

D09

OL/TH/16/0967

PROPOSAL: Outline Application for the erection of 12 detached dwellings, with access via Southall Close including access, layout and scale

LOCATION: Land Adjacent 15 Southall Close Minster RAMSGATE Kent

WARD: Thanet Villages

AGENT: Mr Doug Brown

APPLICANT: Ms Caroline Treadwell

RECOMMENDATION: Defer & Delegate

Subject to the following conditions:

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

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 Prior to the commencement of the development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a programme of

archaeological work, in accordance with a written scheme of investigation which has first been submitted 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.

6 No development shall commence until a site characterisation and remediation scheme has been submitted to and approved in writing by the Local Planning Authority and the remediation scheme has been implemented in accordance with the approved details. The site characterisation, remediation scheme and implementation of the approved remediation scheme shall be carried out in accordance with the following criteria:

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority, and shall include:

o A survey of the extent, scale and nature of contamination

o An assessment of the potential risks to:

- Human health

- Property

- Adjoining land

- Groundwaters and surface waters

- Ecological system

o An appraisal of remedial options and a recommendation of the preferred options

The site characterisation report shall be conducted in accordance with British Standards and current DEFRA and Environment Agency best practice.

(b) Submission of remediation scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of the development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in Planning Policy Statement 23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority

GROUND:

To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the NPPF.

7 No development of the dwellings hereby permitted 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 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.

8 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

9 Prior to the first occupation of the development, the area shown on the deposited plan for the parking and manoeuvring of vehicles shall be operational prior to any part of the development hereby approved being brought into use. The area agreed shall thereafter be maintained for that purpose.

GROUND:

In the interests of highway safety.

10 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing received 24 November 2016 shall be provided and thereafter maintained.

GROUND:

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

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

GROUND:

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

12 Details to be submitted pursuant to Condition 1 above shall show development not exceeding the building heights indicated within the Design and Access Statement dated August 2015.

GROUND:

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

13 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawing numbered CT/DB/16/6/2a, CT/DB/11/1, 'Plan of Parking and Turning area and dated 24th November 2016

GROUND:

To secure the proper development of the area.

14 Prior to the commencement of work on site, construction vehicle loading/unloading and turning facilities, and parking facilities for site personnel and visitors, shall be provided for the duration of construction.

GROUND:

In the interests of highway safety.

SITE, LOCATION AND DESCRIPTION

The site is located on the northern boundary edge of Minster, outside of the defined settlement boundary. At present the site is unused and covered with a mix of scrub and self-seeded trees. There is presently no vehicular access to the site albeit that the hardstanding from outside the nearest property (number 13 Southall Close) runs up to almost the boundary edge. The site is not covered by any specific landscape designations other than being within the countryside and is otherwise free of any other specific designations (such as tree preservation orders, heritage or flood risk). Minster train station is approximately 1 mile to the south of the application site.

Surrounding Area

Surrounding the site to the south the area is characterised by residential development of varying scale and style. To the east are agricultural fields between Laundry Road (north east) and Foxborough Lane (south east). Further areas of fields are located on the western side of Tothill Street. Immediately north of the site is an area previously designated for roadside services within the adopted local plan. At present this area includes a petrol filling station with retail and a hotel, with a further hotel provided on the opposite side of Tothill Street fronting the A299. Policy TR7 from the saved local plan related to this area of land, however it was not one of the saved policies.

RELEVANT PLANNING HISTORY

There is no relevant planning history for this site

PROPOSED DEVELOPMENT

The proposed development is submitted in outline with Appearance and Landscape reserved. The application is submitted with a layout demonstrating the provision of 12 detached dwellings, associated parking and landscaping, and a new means of access from Southall Close.

The accompanying Design and Access Statement sets out that the buildings would be two storeys in nature and would comprise of 3 and 4 bedroom detached houses

Access to the site would be via the existing access spur off Southall Close, continuing into the application site with a width of 5.5m wide.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan Policy (2006) Saved Policies

- D1 - Design principles
- D2 - Landscaping
- EP5 - Air quality
- H1 - Housing provision
- H4 - Windfall sites
- H8 - Size and type of housing
- H14 - Affordable housing provision
- CF2 - Development contributions
- SR5 - Doorstep and local play space
- TR12 - Cycling
- TR16 - Car parking provision

NOTIFICATIONS

Neighbouring dwellings in Laundry Road, Tothill Street, Southall Close, Burgess Close, Semple Close, and Hill House Drive were notified by letter. A site notice was also displayed.

4 letters of objection and 4 letters of support for the scheme have been received.

The letters of objection have raised the following matters:

- Inadequate access
- Inadequate parking provision
- Loss of parking
- Increased traffic
- Increased pollution and noise nuisance
- Strain on existing community facilities
- Overdevelopment

The letters of support have raised the following matters:

- Provision of a landscape strip between proposed scheme and existing properties to be transferred to existing residents to ensure future maintenance for wildlife habitat.
- Preference for residential development as a neighbour instead of potential for more retail due to rubbish, noise, vehicles and traffic levels

CONSULTATIONS

Minster Parish Council - Minster Parish Council object to this application. The site is outside the built up area/village boundary. It was previously refused because it is not part of the built up area or a brownfield site as it is outside the original Hill house site. The site was not put forward for consideration in the draft local plan and is not part of the current draft local plan. The extra traffic will put additional strain on roads which are already struggling to cope with the current volume of traffic in Minster. Minster parish council will not support any larger number of developments in Minster until a decision regarding the future of Manston Airport has been reached and feel any developments of any scale such as this should be deferred until the future of Manston is decided.

Kent Highway Services – (*revised comment*) Further to examining the amended plans that have been submitted I raise no objection on behalf of KCC Highways, provided the following requirements are secured by condition or planning obligation as part of an approval from the local planning authority.

(*initial comment*) The proposals are unlikely to generate a significant increase in vehicle movements in the network peak hours and therefore, not have a severe impact on the highway network. However, I have the following comments to make with respect to highway matters :-

1) If it is the applicant's intention to provide a new public road as part of the development then this would mean reconstructing the area to the east of the turning head on Southall Close to an adoptable standard, allowing for the continuation of the road and footpaths from Southall Close into the site as indicated on the location and site layout plans. Detailed drawings would need to be provided in order to demonstrate that it would be in accordance with Kent Design, showing dimensions of carriageways, footways and service margins. A

swept path analysis for an 11.3m refuse vehicle would also be required to ensure that the proposed road and turning head are suitable for purpose.

2) Parking provision would need to be clarified as the Design and Access statement refers to garages/car barn provision, which are materially different in our view. In accordance with Kent Design Interim Guidance Note 3, we cannot count a garage as part of the parking provision for a dwelling and as such this would appear to create tandem parking situations and potential for cars overhanging the highway, based on the site layout plan. We require two independently accessible parking spaces for each dwelling. Finally there appears to be no provision for on-street visitor parking bays, for which we would require two spaces on a development of the size. I would welcome detailed plans on how these issues are to be met.

3) I would advise to consult with the relevant emergency services in order to ascertain their view on the additional proposed dwellings being served off the existing single access point from Tothill Street.

Southern Water - The applicant has not stated details of means of disposal of foul drainage from the site.

We request that should this application receive planning approval, the following informative is attached to the consent: "A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW"

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

Environmental Health - On review of this application Environmental Protection would raise no comments or objections.

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

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

- 1) Necessary,
- 2) Related to the development, and
- 3) Reasonably related in scale and kind

Primary school provision - The proposal gives rise to additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the expansion of Birchington Primary School, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded. A contribution of £2360.96 per 'applicable' house (x12) is required towards Phase 1 of the expansion of Birchington Primary School.

Secondary school provision - The proposal gives rise to additional secondary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the extension of existing Secondary School accommodation within the locality. The contributions from this development will be allocated towards Royal Harbour Secondary School Phase 1 works. Therefore the County Council requests a contribution of £2,359.80 per 'applicable' house (x12) towards Royal Harbour Secondary School Phase 1 works.

Libraries - This new development will generate new borrowers for the Library service. The County Council therefore requests £48.02 per household to address the direct impact of this development, and the additional stock will be made available locally as and when the monies are received.

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

COMMENTS

This application is reported to planning committee as it is considered to be a departure from Policy H1 of the Local Plan as the site is non-previously developed land. Councillor Gregory has also called the application in on the basis of issues relating to highways matters and potential over development of the site.

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

Principle

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

The site is non-previously developed land on the edge of the defined village boundary and as such within the countryside. The proposal is therefore contrary to Policy H1 which states that residential development on non-allocated sites will be permitted on previously developed land within the existing built up confines unless specified by other Local Plan Policies. This policy constraint, however, needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis the National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development. In this case the site lies within the urban confines, adjacent to residential properties on Southall Close and Hill House Drive and Minster railway station is approximately 1 mile to the south of the site.

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

Character and Appearance

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

The application site is currently an area of open space within the countryside, and in its present condition serves no identified purpose. The area to the east is agricultural land that extends further to the south towards Foxborough Lane and beyond. The site is visible from Laundry Road to the north as well as from Southall Close to the west and south, although there is no public access to it. Its development would result in the loss of an area of open space, however with the proposed access from Southall Close it would be read as an extension to this existing built up area and therefore could be seen as being in character with the immediate area.

The submission sets out a medium density development of 24 dwellings per hectare based on the site area set out on the application form. The individual plot sizes are comparable to those of the surrounding developments. The layout achieves an appropriate density with sufficient spacing between the individual dwellings and opportunities to provide appropriate soft landscaping to enhance the street scene. This scheme also results in the provision of detached and semi-detached properties, avoiding the use of terraced properties as previously considered through one option submitted at pre-application stage.

Although the application is supported by an existing topographical survey the submitted plans do not provide any specific details relating to finished floor levels of the development in order to assess their relation to the heights of the neighbouring dwellings to the south or west. On the basis that the site appears relatively flat in both axis (there is a fall of approximately 3 metres north to south, and approximately 1 metre east to west) it is

considered that the layout will not result in any specific issues regarding the proposed buildings appearing out of character based on the submitted parameters. It would be considered appropriate to impose a condition requiring the submission and approval of finished floor levels however to control this relationship.

The NPPF is clear in setting out that policies and decisions should not stifle innovation, originality or initiative but should seek to promote or reinforce local distinctiveness (paragraph 61). It goes on to state that permission should be refused for development of poor design where it fails to improve the character and quality of an area and the way in which it functions. The details submitted with this application demonstrate that the quantum of development, and scale of the individual dwellings illustrated, would be in keeping with the existing character and appearance of the surrounding area. Detached two storey dwellings are characteristic of the immediate area and therefore there is no objection to the illustrative scheme as submitted.

In conclusion it is therefore considered that the development of this site for up to 12 dwellings of two storey nature is acceptable in principle without harming the character and appearance of the surrounding area. Whilst the external appearance of the scheme is not detailed for consideration at this time the parameters outlined are sufficient to demonstrate that an acceptable scheme can be achieved.

Living Conditions

The application is in outline form only, with matters relating to appearance reserved for future consideration. The nearest residential development are to the south and west of the site on Southall Close.

The layout scheme and illustrative floor plans indicate that the habitable windows for the proposed dwellings would be orientated to face predominantly north and south, with the exception of the two most eastern dwellings proposed. This would ensure that there are no habitable windows in the flank elevations that face towards numbers 2, 4, 6 and 15 Southall Close, which are the closest affected properties. The separation distances between the proposed dwellings and those within Hill House Drive is sufficient to ensure that there would be no detrimental overlooking between properties.

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

It is therefore considered that the site could be developed for 12no. residential units without resulting in detrimental impact to neighbouring occupiers, with further consideration given at the reserved matters stage.

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

Transportation

Local residents have raised concerns with the scheme in respect of highways on the basis of the on-site parking provisions and impacts for existing parking in the immediate area, as well as traffic issues generally in connection with the increased traffic flow at the junction of Hill House Drive and Tothill Street.

In respect of parking provision, whilst the application is in outline form means of access and layout are sought in detail. Accordingly, the layout plans indicate the provision of a single garage for each dwelling with additional hardstanding in front for the parking of at least one car. Several of the plots have larger areas of hardstanding indicated to ensure that sufficient off-street parking is provided within the development to comply with the adopted parking standards. A suitably worded planning condition would require the approval of parking details prior to first occupation of any of the dwellings to address these concerns.

Whilst noting the concerns raised by local residents with regards to the increased use of the junction of Hill House Drive and Tothill Street it is noted that Kent Highways have not raised any concerns regarding safety and have commented that the proposal generally is unlikely to result in a severe impact on the highway network.

In conclusion it is therefore considered that the highway impacts of the development are acceptable and can be addressed through suitable conditions.

Ecology and Biodiversity

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

An ecological appraisal and subsequent reptile report were provided by the applicant in support of the scheme. The summary appraisal confirmed that additional work would be required prior to any habitat clearance works but no additional surveys were required prior to determination of the application. Mitigation measures were proposed in the report in respect of landscaping, which would need to be addressed within any future reserved matters submission.

The reptile report confirmed that no reptiles were found on site during the course of the surveys, and as such no additional works were required.

Habitat Regulations

Under the Natural Environment and Rural Communities Act (2006) "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these functions, to the purpose of conserving biodiversity." Information on the impacts of recreational disturbance upon Thanet Coast and Sandwich Bay Special Protection Area,

Ramsar site, Sandwich Bay Special Areas of Conservation, Thanet Coast Special Areas of Conservation, the Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest and the Thanet Coast Site of Special Scientific Interest has been published in recent years.

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

Financial Contributions

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

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

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

A request for developer financial contributions has been made by the Development Project Manager on behalf of Kent County Council towards primary school education in the form of £2360.96 per 'applicable' house (x12) is required towards Phase 1 of the expansion of Birchington Primary School as well as £2,359.80 per 'applicable' house (x12) towards Royal Harbour Secondary School Phase 1 works. An additional contribution of £48.02 per household has been requested towards library bookstock to mitigate the impacts of new borrowers from this development.

Whilst the primary school contribution is not requested for the Minster Primary school in close proximity to the site, as the school cannot expand given constraints on the site, the requested contribution to Birchington Primary School will provide additional school places within that primary school. This will contribute to the potential reduction in the proportion of pupils from outside Minster who attend the village's primary school in the future (through being able to attend Birchington Primary School from the increased places). No objection has been raised to the development on the ground of inadequate provision of education facilities by KCC as the education provider, and the impact of the development would be mitigated by the contribution, in compliance with regulation 122 of the Community Infrastructure Regulations.

Conclusion

The site is non-previously developed land within the urban confines and is therefore considered contrary to the aims of saved Policy H1. This policy constraint, however, needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis the National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development. The site is considered to be sustainable in its location and the economic and social benefits outweigh the limited environmental impact of the proposals.

It is therefore considered that the proposal can be delivered in a manner that is in keeping with the established character and pattern of the neighbouring residential development and will not result in unacceptable impacts. On balance the need for housing in sustainable locations such as this site outweighs the need set out in saved Policy H1 of protecting non-previously developed land. It is therefore recommended to Members that this application is approved by officers, subject to safeguarding conditions and the resolution of a legal agreement.

Case Officer

Iain Warner

TITLE:

OL/TH/16/0967

Project

Land Adjacent 15 Southall Close Minster RAMSGATE Kent

Scale:

