

A03

OL/TH/16/0733

PROPOSAL: Outline application for the erection of 4no. detached dwellings including access

LOCATION: White Stag 70 Monkton Street Monkton Ramsgate Kent

WARD: Thanet Villages

AGENT: Mr John Elvidge

APPLICANT: Mr & Mrs Esqulant

RECOMMENDATION: Approve

Subject to the following conditions:

1 Approval of the details of the layout, scale and appearance of the buildings to be erected, the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

GROUND:

As no such details have been submitted.

2 Plans and particulars of the reserved matters referred to in Condition 1 above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

GROUND:

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

GROUND:

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4 The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

GROUND:

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

5 The development hereby approved shall be carried out in accordance with the submitted drawings.

numbered 119/P01B received 28 October 2016., , **** , **** , **** , **** , **** , ****

GROUND:

To secure the proper development of the area.

6 The details to be submitted in pursuant of condition 1 above shall include buildings that do not exceed two storey in height.

GROUND:

In the interests of the visual amenities of the area and to safeguard the special character and appearance and setting of the nearby heritage assets in accordance with advice contained within the National Planning Policy Framework.

7 If, during development, significant contamination is found or caused at the site, then this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters.

GROUND:

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the National Planning Policy Framework.

8 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to, and approved in writing by, the Local Planning Authority

GROUND:

To ensure that the archaeological history of the site is recorded in accordance with the advice contained within National Planning Policy Framework.

9 The details to be submitted in pursuant of condition 1 above shall show no development or new tree planting within 3 metres of either side of the centreline of the public sewer.

GROUND:

To protect drainage apparatus and protect the public sewer.

10 Prior to commencement of development hereby permitted, details of the measures required to protect the public sewers within the site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

GROUND:

To protect drainage apparatus and protect the public sewer.

11 The details to be submitted in pursuant of condition 1 above shall show the retention of tree screen 1, 2 and 3 as shown in the Connick Tree Care document dated 31st October 2016.

GROUND:

In the interests of the visual amenities of the area and to safeguard the special character and appearance and setting of the nearby heritage assets in accordance with advice contained within the National Planning Policy Framework.

12 Existing trees, shrubs and hedgerows situated along the common boundary with Nos 74-78 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:-

- o 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 safeguard the special character and appearance and setting of the nearby heritage assets in accordance with advice contained within the National Planning Policy Framework.

13 Prior to the commencement of work on site the provision of construction vehicle loading/unloading and turning facilities shall be provided and maintained for the duration of construction.

GROUND:

In the interests of highway safety.

14 Prior to commencement of work on site provision of parking facilities for site personnel and visitors shall be provided on site for the duration of construction.

GROUND:

In the interests of highway safety.

15 Prior to the commencement of the development hereby permitted, the replacement parking for the public house, as shown on the approved plan numbered 119/P01B received 28 October 2016, shall be provided and thereafter maintained.

GROUND:

In the interests of highway safety.

16 The visibility splays shown on the submitted plan, numbered 119/P01B received 28 October 2016, shall be provided and thereafter maintained, with no obstructions over 0.6m above carriageway level within the splay.

GROUND:

In the interest of highway safety.

INFORMATIVES

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

It is the responsibility of the applicant to ensure, prior to the commencement of the development hereby approved, 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 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 Highway and Transportation to progress this aspect of the works prior to commencement on site

SITE, LOCATION AND DESCRIPTION

The site lies outside of the village confines of Monkton and is within an area designated in the Thanet Local Plan as countryside and a Landscape Character Area. The access to the site falls within the village confines.

This application relates to a rectangular piece of land situated to the rear of the White Stag Public House on the southern side of Monkton Street.

The site is currently grassed, with hedge boundaries to the east, west and south. Access to the site utilises the existing vehicular access which leads to the existing car park of the Public House. To the south of the site is land associated with Foxhunter Caravan Park.

RELEVANT PLANNING HISTORY

F/TH/04/0754 - Single and 2-storey 26 no. bedroom Hotel and conference building, and a detached single-storey Reception/Shop and Post Office facility. Refused 17/11/04

F/TH/05/0947 - Erection of a single- storey 16 no. bedroom Hotel incorporating a Shop and Post Office facility, together with associated highway works - not determined by the Council.

Appeals were submitted against the 2004 refusal of planning permission, and in respect of the failure of the Council to give notice within the prescribed period of a decision on the second application. Both appeals were dismissed on 10/10/06.

F/TH/07/0356 - Erection of a single storey 16 bed hotel incorporating ancillary shop facility together with associated parking and access. Refused 13/07/07

F/TH/07/1289 - Erection of a 16 bed hotel extension together with associated parking and highway works. Refused 7/1/08 then Allowed on Appeal 27/08/08

F/TH/11/0166 - Application for extension of time of planning permission F/TH/07/1289, for erection of a single-storey 16 no. bedroom Hotel together with associated parking and access. Granted 21/04/11.

F/TH/12/0920 - Erection of a single-storey 16 no. bedroom Hotel together with associated parking and access without compliance of conditions 2, 4, 5, 6, 7, 8, 9 and 10 for F/TH/11/0166 to allow construction of acoustic wall prior to off-site highway works. Granted 21/03/13

PROPOSED DEVELOPMENT

The proposal is for the erection of 4 detached dwellings. The application is in outline form with all matters reserved except access. The site is accessed from the existing access onto Monkton Street, which serves the car park associated with the public house.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006)

H1- Housing

H4 - Windfall Sites

CC1 - Development in the Countryside (urban and rural confines)

CC2 - Landscape Character Areas

TR12 - Cycling

TR16 - Car Parking Provision

D1 - Design Principles

D2 - Landscaping

SR5 - Play space

R1 - General Levels of Development

NOTIFICATIONS

Neighbour notification letters were sent to properties directly surrounding the site, a site notice was posted near the site, a site notice posted and an advert placed in the newspaper.

Three letters of objection have been received raising the following concerns:

Loss of parking spaces for people using the pub

Change of use will cause a significant increase in noise and disturbance

This proposal will be opposite the access for the 8 houses opposite the White Stag causing significant highway safety issues

Detrimentially alter the outlook at the rear of No.74 Monkton Street - suggest house is rotated clockwise so windows do not overlook No.74's garden

Reduced sunlight will reach the garden of No.74

Traffic concerns

Houses would be preferable to a hotel

Monkton Parish Council - no comment at this time but would appreciate consideration with regard to any construction traffic and subsequent problems this would cause, such as obstruction and traffic disruption.

CONSULTATIONS

Kent County Council Highways and Transportation - No objection subject to conditions. Whilst layout is not for consideration at this time, the indicative layout shows that access and parking for 4 dwellings can be provided on the site together with a similar level of retained parking for the public house as is currently available. The necessary 2.4 metres x 43 metres visibility splay to the east of the access should be protected and this has been shown on the plans, so can be conditioned.

Southern Water - comment that the applicant must determine on site the exact position of the public sewers and advise that they contact them directly to discuss further. They specifically note no development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction work. No new soakaways should be located within 5 metres of a public sewer.

Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water. They also request an informative be added with regards to a formal application for connection to the public sewerage system.

Environmental Protection Manager

The proposed development is located to the rear of the White Stag PH and adjacent to the Foxhunters Caravan Park. This department has no record of past contaminative uses at the

application site. There is a record of former fuel storage at the Foxhunter's Caravan Park, however the tank Ref. E113 was cement slurry filled and removed in 1979. The current risk to the adjacent development site is therefore considered negligible.

I would however recommend a safeguarding condition be added, should planning permission be granted, in the event that any unsuspected contamination be encountered during groundwork.

Conservation Officer - raises concerns with regard to the setting of listed buildings 76 to 84 Monkton Street as he considers this site forms an important element for the setting of listed buildings and non-designated heritage assets.

Historic England's publication 'The Setting of Historic Assets' advises 'setting does not have a fixed boundary and that the setting of an asset may reflect the character of the wider landscape in which it is situated, whether fortuitously or by design'. The proposal is for a development to the south of Nos 76-84 and No 62 Monkton Street, in particular Nos 76 and 78. The site is also to the south of properties along the south side of Monkton Street, including Nos 64/66, 72 and 74 which in the Conservation Officer's opinion could be considered non-designated heritage assets.

Furthermore, the setting of a heritage asset often includes land which has a visual relationship with the building, and this is certainly the case in this instance. From the gardens of the above heritage assets the openness of the site is readily apparent and could be regarded as falling within the setting of the heritage assets.

COMMENTS

This application is brought before the Planning Committee as the proposal represents a departure from Policy H1 of the Thanet Local Plan, as the site is located in the countryside.

The main issues raised by this proposal are the effect of the proposals upon the character and appearance of the surrounding area; the effect upon the setting of the nearby Grade II Listed Buildings (designated heritage assets); the effect upon Highway safety; the impact upon the living conditions of the occupiers of nearby residential properties; and whether there is a need for the development that overrides the need to protect the countryside.

Principle

Policy CC1 of the Thanet Local Plan states that within the countryside, new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside. There is a need for housing within Thanet, however, the need for housing has to be balanced against the impact on the countryside and the sustainability of the site.

Policy H1 of the Thanet Local Plan states that residential development on non-allocated sites will be permitted only on previously developed land within existing built-up confines, however, currently this policy has little weight (as the council cannot demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 49 of the NPPF), apart

from where proposed development is on non-previously developed land outside of the urban confines (in which case Policy H1 may be considered to be compliant with paragraph 55 of the NPPF).

The application site lies within an area designated as countryside as defined by the Thanet Local Plan and is therefore contrary to Policy H1 of the Thanet Local Plan, which requires that new residential development should be on previously developed land within the urban confines. Policy CC1 states that within the countryside new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside.

However it has been determined that the Council does not currently have a 5 year supply of deliverable housing sites as required by paragraph 49 of the NPPF. For residential development, this means that planning applications for housing should be considered in the context of the National Planning Policy Framework's presumption in favour of sustainable development (paragraph 14). This is because local policies (including defined development boundaries) relating to the supply of housing are no longer considered up to date (paragraph 49). Paragraph 14 of the NPPF states that where relevant local policies are out-of-date, planning permission should be granted unless; any adverse impacts of doing so would "significantly and demonstrably" outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

The Planning Inspector in considering the two earlier appeals (26 and 16 bed hotel) was not convinced that the site could reasonably be described as non previously developed land in the countryside as it is surrounded by built development and mobile homes, is kept mown, and appears to be part of the public house curtilage. The site is therefore considered to be previously developed land.

The site currently has the benefit of planning permission for the erection of a 16 bed hotel with parking for 26 cars. The applicant states that pre-commencement conditions were discharged and a lawful commencement was made on the development through the digging of the trench, laying of foundations and commencement on the construction of the acoustic screen wall. However, no evidence of this has been provided and, therefore, based on current information there is not considered to be an extant consent on the site.

In this instance the site is on the edge of the village confines of Monkton, close to the local primary school and a public house and the additional housing would enhance the vitality of the village. The principle of development is therefore considered to be acceptable subject to other material considerations including character and appearance, setting of designated and non-designated heritage assets, living conditions, highway safety and drainage.

Character and Appearance

The site is located behind the White Stag public house and properties fronting Monkton Street. The site is not immediately visible from the main highway due to the natural slope of the land from north to south, with the existing properties in Monkton Street providing screening together with the existing mature trees and planting which surround the site.

Views of the site are mainly glimpsed between the public house and No.72 through the existing access road to the pub car park.

The main part of the site extends beyond the village confines but is immediately adjacent to it. In the earlier dismissed appeals (F/TH/04/0754 and F/TH/05/0947) the Inspector concluded that the development (for the 26 and 16 bed hotel) would not be unacceptably harmful to the character and appearance of the area. In respect of the hotel proposal (which had the appearance of converted farm buildings) the Inspector did not consider it would represent an unacceptable incursion into the open countryside. He went on to say that whilst the development would be visible from public viewpoints, especially down the access road, he was not convinced that such views would be unacceptably out of character in the area.

Whilst the current application is only in outline and detailed drawings of the dwellings are not available the indicative layout suggests modest sized dwellings would be provided that would not, in my opinion, result in a prominent or isolated form of development within the open countryside and would not occupy a prominent position that would be visible from public vantage points across fields.

The applicant has removed 'Layout' from the proposal at this stage, which will instead be reserved for future consideration, however, it is considered that the size of the application site is capable of accommodating four dwellings, whilst maintaining adequate separation between properties, amenity space and parking provision.

I consider that the proposal for four dwellings on this site would not be more visually harmful to the character and appearance of the area than the previously approved hotel scheme, which included a large area of hard standing for the parking of 26 vehicles, and which lacked the softer landscaping detail associated with the proposed residential dwellings.

I therefore consider that the need for the development would outweigh the harm to the countryside.

Setting of Designated and Non-Designated Heritage Assets

Monkton Street comprises a number of listed building and buildings which are considered non-designated heritage assets. The listed buildings include the terrace, Nos 76 to 84, and Thatch Cottage (No.62).

The Conservation Officer raises concerns over the potential impact of the development, particularly the proximity of Unit 1, would have on the adjacent heritage assets. Of particular concern is the existing openness of the site has a visual relationship with the heritage assets. The Conservation Officer comments that "the rear of the heritage assets look across the proposed development site, from which it is clearly visible and it is this openness that in his view contributes positively to the setting of the heritage assets when viewed from other surrounding land including the Foxhunter Park. This open setting provides an undeveloped and/or low-key development backdrop against which the status of the heritage assets can be appreciated and it provides a strong agricultural open country impression. The location of these assets within a wider sweep of open agricultural land is attractive and tranquil and

although this impression is perhaps more fortuitous than designed, but nevertheless an attractive one which enhances the ability to appreciate the significance of the heritage assets."

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special regard to be had to the desirability of preserving the setting of listed buildings as do the policies and guidance within the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).

Following these concerns the applicant has submitted an amended drawing handing the layout of Unit 1 so that the single storey element is closest to the common boundary with properties in Monkton Street. The precise layout and scale of the dwellings are to be considered at reserved matters stage where any impact on the heritage assets can be addressed.

With regards to the setting of listed buildings in the previous hotel decision the Planning Inspector commented that the listed building in Monkton Street were sufficiently distant from the development not to be harmfully affected. His comments related specifically to Thatch Cottage, saying the roof of the hotel scheme would be glimpsed in the background to the rear, when seen from the road, and that the rear garden was separated from the site by a substantial leylandii hedge. In this instance the degree of separation between the listed terrace and the closest dwelling (Unit 1) is approximately 20 metre and this, together with the existing screening, would not in my opinion have an unacceptable harmful impact on the setting of the heritage assets. Units 2 and 3 are mainly visible along the access road and are some 55 metres from the highway, with Unit 4 being over 20 metres from the rear boundary with Thatch Cottage. From the vantage point of Monkton Street the proposed development would not be viewed in conjunction with the heritage assets fronting the highway and would, in my opinion, have less of an impact than the buildings being constructed immediately opposite the entrance to the site.

I consider the erection of four detached dwellings, with their residential use, would be less harmful to the setting of the heritage assets than the approved hotel and large car parking area. From the site, glimpses of the roof tops of the listed terrace are possible, but the buildings are mostly screened by existing boundary trees and hedges. Landscaping is reserved for future consideration but the applicant's tree survey confirms that the existing trees on the common boundary with Nos 74 and 76 are Lawson Cypress which is a non-native evergreen species and as such would provide screening throughout the year. The survey identifies trees along this common boundary, labelling them Screen 1, 2 and 3, and advises that these screens can be increased further through additional planting with a mixture of native evergreen species such as Holly, and Yew to give an all year round screening. Further tree planting and screening could be considered under landscaping in a reserved matters application.

Paragraph 134 of the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

Paragraph 55 of the NPPF states 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.' The dwellings proposed would provide additional housing in this rural location that would contribute to ensuring continued support for rural services, including shops and transport, which has a public benefit.

I consider in this instance the location of the proposed dwellings would create less than substantial harm to the significance of the designated heritage assets and that the benefit to the public of providing much needed housing within the village to support rural services outweighs any potential harm.

Living Conditions

No details have been provided at this stage on the location of windows but this can be controlled at the detailed design stage to prevent unacceptable overlooking or loss of privacy. The indicative layout of the dwellings shows the properties facing into the site with single storey elements nearest residential properties in Monkton Street.

The proposed dwellings are no closer to the existing public house than existing neighbouring units and as such the impact on amenity for any future occupiers is considered to be no worse than the existing situation. Environmental Protection confirm that they have never received any noise complaints regarding the public house. The impact on the future occupiers regarding potential noise and impact from the public house is therefore considered to be acceptable.

I believe it could reasonably be argued that the erection of four residential dwellings would be less harmful to the setting of the heritage assets than the approved hotel. Activity to and from the site as a hotel has the potential for a high level of comings and goings to the early hours of the morning compared to the typical hours and numbers of movements to and from residential dwellings.

The hours of operation of the hotel was allowed until midnight on Sundays, 0100 Mondays to Thursdays and 0200 Fridays and Saturdays. Hotel customers may arrive and depart during the early hours of the morning. Taking this into account the Inspector felt the separation distances would not result in unacceptable harm from noise or disturbance to any surrounding properties and required an acoustic wall to be constructed between the appeal site and No.72. I would argue that by comparison four residential dwellings would be far less likely to result in noise or disturbance to surrounding properties and as such I consider the living conditions of neighbouring residential occupiers would not be harmed by this proposal.

The indicative layout shows the dwellings some distance from neighbouring residential dwellings with substantial landscaping to the common boundary. I consider the separation distance of the development is unlikely to result in direct overlooking or loss of privacy and any potential for loss of amenity can be controlled through sensitive design of the dwellings and placement of windows.

Highway Safety

Concern has been expressed that the proposal would result in more vehicle movements on an already congested highway. The proposed development would create vehicle movements to four dwellings which is relatively small compared to the potential vehicle movements associated with the movements generated by the approved hotel and 26 parking spaces. Parking spaces are shown on the amended drawing for the use of the public house to the satisfaction of Kent Highways.

The site is also served by a limited bus service (Monday to Saturday) which stops immediately opposite the site and close to the entrance. This service links to other more frequent services and to Minster Railway station.

The proposal indicates off street parking for each dwelling and turning space within the development and the access utilises the existing access onto Monkton Street. As such I do not consider the proposal would adversely impact upon highway safety.

Drainage

Southern Water indicate a public sewer running east to west across the top edge of the site. They advise that the exact position of the public sewer must be determined on site by the applicant before the layout of the proposed development is finalised. The drawing submitted has taken account of the indicative positioning of the sewer and has positioned the dwellings just below this point although I am not convinced, given the scale of plan provided, that the proposed development would not fall outside of the 3 metre buffer required either side of the sewer. As such details of the layout, taking into account the location of the sewer are to be submitted as part of the reserved matters.

Other Matters

It should be noted that the Draft Local Plan proposes sites nearby this site for the allocation of housing, one being the site currently under construction directly opposite the entrance to the site (S240) and a strategic housing site (ST6) to the east on the north side of Monkton Street. Whilst this site is much smaller and has not been included in the current housing allocation its sustainability in terms of location would be similar.

Conclusion

Whilst the site lies within the countryside as identified by the Local Plan, the authority does not have a 5 year supply of deliverable housing sites. Accordingly the proposal must be viewed in the context of the presumption in favour of sustainable development and the tests of paragraph 14 of the NPPF.

The proposal seeks outline permission with only access being determined at this stage. Kent Highways raise no objection in principle to the proposal. The indicative layout demonstrates that four dwellings could be accommodated comfortably within the site without having a detrimental impact on the character of the area. Details of appearance, landscaping, layout and scale are matters reserved for future consideration. Neighbour amenity issues will be addressed more fully at reserved matters stage.

The proposed development would provide four dwellings which would help contribute to the vitality of Monkton and be less harmful than the approved scheme for a 16 bed hotel in terms of hours of use and vehicular movements to and from the site.

Whilst the Conversation Officer raises concern over the potential impact of the development on the adjacent heritage assets, the proposal is considered to have less than substantial harm to the significance of the designated heritage assets, which is outweighed by the public benefits of the proposal, and as such accords with paragraph 124 of the NPPF.

In light of the above, it is considered that the need for the development outweighs the need to protect the countryside in this instance, and overall is considered to be a sustainable form of development. It is therefore recommended that Members approve the proposal, as an acceptable departure to Thanet Local Plan Policy H1, subject to safeguarding planning conditions.

Case Officer

Rosemary Bullivant

TITLE:

OL/TH/16/0733

Project

White Stag 70 Monkton Street Monkton Ramsgate Kent

Scale:

