

A01

F/TH/16/1579

PROPOSAL: Erection of 7no. single storey dwellings with associated access road.

LOCATION: Disused Railway Line Between Nash Court Gardens And Nash Road MARGATE Kent

WARD: Salmestone

AGENT: Michael Collins

APPLICANT: Mr Rizwan Binali

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

- 2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered:
16122-01-D (received 18/01/17)
16122-02-C (received 18/01/17)
16122-03-B
16122-04-A
16122-05-D (received 02/02/17)
16122-07-A (received 22/03/17)
16122-08-A (received 22/03/17)
11903/A1/01 Revision D (received 23/01/17)
11903/A1/02 Revision A (received 23/01/17)

GROUND:

To secure the proper development of the area.

- 3 No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

GROUND:

To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.

- 4 Before the first occupation of plot 7 hereby permitted the kitchen window within the rear elevation shall not be less than 1.7 metres above the floor of the room in which it is installed. The window shall be permanently retained in that condition thereafter.

GROUND:

To protect the residential amenities of the occupiers of nearby property.

- 5 Notwithstanding the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement of the dwelling house consisting of an addition or alteration to its roof shall not be allowed without the granting of specific planning permission.

GROUND:

In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the above mentioned Order.

- 6 Prior to first occupation of any part of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation hereby permitted is commenced or before the buildings are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

GROUND:

To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.

- 7 Prior to the commencement of development hereby approved, full details of both hard and soft landscape works, to include:
 - o species, size and location of new trees, shrubs, hedges and grassed areas to be planted
 - o the treatment proposed for all hard surfaced areas beyond the limits of the highway
 - o walls, fences, other means of enclosure proposed

shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND:

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

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

GROUND:

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

- 9 A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The landscape management plan shall be carried out as approved.

GROUND:

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

- 10 Prior to development commencing the developer shall submit a detailed construction management plan to the local authority. The local authority shall confirm approval of the plan in writing prior to development commencing. The construction management plan will be adhered to by the developer at all times. The construction management plan shall include (but not limited to) the following titles:
- a. Construction process
 - i To include any mitigation measures for neighbouring sensitive premises
 - ii. To include hours of operational construction work.
 - b. Site deliveries plan
 - i. Given the limited access this is to include times deliveries will be accepted and if required plans to mitigate for large scale deliveries of materials and equipment.
 - ii Areas for loading and unloading for delivery vehicles
 - c. Construction site dust management strategy
 - d. Construction noise management
 - i. To include expected significant noise generating activities and mitigation
 - e. Site parking strategy for staff and traffic management
 - i. To include strategy on dealing with overflow of site staff parking in the vicinity.

- ii Traffic movements to and from the site and any necessary traffic management measures
- iii Wheel washing facilities
- f. Waste Management policy
- i. We advise this includes a restriction on any burning of material at the site
- g. Mitigation for the construction phase of the development

Shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

GROUND:

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties, and pollution measures are in place for all potentially polluting activities during construction and highway safety in accordance with paragraph 109 of the National Planning Policy Framework and saved policy D1 of the Thanet Local Plan.

- 11 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.

- 12 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - . all previous uses
 - . potential contaminants associated with those uses
 - . a conceptual model of the site indicating sources, pathways and receptors
 - . potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

GROUND:

In the interests of protecting the environment and the future occupants of the development in accordance with the NPPF. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.

- 13 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

GROUND:

To prevent pollution of controlled waters, in accordance with the National Planning Policy Framework (NPPF).

- 14 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 prevent pollution of controlled waters, in accordance with the National Planning Policy Framework (NPPF).

- 15 The developer must ensure a watching brief is carried out by a suitable consultant during demolition and foundation works. Any measures to control any contamination identified during these activities shall be agreed with the Local Planning Authority before further construction commences.

GROUND:

To prevent pollution of controlled waters, in accordance with the National Planning Policy Framework (NPPF).

- 16 Piling or any other foundation designs/ investigation boreholes using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

GROUND:

To prevent pollution of the underlying chalk Principal Aquifer in line with the sustainable development aims of the NPPF.

- 17 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.

- 18 No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.

GROUND:

To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

- 19 No works shall commence on the site until such time as detailed plans of the measures to prevent discharge of surface water onto the highway have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.

GROUND:

To ensure satisfactory development of the site.

- 20 Prior to the first occupation of the development hereby permitted the proposed on-site car parking, vehicle loading/unloading and turning facilities shall be provided in accordance with the approved plan and retained thereafter available for that specific use.

GROUND:

To minimise the potential for on-street parking and thereby safeguard the interest of safety and convenience of road users.

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

GROUND:

In the interests of highway safety.

- 22 No dwelling hereby permitted, shall be occupied until the completion of the access as shown on the submitted plans.

GROUND:

To ensure satisfactory development of the site.

- 23 Prior to the first occupation of the development 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 1.05 metres above the level of the adjacent highway carriageway.

GROUND:

In the interests of highway safety.

- 24 The Reptile Receptor Area as shown on drawings 16122-01-D and 16122-02-C shall be used for no other purpose both during and after construction. Details of the boundary treatment to enclose this area shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling hereby approved. The boundary treatment shall be retained as approved.

GROUND:

In the interests of nature conservation.

- 25 The habitat management and monitoring works for the reptile receptor site set out in the Reptile Capture Report (dated October 2016) shall be carried out. The results of the monitoring work shall be submitted to, and approved in writing by, the Local Planning Authority and the habitat management works shall thereafter be permanently retained. .

GROUND:

In the interest of nature conservation.

INFORMATIVES

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- . excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- . treated materials can be transferred between sites as part of a hub and cluster project
- . some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations

are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- . the Definition of Waste: Development Industry Code of Practice on the CLAIRE website and;
- . The Environmental regulations page on GOV.UK.
- . Duty of Care Regulations 1991
- . Hazardous Waste (England and Wales) Regulations 2005
- . Environmental Permitting (England and Wales) Regulations 2010
- . The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005

'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.

Contaminated soil or material that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes: The nature and setting of this site is such that it poses a risk to controlled waters as it lies over a principle aquifer within the catchment for a public abstraction well. It is therefore important that all operations at the site are undertaken with this in mind and pollution prevention measures adopted for all activities, especially maintenance and storage of chemicals or fuels. In addition it is recommended that an accidental spillage plan is generated and spill kits kept at site to deal with accidents appropriately.

With respect to any proposals for piling through made ground, we would refer you to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" (NGWCL Centre Project NC/99/73). We suggest that approval of piling methodology is further discussed with the EA when the guidance has been utilised to design appropriate piling regimes at the site.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

SITE, LOCATION AND DESCRIPTION

The site lies between dwellings which front College Road, Nash Court Gardens and Nash Road, Margate and is approximately 0.64 of a hectare. The site was a former railway line, but last used in 1923. The site has little evidence of its former use although the shape and form of the site gives some indication; the site is long and rectangular in shape.

In terms of site context Nash Court Garden has predominantly terrace houses whilst Nash Road comprises mainly semi-detached dwellings.

RELEVANT PLANNING HISTORY

F/TH/14/0887 Engineering operation to reduce level of site and use of excavated material to fill railway cutting. Granted 22/07/15

F/TH/09/0189 Erection of 8 dwellings and associated landscaping, together with access road. Refused. 24.06.09 Appeal dismissed. The Inspector's main concerns were the principle of development, the impact of units 1, 7 and 8 upon the character and appearance of the surrounding area, overlooking to Empire Terrace and the rear elevation of the end house on Nash Road and that it would jeopardise the proposed cycle strategy.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of 7no. single storey detached dwellings.

In terms of accommodation, the units would have a central hallway which provides access to the rooms; there are three bedrooms (one of which has an en-suite), family bathroom and an open plan living/dining/kitchen area leading into a utility room. The bungalows will have relatively steep pitched roofs, the dwellings are similar in appearance, but their orientation differs in the layout. Two parking spaces, cycle and refuse storage together with amenity space would be provided for each dwelling. It is envisaged that the dwellings will be constructed with white rendered walls with vertical timber boarding and slate roofs.

The agent indicates that the access road will remain a private highway. The access road and amenity area being maintained by a management company.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2006 (Saved Policies)

H1 - Residential Development Sites
H4 - Windfall Sites
CC1 - Development in the Countryside
D1 - Design Principles
D2 - Landscaping
SR5 - Play Space
SR11 - Private Open Space
TR12 - Cycling
TR16 - Car Parking Provision

NOTIFICATIONS

Eleven letters of representation have been received, the following concerns are outlined:

Affect local ecology - species of reptiles and amphibians and bats
Close to adjoining properties
Development too high and imposing
Increase in pollution
Blocking light for adjacent houses and gardens
Loss of privacy resulting from overlooking
Noise nuisance - during and after construction
Work has already started - trees have already been removed
Replacement trees should be planted away from site boundaries
Constraints should be imposed on working hours
Highway safety issues - inadequate access, increase in traffic
Concern about waste water and land drainage issues
Out of keeping with the area
Potentially contaminated land
Cycle path not requested by KCC
Ideally would like to see the land retained as a green corridor
No direct access to facilities- shops, parks, schools
Concern the roofs of the proposed dwellings would be used for habitable accommodation

CONSULTATIONS

KCC Highways and Transportation No objection subject to conditions relating to vehicle loading/unloading and parking during construction, discharge of surface water, wheel washing facilities, provision and permanent retention of parking spaces and loading/unloading, access details and visibility splays.

Environment Agency: Conditions are requested in relation to contamination, prohibition of piling or any other foundation designs/investigation boreholes using penetrative methods and drainage together with informatics.

Environmental Protection: Condition requested in respect of a construction management plan.

Heritage Conservation: I have advised that the archaeological works would involve monitoring of the development groundworks, i.e. a watching brief but had advised the programme of works condition so that some recording of the railway structures could be secured before the implementation of the works. This can be clarified in more detail when a specification is agreed for the programme of works.

KCC Ecology: The following documents have been submitted to support this planning application:

Reptile Method statement;
Ecological Risk Assessment; and
Reptile Capture Survey.

A specific reptile survey was not carried out as part of this application - but instead the results of a reptile survey was carried out in 2015 was used to inform the detailed method statement. We advise that we are satisfied with the survey effort and do not require an updated reptile survey to be carried out.

Two receptor sites were proposed and we note the northern receptor site (Nash Road) is located at the edge of the development footprint. However, the submitted reptile capture report has confirmed that it was only the southern receptor site (Farley Road) which was used for the translocation. However, the Nash Road site has suitable reptile habitat and we advise that the edge of site must be clearly demarcated and protected from construction traffic during the works - this will ensure that the reptile habitat is not damaged (and reptiles injured/killed) when the works are being carried out.

The reptile capture report has confirmed that the translocation has been completed and 138 slow worms and 1 frog captured during the works. we advise that vegetation n site must continue to be regularly mown prior to works commencing to ensure that suitable reptile habitat does re-establish on site.

The reptile capture report has made recommendations for the following:
Active management of both receptor sites; and
3 year annual reptile monitoring programme.

We advise that if planning permission is granted the recommendations within the submitted report are implemented as a condition of that planning permission. The results of the monitoring should be submitted to Thanet District Council.

Breeding Birds

There is suitable habitat for breeding birds within the development site. All nesting birds and their young are protected under the Wildlife and Countryside Act 1981 (as amended) and we advise that if trees are being felled during the breeding bird season (March to August) an ecologist must examine the site prior to works commencing. If any breeding birds are found to be present all works must cease until all young have fledged.

COMMENTS

The reason for referral to the planning Committee is the proposal represents a departure from the Local Plan as it falls outside of the urban confines.

The key issues in the determination of this application are:

Principle of development;
Character and Appearance;
Living Conditions;
Transportation; and
Other Material Considerations

Principle

The application site lies on non-previously developed land, which would be contrary to policy H1 of the Thanet Local Plan.

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.

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 site laying within the urban confines with access to local amenities and transport links, in a sustainable location within the district. 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.

Nationally, the NPPF seeks a high standard of design, and design that takes the opportunity to improve an area. Some of the key objectives referred to in the NPPF are for development which responds to local context and creates or reinforces local distinctiveness, is visually attractive as a result of good architecture and appropriate landscaping.

Character and Appearance

As stated above, the NPPF seeks a high standard of design, and design that takes the opportunity to improve an area. Government Guidance also seeks quality design in housing, and states that Local Planning Authorities should encourage applicants to bring forward sustainable and environmentally friendly development.

It also states that design should be well integrated with, and complements neighbouring buildings and the local area more generally in terms of scale, density, layout and access. The NPPF also promotes local distinctiveness and states that development should respond to local character and history, and reflect the identity of local surroundings and materials.

Local Plan Policy D1 is relevant and this states that all new development is required to provide high quality and inclusive design, sustainability, layout and materials.

The proposal seeks the construction of 7 new dwellings. All dwellings are shown to be detached single storey properties, in a largely linear arrangement. The Inspector previously raised concerns about two storey developments on this site would appear cramped as they had substantial wings which ran across the site. The current scheme has removed this element and is for single storey units.

The proposed housing designs show traditional pitched and gable roofs. Chimney stacks feature throughout the proposed development and window and door styles are traditional in form. In this regard the proposal is considered to promote local distinctiveness and reflects local character.

The scheme subject to this application submission is linear in nature similar to that of application reference F/TH/09/018. In refusing this consent, the Council had concerns that the scheme would represent backland development which would not follow the established pattern of development, proving harmful to the character and appearance of the surrounding area. The Inspector, however, considered the scheme responded to the linear nature of the surrounding area. The Inspector did not share the Council's concerns that the access which encroached into the countryside would prove harmful to the character and appearance of the surrounding area. This appeal decision is a material consideration which significant weight is attributed to, the current application has a similar access arrangement.

While the Council has previously raised concerns that residential development for this site have been at odds with the established pattern of development in the surrounding area, the Inspectors decision did not wholly share these concerns. He stated "The Council is critical of the general design and layout of the scheme but I do not 'share those concerns. The layout would be different to the older housing on either side but would respond, in its own way, to the linear nature of the site and the linear forms of development which are characteristic of the locality."

In terms of density, the proposed buildings are shown to be constructed of traditional building materials including render with some vertical boarding. Roofing materials are slate.

Landscaping details are shown on the submitted plans but more detailed landscaping plans can be secured through planning condition. The scheme includes on-site parking for each dwelling sufficient to meet parking standards for the District.

While the proposed access would partly be located within the countryside the Inspector did not consider this harmful. Therefore it appears that the submitted scheme addresses the previous concerns relating to the relationship of the scheme with the surrounding area.

Policy SR11 of the Thanet Local Plan states that development will not be permitted on undeveloped private open space or a gap in the settlement pattern, if the site provides active recreational opportunities, meets a deficiency in recreational opportunities, or has intrinsically beneficial qualities and makes a contribution to the character of the area either in itself or by virtue of the longer distances views it affords. The site does not have any recreational use, and therefore the only consideration for the principle of development is whether the site has intrinsically beneficial qualities or contributes to the character of the area.

The site as a former railway track contributes little to the character of the area, and therefore the principle of developing the site is not considered to conflict with Policy SR11 of the Thanet Local Plan

In summary it is considered that the proposed development is acceptable for this site, given the planning history. It respects the form and character of the surrounding development the proposal accords with national and local policy in this regard.

Living Conditions

The Inspector raised concerns that the first floor accommodation within the 2009 proposal would result in overlooking to the rear gardens of properties in Empire Terrace and Nash Road. He did not raise other concerns, subject to the reduction in ground levels which he considered to be an engineering operation in its own right.

Permission to reduce the level of the site was granted under application reference F/TH/14/0887 and the scheme now wholly comprises single storey dwellings.

There are existing residential properties to the east and west boundaries of the site. In terms of use, the residential use of the site is compatible with surrounding development and will not likely raise any significant dis-amenity issues.

The proposed layout shows the orientation of each dwelling and its relationship with other proposed dwellings within the site and other dwellings adjoining the site. The site has already had planning approval for engineering works comprising the change in levels. The access road would be at a slightly higher level to the proposed dwellings. Sections through the site have been provided to demonstrate the relationship with adjoining sites and the level changes.

Consideration has been given to matters of overlooking, loss of light and the overbearing nature of the proposed development. Plots 1 and 2 are separated with dwellings in Nash Road by the proposed access road, there is a minimum separation distance of approximately 9.4 metres to the boundary. Windows serving the bedroom 2 will face this direction. Given the degree in separation and that Nash Road will be at a higher level this relationship is considered acceptable. The rear elevations of plots 1 and 2 back onto dwellings that front Nash Court Gardens. However immediately to the rear of the site is a parking area, with garages and a small commercial unit, which is at a lower level. The site at this point will be lowered, but the garage will still be at a lower level. Windows serving an en-suite and utility and at an oblique angle a kitchen and living room, will face this direction. The

distance of separation between residential properties I am satisfied that no material harm will occur to occupiers in Nash Court Gardens.

With regard to plots 3-6 these units are separated from Nash Court Gardens by the proposed access road. The orientation of plot 3-6 are the same and windows serving a bedroom will face towards Nash Road (exception of plot 6 which has no bedroom window in this elevation) with an angled window from the dining window facing across. There is a minimum distance of 9m from the plots 3-5, in the case of plot 6 this is a distance of just over 6 metres to the boundary. Given the proposed change in levels and distance of separation and window arrangement in the case of plot 6, I am satisfied that this is an acceptable relationship. Plots 3-6 are a distance of approximately 1.2m from the site boundary with properties which front Nash Road. These dwellings have relatively long gardens at a slight angle to the site. Some dwellings also have outbuildings within their respective gardens. Furthermore there is a rear vehicular access between the site and nos. 15-66, which increases the degree of separation. I am of the opinion that this relationship is acceptable.

Finally with regard to plot 7, this forms an end point to the development at its north western end and acts as a visual stop. There is a distance of separation of approximately 1m from the boundary of the site and the gardens with Empire Terrace. Immediately abutting the site is no. 13 Empire Terrace. This property has a rear garden that is approximately just less than 9 metres in length. The proposed dwelling would be adjacent the rear end of the garden, approximately the last 4 metres. In terms of windows plot 7 would have a kitchen room window facing directly onto the rear garden, this would be at high level. A utility and en-suite face north-west towards the reptile receptor area. The proposed level in this area of the site will be reduced and the section through shows this plot in relation to Empire Terrace; at a lower level. At present there is a close boarded fence between the two sites, and two detached buildings, one in the garden of no. 13 and one just to the rear. With the proposed change in levels I am satisfied that this relationship will be acceptable.

Given the distance between the proposed development and the existing, it is not considered there will be a significant detrimental impact upon amenity of the occupants in terms of overlooking, being over shadowed or the dwelling being over bearing, as a result of this proposal.

With regard to the living conditions of future occupiers of the site the units have three bedrooms and as such should contain an area for safe doorstep play space in accordance with Thanet Local Plan Policy SR5. This would usually be expected to be to a contained area with adequate boundary treatment to the rear of the dwellings. All habitable rooms should enjoy outlook and natural light and bathrooms and kitchens should be well ventilated. Each dwelling is afforded an area of private amenity space, precise details of the boundary treatment are not known, but can be safeguarded by condition. It is not considered that there would be any amenity concerns in terms of the relationship between the future occupiers of the proposed development.

Transportation

The application proposes an access onto Nash Road to serve 7no. dwellings.

The Local Highway Authority (LHA) raised a number of issues relating to the proposal, including access and visibility issues, re-alignment of existing kerb and street furniture and footpath connections. The LHA has negotiated with the applicant to provide a suitable access solution. Overall, the LHA raises no objection subject to conditions regarding construction management plan, visibility splays implementation.

In terms of the proposed cycle way which is referred to within the Design and Assess Statement in relation to Thanet Cycling Plan 2003. This requires the replacement of a demolished railway bridge over College Road onto neighbouring land, which currently falls under a planning reference F/TH/16/1160. The application makes no mention of such a link and consideration should be given as to whether such is still viable.

Other Matters

One of the reptile receptor sites is located at the north western end of the site, to the rear of plot 7. A plan has been received that shows plot 7 is outside of this area and on this basis this element is considered acceptable by KCC Ecology subject to suitable demarcation between the residential area of the site and the reptile site. KCC Ecology also advised that they raise no objection to the proposal as long as the measures set out in the Reptile Capture Report (dated October 2016) are conditioned.

Comments from the KCC Archaeological Officer have been received; they recommend a condition for a programme of archaeological works.

Conditions relating to issues of contamination can be attached to the consent if permitted.

Conclusion

In terms of the benefits, the provision of 7 dwellings would contribute to achieving the Council's 5 year land supply.

Whilst the site has an extensive history and a refused residential scheme, I consider that there is now a need for housing in the district and therefore an application for residential development of this site would be assessed on the merits of the scheme.

I consider that the amended proposal for 7 units addresses the Inspectors concerns relating to design subject to use of high quality materials and landscaping scheme.

The proposal accords with the NPPF, NPPG and both saved and emerging Development Plan Policies. It is therefore considered that this application should be approved subject to planning conditions.

Case Officer

Gill Richardson

TITLE: F/TH/16/1579

Project Disused Railway Line Between Nash Court Gardens And Nash Road
MARGATE Kent

Scale:

