

66 Monkton Road, Minster - Planning application OL/TH/16/0654

To: **Planning Committee – 16 November 2016**

By: **Planning Applications Manager**

Classification: **Unrestricted**

Ward: **Villages**

Summary: This report concerns the outline planning application for the erection of 36 dwellings with construction of new access from Monkton Road. The application was considered by the Planning Committee on 19th October 2016 where Members resolved to “defer back to officers to seek further information in regard to the impact of the development on the Grade II Listed Eden Hall and potential grounds for refusal of the application, to be reported back to members”.

A heritage statement has been submitted, and is appended to this report. An additional comment has been received from the Conservation Officer which is also appended and discussed. The application is recommended for approval for the reasons set out in the officer report, a copy of which is appended to this report. The report also outlines a potential reason for refusal for the planning application.

For Decision

1.0 Introduction

1.1 At the Planning Committee meeting on 19th October 2016 it was resolved by Members to “defer back to officers to seek further information in regard to the impact of the development on the Grade II Listed Eden Hall and potential grounds for refusal of the application, to be reported back to members”. Subsequent to this meeting, a further heritage statement and comment from the Conservation Officer has been received.

2.0 Impact on Grade II Listed Eden Hall

2.1 The location of the site is adjoining the rear garden of Eden Hall, a Grade II Listed building and therefore the main consideration is whether the development would result in harm to its setting, and whether this harm outweighs any public benefits accruing from this proposal. The planning application is for consideration as an outline application; the details of the layout are reserved to a later submission which would be subject to separate consideration. An indicative layout shows a central spine road with the rear gardens of proposed dwellings adjoining the rear garden of Eden Hall.

2.2 The applicant’s Heritage Statement states that the location of Eden Hall (surrounded by residential properties), the vegetation on the boundary and the likely location of rear gardens adjacent to the boundary means that any harm to the setting of the listed building is minimal, and that this is outweighed by the provision of 36 houses, 30% of which are affordable, when Thanet cannot prove a 5 year housing land supply. The applicant’s Heritage Statement is at Appendix B.

- 2.3 The Conservation Officer has commented that the site makes a positive visual contribution to the significance of the house, and views the site as part of the setting of the Listed Building. The impact on the significance of the asset is characterised as harmful by the Conservation officer, and whilst less than substantial, the Conservation officer gives this harm considerable importance. This means that the harm must be weighed against the public benefits of the proposal, in accordance with paragraph 134 of the National Planning Policy Framework. The Conservation Officers comments are at Appendix C.
- 2.4 Taking account of the Conservation officer's comments, members must weigh up whether the public benefits would outweigh any identified harm. Whilst the siting of any housing development to the rear of the garden to this dwelling will have an impact, given the separation distance between the listed building and the south west boundary (30metres) and the controls that can be exhibited over the detailed layout within the reserved matters stage, it is considered that this impact can be minimised through the reserved matters application when formalising the detailed layout and scale of the development. No existing public views of the rear of the Listed building exist that would be lost, and therefore the proposed development would not affect the way the heritage asset is viewed by the public. The remaining harm must be weighed against the public benefits from the proposal, which would increase the supply of housing in the village by 36 dwellings whilst providing 11 affordable units within that supply. Given these benefits and subject to consideration of the issue when assessing the detailed reserved matters application, it is considered that the proposal would not warrant refusal of the application on the impact on Eden Hall.

3.0 Potential reasons for refusal

- 3.1 Specific concerns were raised in discussion at the Planning Committee meeting about the expansion of the village from the proposed residential development into this part of the countryside. The site lies outside the current urban confines, and within the countryside. Whilst the site is screened by established trees, members expressed concern that the development of the site would alter the rural character of the site, and result in the loss of separation between Minster and nearby Monkton village. The site is visible from a well used public footpath along the south of the site, in the context of wider open fields all of which is within the designated countryside.
- 3.2 The Council cannot demonstrate a 5 year supply of housing land to meet its objective assessed need, and therefore Policy H1, which restricts residential development to within the urban confines, has little weight and it would be unreasonable to refuse the application solely on this basis.
- 3.3 The site was not proposed to be allocated in the draft Local Plan published in January 2015. Subsequent to identifying a shortfall in the Council's 5 year housing land supply through the adopted plan, the Council has approved residential development outside of the urban confines and within the countryside in accordance with the emerging draft local plan, as well as on sites not allocated within in the draft.
- 3.4 If members do not consider that the provision of 36 houses towards the increased supply of necessary housing and other public benefits accruing from the development would outweigh the environmental harm to the countryside, identified as the loss of rural character from the site and its contribution to the countryside and space between Minster and Monkton, to the extent that it cannot be considered as sustainable development, then members could refuse the application as contrary to Policy CC1.

3.5 If members do not consider that the public benefits from the proposal would outweigh harm to the setting of the Grade II Listed Eden Hall from the development of the site, and that the principle of any housing to the rear of the Listed building would be harmful, then members could refuse the application as contrary to Paragraph 134 of the National Planning Policy Framework and the duty to preserve heritage assets.

3.6 Other issues discussed include the impact on the highway network and services available to the village from this development. Full considerations of these issues are outlined within the committee report appended to this agenda item, and it is not considered that there would be demonstrable harm to warrant refusal of the application on either ground.

4.0 Options

4.1 Members confirm that planning permission be deferred and delegated to officers for approval subject to the receipt of a legal agreement securing affordable housing and financial contributions as agreed, and subject to conditions set out in Appendix 1.

4.2 Members refuse the application as contrary to Policy CC1 of the Thanet Local Plan, as the need for the development is not considered to outweigh the need to protect the countryside, and as the development would result in significant harm to the setting of the Grade II Listed building Eden Hall by virtue of the location of the site and relationship with the listed building.

4.3 Members propose an alternative motion.

6.0 Recommendations

6.1 Officers recommend members of the Planning Committee to agree option 4.1.

6.0 Corporate Implications

6.1 Financial

6.1.1 Should the application be refused planning permission and the applicant appeal against the refusal, the Council will incur costs in defending its position. Also, as with any appeal, the Council must ensure that it acts reasonably at each stage to avoid the potential for an award of costs to be made against the Council, specifically clearly outlining any demonstrable harm to warrant refusal of an application. A recently costs award against the Council, on the grounds that a planning refusal was unreasonable, totalled around £11,000, to cover the appellant's cost at appeal.

6.1.2 The creation of 36 dwellings would also create additional council tax income within the district and new homes bonus grant, however this is not a determining factor in the recommendations to planning committee.

6.2 Legal

6.2.1 It is not considered that there are any specific legal implications to determining this application.

6.3 Corporate

6.3.1 The development would contribute towards corporate priorities 'supporting neighbourhoods' through creation of 11 units of affordable housing in Minster, and

'job creation and inward investment' through the construction and creation of housing in the district.

6.4 Equity and Equalities

6.4.1 It is not considered that there are any specific equity and equality matters resulting from this application.

7.0 Decision Making Process

7.1 It is the responsibility of the Planning Committee to determine the outline application for planning permission.

Contact Officer: Iain Livingstone - Planning Applications Manager
Case Officer: Gill Richardson – Senior Planning Officer

D13

OL/TH/16/0654

PROPOSAL: Outline application with some matters reserved including access, for the erection of 36 dwellings with construction of
LOCATION: new access from Monkton Road, associated new internal access roads, drainage and landscaping (reserved)

66 Monkton Road Minster RAMSGATE Kent CT12 4EE

WARD: Thanet Villages

AGENT: Mrs Jane Scott

APPLICANT: Crabtree

RECOMMENDATION: Defer & Delegate

Subject to the following conditions:

1 Approval of the details of the layout, scale and appearance of any buildings to be erected, the means of access to the site and 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 No buildings within any part of the site shall exceed two storey in height specified in the supporting statements that was submitted in conjunction with the planning application hereby approved.

GROUND:

To ensure that the development takes place substantially in accordance with the principles and parameters contained within the outline documentation.

6 The vehicular access hereby permitted shall be provided prior to the first occupation of the development.

GROUND:

In the interest of highway safety.

7 Prior to the commencement of development details of the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to, and agreed in writing by, the Local Planning Authority.

GROUND:

In the interests of highway safety.

8 The details to be submitted pursuant to Condition 1 above shall show provision of areas for vehicle parking spaces and turning areas. Such approved details shall be thereafter implemented in full prior to the first occupation of any dwelling.

GROUND:

Development without adequate provision for the parking or turning of cars is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of policy D1 of the Thanet Local Plan.

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

GROUND:

To prevent extraneous material being deposited on the public highway

10 Prior to the occupation of any dwellings hereby approved the following works 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, street lightning, street nameplates and highway structures

Between a dwelling and the adopted highway.

GROUND:

In the interests of highway safety.

11 Prior to the first occupation of any dwelling hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 1 metres above the level of the adjacent highway carriageway.

GROUND:

In the interests of highway safety.

12 Prior to the first occupation of any dwelling hereby permitted a pedestrian visibility splay measuring 1 metre X 1 metre shall be provided behind the footway on both sides of each private access and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the footway.

GROUND:

In the interests of highway safety

13 Prior to the first occupation of the development, secure cycle parking facilities for each dwelling hereby permitted shall be provided and thereafter maintained.

GROUND:

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

14 The details to be submitted pursuant to Condition 1 above shall include provision of a pedestrian connection to public footpath TE462. The connection shall be completed prior to the first occupation of any dwelling hereby approved.

GROUND:

To ensure that the development is sustainable in accordance with the principles of the NPPF.

15 Details to be submitted in pursuant of Condition 1 above shall include a construction management plan, to include the following details:

- (a) Routing of construction and delivery vehicles to/from site
- (b) Timing of deliveries
- (c) Parking for site personnel
- (d) Parking and turning for delivery vehicles
- (e) Provision of wheel washing facilities

GROUND:

In the interests of highway safety

16 The layout plan to be submitted in pursuant of condition 1 above shall identify the location of Electric Vehicle Charging Points, in the form of 1 EV charging point per residential property with dedicated parking, and 1 in 10 of all allocated parking, with full details of the Electric Vehicle Charging Points to be submitted to and approved in writing by the Local Planning Authority.

GROUND:

To mitigate against the cumulative impact of the proposal on air quality, in accordance with Policy EP5 of the Thanet Local Plan.

17 The details to be submitted pursuant to Condition 1 above shall show at least 15% of the development provided as lifetime homes and wheelchair housing.

GROUND:

To meet a range of community needs, in accordance with Policy H8 of the Thanet Local Plan.

18 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local planning authority. The remediation strategy shall be implemented as approved.

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

19 No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which 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 approved details.

GROUND: Infiltration through contaminated land has the potential to impact on groundwater quality.

20 No development shall take place until details of the means of foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, have been submitted to and agreed in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate that the run-off leaving the site post-development will be attenuated on site and discharged to the receiving sewer at a maximum rate, as formally agreed with Southern Water, for all rainfall events, up to and including the climate change adjusted critical 100yr storm. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

GROUND:

To prevent pollution, in accordance with the advice contained within the National Planning Policy Framework.

21 No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been 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 efficiency of the drainage provisions, in accordance with the National Planning Policy Framework.

22 The detailed design of the dwellings hereby approved, to be submitted in pursuant of condition 1 above shall show no habitable rooms located closer than 15 metres to the boundary of a proposed pumping station site.

GROUND:

In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality in accordance with the NPPF.

23 The landscaping plan to be submitted in pursuant of condition 1 above shall include the ecological enhancements detailed within the Ecological Appraisal (dated February 2016 by Aspect |Ecology) and the recommendations of the Arboricultural Report (dated 16th May 2016 by Chartwell Tree Consultants Ltd).

GROUND:

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

24 The landscaping plan to be submitted in pursuant of condition 1 above shall include the recommendations as identified within the Landscape Appraisal (Crabtree & Crabtree dated November 2015).

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies CC1 of the Thanet Local Plan.

25 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

GROUND:

To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

SITE, LOCATION AND DESCRIPTION

The site lies to the south of Monkton Road and to the west of Thorne Road in Minster, and at present has two dwellings (66 Monkton Road and Cherry Tree Cottage) in situ and their associated curtilages and also land in association with horsiculture activities.

To the east of part of the site is a public footpath and a track then runs along the southern side of the site and beyond that open countryside, which also lies beyond the western boundary of the site. Fronting the road there is linear development to Monkton Road to the west and to the east there is the recently completed Monkton Road housing development. This comprises a comprehensive scheme that went behind dwellings fronting Monkton Road.

RELEVANT PLANNING HISTORY

OL/TH/04/0069 Outline application for the erection of a detached bungalow upon land adjoining 66 Monkton Road. Granted 23/03/04

OL/TH/91/0742 Outline application for the erection of a dwelling. Refused

F/TH/96/0257 Erection of double garage. Withdrawn

F/TH/90/0396 Change of use of land to allow the grazing of horses and erection of 2 single storey stable buildings and additional single storey store. Granted 31/05/90

PROPOSED DEVELOPMENT

The proposal involves the demolition of two existing dwellings and other low level buildings. The application is in outline form with all matters reserved with the exception of access. The layout proposed shows a central access road that dwellings are either accessed off directly or there are private drives providing the connection. The submitted plans show a possible layout for 36 dwellings with two dwellings fronting Monkton Road.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006)

H1- Housing

H4 – Windfall Sites

H8 - Mix of dwellings

HE12 –Archaeological Sites and Preservation

TR12 - Cycling

TR16 - Car Parking Provision

D1 – Design Principles

D2 - Landscaping

SR5 – Play space

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

CC2 – Landscape Character Areas

R1 – General Levels of Development

CF2 – Development Contributions

NOTIFICATIONS

20 Letters of representation have been received. The following issues are raised:

- * Issues relating to access at the junction with Monkton Road and Tothill Street and getting up or down Tothill Street
- * Monkton Road and Willetts Hill are not suitable for further development
- * Drainage and sewerage issues
- * Lack of local services
- * Devalue existing properties
- * Overlooking and loss of privacy
- * Loss of outlook
- * Crime
- * Effect on ecology
- * Over-development
- * Flooding
- * Impacts during construction work
- * Archaeological issues
- * Increase in pollution

CONSULTATIONS

Minster Parish Council: OBJECTION Their points can be summarised as follows;

- * Incursion into the countryside contrary to Policy CCI of the Thanet Local Plan
- * Development of the site will impinge upon views to the detriment of the Landscape Character Area (contrary to CC2) and the Countryside in general
- * The Council has considered the most suitable locations for development in Minster as part of the emerging Local Plan process, no sites identified in Monkton Road, this indicates that the site is not one that meets sustainability criteria as well as those sites.
- * Proposal has a detrimental impact upon the setting of Eden Hall, a grade II Listed Building and this detrimental
- * The application should be refused unless it can be demonstrated that the scheme will not have a detrimental visual impact
- * Proposal is contrary to policy H4 as it is neither in the village and its location is detrimental to the countryside and the setting of a grade II Listed Building.
- * There is a planning application for 2500 houses at The former Manston Airport site; questioned whether the consideration of all other speculative applications should not be held in abeyance pending determination of the suitability of that site.
- * Whilst it is acknowledged that there is a shortfall in housing supply, it is strongly considered that the detrimental impact of this proposal significantly outweighs its benefits.

KCC Highways and Transportation: NO OBJECTION subject to conditions relating to internal layout, parking and turning, measures to prevent surface water onto the highway, surfacing of each access, covered cycle storage, visibility splays, connection to public footpath and construction management plan.

Public Rights of Way: We have no objection to the erection of 36 dwellings but as the development is directly adjacent to footpaths TE33 and TE462 we have concerns regarding how this will affect the surface of the footpath during the construction phase of the development.

The applicant should be aware that

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development:
3. There should be no Close board Fencing or similar structure over 1.2 metres erected which will block out the views:
4. No hedging or shrubs should be planted within 1.0 metres of the edge of the Public Right of Way.

The applicant should also be aware that any planning consent given confers no consent or right to close or divert the public right of way at any time without the express permission of the Highway Authority. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, I would need six weeks' notice to process this.

KCC Regeneration Projects: Contributions are sought in relation to primary and secondary education, libraries in order to make the scheme acceptable.

Environment Agency: NO OBJECTION subject to condition, relating to contamination, infiltration of surface water drainage.

KCC Sustainable Drainage Officer: The outline development proposal for 36 residential properties proposes a drainage strategy which relies on storage within permeable pavement and a ditch system along the southern perimeter of the site. The location of discharge to the ditch on the boundary is not designated but assumed to be at the lowest point. BGS information also indicates the bedrock permeability is variable but with a depth to the water table expected to be less than 3m, which raised concerns with the Environment Agency.

The applicant has presented information which describes the Surface Water Flood Mapping and its implications for the site. This flooding assessment is based on topography but which may also be associated with the capacity of the ordinary watercourse on the boundary. It would be prudent to ensure that the residential layout considers these areas appropriately.

We agree with the applicant's submission that infiltration may be possible but we do not agree with the results presented for the Greenfield runoff rate calculations. The Surface Water Management Strategy has presented the range of solutions available with and without infiltration. The attenuation volumes as proposed are therefore uncertain given the calculation of the greenfield runoff rates and assumptions with respect to infiltration. Notwithstanding these issues, the final discharge destination could be via infiltration or to the adjacent ditch; therefore a drainage solution could be anticipated to be reasonably achieved even with these uncertainties. At detailed design we would require agreement of the greenfield runoff rates and confirmation of the infiltration rate through appropriate ground investigations.

Therefore, our outstanding concern is in relation to the proposed indicative layout. It is possible that new homes could be located in a surface water flow path and we would prefer that the site is arranged to account for the surface water flood mapping and which may preferably locate the attenuation volumes to the lower end of the site.

Southern Water: NO OBJECTION subject to condition (relating to foul and surface water sewerage disposal informative).

River Stour IDB: Please note that the site of the above planning application borders the River Stour (Kent) Internal Drainage Board's district and therefore has a potential to affect IDB interests, local drainage and flood risk in particular.

Whilst not opposed to this proposal in principle it is requested, should the Council be minded to approve this application, that details of surface water drainage are made subject to a condition requiring runoff rates to be restricted to that of the Greenfield site with on-site storage to accommodate the 1 in 100 year rainfall event +Cc.

Details of the proposed SuDS and its future maintenance should be designed and agreed in direct consultation with KCC's drainage and flood risk team. In addition to this, the capacity and condition of the receiving watercourse(s) must be assessed.

KCC Ecological Advice Service:

The submitted surveys have recorded the following within the site:

- Foraging soprano and common pipistrelle and Noctule
- Hedgehogs
- Grass snakes (juvenile)
- Breeding birds (including Swallows)

We are satisfied that the submitted ecological has adequately assessed the impact the proposed development will have on protected/notable species and we do not require additional information to be provided prior to determination of the planning application. Conditions are recommended and contribution to the SAMM.

Strategic Housing Manager: Strategic Housing supports this application and the proposal to provide 30 % affordable housing in accordance with Council policy. In this case, this would be 10.8 which we would expect to be rounded to 11. We would also expect to be allocated units which are representative of the split across the whole scheme.

In 2013 the Rural Housing Need survey for Minster identified the following need:

- A total of 49 adults and 21 children have a housing need
 - 26 respondents with a housing need currently live in Minster and 3 live outside
- Overall, a need for up to 29 affordable homes, for the following local households was identified:
- 6 single people
 - 13 couples
 - 10 families

Although since this survey took place, a development has provided the majority of the affordable housing identified above, due to the increased pressures and demand on housing markets, within Minster and across

Thanet, this affordable housing is still very much needed.

The affordable unit breakdown would be in line with council policy and 70% Affordable rent (Social Rent) and 30% shared ownership. This could be negotiated depending on the scheme details and units offered.

Environmental Health: NO OBJECTION subject to condition.

Conservation Officer: NO OBJECTION

KCC Archaeology: NO OBJECTION subject to condition.

COMMENTS

The reason for referral to the planning Committee is the proposal represents a departure from the Local Plan.

The key issues in the determination of this application are:

Principle of development;
Character and Appearance;
Living Conditions;
Transportation;
Affordable Housing;
Infrastructure Provision; and
Other Material Considerations

Principle

The application site lies within an area designated as countryside as defined by the Thanet Local Plan. Policy CC1, covers this issue; development in the countryside. This policy 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.

In this case the site is on the edge of the village of Minster, close to the main village centre which has a number of small local shops, doctor's surgery, primary school and also access to a railway station. The village in itself is therefore considered to be sustainable as its facilities could support additional dwellings and their occupants. It is acknowledged that this is a relatively large site, larger than a site that may come forward and is, not part of a proposed allocation, however paragraph 14 of the NPPF refers to there being a need for significant and demonstrable harm that would outweigh a planning permission from being granted. In light of the 5 year deliverable housing supply site issue and the sites close physical affinity and easy access to services within the village, it is considered that the proposal could comply with the NPPF's presumption in favour of sustainable development, subject to there being no demonstrable harm being demonstrated.

Character and Appearance

The proposal requires the removal of number 66 Monkton Road and Cherry Tree Cottage; no objection is raised to their demolition. Development to the west of the site is linear along Monkton Street, whilst larger sites have been developed off Monkton Street, in a more comprehensive way; to the east of the site. The proposed site includes the aforementioned properties their respective curtilages and also an area used for grazing of horses the remainder has some low level buildings and grassed areas. Along the south east and south boundaries of the site is an existing footpath, which encloses the site.

The application is all reserved matters reserved with the exception of access, until a later stage; however the application has been supported by an indicative layout plan of the site and an indicative appearance of the properties to be built.

The indicative site layout identifies a mix of two storey terrace, semi-detached and detached properties. All properties on the site will be served by a new vehicular access to the east of 68 Monkton Road. It is considered that the indicative layout, would not detrimentally affect the form and character of the development in the locality. The indicative layout of the site is not as dense as the relatively new development to the east of the site, but provides some form of transition between the denser centre of the village and a sense of more spacious plots to the west along Monkton Road, prior to open countryside which lies beyond. The site area is 1.32ha which gives a density of 27dph, which is relatively low.

In terms of the impact on the landscape character the applicant considers that the site is well contained due to existing screened boundaries. It is stated that the site is not viewed from local public roads, or trains due to the existing vegetation, although visible from local footpath along the eastern site boundary and local paths crossing the field to the south. It was concluded that the proposal would have a negligible visual impact subject to buildings being no more than two storey, retention of the hawthorn hedge on the western boundary and Popular trees along the southern and part-western boundary should be topped as recommended.

Given the existing landscape buffers that largely screen the site, from the wider countryside and that it would be seen in the context of the village of Minster, I am satisfied that a proposal at this relatively low density could be achieved, whilst maintaining green space around the proposed dwellings to create a relatively verdant development within this edge of village location. I am of the view that proposal would accord with policy CC2 of the Local Plan, as it would not damage the setting of the Wantsum Channel, and long views of Pegwell Bay, the Wantsum channel, the adjacent marshes and the sea.

It is also recognised that Eden Hall (58 Monkton Road) is a Grade II listed building; its south western boundary will abut the site. S.66 of the Town and Country (Listed Building and Conservation Areas) Act 1990 requires Local Planning Authority to have special regard to the desirability of preserving the building or its setting. An assessment needs to be made if there is any harm caused to the setting of the listed building and if that harm is substantial in accordance with paragraph 134 of the National Planning Policy Framework.

To the east of the application site is a Grade II listed building (Eden Hall); a designated heritage asset, the proposed development would be located to the south west of this building.

In assessing the proposals impact upon the setting of the Grade II listed building, it is confirmed that the setting of a heritage asset is the surroundings in which a heritage asset is experienced, formed by, amongst other matters the location and siting, form and appearance. At present to the south west of this building is land that this primarily used for grazing land, with some low level structures in situ.

It is appreciated that this is an outline application, with all matters reserved with the exception of access, therefore there is limited information. I am satisfied however, given the low density (27 dph) that the layout, design and scale (dwellings being conditioned to be no more than two storey in height) of the proposed development could be designed in such a manner that would not affect the setting of the listed building. The Conservation Officer concurs with this view although notes that there is potential for the development to impact to the setting of Eden Hall and this would need to be fully addressed within the detailed submission.

It is appreciated that this is an outline application with all matters reserved with the exception of access, two storey properties have been shown on all the initial street sections. These dwellings are most likely to be separated from the listed buildings curtilage by their own respective gardens, in addition this boundary is quite well screened by existing vegetation, however this would need to be dealt with specifically at the reserved matters stage.

Taking into account the above I consider that the development would not harm the setting of the listed building, subject to design, layout and landscaping.

Living Conditions

Although the application seeks outline planning permission with all matters reserved with the exception of access, the indicative site layout identifies that 36 dwellings can be satisfactorily accommodated on site without causing detrimental neighbour amenity issues. The properties in Cheney Road would be separated by virtue of a path, vegetation and drain. There would be no principle overbearing and overshadowing issues experienced by the neighbours to the east or north by virtue of the ability to achieve adequate separation to these neighbours as identified on the indicated layout plan.

There are no residential properties to the west and south of the site.

Transportation

It is confirmed that the Highways Officer has not raised an objection to the application, stating:

“The proposed development is predicted to generate 20 vehicle movements in the network peak hours and these are likely to be generally evenly distributed to the east and west of the site bearing in mind the location of the site in relation to the major road network. As such there may be 10 additional movements in the peak hours through Minster to the A253 and a similar number through Monkton to the A253, which is not a significant amount. Whilst there is existing on-street parking particularly in the eastern section of Monkton Road and Tothill Street, there are spaces for drivers to wait for others to pass and the addition of 10 vehicles spread across the peak hour is unlikely to

have a significant impact on the flow of traffic. There is no pattern or volume of crashes to suggest there is an existing problem which will be exacerbated by the proposals.

Connections can be made to the existing surfaced footpath along the eastern boundary of the site, providing a short and direct pedestrian route to the school as well as a route to the railway station. The existing footway in Monkton Road also provides a direct pedestrian connection from the site access to the bus stops, High Street and village services/amenities. Visibility at the proposed site access point is acceptable. Access for construction vehicles can be managed and controlled through a Construction Management Plan, which can be secured by condition. The site layout and amount of car parking can be resolved through any reserved matters application to ensure there will be no unacceptable on-street parking generated 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.”

Taking into account the Highway Officers comments it is considered that there is capacity for the traffic movements associated with the proposed development and the proposal will not impact to a significant degree upon the local highway network with the need for off-site work to be required.

The site is adjacent to two footpaths and as such there are certain requirements which may affect the scheme- no furniture erected or across the PROW, disturbance of the surface, or obstruction of its use, no close board fencing or similar structure over 1.2m or hedging and shrubs planted within 1m. It is considered that this can be dealt with by way of an informative drawing the applicants attention to these requirements.

Affordable Housing

In accordance with policy H14 of the Thanet Local Plan 30% of the proposed development should be in the form of affordable housing. In this instance based on a development of 36 dwellings 11 affordable homes will be required. The affordable housing mix will need to be addressed at reserved matters stage, although it would be expected to be representative of the split across the whole scheme.

A Section 106 agreement will take this into account and secure the affordable units.

Infrastructure Provision

With regard to developer contributions, Thanet Local Plan policy CF2 sets out that it is essential to ensure that adequate provision of community and social facilities, including education and health, is made. Where a proposed development would directly result in need to provide new or upgraded community facilities, the Council will seek planning obligations to require a developer to directly provide the necessary facilities or ensure a contribution towards that provision.

Kent County Council is seeking an education contribution (both primary and secondary) from this development. The contribution will go towards Phase 1 Birchington Primary School expansion and Royal Harbour Secondary School Phase 1 works. This equates to a total of £84,994.56 and £84,952.80 for primary and secondary contributions respectively.

Whilst the primary school contribution is not requested for the Minster 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.

A library contribution of £48.02 per household, equating to a total of £1,728.57 and will go towards the additional bookstock required to mitigate the impact of the additional borrowers generated from this development.

A requested is also made for 1 wheelchair adaptable home as part of the on-site affordable homes delivery; this can be secured by condition. A request is also made for a Broadband condition, however this is not considered to meet the planning condition tests, however, an informative can be added to advise the developer that superfast fibre optic broadband to all buildings of an adequate capacity (internal minimum speed of 100mb) to each building should be provided.

Impacts of recreational disturbance upon the Thanet Coast and Pegwell Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site) has been published, revising the mitigation figure to £542 per dwelling.

This contribution is proposed to be used towards the employment of a warden scheme managed through the Thanet Coast Project to monitor and control recreation impact each year over a ten year period. A scheme of wardening and the co-ordination of measures in Pegwell Bay in case of any displacement of disturbance in the Thanet Coast and Pegwell Bay Special Protection Area has been confirmed by Natural England to avoid the likelihood of a significant effect on the Thanet Coast and Pegwell Bay Special Protection Area arising from residential development in Thanet.

It is confirmed that the applicant is aware and has agreed to pay the financial contributions sought for this proposal, which are to be secured through a Section 106 agreement.

Subject to the provision of the proposed mitigation measures I consider that there will be no likely significant effect on the 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 or the Thanet Coast Site of Special Scientific Interest and the development is therefore considered to accord with the Habitat Regulations and the National Planning Policy Framework. KCC Ecological has not raised any outstanding issues that could not be conditioned.

Comments from the KCC Archaeological Officer have been received; they recommend a condition relates to an archaeological field evaluation to be followed by preservation in situ of any important remains identified at the site and/or further archaeological excavation as appropriate.

Other Material Considerations

The site is located within Flood Zone 1. The submitted application form indicates the foul sewage will be disposed of to the main sewer and surface water drainage by a

sustainable drainage system a Surface Water Management Strategy and Foul Water Drainage Strategy have also been included. The Surface Water Management Strategy indicates that the storage will be provided within permeable paving and shallow open storage structures on the boundaries of the development draining to the lowest point at the southeast corner. The Foul Drainage Strategy indicates that the topography of the site allows foul water to be drained by gravity to the southern boundary of the site. It is detailed that the public combined sewer running along the southern boundary has a shallow invert level and connection via gravity is not feasible. A pumping station is proposed at the southern boundary to deal with this issue, with a pumped connection to be made to the combined sewer at a suitable point.

Given the advice from Southern Water, KCC Sustainable Drainage and the River Stour IDB it is considered that this could be dealt with via condition and through reserved matters submission.

The Parish Council raise an issue in relation to the current planning application for development at Manston Airport, which includes 2,500 dwellings, Members are advised that each application is treated on its own merits and that as the Manston application has not been determined; it does not have a bearing on this current application.

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. The highways officer has no objection to the proposal subject to condition.

The proposed development would provide 36 dwellings, including affordable housing. In the context of the acknowledged shortfall against need, those are social benefits that must be accorded substantial weight. Economic benefits would be realised by the provision of these additional houses, most notably during the construction period through employment and investment. In addition the site is considered a sustainable location in terms of access to services and employment has favourable environmental implications.

These benefits need to be weighed against the harm. The site is designated countryside which must be given weight, there is a shortage of housing land and this almost certainly means that parts of the countryside, outside of existing defined villages and towns will have to be allocated for development in order to address the current shortfall. In this case the proposed residential development would be seen in the context of Minster village and would represent a logical and sustainable extension to the village that in your officers opinion would not harm to a significant degree the character and appearance of the wider countryside.

The indicative layout demonstrates that this number of dwellings could be accommodated within the site without having a detrimental impact in respect of form and character or neighbour amenity. The details of scale and appearance are matters reserved for future consideration. Neighbour amenity issues will be addressed more fully at reserved matters stage.

The S106 agreement will secure affordable housing, education, library provision and SAMM contributions.

In light of the above, it is considered that the proposal complies with the provision of the NPPF and accordingly it is recommended that Members that this application be deferred and delegated to the Director of Community Services subject to the receipt of the legal agreement securing developer contributions and planning conditions.

Case Officer
Gill Richardson

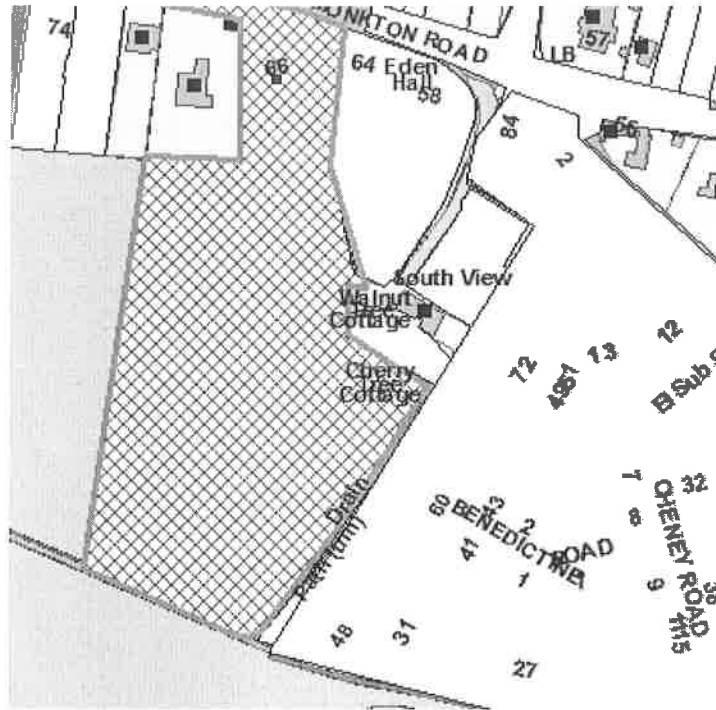
TITLE:

OL/TH/16/0654

Project

66 Monkton Road Minster RAMSGATE Kent CT12 4EE

Scale:



Appendix b – Appellant’s Heritage Statement

HERITAGE STATEMENT

Proposed residential development,

Land at 66 Monkton Road, Minster, Thanet.

October 2016

1.0 Introduction

1.1 This Heritage Statement considers national and local policy for the historic environment. It should be read in conjunction with the Planning and Design and Access Statements submitted with the application. There is only one “designated heritage asset” as defined in the *National Planning Policy Framework (NPPF)*, in the vicinity of the site – Eden Hall, a Grade 2 listed building. This Statement considers the impact of the proposed development on this “designated heritage assets”

2.0 The site and its context

- 2.1 The application site comprises an irregularly shaped parcel of land on the southern side of Monkton Road at the south-western edge of the settlement of Minster. The site contains a two storey detached house No 66 Monkton Road, with a number of paddocks to the rear, used for the grazing of horses. The site is well contained by hedgerows. The site slopes gently to the south with a well-used footpath marking its southern boundary. To the north and east of the site is residential development of mixed character, together with further frontage development to the west along Monkton Road.
- 2.2 Immediately adjoining the site to the east is a white painted bungalow, 64 Monkton Road, and beyond this is Eden Hall, 58 Monkton Road. The house, which has a C18 frontage, is set back at an angle to Monkton Road within a well-treed garden. It was first listed in 1986 and its listing description reads:

House. Early C15 and late C18. Timber framed and refronted with brown brick. Plain tiled roof. Hall house of 3 framed bays with later wings to rear. Two storeys on plinth with parapet to hipped roof with 1 hipped dormer and stacks to left and projecting at end right. Four glazing bar sashes on each floor with gauged heads. Door of 6 panels to right, the top 2 glazed, with semi-circular fanlight in arched surround. Single storey hipped extension to right. Rear wings of 2 storeys, painted brick. Interior: main range with roof of 3 unmoulded crown posts of square section, braced to tie beam and collar purlin. Inglenook fireplace, moulded and carved brackets and consoles to lower floor ceilings, moulded door panels all early C19; ramped stair rail on balusters. Good beehive-vaulted bread oven. Probably one of the earliest surviving domestic buildings in Thanet.

- 2.3** The rear garden of Eden Hall adjoins the application site. To the east of the hall is recent residential development.

3.0 The Proposed Development

- 3.1** This is an outline application for the erection of 36 dwellings on this 2.4ha site with all matters except access reserved. An indicative layout accompanied the application. This envisages a central spine road with houses on either side. Where the site adjoins the rear gardens of Eden Hall, the layout envisages houses with generous rear gardens with all boundary vegetation retained and strengthened. A traditional design for the new houses is envisaged using local materials.

4.0 Policy Analysis – The National Planning Policy Framework (NPPF)

- 4.1** The NPPF is a “material consideration” to be taken into account in the determination of planning applications. This statement examines the heritage policies in the *Historic Environment* chapter of the NPPF in relation to the present application. It has been prepared in line with the provisions of Para 128 of the National Planning Policy Framework, which advises:

‘In determining applications, Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset’s importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation.

The Kent Historic Environment Record has been consulted. The only heritage asset in the vicinity of the site is Eden Hall. The paragraphs that follow, describe the significance of the building and the potential impact of the proposed development on its significance.

- 4.2** Paragraphs 132 to 134 of the NPPF provide guidance in judging the potential harm to heritage assets in the development control process. Para 132 states that:

‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens and world heritage sites, should be wholly exceptional.*

- 4.3** Para 134 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.’

- 4.4** The proposed development would not affect the fabric of the listed building in any way. The judgement to be made is therefore whether or not the proposed residential development would give rise to any ‘harm’ to the setting of the listed building and if so whether this is sufficiently substantial to outweigh the public benefits of the scheme.

Eden Hall

- 4.5** Eden Hall is an unusual building and has both architectural and historic interest, with its C15 origins and C18 alterations. It is not of the highest significance but, as one of the oldest surviving domestic buildings in Thanet, it must be accorded some significance. The setting of the building has however changed dramatically in recent years and it is now within a predominantly urban area with modern housing of a mixed character on three sides. This has somewhat reduced its significance and may explain why Eden hall was listed at a relatively late date (1986).

- 4.6** When viewed from Monkton Road, the main public viewing point, Eden Hall is set back at an angle to the road and is framed by mature trees. This setting will not alter in any way as a result of the proposed development, as the Hall is separated from the application site by the bungalow at 64 Monkton Road.
- 4.7** It is only the rear garden area at Eden Hall, part of the curtilage of the listed building that adjoins the application site. The indicative layout that accompanied the application shows generous rear gardens to new dwellings adjacent to the rear garden of Eden Hall, with all existing vegetation, which is substantial on both sides of the boundary being retained. This will minimise the impact of the new development on the setting of the listed building. Given that Eden Hall is already adjoined by housing on three sides, some of which is closer to the listed building than that proposed, the development of the application site, in so far as it will cause any harm at all, will cause less than significant harm to the setting of the building. This will be firmly outweighed by the public benefits of the scheme in providing much needed housing in a sustainable location, including 30% affordable housing, against the background of a significant shortfall in meeting the five year housing land supply requirement in Thanet.

5.0 Local Plan Policies

- 5.1** Neither the adopted *Thanet Local Plan 2006* or the *2015 Draft Thanet Local Plan Preferred Options Consultation* contains policies specifically relating to listed buildings. Policy SP29 of the *Preferred Options* seeks to “*protect the historic environment from inappropriate development.*” The documents that accompany the application demonstrate that this is not an inappropriate development.

5.0 Conclusions

- 5.1** The proposed development will not affect the physical fabric of Eden Hall, a designated heritage asset, located to the east of the application site. There will also be no impact on the setting of the Hall when viewed from the Monkton Road direction. There will be some minimal impact on the rear garden area of the building where it adjoins the application site, but this will be less than substantial and will be firmly outweighed by the public benefits of the scheme. It is therefore concluded that the proposed development meets all the policy requirements of the NPPF for the protection of designated heritage assets and there cannot be any grounds for refusal of the application on heritage grounds.

Appendix C – Conservation Officer Comments 27/10/16

“The proposal site is relatively well contained by hedgerows and vegetation from its surrounding boundary. As a result the development may only be seen from glimpsed views through the vegetation. However, some views could be experienced from the immediate boundary with Eden Hall rear gardens which is a listed building Grade II. The building was built in early C15 and late C18 and has a relatively elongated large garden to the rear. The significance of this Listed Building could be considered lies in its aesthetic and historic interest while the proposal site being within its setting.

The definition of “setting” in the NPPF is *“the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve”*. Although there is no need to attempt a definitive finding on the overall extent of the setting, it is clear that the proposed development would be within the setting of Eden Hall.

At the time of my site visit there was a dense line of shrubbery and mature trees within the gardens of Eden Hall along the boundary with the proposal site. These trees, which were planted by previous owners (along with other elsewhere trees in the garden) form a relatively visual barrier between the house and the proposal site. However, discussions with the current owner indicated that he was pursuing the possibility to thin out the shrubbery and consent to fell some of the trees along the boundary. Although no work had been agreed the position if the shrubbery and trees remained or alternatively if they are removed/felled need to be considered. If this screening of the listed building from the proposal site is removed, it would mean that the proposal site would be much open to Eden Hall and the question of whether rear garden substantial vegetation on both sides of the boundary being retained should therefore be rendered as academic.

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. The house, which is sited at a slightly elevated level, looks across the proposal site and this setting makes a positive visual contribution to the significance of the house and enhances the ability to appreciate and reveal that significance. Despite the setting of the building been changed dramatically in recent years and it is now within a predominantly built-up area with modern housing of a mixed character on three sides, I consider that the house can still be appreciated and understood in its rural setting through this view point.

In this context it would also be useful to revisit the question of the historical association of the proposal site with Eden Hall. The possibility of an historic relationship between the asset and the proposal site is of relevance to the contribution which the setting makes to the asset. The history of the setting can help to determine the level of contribution that the setting makes to the asset.

It seems that when Eden Hall was built, it sat in its own gardens flanked by an orchard and arable land to west, east and south. The historic maps appear to show most of the orchard on the proposal site which may have been later sold. Although the interpretation of historic maps can be difficult, but on the balance it can be considered that the proposal site has had an historic relationship with Eden Hall, and retains some elements which can still be understood today.

In my view therefore, it is clear that the proposal site is within the setting of the heritage asset and makes a significant contribution to the significance of the asset and the ability to appreciate it. That contribution relates to the proximity of the open land (the proposal site) to the asset and their historical relationship. The proposal, whichever illustrative plan is

pursued, would affect an important view of the asset and would visually compete with and distract from it.

The applicant states that the indicative layout shows generous rear gardens to new dwellings adjacent to the rear gardens of Eden Hall and the vegetation along the boundary would minimise the impact of the new development on the setting of the listed building and the resulting effect on the setting and significance of the Listed Building would "cause less than significant harm". However in my view the harm caused by the introduction of a substantial housing development within this setting of this heritage asset would not be significantly reduced by such mitigation. I agree that in Framework terms, the harm to the asset would be less than substantial. However given the importance of the setting to the appreciation of the asset to this boundary, I give this harm considerable importance.

The proposal being in outline with only indicative layout and reserved matters should therefore be considered in mind with the statutory duty to give special regard to the desirability of preserving the setting of the listed building."