern Water and KCC have raised no objections to the proposed drainage,

In order to ensure that the scheme has no wider impacts a condition requiring the submission and approval of details relating to foul and surface water disposal, including the use of any SUDs is considered to be both reasonable and necessary.

Financial Contributions

Policy CF2 of the Thanet Local Plan states that where a proposed development would directly result in the need to provide new or upgraded community facilities, the Local Planning Authority will negotiate with the applicant for a contribution towards the costs of such provision, which is fairly and reasonably related in scale and in kind to the proposed development.

Requests for financial contributions need to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations (amended in 2014). These state that an obligation can only form a reason in the granting of planning permission if it meets all of the following criteria:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

A request for developer financial contributions has been made by the Development Project Manager on behalf of Kent County Council towards primary school education in the form of £2,360.96 per 'applicable' house towards the construction costs of phase 1 of the Birchington Primary School expansion as well as £2,359.80 per 'applicable' house towards the first phase of expansion at Royal Harbour Phase 1 works. Whilst the primary school contribution is not requested for the St Nicholas Primary school in close proximity to the site, as no project for expansion has been identified by the education provider, the requested contribution to Birchington Primary School is considered to comply with regulation 122 of the Community Infrastructure Regulations.

An additional contribution of £1,872.78 has been requested towards library bookstock to mitigate the impacts of new borrowers from this development. Kent Highways have also requested a contribution of £11,000 to provide a paved all-weather surface on the section of Public Footpath TE10 along the northern boundary of the site, between the site and the existing paved footpath in Bell Meadow. A further contribution of £34,125 is also requested in connection with the provision of equipped play space in accordance with the adopted Planning Obligations and Developer Contributions SPD 2010. These contributions are considered necessary, directed related to the development and fairly and reasonable related in scale and kind to the development from the evidence provided by Kent County Council.

Summary of Heads of Terms of Planning Obligations

Primary School Phase 1 Birchington Primary Expansion - $£2,360.96 \times 39 = £92,077.44$

Secondary School Royal Harbour Phase 1 works - $£2,359.80 \times 39 = £92,032.20$

Libraries - $£48.02 \times 39 = £1,872.78$

Affordable Housing - 4x 2 Bed, 6 x 3bed, 2x 4bed units provided as a mix of affordable rent and shared ownership.

Play area contribution to equipped play area - £34,125

Strategic Access Management and Monitoring Plan (SAMM)- £184 x 39 = £7,176

Public Right of Way Footpath Improvement Contribution - £11,000

Conclusion

The site is non-previously developed land beyond the village confines and is therefore considered contrary to the aims of saved Policy H1. This policy constraint, however, needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis the National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development. The site is considered sustainable in its location and the economic and social benefits outweigh the limited environmental impact of the proposals. Furthermore, although of limited weight the identification of the site within the draft Local Plan and its inclusion within the SHLAA as a sustainable location reflects the Council's most recent view of its suitability for residential development.

It is therefore considered that the proposal can be delivered in a manner that is in keeping with the established character and pattern of the neighbouring residential development and will not result in unacceptable impacts. On balance the need for housing in sustainable locations such as this site outweighs the need set out in saved Policy H1 of protecting non-previously developed land. It is therefore recommended to Members that this application be deferred and delegated to the Director of Community Services to approve subject to the receipt of the legal agreement securing the developer contributions towards education, libraries, play space, footpath improvements and Habitats Regulations mitigation measures and the necessary safeguarding conditions.

Case Officer

Iain Warner

TITLE: F/TH/15/1204

Project Land Adjacent And Rear Ashbre Manor Road St Nicholas At Wade
BIRCHINGTON Kent

Scale:

