

Date: 12 June 2017
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PLANNING COMMITTEE

21 JUNE 2017

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 21 June 2017** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor Grove (Chairman); Councillors: Jaye-Jones (Vice-Chairman), Bambridge, Buckley, K Coleman-Cooke, Connor, Edwards, J Fairbrass, Fenner, Partington, L Piper, R Potts, D Saunders, Taylor and Tomlinson

A G E N D A

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

'To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest Form attached at the back of this Agenda. If a Member declares an interest, they should complete that form and hand it to the Officer clerking the meeting and then take the prescribed course of action.'

3. **MINUTES OF PREVIOUS MEETING** (Pages 3 - 20)

To approve the Minutes of the Planning Committee meeting held on 17 May 2017, copy attached.

4. **APPEALS UPDATE** (Pages 21 - 24)

5. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 25 - 30)

To consider the report of the Director of Community Services, copy attached for Members of the Committee.

Note: Copies of correspondence relating to applications received will be available for members' perusal in the Members' Room from 5.00pm on the Friday before the meeting until the date of the meeting.

For Approval

Item
No

Subject

- 5a **A01 - FH/TH/17/0363 - 36 CORONATION CLOSE, BROADSTAIRS** (Pages 31 - 36)
- 5b **A02 - FH/TH/17/0301 - 61 CLARENCE AVENUE, MARGATE** (Pages 37 - 44)
- 5c **A03 - FH/TH/17/0325 - 17 LERRYNGARDENS, BROADSTAIRS** (Pages 45 - 50)
- 5d **A04 - OL/TH/17/0305 - LAND REAR OF ASHBRE MANOR ROAD, ST NICHOLAS AT WADE** (Pages 51 - 60)
- 5e **A05 - F/TH/17/0450 - CAR PARK, DALBY SQUARE, MARGATE** (Pages 61 - 68)
- 5f **A06 - FH/TH/17/0501 - WHITE WALLS, HOLLAND CLOSE, BROADSTAIRS** (Pages 69 - 74)
- For Refusal**
- 5g **R07 - F/TH/17/0286 - 49 - 50 HAWLEY SQUARE, MARGATE** (Pages 75 - 84)
- 5h **R08 - F/TH/17/0014 - THE BARN, ST MARGARETS ROAD, BIRCHINGTON** (Pages 85 - 90)
- For Deferral**
- 5i **D09 - F/TH/16/1160 - DISUSED RAILWAY LINE, COLLEGE ROAD, MARGATE** (Pages 91 - 112)
- 5j **D10 - OL/TH/16/0417 - LAND BETWEEN MANSTON ROAD AND PRESTON ROAD, ADJOINING MANSTON GREEN INDUSTRIES MANSTON** (Pages 113 - 134)

Declaration of Interests Form



Please scan this barcode for an electronic copy of this agenda.

Public Document Pack Agenda Item 3

Planning Committee

Minutes of the meeting held on 17 May 2017 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Bob Grove (Chairman); Councillors Jaye-Jones, Bambridge, Buckley, Connor, Edwards, Partington, R Potts, Taylor, Tomlinson, L Piper and D Saunders

In

Attendance: Councillor Curran

178. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Fenner and Councillor J Fairbrass for whom Councillor Howes was present.

179. **DECLARATIONS OF INTEREST**

Councillor Jaye-Jones declared an interest in agenda item 4g) R07 - FH/TH/17/0382 - 49 Wellis Gardens, Margate (Minute No.188 refers).

180. **MINUTES OF PREVIOUS MEETING**

It was proposed by Councillor Connor, seconded by Councillor Tomlinson and agreed that the minutes of the Planning Committee held on 19 April 2017 be approved and signed by the Chairman.

181. **SCHEDULE OF PLANNING APPLICATIONS**

182. **A01 - OL/TH/17/0314 - LAND EAST SIDE OF SUMMER ROAD ST, NICHOLAS AT WADE, BIRCHINGTON**

PROPOSAL: Outline application for the erection of up to 6No. dwellings including access

Speaking in favour of the application was Ms Coles.

Speaking raising points of concern was Mrs McManus.

Speaking as ward councillor was Councillor Bryant.

It was proposed by the Chairman and seconded by the Vice-Chairman:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED subject to the following conditions:

1 Approval of the details of the layout, scale and appearance of any buildings to be erected, 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 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).

3 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).

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

GROUND:

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

5 The development hereby approved shall be carried out in accordance with the submitted drawing numbered 072-SK-009 received 9 March 2017.

GROUND:

To secure the proper development of the area.

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

GROUND:

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

7 Prior to the commencement of the development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved in writing by the Local Planning Authority.

GROUND:

To ensure that features of archaeological interest are properly examined and recorded in accordance with the advice contained within the National Planning Policy Framework.

8 Provision and maintenance of 43metres x 2.4metres x 43metres visibility splays at the access with no obstructions over 0.9 metres above carriageway level within the splays, prior to use of the site commencing.

GROUND:

In the interest of highway safety.

9 Provision of the new footway link along the southern boundary of the site to join the existing footway in Summer Road. The new footway must be at least 1.8 metres wide and formed of a bound material.

GROUND:

In the interest of pedestrian and highway safety.

10 Provision of the vehicle pull in area / lay by as outlined in the submitted drawings. The proposed lay by will need to be at least 2.5 metres wide to ensure drivers can safely pull in off of the public highway.

GROUND:

In the interest of highway safety.

11 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.

12 Details to be submitted in pursuant of condition 1 above for landscaping shall include the recommendations contained within the Corylus Ecology Report dated January 2016.

GROUND:

In order to provide opportunities to incorporate features into the design which are beneficial to wildlife, in accordance with paragraph 118 of the National Planning Policy Framework.

13 The details to be submitted in pursuant of condition 1 above shall show no excavation, mounding or tree planting within 4 metres of the public water main.

GROUND:

To protect drainage apparatus and protect the public sewer.

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

GROUND:

To protect drainage apparatus and protect the public sewer.”

Following debate, the motion was put to the vote and declared CARRIED.

183. **A02 - F/TH/17/0344 - LAND ADJACENT BROOKSEND LODGE, CANTERBURY ROAD, BIRCHINGTON**

PROPOSAL: Retrospective application for erection of 3No. dwellings with associated parking

Speaking in favour of the application was Mrs Scott.

It was proposed by the Chairman and seconded by the Vice-Chairman:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED 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 drawing numbered 17/231/JG/PL01 Rev B, received 08 March 2017, and plan numbered 17/231/JG/PL02 Rev C, received 16 March 2017.

GROUND:

To secure the proper development of the area.

3 No further alterations to the building, or the erection of garden buildings or the installation of satellite antennae, or erection of boundary or internal fences or means of enclosure, whether approved by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

GROUND:

To ensure a satisfactory external treatment and in the interests of the visual amenities of the locality in accordance with Policy D1 of the Thanet Local Plan.

4 Prior to the first occupation of the development, the area shown on plan numbered 17/231/JG/PL02 Rev C for the parking and manouvering of vehicles shall be operational prior to any part of the development hereby approved being brought into use. The area approved shall thereafter be maintained for that purpose.

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.

5 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 first 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

6 The development hereby permitted shall be constructed using slate, pre-treated softwood feather edge cladding planks with natural oak stain, and pre-treated softwood external windows and doors with classic heritage oak.

GROUND:

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

7 In the event that contamination is found that was not previously identified at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken at that time in accordance with a site characterisation report that shall be submitted to and approved in writing by the Local Planning Authority and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority, including remediation measures to render harmless the identified contamination given the end use of the site and the surrounding environment, including controlled waters. The remediation measures shall be implemented as approved and completed prior to the recommencement of works. Prior to the occupation of the approved development and following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

GROUND:

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

Upon being put to the vote, the motion was declared CARRIED.

184. A03 - F/TH/16/1308 - LAND ADJACENT TO MALLISDEN, HAINE ROAD, RAMSGATE

PROPOSAL: Erection of 4No two storey detached houses, associated access, landscaping and re-routing of public footpath and provision of new footpath to frontage of site

It was proposed by Councillor Partington, seconded by Councillor Tomlinson and RESOLVED:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED 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 approved drawings numbered:

03/15/2016 Revision A.AUG.2016 received 20/09/16

04/13/2016 Revision C received 19/01/17

05/13/2016 received 28/09/16

06/13/2016 Revision B.DEC.2016 received 19/01/17

07/13/2016 Revision A received 19/01/17

08/13/2016 Revision B received 19/01/17

GROUND:

To secure the proper development of the area.

3 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 first been submitted to and approved in writing 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 in writing by the Local Planning Authority.

GROUND:

To ensure that due regard is had to the preservation in situ of important archaeological remains in accordance with National Planning Policy Framework.

4 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 prevent pollution in accordance with the National Planning Policy Framework.

5 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of:

- the parking of vehicles of site operatives and visitors
- construction vehicles loading/unloading and turning facilities
- wheel-washing facilities
- details of construction haul routes
- construction times

The development shall be carried out in accordance with such details that are approved.

GROUND:

In the interest of highway and pedestrian safety and the convenience of road users in accordance with policy D1 of the Thanet Local Plan.

6 The proposed vehicular sightlines for all new junctions and accesses measuring 2.4m x 43metres from the edge of the highway in both directions. These sightlines shall be provided and maintained free of obstruction prior to occupation of the part of the development to be served by the respective accesses.

GROUND:

In the interests of highway safety.

7 Prior to the commencement of the development hereby approved full details shall be submitted to and approved in writing by the Local Planning Authority of the proposed public footpath in front of the site, which shall be to the same specifications as the footway to the north. Such details as approved shall be carried out prior to the occupation of any dwelling, and thereafter be maintained.

GROUND:

In the interest of highway and pedestrian safety and the convenience of road users in accordance with policy D1 of the Thanet Local Plan.

8 An emergence survey should be carried out prior to the felling of any trees on the site, to ensure no protected species are present, with particular reference to breeding birds. Areas where protected mammals such as hedgehogs could be sheltering should be hand searched prior to disturbance, with the recommendations outlined in 4.9 of the Preliminary Ecological Appraisal accorded with submitted under planning reference OL/TH/15/0018.

GROUND:

In order to safeguard protected species that may be present.

9 A soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings hereby approved. These soft landscaping details shall include the provision of native species in landscaping proposals and native hedgerow species, details of which are to be agreed with the Local Planning Authority. Such details as approved shall be carried out prior to the occupation of any dwelling, and thereafter shall be maintained.

GROUND:

In the interests of bio-diversity and ecological potential, and to adequately integrate the development into the environment, in accordance with Policies D1 and D2 of the Thanet Local Plan and the National Planning Policy Framework.

10 No existing trees, shrubs or hedges within the site that are shown as being retained on the approved plans shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any trees, shrubs or hedges removed without such approval or that die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of a similar size and species in the next available planting season, unless the Local Planning Authority gives written approval to any variation.

GROUND:

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

11 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 building(s) 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:

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

185. A04 - F/TH/16/1766 - LAND ADJACENT TO MALLISDEN, HAINE ROAD, RAMSGATE

PROPOSAL: Erection of 3No detached dwellings and 2No attached dwellings, associated access, landscaping, re-routing of public footpath and provision of new footpath to front of site

It was proposed by Councillor Partington, seconded by Councillor Tomlinson and RESOLVED:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED 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 approved drawings numbered:

- 03/15/2016 Revision D.DEC.2016
- 04/13/2016A Revision D
- 05/13/2016 Revision D
- 06/13/2016 Revision D
- 07/13/2016 Revision D
- 08/13/2016 Revision D
- 09/13/2016 Revision D
- 10/13/2016 Revision D

GROUND:

To secure the proper development of the area.

3 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 first been submitted to and approved in writing 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 in writing by the Local Planning Authority.

GROUND:

To ensure that due regard is had to the preservation in situ of important archaeological remains in accordance with National Planning Policy Framework.

4 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 prevent pollution in accordance with the National Planning Policy Framework

5 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of:

- the parking of vehicles of site operatives and visitors
- construction vehicles loading/unloading and turning facilities
- wheel-washing facilities
- details of construction haul routes
- construction times

The development shall be carried out in accordance with such details that are approved.

GROUND:

In the interest of highway and pedestrian safety and the convenience of road users in accordance with policy D1 of the Thanet Local Plan.

6 The proposed vehicular sightlines for all new junctions and accesses measuring 2.4m x 43metres from the edge of the highway in both directions. These sightlines shall be provided and maintained free of obstruction prior to occupation of the part of the development to be served by the respective accesses.

GROUND:

In the interests of highway safety.

7 Prior to the commencement of the development hereby approved full details shall be submitted to and approved in writing by the Local Planning Authority of the proposed public footpath in front of the site, which shall be to the same specifications as the footway to the north. Such details as approved shall be carried out prior to the occupation of any dwelling, and thereafter be maintained.

GROUND:

In the interest of highway and pedestrian safety and the convenience of road users in accordance with policy D1 of the Thanet Local Plan.

8 An emergence survey should be carried out prior to the felling of any trees on the site, to ensure no protected species are present, with particular reference to breeding birds. Areas where protected mammals such as hedgehogs could be sheltering should be hand searched prior to disturbance, with the recommendations outlined in 4.9 of the Preliminary Ecological Appraisal accorded with submitted under planning reference OL/TH/15/0018.

GROUND:

In order to safeguard protected species that may be present.

9 A soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings hereby approved. These soft landscaping details shall include the provision of native species in landscaping proposals and native hedgerow species, details of which are to be agreed with the Local Planning Authority. Such details as approved shall be carried out prior to the occupation of any dwelling, and thereafter shall be maintained.

GROUND:

In the interests of bio-diversity and ecological potential, and to adequately integrate the development into the environment, in accordance with Policies D1 and D2 of the Thanet Local Plan and the National Planning Policy Framework.

10 No existing trees, shrubs or hedges within the site that are shown as being retained on the approved plans shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any trees, shrubs or hedges removed without such approval or that die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of a similar size and species in the next available planting season, unless the Local Planning Authority gives written approval to any variation.

GROUND:

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

11 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 building(s) 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:

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

186. A05 - F/TH/17/0219 - GARAGES ADJACENT 70 AND 72 PERKINS AVENUE, MARGATE

PROPOSAL: Variation of condition 2 and 3 of planning permission F/TH/14/0252 for erection of two semi-detached two storey dwellings, together with associated car parking, following the

demolition of existing garages to allow reduction in parking spaces and alterations to landscaping

It was proposed by Councillor Partington, seconded by Councillor Tomlinson and RESOLVED:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED subject to the following conditions:

1 The proposed development shall be carried out in accordance with the submitted application as shown by the drawings numbered 176-003 received 10 March 2014, the drawing numbered 02 Rev D received 20 October 2016 and the amended plan numbered P03 received 10 April 2017.

GROUND:

To secure the proper development of the area.

2 The area shown on drawing numbered P03 received 10 April 2017, 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.

3 The development hereby approved will be finished in Reigate Purple Multi Stock Bricks and Redland 49 Granular Brown Tiles, as approved in the letter dated 21/11/17.

GROUND:

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

187. A06 - F/TH/17/0257 - LAND ADJACENT WILD THYME BRAMWELL COURT, MINSTER, RAMSGATE

PROPOSAL: Erection of a three storey detached dwelling, together with detached garage

It was proposed by Councillor Partington, seconded by Councillor Tomlinson and RESOLVED:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED 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 127/1, 127/2 and 127/3 received 21 February 2017

GROUND:

To secure the proper development of the area.

3 No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

GROUND:

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

4 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.

5 Prior to the first occupation of the dwelling hereby approved, visibility sight lines measuring 23m x 2m x 23m to the either side of the access, as shown on drawing number 127/1, received on 21 February 2017, shall be provided and thereafter maintained with no obstruction above 1m in height.

GROUND:

In the interests of highway safety. Notes:

6 Prior to the first occupation of the dwelling hereby approved, visibility sight lines measuring 23m x 2m x 23m to the either side of the access, as shown on drawing number 127/1, received on 21 February 2017, shall be provided and thereafter maintained with no obstruction above 1m in height.

GROUND:

In the interests of highway safety.

7 If, during development, contamination not previously identified, is found to be present at the site, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The proposed works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters.

GROUND:

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with the Thanet Local Plan Policy EP13

8 No development shall 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.

GROUND:

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with the Thanet Local Plan saved Policy EP13.”

188. R07 - FH/TH/17/0382 - 49 WELLIS GARDENS, MARGATE

PROPOSAL: Retrospective application for the erection of a single storey outbuilding to front/side garden

Speaking in favour of the application was Mr Elvidge.

Speaking as ward councillor was Councillor Curran.

It was proposed by the Chairman and seconded by Councillor Partington:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be REFUSED for the following reasons:

1 The outbuilding, by virtue of its height, design, materials and location would appear obtrusive and incongruous to the street scene, unrelated to the existing open appearance of the area and severely detrimental to the visual amenities of the locality, contrary to Thanet Local Plan Policy D1 and paragraphs 17, 58 and 64 of the National Planning Policy Framework.”

Following debate, the motion was put to the vote and declared LOST.

Then it was proposed by Councillor Partington and seconded by Councillor Tomlinson:

“That the application be APPROVED for the following reasons:

“It is considered that the application does not cause any harm to the character and appearance of the area, and therefore is not contrary to Thanet Local Plan Policy D1.”

Upon being put to the vote, the motion was declared CARRIED.

189. R08 - FH/TH/17/0232 - 21 FARRAR ROAD, BIRCHINGTON

PROPOSAL: Erection of two storey rear extension

Speaking in favour was Mr Burgess.

It was proposed by the Chairman and seconded by Councillor Partington:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be REFUSED for the following reason:

- 1 The proposed extension, by virtue of its location, scale and height would result in an overbearing impact and sense of enclosure to 19 Farrar Road, significantly detrimental to the living conditions of the adjoining residents, contrary to policy D1 of the Thanet Local Plan and paragraph 17, 56 and 61 of the National Planning Policy Framework.”

Following debate, the motion was put to the vote and declared LOST.

Then it was proposed by Councillor Partington and seconded by Councillor Tomlinson:

“That the application be APPROVED for the following reasons:

‘There would be no substantial harm to amenity of the neighbouring property, and therefore is not contrary to Thanet Local Plan Policy D1.’

Upon being put to the vote, the motion was declared CARRIED.

190. D09 - OL/TH/16/0376 - LAND REAR OF 2 TO 28 KINGSTON AVENUE, MARGATE

PROPOSAL: Outline application for the erection of 43No. dwellings comprising of 8No. 2-bed flats, 7No. 2-bed dwellings, 25No. 3-bed dwellings and 3No. 4-bed dwellings, including access and scale

It was proposed by Councillor Partington, seconded by Councillor Tomlinson and RESOLVED:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be DEFERRED AND DELEGATED to the Director of Community Services to approve subject to receipt of a legal agreement securing the agreed planning obligations and the following safeguarding conditions:

- 1 Approval of the details of the layout and appearance of any buildings to be erected, 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 Details to be submitted pursuant of condition 1 above for the matter of layout shall include:

- i. archaeological field evaluation works in accordance with a specification and written timetable to be agreed with KCC Archaeology,,
- ii. 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.

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.

6 Details to be submitted in pursuant of condition 1 above shall include:

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted. This should include mature tree planting within the site and hedgerow planting along the boundaries of the site and to some internal plot boundaries,
- details of how the development will enhance biodiversity, for example, the provision of bat/bird boxes, habitat piles and native planting,
- the treatment proposed for all hard surfaced areas beyond the limits of the highway, which shall be a permeable surface and not include any form of tarmac,
- walls, fences, other means of enclosure proposed.

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

7 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 first 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

8 Prior to the first occupation of the development hereby permitted, the access shown on the approved plan shall be completed, and thereafter maintained.

GROUND:

In the interests of highway safety.

9 Prior to the commencement of development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i) Routing of HGV'S to/from the main road network
- ii) Timing of HGV movements (these are likely to be restricted to outside school drop-off and pick-up times)
- iii) Parking and turning areas for construction-related traffic including site personnel
- iv) Wheel washing facilities

GROUND:

In the interests of highway safety.

10 Prior to the first occupation of each dwelling, the following works shall be completed between the dwelling and the adopted highway:

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

GROUND:

In the interests of highway safety.

11 Visibility splays of 25 metres x 2.4 metres x 25 metres at the junction of the internal roads, with no obstructions over 1 metre above carriageway level within the splays, shall be provided and thereafter maintained in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

GROUND:

In the interests of highway safety.

12 Forward visibility envelopes of 18m shall be provided adjacent to plots 2 and 36, with no obstructions over 1 metre above carriageway level within the envelopes, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

GROUND:

In the interests of highway safety.

13 Prior to the first occupation of the development hereby permitted, 1 metre x 1 metre pedestrian visibility splays shall be provided behind the footway on both sides of each private

access, with no obstructions over 0.6m above footway level. The visibility splays shall thereafter be maintained.

GROUND:

In the interests of highway safety.

14 The details to be submitted in pursuant of Condition 1 above for layout shall show curtilage parking spaces 5m long x 2.5m wide, increasing to 2.7m where bounded by obstructions on one side or increasing to 2.9m where bounded by obstructions on both sides.

GROUND:

In the interests of highway safety.

15 Prior to the commencement of development hereby permitted, a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated within the site boundary and disposed of via infiltration. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

GROUND:

To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficiency of the drainage provisions, to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

16 Prior to the first occupation of the development hereby permitted, 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, to ensure ongoing efficiency of the drainage provisions, to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

17 No infiltration of surface water drainage into the ground is 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 approval details.

GROUND:

To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficiency of the drainage provisions, to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

18 Prior to the commencement of works hereby permitted (including vegetation clearance) a detailed reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall include the following:

- Reptile Survey of donor and receptor site
- Map showing location of receptor site
- Information confirming that the receptor site will be managed in perpetuity for reptiles
- Details of enhancements required to enhance the receptor site
- Translocation methodology
- Timetable of when works are to be carried out.

Works shall be carried out in accordance with the approved mitigation strategy.

GROUND:

In order to safeguard protected species that may be present within the site, in accordance with the NPPF.”

191. PLANNING COMMITTEE MINUTES - 15TH MARCH 2017

The Planning Applications Manager outlined the report.

It was proposed by the Chairman and seconded by the Vice Chairman:

“That the officer’s recommendation be adopted, namely:

2.1 The Planning Committee reconfirm that planning application - F/TH/16/0924 – Land formerly used as Club union Convalescent Home, Reading Street was refused on the 15 March 2017 due to both the reasons outlined at paragraph 1.1 of this report namely:

1. The proposed development, by virtue of the number, location and design of the residential units, would appear out of keeping with the surrounding pattern of development, and severely detrimental to the historic character and appearance of the adjacent Conservation Area, contrary to Policy D1 of the Thanet Local Plan, and paragraphs 17, 58, 60 and 64 of the National Planning Policy Framework.
2. The applicant has failed to enter into a legal agreement to secure 30% affordable housing, and the delivery of the necessary planning obligations required in order to mitigate the impacts of the proposed development on the local infrastructure and make the development acceptable in all other respects. The application is therefore contrary to Policies CF2, H14 and SR5 of the Thanet Local Plan and the National Planning Policy Framework.”

Upon being put to the vote, the motion was declared CARRIED.

Meeting concluded : 8.15pm

UPDATE ON APPEAL DECISIONS

Planning Committee – 21 June 2017

Report Author ***Iain Livingstone, Planning Applications Manager***

Portfolio Holder ***Cllr Lin Fairbrass, Community Services***

Classification: Unrestricted

Executive Summary:

This report advises Members on the planning appeals that were decided during the period from April 2016 to March 2017 (inclusive), including the decision of each appeal.

Recommendation:

Members note the report.

CORPORATE IMPLICATIONS

Financial and Value for Money	<p>Appeals are generally dealt with by Planning Officers and the cost absorbed within the cost of the service. In the case of Public Inquiries and occasionally hearings legal assistance will be necessary and this incurs additional costs. Furthermore, the Council can be liable to claims for costs at appeal. The advice from Government within the National Planning Practice Guidance sets out the circumstances in which costs may be awarded against either party in planning appeals. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. An authority is considered to have behaved unreasonably if it does not produce evidence to substantiate each reason for refusal.</p> <p>The advice outlines is that if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.</p> <p>There are no funds allocated for any potential fines meaning cost awards will result in spend that is outside of the budgetary framework.</p>
Legal	None
Corporate	The Corporate target for appeals is for <u>no more than</u> 30% to be allowed. The current position for the period referred to in this report is 50% of appeals have been allowed and as such we have fallen short of the target.
Equalities Act 2010 & Public	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to

Sector Equality Duty	<p>the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <p>In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this report.</p>
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1.0 Introduction and Background

1.1 Applicants for planning permission have the right of appeal when the council refuses planning permission or when the council has failed to decide an application within the statutory time period which, in most cases, is 8 weeks or in the case of major applications 13 weeks.

2.0 The Current Situation

2.1 The annex to this report lists each of the applications that were decided at appeal between the months of April 2016 and March 2017 (inclusive). The annex identifies the site, proposal as well as the outcome of the appeal (ALC – Allowed subject to conditions, DIS – Appeal dismissed) and who took the decision to refuse the application (DPO – Delegated to planning officers, CTE – Planning Committee).

2.2 The number of appeals decided over the period was **24**.

2.3 The Council has been successful in defending over half of the appeals for the period.

2.4 The figure for the appeals that were allowed was 46% which falls short of the 30% target that we aim to achieve.

2.5 One cost appeal in the same period in relation to a planning appeal was successful against the refusal of planning permission for the change of use of the Derby Arms Public House on Margate Road, Ramsgate, into a House in Multiple Occupation. The final settlement for this was £10,981.15.

Contact Officer:	<i>Iain Livingstone, Planning Applications Manager</i>
Reporting to:	<i>Helen Havercroft, Head of Growth and Development</i>

Annex List

<i>Annex 1</i>	Appeals Decided between 1 April 2016 and 31 March 2017
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Corporate Consultation

Finance	Matthew Sanham, Corporate Finance Manager, 2.06.17
Legal	Tim Howes, Director of Corporate Governance, 2.06.17

<u>REFVAL</u>	<u>ADDRESS</u>	<u>PROPOSAL</u>	<u>DATEAPPEAL</u>	<u>DECISION</u>	<u>APPLDECT</u>	<u>DECTYPE</u>
F/TH/15/0736	Land Rear Of 11Osborne RoadBROADSTAIRSKent	Erection of single storey dwelling with basement fronting Grosven	04/04/2016	DIS		DPO
F/TH/15/0084	Derby Arms, 72 Margate Road, Ramsgate, CT11 7SQ	Change of use from public house to house in multiple occupation t	12/04/2016	ALC		CTE
OL/TH/15/0318	Land Adjacent To 88, Park Lane, Birchington	Outline application for erection of 1no. detached bungalow includ	13/04/2016	DIS		DPO
F/TH/15/0485	Land Rear Of 4 Cherry Tree GardensRAMSGATEKentCT12 6QS	Erection of a single storey dwelling	11/05/2016	ALC		CTE
OL/TH/15/0532	Land Adjacent 12 To 14Fort RoadMARGATEKentCT9 1HF	Outline application for the erection of 8no. three-storey dwellings	11/05/2016	ALC		CTE
F/TH/15/0347	Cliff Cottage, Coastguard Cottages, Pegwell Road, Ramsgate	Erection of dwelling	16/05/2016	DIS		DPO
F/TH/15/0527	Land Adjoining 30 Station RoadBIRCHINGTONKentCT7 9DQ	Erection of 1No. 2 bed bungalow	26/05/2016	DIS		CTE
F/TH/15/0543	Land Between 29 And 31, High Street, Minster, Ramsgate	Erection of detached 3 bed dwelling with associated parking	02/06/2016	ALC		CTE
FH/TH/15/1236	161 Minnis RoadBIRCHINGTONKentCT7 9QD	Erection of two storey front and side extension, erection of single :	13/06/2016	ALC		DPO
F/TH/15/0512	Land Rear Of 29Northdown Park RoadMARGATEKent	Erection of two storey detached dwelling	28/07/2016	DIS		DPO
F/TH/15/1188	197 St Lukes AvenueRAMSGATEKentCT11 7HS	Erection of 1No single storey dwelling to rear	28/07/2016	DIS		DPO
FH/TH/15/1244	Rawsons RetreatNorth Foreland AvenueBROADSTAIRSKentCT10 3QT	Erection of first floor front extension	11/08/2016	DIS		
FH/TH/16/0454	Flat 19 Chandos SquareBROADSTAIRSKentCT10 1QN	Replacement of existing timber window with UPVC window to fron	22/08/2016	DIS		DPO
F/TH/15/0503	165 Northwood RoadBroadstairsKentCT10 2LS	Change of use of ground floor to retail together with erection of tv	22/08/2016	DIS		
OL/TH/15/0213	Land Rear Of 10 To 16St Mildreds AvenueRAMSGATEKent	Outline application for erection of 2No. two storey dwellings, inclu	23/08/2016	ALC		CTE
F/TH/16/0134	Land Rear Of 9Northdown WayMARGATEKent	Erection of a detached single storey dwelling following demolition	06/09/2016	DIS		DPO
F/TH/15/0600	14 Wyndham AvenueMARGATEKentCT9 2PR	Retrospective application for change of use and conversion of dwe	24/10/2016	ALC		CTE
FH/TH/16/0305	4 George V AvenueMARGATEKentCT9 5PX	Erection of fence to front, side and rear boundaries	31/10/2016	DIS		DPO
F/TH/15/0431	Land Adjacent 34St Mildreds AvenueRAMSGATEKent	Erection of a two storey detached dwelling	18/11/2016	ALC		CTE
A/TH/16/0212	Sports Direct59 - 63 Queen StreetRAMSGATEKentCT11 9EJ	Retrospective application for the erection and display of 1No inter	02/12/2016	DIS		DPO
F/TH/15/1179	7C Lysander CloseBROADSTAIRSKentCT10 2YJ	Change of use from offices to a performing arts studio with ancilla	10/01/2017	DIS		DPO
OL/TH/15/0956	Land Adjacent Holy Trinity School 99Dumpton Park DriveBROADSTAIRSKentCT10 1RR	Outline application for the erection of 28No. 3 to 5 bed dwellings \	09/02/2017	ALC		CTE
OL/TH/15/0788	Westwood LodgePoorhole LaneBROADSTAIRSKentCT10 2PP	Outline application for the erection of 153 dwellings with all matte	13/02/2017	ALC		CTE
F/TH/16/0788	Land Adjacent 151Monkton RoadMinsterRAMSGATEKent	Erection of a two-storey dwelling, with associated parking and lan	31/03/2017	ALC		DPO

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THANET DISTRICT COUNCIL

PLANNING COMMITTEE

21 June 2017

BACKGROUND PAPERS TO SCHEDULE OF APPLICATIONS

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended)

(A) Standard Reference Documents - (available for inspection at the Council offices)

1. Thanet District Council Local Plan saved policies
2. Cliftonville Development Plan Document
3. Government Circulars and the National Planning Policy Framework issued by the Department of Communities and Local Government.

(B) Register of Applications for Planning Permission (Article 40 of the Town and Country Planning (Development Management Procedure) (England) Order 2015))

(Copy of applications together with accompanying plans or drawings are available for inspection at the Council offices)

(C) Background Papers in relation to specific reports in the Schedule of Planning Applications

(Copies of background papers and any appeal decisions referred to are available for inspection at the Council offices and via the Council's website)

I certify that the above items are not exempt information.

(D) Exempt information in accordance with paragraph of Schedule 12 (A) of the Local Government Act 1972.

N/A

I certify that the above items are exempt information.

Prepared by: IAIN LIVINGSTONE



SIGNED:.

Proper Officer

DATE:09 June 2017

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

PART A

TO: THE PLANNING COMMITTEE

DATE: 21 June 2017

Application Number	Address and Details	Recommendation
A01 FH/TH/17/0363	36 Coronation Close BROADSTAIRS Kent CT10 3DL	Approve
	Erection of two storey rear extension together with porch to front elevation	
A02 FH/TH/17/0301	Ward: Beacon Road 61 Clarence Avenue MARGATE Kent CT9 3DR	Approve
	Erection of a part two storey, part single storey rear extension, with 8No. rooflights, and 4No rooflights to front elevation.	
A03 FH/TH/17/0325	Ward: Cliftonville East 17 Lerryn Gardens BROADSTAIRS Kent CT10 3BH	Approve
	Erection of a two storey side and rear extension and a single storey side extension incorporating garage; alterations to existing boundary wall and creation of new access/driveway onto Lerryn Gardens following demolition of existing garage	
A04 OL/TH/17/0305	Ward: Beacon Road Land Rear Of Ashbre Manor Road St Nicholas At Wade BIRCHINGTON Kent	Approve
	Outline application for the erection of 2No. semi-detached two storey dwellings, with alteration to existing access, including layout and access	

A05 F/TH/17/0450 Ward: Thanet Villages
Car Park Dalby Square MARGATE Approve
Kent CT9 2ER

Change of use from car park to communal garden use.

A06 FH/TH/17/0501 Ward: Cliftonville West
White Walls Holland Close Approve
BROADSTAIRS Kent CT10 3QJ

Erection of a first floor side extension with balcony to rear, single storey rear extension with terrace over and balustrade fencing, erection of single storey front garage extension with pitched roof, alterations to fenestration together with the removal of front veranda

Ward: Kingsgate

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

PART B

TO: THE PLANNING COMMITTEE

DATE: 21 June 2017

Application Number	Address and Details	Recommendation
R07 F/TH/17/0286	<p>49 - 50 Hawley Square MARGATE Kent CT9 1NY</p> <p>Erection of a four storey building containing 9no. self-contained flats, 2no. 1-bed flats, 6no. 2-beds flats and 1no. 3-bed flat</p>	Refuse Permission
R08 F/TH/17/0014	<p>Ward: Margate Central</p> <p>The Barn St Margarets Road Birchington Kent CT7 0HJ</p> <p>Retrospective application for the change of use from former stables/barn to a single dwelling</p> <p>Ward: Thanet Villages</p>	Refuse Permission

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

PART C

TO: THE PLANNING COMMITTEE

DATE: 21 June 2017

Application Number	Address and Details	Recommendation
D09 F/TH/16/1160	Disused Railway Line College Road MARGATE Kent	Defer & Delegate
MAJOR	Erection of 10no. dwellings together with formation of vehicular access to Tivoli Road	
D10 OL/TH/16/0417	Ward: Salmestone Land Between Manston Road And Preston Road, Adjoining Manston Green Industries Manston Ramsgate Kent	Defer & Delegate
MAJOR	Outline application for mixed use residential and business development comprising 19 dwellings, 4 live-work units, and a detached building incorporating a shop and cafe, together with associated access roads, paths and vehicle parking, including access and layout	
	Ward: Thanet Villages	

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A01

FH/TH/17/0363

PROPOSAL: Erection of two storey rear extension together with porch to front elevation

LOCATION:

36 Coronation Close BROADSTAIRS Kent CT10 3DL

WARD:

Beacon Road

AGENT:

Mrs Janet Tilley

APPLICANT:

Mr S Crago

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 proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered:

16/208/03 Revision B received 16/05/17

16/208/04 Revision B received 16/05/17

16/208/SP/LP Revision A received 16/05/17

GROUND:

To secure the proper development of the area.

3 The external materials and external finishes to be used in the extension hereby approved shall be of the same colour, finish and texture as those on the existing property.

GROUND:

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

INFORMATIVES

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations

SITE, LOCATION AND DESCRIPTION

The character of the area is residential dwellings, which are predominantly two storey in nature, with grass verges to the road and some street trees giving a pleasant character.

The application site is located on the northern side of Coronation Close, Broadstairs. The site comprises a two storey hipped roof, semi-detached property facing onto the turning circle at the end of the cul-de-sac. The property is constructed in red/brown brick, plain tiles and white uPVC windows. Off street parking is provided to the front of the property.

RELEVANT PLANNING HISTORY

None

PROPOSED DEVELOPMENT

Planning consent is sought for the erection of a front porch together with single and two storey extensions to the rear. The proposed extension will provide an open plan kitchen/dining room at ground floor and an additional bedroom at the first floor. The existing single storey flat roof extension will be removed as part of the development.

The proposed extension would project out a distance of 3.6m from the main wall of the dwelling house and extend 5.4 metres across leaving a gap of 300mm to the boundary. The two storey element of the scheme is set in a further 1.1m; a total of 1.4m from the boundary with number 34 Coronation Close.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan Saved Policies 2006

D1 - Design

NOTIFICATIONS

Initial comments

Two letters of representation were received. The following concerns were raised:

- Overbearing impact
- Loss of outlook
- Loss of sunlight and overshadowing
- The extension will be over-powering
- Bedroom window will overlook objectors garden
- Over use of the drainage
- Proposal is out of character with the area and dominant
- Noise from re-located bathroom
- Does not comply with the "45 degree rule"

Further comments on revised drawings

Two letters received, raising the following concerns:

- Obstruct sunlight to objectors living space – affecting enjoyment of the summer sun in the garden
- Still affecting 45 degree angle
- Still out of character- no other semi-detached property having a two storey extension
- Extension is now an irregular shape and domineering
- Noise from re-located bathroom

Broadstairs & St. Peter's Town Council: Objection with concerns -Design, location of bathroom with no windows or ventilation and detrimental impact on neighbour.

COMMENTS

This application is brought before members by Cllr Matterface to consider the impact of the development upon neighbour amenity.

Principle

The site lies within the urban confines of Broadstairs and the proposal is for the extension of an existing residential dwelling. It is therefore considered that the principle of the development is acceptable, subject to the assessment of material considerations.

Character and Appearance

The proposed front porch projects out approximately 1.3m from the front wall of the property adjacent to the front door and extends across 3.2m. The proposed porch is similar in appearance to existing porches within the close and is considered to relate well to the dwelling.

With regard to the two storey extension this is located on the western side of the rear elevation adjacent to the boundary with 38 Coronation Close and extends approximately 4.4m across the rear elevation. The proposed rear extension will have a hipped roof and is set down from the main ridgeline by approximately 0.9m. The single storey element is adjacent to the two storey extension and on the eastern side adjacent to the boundary with 36 Coronation Close. It is therefore considered that the proposed extension will have limited visibility from the street scene, as they are located to the rear and will have no significant impact upon the character and appearance of the area in line with policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

The proposed materials are proposed to match the existing dwelling, which is considered appropriate in this instance.

In summary, the scale, design and siting of the proposed extensions are considered to have sufficient regard to the main property and would not have a significant adverse impact on the

character of the area to warrant refusal, and therefore accords with the objectives of Thanet Local Plan policy D1.

Living Conditions

The proposed front porch extension is located in the front garden area and will not adversely affect the property or the neighbouring occupiers in terms of overlooking, loss of light or sense of enclosure, due to its relatively modest size and distance from neighbouring occupiers.

With regard to the rear extensions, it is confirmed that since the original submission of the application negotiations have been undertaken to ensure that significant harm would not result to neighbour amenity. Concern was raised about the proposed extensions relationship with No. 34 Coronation Close. On the basis of the concerns raised the plans were amended; the overall ridge height has been reduced, the two storey element has been moved further away from the boundary with No.34 and a single storey element has been introduced.

Following amendments the proposed two storey extension will measure approximately 3.6m deep and 4.4m wide, 4.5m to the eaves and 6.6m to the ridge. One window will be located in the first floor rear elevation serving bedroom 2 and a window and bi-folding doors (single storey element) at ground level serving the kitchen/dining room. No windows are proposed in the side elevations. There is a minimum distance of 15m to the rear boundary with No.90 in Prince Charles Road and approximately 19m to the property itself. It is considered that this separation distance is appropriate and would not result in overlooking that would be significantly different to the existing situation.

There is a separation distance of approximately 0.4m from the proposed extension to the side boundary with No.34 Coronation Close. No.34 Coronation Close has French doors set in approximately 1.2m from the shared boundary, these windows serve an open plan lounge/dining area, and this space also has a window to the front of the property. On the side facing the side is a window which serves a kitchen; this also has a further window in the rear elevation of this projection.

The proposed extension is to the west of No.34 Coronation Close; however, the proposed extension will now be stepped in from the side boundary with a single storey element which is considered to be a sufficient arrangement to limit the impacts of the extension with regard to a sense of enclosure or loss of light. With this in mind, I do not consider this element of the proposal, on balance, to result in significant harm to the residential amenity of the adjacent neighbours.

Transportation

The proposed extension will increase the number of bedrooms by one. This is considered to be a modest increase in the size of the property and parking along Coronation Close is unrestricted, therefore it is considered that there will be no significant change in highway safety.

Conclusion

The proposal is considered to preserve the character and appearance of the street scene to comply with the Development Plan. The proposal will result in an impact on the residential amenity of the neighbouring property, but this impact is not considered to be significantly harmful so as to warrant refusal of planning permission. It is therefore recommended that planning permission be granted subject to conditions.

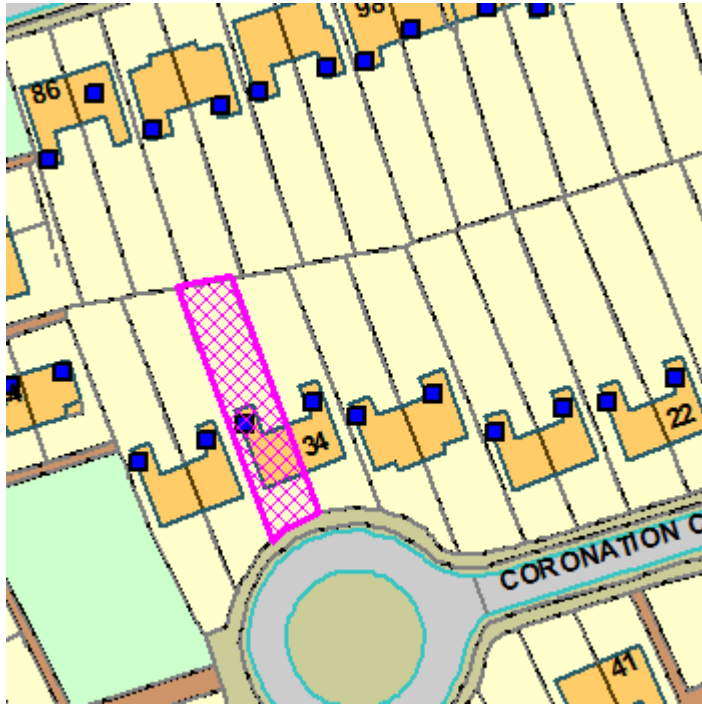
Case Officer

Gill Richardson

TITLE: FH/TH/17/0363

Project 36 Coronation Close BROADSTAIRS Kent CT10 3DL

Scale:



A02

FH/TH/17/0301

PROPOSAL: Erection of a part two storey, part single storey rear extension, with 8No. rooflights, and 4No rooflights to front elevation.

LOCATION: 61 Clarence Avenue MARGATE Kent CT9 3DR

WARD: Cliftonville East

AGENT: No agent

APPLICANT: Mr David Norwood

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 proposed development shall be carried out in accordance with the submitted application as amended by the revised drawing numbered DSN/2A received 15 May 2017 and DSN/3C received 16 May and dated 2017

GROUND:

To secure the proper development of the area.

3 The external materials and external finishes to be used in the erection of the extensions hereby approved shall be of the same colour, finish and texture as those on the existing property.

GROUND:

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

4 The first floor window in the North and South elevation of the extensions hereby approved shall be provided and maintained with obscure glass.

GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy D1 of the Thanet Local Plan.

INFORMATIVES

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations

SITE, LOCATION AND DESCRIPTION

The site is located towards the northern end of Clarence Avenue in a section of the road that is wholly characterised by detached bungalows. Designs of the bungalows vary with few extensions or alterations visible from the street scene.

The site comprises a single storey, four bedroom, detached bungalow, with a pitched roof and modest front garden with a driveway.

RELEVANT PLANNING HISTORY

F/TH/08/0138 - Conversion of garage to form habitable room. Granted 31/03/2008

PROPOSED DEVELOPMENT

The applicant proposed the erection of a part two storey, part single storey rear extension with eight rooflights and four rooflights to the front elevation.

The two storey rear extension will replace the existing hipped roof rear projection and extend across full the width of the property. This extension will have a part flat roof and part pitched roof with four rooflights in the rear roof slope and one rooflight in the flat roof.

A single storey rear extension will project from the northern side of the new rear elevation with a pitched roof with three rooflights and bi-folding doors in the rear elevation.

The application has been amended twice whilst under consideration. The original proposal included a balcony over the single storey rear extension. The first amendment removed the balcony and included a Juliet balcony this has also been omitted from this new proposal.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan Saved Policies

D1 - Design

NOTIFICATIONS

Neighbour notification letters were sent to the properties directly surrounding the site and a site notice was posted near the site. Eighteen letters of objection have been received in total.

Six letters of objection were received on the initial proposal raising the following concerns:

- Overlooking
- Loss of privacy
- Scale of the development
- Creation of a house
- Sense of enclosure
- Out of keeping with the area
- Lack of parking
- Creation of a precedent

Seven letters were received following the first amended plan raising the following concerns:

- Overlooking
- Loss of privacy
- Sense of enclosure
- Out of keeping with the area
- Scale of development
- Loss of light
- Flat roof design
- Creation of a precedent

Five letters of objection were received following the final amended plan, two from the same person, raising the following concerns:

- Out of keeping with the area
- Creation of an eight bed house
- Scale of the development
- Overdevelopment
- Loss of light
- Appearance and visibility of the development
- Alteration of views
- Flat roof design
- Rain water discharge from the flat roof

CONSULTATIONS

None received.

COMMENTS

This application is brought before members by Cllr Lesley Game, for members to consider the loss of privacy as a result of the development.

Principle

The site lies within the urban confines of Margate and the proposal is for the extension of an existing residential dwelling. It is therefore considered that the principle of the development is acceptable, subject to the assessment of material considerations.

Character and Appearance

The proposed two storey rear extension would extend to a similar depth as the existing rear projection and across the full width of the host property. This extension will have a part flat roof that is set down from the existing ridgeline by approximately 0.3m and a part pitched roof with four rooflights facing towards the rear boundary. One rooflight will be installed in the southern side of the flat roof at high level above the internal floor. The single storey rear extension will project 4m from the original rear elevation of the property with a pitched roof. Three rooflights will be installed in the rear facing roofslope of the single storey rear extension. The rear extensions do not extend beyond the existing side elevations and will be constructed from materials to match the existing property.

Four rooflights will be installed in the existing front roofslope of the property serving two bedrooms and a stairwell. These rooflights do not make any alterations to the scale or bulk of the roof and would normally be permitted development.

The property currently has white rendered gables to the north and south side elevations. The proposed two storey extensions will be set level with both existing side elevations and the single storey extension will be level with the northern elevation. Both side elevations will be rendered white to match the existing side elevations. Glimpses of the two storey extension will be visible between number 59 and 61 Clarence Avenue, and between number 61 and 63. The northern side of the extension will be more visible due to the hipped roof of number 63, however the extension is set back from the front elevation of the property by approximately 4.9m and the side elevation will be rendered white to match the existing gable, limiting its prominence within the street scene.

Given the above it is considered that the proposed development will not have a significant impact upon the character and appearance of the area, in line with policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

The proposed two storey rear extension will measure approximately 3.1m deep, 11.6m wide, 3.2m to the eaves and 5.8m to the highest point. The single storey rear extension will project from the original rear elevation of the property and measure approximately 4m deep, 8.1m wide, 2.3m to the eaves and 3.9m in total height.

There is a 2m high boundary fence around the property and a separation distance of approximately 1.9m to 59 Clarence Avenue where there is an attached garage. There are windows in the northern side elevation of number 59 however there is a separation distance of approximately 4.8m to these windows from the side elevation of the two storey extension. There is a separation distance of approximately 8.3m from the side elevation of the single storey extension to the side elevation of number 59.

There is a separation distance of approximately 2.2m from the northern side elevation to the side elevation of 63 Clarence Avenue. There is a window in the southern side of the rear elevation of this neighbouring property and a conservatory central to the rear elevation. The proposed two storey section will project approximately 2.2m beyond the rear elevation of this neighbour and pitches down towards the rear elevation. Due to the modest projection of the two storey extension beyond the neighbouring property and the separation distance, this part of the extension does not break a 45 degree line from the centre of the closest habitable room window in the rear elevation of the neighbouring property, and is therefore considered not to result in a significant loss of light or sense of enclosure.

The single storey extension is located flush with the northern elevation of the property and will project 4m from the original rear elevation of the dwelling. The roof of this extension pitches down towards the rear boundary where the rear elevation is approximately 2.6m high and set away from the boundary by 1.2m. Given that this is the original rear elevation of the property a similar extension could be constructed to the same depth under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, this is a material planning consideration and therefore a fall-back position of this element of the proposal.

One window will be located in the southern side elevation serving a dressing room and two windows will be located in the northern side elevation serving shower rooms. These windows will look towards the side roof slopes of the neighbouring properties and do not serve habitable rooms. The applicant has proposed to obscure glaze these windows and this will be secured by condition.

The original submission proposed a balcony over the single storey rear extension and the first amended plan proposed a Juliet balcony, however following concerns about overlooking raised by the neighbouring property occupiers both of these have been omitted.

The new amended plan proposed four rooflights in the rear roof slope of the two storey extension. These windows face towards the rear boundary and serve two bedrooms. The established guide for the minimum distance between habitable room windows to avoid overlooking and loss of privacy is 21m. The first 5m immediately adjacent to the rear elevation of a property are considered to be the most private part of its amenity space and therefore a separation distance of 26m would also avoid significant overlooking of this space. From the proposed first floor rooflights there is a separation distance of approximately 23m to the rear boundary and an overall distance of approximately 44m to the rear elevation of direct rear neighbour, 70 Gloucester Avenue. This gives a separation of approximately 39m to the edge of the most private amenity space, 23m above that which is recommended. Any overlooking of the immediate neighbours on Clarence Avenue, numbers 59 and 63, from these rooflights would be at an obscure angle.

Due to the scale and location of the extensions, together with their relationship with the neighbouring properties, it is considered that sufficient restrictions and separation distances are in place to prevent any significant overlooking, loss of light or sense of enclosure, in line with policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

Highway Safety

The property currently has one off street parking space and parking is unrestricted along the full length of Clarence Avenue. This development does not increase the number of bedrooms and therefore it is considered that there will be no significant change in highway safety.

Conclusion

In conclusion it is considered that the proposed development would not have a significant impact on its surroundings or residential amenity and accords with Local Plan Policy D1 and the National Planning Policy Framework. It is therefore recommended that members approve the application, subject to safeguarding conditions.

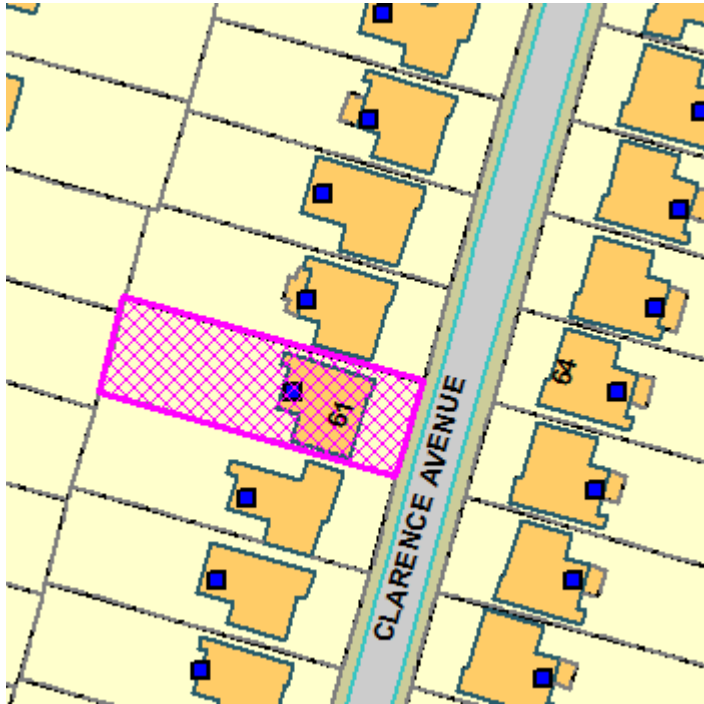
Case Officer

Duncan Fitt

TITLE: FH/TH/17/0301

Project 61 Clarence Avenue MARGATE Kent CT9 3DR

Scale:



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A03

FH/TH/17/0325

PROPOSAL: Erection of a two storey side and rear extension and a single storey side extension incorporating garage; alterations to existing boundary wall and creation of new access/driveway onto Lerryn Gardens following demolition of existing garage

LOCATION:

17 Lerryn Gardens BROADSTAIRS Kent CT10 3BH

WARD: Beacon Road

AGENT: Mr Daniel Bragg

APPLICANT: Mr & Mrs Mangam

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 proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered:

16/1780/PL05 Revision E received 08/05/17

16/1780/PL/06 Revision E received 08/05/17

16/1780/PL/07 Revision E received 08/05/17

16/1780/PL/08 Revision E received 08/05/17

16/1780/PL/09 Revision E received 08/05/17

16/1780/PL/10 Revision E received 08/05/17

16/1780/PL/11 Revision E received 17/05/17

GROUND:

To secure the proper development of the area

3 The external materials and external finishes to be used in the extension hereby approved shall be of the same colour, finish and texture as those on the existing property.

GROUND:

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

4 Vehicular access to and egress from the adjoining highway shall be limited to the access shown on drawing No 16/1780/PL/11 Revision E only. Any other access or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority, concurrently with the bringing into use of the new access.

GROUND:

In the interests of highway safety.

SITE, LOCATION AND DESCRIPTION

Lerryn Gardens is a residential cul-de-sac on the outskirts of Broadstairs, it is characterised by two storey detached houses. The estate is open plan, with only small shrub/hedge planting to the front boundaries.

The application site is located on the eastern side of Lerryn Gardens and occupies the corner position, also having a boundary to Convent Road. The property has a detached garage to the rear which has a vehicular access onto Convent Road. The property is constructed in red brick and has tile hanging to the front elevation and plain tiles to the roof.

RELEVANT PLANNING HISTORY

None.

PROPOSED DEVELOPMENT

Planning consent is sought for the construction of a two storey side and rear extension and a single storey side extension to incorporate a garage. A new vehicular access is proposed onto Lerryn Gardens. The existing garage which front Convent Road will be demolished, and a new boundary wall erected to enclose this area as part of the existing rear garden.

The application as originally submitted had the rear extension projection some 5.3 metres from the rear wall of the No. 17. The scheme was subsequently amended reducing the projection of the rear extension by some 1.5 metres.

Two mature trees within the front garden and one tree within the rear garden will be removed. These trees are not protected.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan Saved Policies

D1 – Design
D2 – Landscape
SR5 – Play Space
TR12 – Cycling

TR16 – Car parking

NOTIFICATIONS

Two initial letters of objection were received to the scheme as originally submitted. The following objections were made:

- New access will be prejudicial to the safe movement of traffic into and out of the close
- Recognised as No1 & 17 were provided with garage from Convent Road
- Loss of trees will detract from the visual amenity and character of the close
- Extension will double size of dwelling resulting in an over-development of the site
- Reduce light to neighbour
- Overlook neighbours garden
- Increased noise and disturbance whilst the project is taking place

Following the receipt of amended plans, neighbours were re-notified and two letters of representations were received. The objections raised are summarised below:

- The amendments do nothing to alleviate their concerns
- The proposed new driveway would be prejudicial to the safe movement of traffic into and out of the close
- The new access way will necessitate the removal of two substantial, healthy mature trees from the front of No. 17 detracting from the visual amenity and character of the close
- The amended application includes the removal of a further substantial, healthy and mature tree from the rear garden. Pollarding could reduce the size of the tree's canopy without the destruction of this fine tree.

Broadstairs and St. Peters Town Council - Recommend the application is refused due to the following concerns:

Bulk and scale, overdevelopment, out of keeping with street scene, negative impact on neighbour's amenities, loss of light for immediate neighbour and loss of trees.

CONSULTATIONS

Arboricultural Officer: The two trees in the front garden look reasonable but do look quite close to the building so there could be issues in the future. The tree in the rear garden appears to be in a healthy condition and further away from the property. All three trees will survive for many more years if they don't succumb to any diseases.

COMMENTS

This application is brought before Members by Cllr Matterface to consider the impact upon neighbour amenity.

Principle

The site lies within the urban confines of Broadstairs and the proposal is for the extension of an existing residential dwelling. It is therefore considered that the principle of the development is acceptable, subject to the assessment of material considerations.

Character and Appearance

The proposal includes the addition of a two storey rear extension. The proposed extension will extend 3.8 metres beyond the existing rear elevation of the property and extending across the width of the property. The two storey extension is of a hipped roof design off the back with a double pitch along the north eastern side. The proposed extension is approximately 1.1metres from the boundary with number 16 Lerryn Gardens.

The proposed single storey side extension to facilitate the garage located on the south west side and will have 3.5m and have a depth of 6.4metres. The single storey extension is set in from the site boundary by approximately 0.15 metres (Convent Road).

The site benefits from a generous sized plot and the addition of a rear extension is considered to retain a suitable level of outside amenity space for the property and the overall character of the area. The proposal is therefore not considered to constitute an overdevelopment of the plot. Although the extension is of a large size and scale relative to the original dwelling, the rear elevation of the proposed extension will roughly come in line with the extended rear elevation of the adjacent property; number 16.

The rear and side extension will be partly visible from the street scene of Convent Road, however due to boundary planting along this road, views of the extension are somewhat limited and in my view would not be a visually discordant feature. The design of the proposal is appropriate to the context of the original dwelling.

Living Conditions

The proposed two storey extension is located approximately 2m from the shared boundary. Number 16 is approximately 1.3m away from the shared boundary. Giving a total distance of separation of 3.3m. The proposal has an eaves height of 5m and a maximum height at this point of 6.8m, this increases to 7.3m at the highest point.

Number 16 Lerryn Gardens has a clear glazed side window at ground floor level which serves an open plan lounge/dining area and leading into a conservatory addition. The boundary treatment comprises a close boarded fence.

The original dwelling at number 16 is set back slightly further than the existing dwelling at the application site by approximately 1m.

Since the submission of the application negotiations have taken place and the extension has been reduced in terms of the amount it projects out from the original rear wall of the dwellinghouse by 1.5m.

The two storey extension will include the provision of three first floor windows and two sets of bi-folding doors at ground floor within its rear elevation. The side elevation facing number

16 will include the provision of a ground floor door and window serving a utility room and window serving the kitchen/diner and at first floor two windows serving en-suites. The side elevation to Convent Road will have an additional first floor window serving a bathroom. Given the relationship between the properties and the proposed extension, it is not considered that the proposal would not result in an adverse effect in terms of overlooking.

The application site is to the south east of number 16. There would therefore be some loss of sunlight to the side (secondary) window serving the main living space, however it is recognised that this room also has windows within the front and rear elevations and this window is not the sole means of natural light. Given the amendments made to the scheme it is considered that the proposed extension would not have a significant impact leading to an unacceptable loss of light, outlook or result in a sense of enclosure.

The rear extension is not considered to impact upon the amenity of 1 Rosetower Court due to existing boundary screening, and the distance of the proposed extension from this property.

Transportation

The proposed garage will be able to accommodate a car and additional parking can be accommodated in front of the proposed garage and existing dwelling. The agent has demonstrated that visibility splays can be achieved and as Lerryn Gardens is a side road, it is acknowledged that there are some benefits of closing the vehicular access onto Convent Road, which is a much busier road. It is therefore considered that the proposal will not be detrimental to highway and pedestrian safety.

The existing dropped kerb forming the vehicular access can be closed, and this can be safeguarded by planning condition.

Other Issues

It is noted that three mature trees are proposed to be removed as part of this scheme. At the present time it is confirmed that they are not subject to a Tree Preservation Order and therefore they could be removed at any time, without prior consent from the Planning Authority.

Construction noise/disturbance during development is not material planning considerations and such issues would be covered by Control of Pollution Acts, if warranted.

Conclusion

The overall proposal is considered to be appropriate for planning approval. The size, scale and design of all elements of the application are considered to be acceptable and the amenity of the neighbouring properties is considered to be retained in accordance with saved policy D1 of the Local Plan.

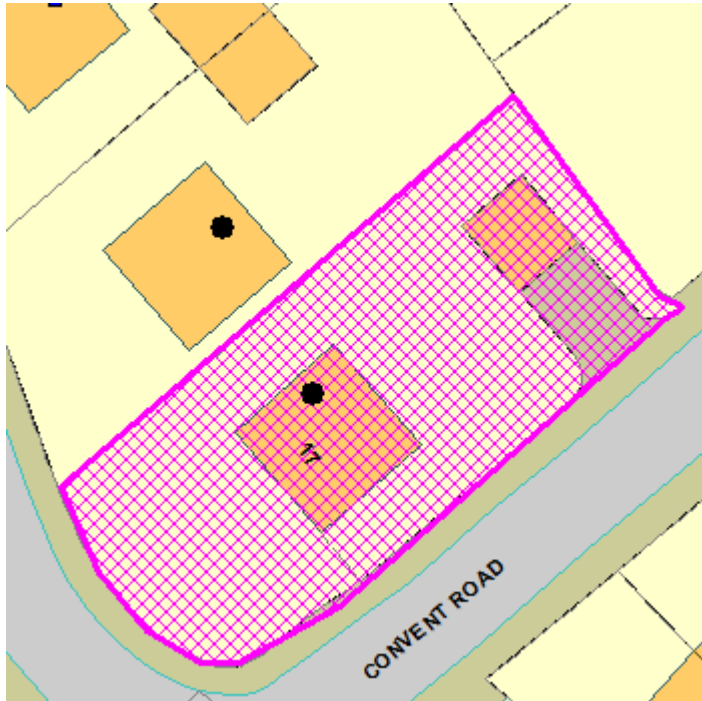
Case Officer

Gill Richardson

TITLE: FH/TH/17/0325

Project 17 Lerryn Gardens BROADSTAIRS Kent CT10 3BH

Scale:



A04

OL/TH/17/0305

PROPOSAL: Outline application for the erection of 2No. semi-detached two storey dwellings, with alteration to existing access, including layout and access

LOCATION:

Land Rear Of Ashbre Manor Road St Nicholas At Wade
BIRCHINGTON Kent

WARD: Thanet Villages

AGENT: Mrs Jane Scott

APPLICANT: Mr & Mrs G Bailey

RECOMMENDATION: Approve

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, (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 Prior to the first use of the development hereby permitted, the means of access as shown on drawings numbered 2757-SK01E and 706/201, shall be provided and thereafter maintained.

GROUND:

In the interests of Highway Safety.

6 Details to be submitted pursuant of Condition 1 above shall include a bound surface material for the first 5m of the access from the edge of the highway.

GROUND:

In the interests of highway safety.

7 Prior to the first occupation of the development hereby permitted, the approved visibility splays as shown on plans numbered 706/202 and 706/201, received 01 March 2017, shall be provided with no obstructions over 0.9m above carriageway level. The approved splays shall thereafter be implemented in full and maintained.

GROUND:

In the interests of highway safety.

8 Prior to the first occupation of the development hereby permitted, the refuse storage facilities and refuse storage collection point, as shown on the approved plan numbered 2757-SK01E, shall be provided and thereafter maintained.

GROUND:

To secure a satisfactory standard of development and in the interests of the amenities of the area, in accordance with Policy D1 of the Thanet Local Plan.

9 Prior to the first occupation of the development, the area shown on plan numbered 2757-SK01E 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 approved shall thereafter be maintained for that purpose.

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.

10 The development hereby approved shall be carried out in accordance with the submitted plans numbered 2757-SK01E, 706/201, and 706/202, received 01 March 2017.

GROUND:

To secure the proper development of the area.

INFORMATIVES

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations

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

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

SITE, LOCATION AND DESCRIPTION

The site consists of an open maintained garden area that is used by Ashbre, a detached bungalow. The application site is to the rear of Ashbre, and is served by an independent vehicular access onto Manor Road, which runs along the south eastern boundary of Ashbre. The site was previously used as an orchard, but is now utilised as additional garden land for Ashbre, which is used for storage etc,. The site is enclosed on all sides by a hedge.

To the southern and eastern side of the application site is countryside. To the western side is the rear garden of Queensland, another detached bungalow. Opposite the site are pairs of semi-detached dwellings within spacious plots. The surrounding area is characterised by a mix of detached and semi-detached dwellings, with some terraced, and there is a mix of single storey and 2-storey dwellings.

RELEVANT PLANNING HISTORY

There is no relevant planning history for the application site, but there is planning history for the adjoining site (which forms part of the same allocated housing site), which has received planning approval for 17no. dwellings (F/TH/15/0770) for part of the site, and has a resolution for approval by committee for 39.no dwellings (F/TH/15/1204) for the other part of the site.

PROPOSED DEVELOPMENT

The application is in outline form, with consideration of access and layout. The proposal is for 2no. semi-detached dwellings, to be served off an existing access onto Manor Road. Five parking spaces are proposed in the form of 2no. space per dwelling and one visitor parking space. Turning provision is provided to the front of the proposed dwellings, and gardens to the rear of each dwelling.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006) Saved Policies

CC1 - Impact on Countryside
CC2 - Landscape Character Area
H1 - Housing
D1 - Design
TR12 - Cycle Parking
TR16 - Parking Provision
SR5 - Play Provision
HE11 - Archaeological Assessment
HE12 - Archaeological Sites and Preservation

NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. No letters of objection have been received.

St.Nicholas Parish Council - Councillors considered this application at last night's Parish Council meeting and objected to them. They felt that the plans involved an over development in the rear garden of the existing house and were concerned that the vehicular access plans were inadequate.

CONSULTATIONS

KCC Highways and Transportation - It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

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

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

Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate

capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

COMMENTS

The application is brought before members as a departure to Thanet Local Plan Policy H1.

Principle

The site is non-previously developed land and falls outside of the urban confines, and is therefore contrary to Policy H1 of the Thanet Local Plan that states that new residential development shall be on previously developed land within the urban confines. Policy CC1 states that 'within the countryside, new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside'.

There is a current need for housing within Thanet. The NPPF states in para 49 that housing application should be considered in the context of the presumption in favour of sustainable development. In determining whether the development of the site is acceptable, the need for housing in the district will therefore need to be balanced against other issues such as the impact on the countryside, sustainability of the site, character and appearance of the proposed development, and highway safety.

The site is allocated for residential development at rural settlements under Policy H04 of the Emerging Local Plan, with the village confines to be extended to include the application site and surrounding land. Currently the Local Planning Authority cannot demonstrate a 5 year supply of housing, and therefore all applications for residential development must be considered on their own merits. Whilst the application site would be a departure to current Local Plan Policy H1, the direction of travel of the new Policy document to allocate the site for housing development has some weight in decision-making to support a proposal for housing development on the site. The site also forms part of a much larger allocation site for housing for a total of 50 units. Part of the larger allocation site has already had planning permission granted for 17no. dwellings, and the other part is resolved to be approved for 39no. dwellings, subject to the submission of a legal agreement. The approval of the adjoining site for residential development is a material consideration, and sets a precedent for the principle of the development as sustainable development being accepted in this location.

Character and Appearance

The application is in outline form, with consideration to be given to the access and layout of the proposed development. The proposal is for the erection of 2no. semi-detached dwellings with 5no. parking spaces and a turning head.

The application site is to the rear of Ashbre, but is separated off from the property with a separate boundary around the site. The land is well maintained and was previously an orchard, but is now used as an additional garden to the property for storage etc. The land is served by a separate vehicular access, which runs along the south eastern boundary of Ashbre.

The proposal consists of backland development, which would normally be considered out of keeping with the surrounding pattern of development. However, one application has recently

been approved and another application resolved to be approved for residential development on the two adjoining sites, all of which form part of the larger allocated housing site within the Draft Local Plan. Should these sites be delivered, as expected, the proposed development the subject of this application would be located centrally within the overall housing development. This would reduce the visual impact of the development, and see it forming part of a larger comprehensive development. There is also an existing vehicular access to the site, which has always been separate from Ashbre, and therefore the visual impact of the development when viewed from the road to the front of Ashbre would remain mostly unchanged.

In terms of the plot size, the proposed layout plan shows that there is adequate space provided to the side, front and rear of the plot to enable a spacious setting around the development to be maintained. There are a variety of plot sizes in the surrounding area, so the size of plots as proposed is not considered to be out of keeping with the surrounding pattern of development. The semi-detached nature of the proposed development is also in keeping with the form of surrounding development. Whilst there are many detached properties in the area, there are semi-detached properties opposite the site and further north along Manor Road. The form of development is therefore considered to be acceptable.

A plan showing the relationship of the proposed development with the neighbouring adjacent development has been submitted. The plan shows that there would be adequate separation distance between the proposed dwellings and the adjacent development, along with similar building lines, and the semi-detached nature of the proposed development would appear in keeping with the form of development on the adjacent development site. It is therefore considered that the proposed development would not compromise the delivery of development on the adjacent site.

Scale and appearance is not a matter for consideration, however, illustrative elevation plans have been submitted that show the dwellings at 2-storey. The provision of 2-storey dwellings would be acceptable if surrounded by the approved development, as there would be very limited visibility of the dwellings; however, if the surrounding development were not constructed then it is considered the proposed development should be single storey in height or of a chalet bungalow design, which would be better related to the existing bungalow Ashbre, which is to the front of the site; and in order to reduce any visual impact upon the countryside, and retain the rural character of the area. The height of the development considered to be acceptable is therefore dependant upon the timing of the reserved matters application in relation to the construction of the adjoining development.

No trees are being removed as a result of the proposed development other than small fruit trees, and there is plenty of space for new tree planting, details of which would form part of a future reserved matters application.

The impact upon the character and appearance of the area is considered to be acceptable.

Living Conditions

The neighbouring occupiers mostly affected would be the occupants of Ashbre and the future occupants of the recently approved development on the adjacent site. Given the

distance to any neighbouring or future property, the impact upon light and outlook is considered to be acceptable.

In terms of overlooking, an assessment of the full impact is not possible until the scale and appearance, and the internal layout of the dwellings, is understood. However, there would be a minimum distance of at least 21m between the front window in the proposed dwelling and the rear elevation of Ashbre, and given the orientation of the proposed dwellings, which is away from the rear garden of Ashbre and towards the side access road, the impact upon the privacy of the occupiers of Ashbre is unlikely to be significant.

The impact upon the future occupiers of the surrounding development is also unlikely to be significant given the distances proposed.

There would be increased noise and disturbance for the occupiers of Ashbre due to the intensified use of the vehicular access, however, the access would only serve two units and therefore the number of vehicle movements is likely to be minimal. There is also a distance of more than 5m between the access and the side elevation of Ashbre, so the impact is unlikely to be significant.

Doorstep play space has been provided for the proposed dwellings, in accordance with Policy SR5 of the Thanet Local Plan, and space for refuse storage and refuse collection has been clearly identified upon the plan.

The impact upon the living conditions of both existing neighbouring properties and the occupiers of the future development is therefore considered to be acceptable.

Transportation

The vehicular access is existing, and given the number of units proposed, the number of vehicle movements will be minimal and will not affect highway safety.

Adequate visibility splays of 2.4m by 43m are achievable at the access point, and the width of the access would allow for two vehicles to pass one another. Turning is proposed within the site, meaning that vehicles can enter and leave the site in a forward gear, and 5no. parking spaces are proposed in the form of 2no. spaces per dwelling and one visitor parking space, which is considered acceptable for the size of the development.

The impact upon highway safety is considered to be acceptable.

Conclusion

The principle of residential development is contrary to Policy H1 of the Thanet Local Plan, however, the site is allocated for residential development within the emerging plan, which has some weight, and the site lies adjacent to the edge of St.Nicholas Village, which has a number of facilities and services. In considering the access, the access road is existing and would benefit from adequate visibility splays and turning within the site, and in terms of the layout, the proposal is considered to be in keeping with the form and pattern of surrounding development, whilst providing adequate off-street parking. The principle of development and

the layout and access as proposed is therefore considered to be acceptable, and it is therefore recommended that members approve the application.

Case Officer

Emma Fibbens

TITLE: OL/TH/17/0305

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

Scale:



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GROUND:

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

5 Prior to the commencement of development hereby permitted, a detailed construction management plan shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include the following information:

- Provision of construction vehicle loading/unloading and turning facilities on site for the duration of construction.
- Provision of parking facilities for site personnel and visitors for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities for the duration of construction.

Development shall be carried out in accordance with the approved details.

GROUND:

In the interests of highway safety.

INFORMATIVES

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents including a Section 278 letter of agreement 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 is located within the built confines of Cliftonville, within the Dalby Square Conservation Area and comprises a small car park to the north of Dalby Square. The site, together with the existing garden to the south was originally laid out as enclosed ornamental gardens, for public use by surrounding residents. The gardens have been altered over the years to include lawn and hard surfaced tennis courts, together with incorporating a range of landscape designs, reflecting the changes of use of the area. In the early to mid-1960s the northern section of the gardens, which is the subject of this application, was converted to a car park.

The existing car park operates as a free car park owned by Thanet District Council, providing 18 parking spaces. The site is constructed of hard surfacing and is surrounded and segregated from the garden area to the south by steel railings. The car park is bounded on both sides by largely 3 and 4 storey Victorian terraced houses, and a single storey leisure complex to the east. The square is open to the north, abutting Ethelbert Crescent, with views across open space (formally a putting green) enabling sea views from the site. A one way traffic system partly operates in the area.

RELEVANT PLANNING HISTORY

5/3/1956 - The use of the land as a car park - Granted

F/TH/03/1421 - Environmental improvement incorporating redesign of central area for use as a community garden, improvements to footways and on street parking, redesign and reduction of car parking area, change of use and creation of children's playground, change of use and installation of underground recycling facilities, installation of new street furniture, walling, railings and light, tree, shrub and herbaceous planting - Granted 28/01/04

PROPOSED DEVELOPMENT

In 2012 Thanet District Council secured funding from the Heritage Lottery Fund for a restoration project in Dalby Square. This application forms part of the overarching restoration of the area, which seeks to improve and reinforce the historic character of Dalby Square, including its public spaces.

The proposal seeks to replace the existing hardstanding with landscaping to enable the restoration of the car park to a communal enclosed garden, as originally designed.

The garden will predominantly comprise lawn, with a captured gravel pathway to the centre and will be designed with densely planted areas to the north and south entry/exits, together with a 1.2m perimeter hedge and perimeter trees planted at approx. 7m intervals. The existing perimeter metal railings will be extended and painted black. The subterranean bottle banks to the south east of the site and the bike racks to the south west will be retained.

The application has been amended, following consultation with KCC Highways. The proposal will involve the removal of the 18 existing car parking spaces will relocate 7 new car

parking spaces, including 1 disabled space, across the former car park access to the west. This will result in an overall loss of 11 car parking spaces. 2no. existing standard car parking spaces will be converted to disabled spaces to the east of the site and 2no. dropped kerbs will be installed to the east and west of the site, opposite one another.

The submitted design and access statement outlines that community engagement and public consultation has been undertaken prior to submission. This states the majority of residents support the restoration of the site to a communal garden as a flexible green space for surrounding residents and seek to promote social cohesion.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2006 (Saved Policies)

D1 - Design Principles

D2 - Landscaping

H10 - Areas in Need of Special Action

TR17 - Retention of Existing Car Parking

Cliftonville Development Plan Document 2010

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted near the site. No letters of representation have been received.

CONSULTATIONS

Kent County Council Highways - Thank you for your consultation and additional information provided by the applicant regarding the proposals at Dalby Square, Margate planning application TH/17/0450.

Further to my comments on 19th April, and based on the details submitted I am satisfied that the proposals will not have a detrimental effect on the public highway.

I confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

1.) All works are to be completed as shown on drawing: PGA_002 Rev A, and all highway works are to be delivered under a s278 letter of agreement with the highway authority.

2.) A full construction management plan (CMP) must be produced and will need to include the following:

- Provision of wheel washing facilities prior to commencement of work on site and for the duration of demolition (site preparation) and construction
- Provision of construction / demolition vehicle loading/unloading areas prior to commencement of work on site and for the duration of construction.
- Details regarding proposed routes to the site for construction and demolition vehicles.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

INFORMATIVE: 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.

Conservation Officer - Although the buildings are of importance to the character and appearance of the area, the open space at Dalby Square also contribute to the significance of the Conservation Area. The square was an integral to the architectural design and adds to the social and historic significance of the area.

In my view the proposed scheme would facilitate the improvement of the open space and the character and appearance of the Conservation Area as a whole.

COMMENTS

This application is brought to Planning Committee, as Thanet District Council is the applicant. The main considerations with regard to this application will be the consideration of the principle of development, the impact the proposal will have on the character and appearance of the Conservation Area, the residential amenity of neighbouring property occupiers and highway amenity and highway safety.

Principle

Policy TR17 relates to the retention of off street public car parking within the Town Centres and Cliftonville shopping area. The Cliftonville shopping area is not defined by the Local Plan, however it is reasonable to assume this relates to the linear District Centre of Northdown Road and car parks in close proximity, such as Harold Road Car Park. Dalby Square car park is located within a residential area, adjacent to the sea front to the south. As such this car park is not considered to encompass a public car park within the Cliftonville shopping area, and therefore the provisions of this policy are not applicable to this proposal.

The site is part of a wider designated Area in Need of Special Action. Policy H10 permits appropriate redevelopment and refurbishment of property together with environmental

improvements to support the regeneration of these designated areas. The proposal seeks the environmental improvement of the site as part of a wider regeneration strategy for Dalby Square and is therefore consistent with Policy H10.

The individual site is not covered by any specific designations within the Thanet Local Plan. Furthermore there are no applicable policies within the Cliftonville Development Plan Document relating to the site or the proposal. Therefore the proposed restoration of the car park to communal gardens is considered to be acceptable in principle, subject to the consideration of all other material planning considerations.

Character and Appearance

As the development is located within a Conservation Area the Local Planning Authority must have regard to Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of the area.

The enclosed ornamental gardens were integral to the original design of Dalby Square which is one of two surviving garden squares within Margate. The existing car park originally formed part of this planned garden. The site currently comprises hardstanding and associated car parking which is of no visual merit and detracts from the significance of the surrounding Conservation Area.

The proposed removal of the hardstanding from this central area and replacement with landscaping will constitute the environmental improvement of the area, resulting in a softer appearance of the site. The proposed design of the garden will reflect and complement the design to the existing gardens to the south, thereby providing a coherent public space for the benefit of the community. Furthermore the proposal will restore the original garden as the central focal area of the square, reintroducing the historical context to the site. The Conservation Officer supports the application and considers the proposed scheme to facilitate the improvement of the open space, which contributes to the significance of the Conservation Area. The proposal is therefore considered to enhance the special character and appearance of the Conservation Area, in accordance with Policy D1, D2 and the National Planning Policy Framework.

Living Conditions

The development does not propose any built form and therefore there will be no impacts in terms of loss of light, loss of outlook or loss of privacy to residential properties as a result of the proposal.

The proposal would reduce car parking and the associated noise and disturbance from vehicle movements from the area, and would extend the existing public open space northwards. This is considered to be a relatively modest addition to an existing situation. Therefore it is considered that the proposal will result in no significant impacts in terms of residential amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

Highways

The proposal will involve an overall loss of 11 car parking spaces and will redistribute 7 parking spaces across the western boundary of the proposed garden, including 1no. disabled space and will alter 2 existing parking spaces to the east to disabled spaces. The design and access statement states that the site provides 18 out of 138 parking spaces within the square.

The existing car park contributes a relatively small amount to the overall parking provision within the area. The proposed use of the site will not increase the parking need within the area, and there is considered to be sufficient capacity of on street parking to serve the area. The proposal will re-provide the 3no. disabled spaces within the existing car park, thereby retaining an acceptable amount of disabled parking spaces.

The width of the road and the amended layout of the proposed parking spaces to the west of the site will provide sufficient space for a refuse truck to pass safely.

The proposed 2no. dropped kerbs to the east and west of the site will enable acceptable disabled access to the garden.

Kent County Council Highways have been consulted and do not consider the proposal to have a detrimental effect on the public highway, subject to safeguarding conditions and informatives. The proposal will be conditioned accordingly. Therefore the proposal is considered to be acceptable with regard to highway safety and highway amenity.

Conclusion

The proposed restoration of the site to a communal garden is considered to accord with Policy H10 which supports environmental improvements to encourage the regeneration of the area. The proposal will restore the historical context of the square, and the design and appearance of the garden is considered to enhance the special character and appearance of the Conservation Area. Furthermore the proposal would be of no detriment to the living conditions of neighbouring properties, or the local highway network. It is therefore recommended that members approve the application.

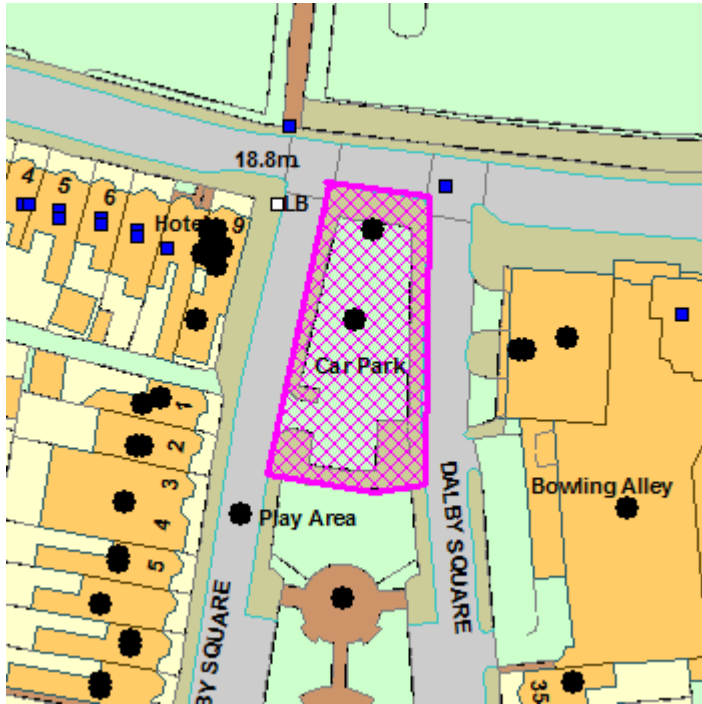
Case Officer

Jenny Suttle

TITLE: F/TH/17/0450

Project Car Park Dalby Square MARGATE Kent CT9 2ER

Scale:



A06

FH/TH/17/0501

PROPOSAL: Erection of a first floor side extension with balcony to rear, single storey rear extension with terrace over and balustrade fencing, erection of single storey front garage extension with pitched roof, alterations to fenestration together with the removal of front veranda

LOCATION:

White Walls Holland Close BROADSTAIRS Kent CT10 3QJ

WARD:

Kingsgate

AGENT:

Mr Daniel McCarthy

APPLICANT:

Mr Peter Gaspa

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 proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 07 A, 08 A, 09 A, 10 A, 11 A, 12 A received 25 May 2017.

GROUND:

To secure the proper development of the area.

3 The development hereby approved will be finished in white render, grey render and split face slate cladding as annotated on the approved plans numbered 11 A and 12 A received 25 May 2017.

GROUND:

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

4 The colour and finish of the tiles to the development hereby approved, shall be of the same colour, finish and texture as those on the existing property.

GROUND:

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

SITE, LOCATION AND DESCRIPTION

White Walls is a substantial detached two storey dwellinghouse set within a large plot to the rear of Holland Close. The property is designed with its first floor to the centre, with large single storey side projections and a single storey garage projecting forward of the front elevation to the east. There is a Mediterranean style single storey canopy to the ground floor front elevation and the property is finished in white render, set under a hipped red tiled roof.

The site is located outside the urban confines, within the countryside on land designated as green wedge. Holland Close is a narrow close of 7 properties, set behind development fronting Whiteness Road. The residential locality is characterised by predominantly large detached properties, set within generous plots of varying styles and designs. North Foreland Golf Course abuts Holland Close to the south and west and the grounds of Port Regis is located to the east.

RELEVANT PLANNING HISTORY

No relevant planning history.

PROPOSED DEVELOPMENT

The application proposes to extend and redesign the property. The proposed first floor extension will be located above the existing single storey projection to the west, set back from the front elevation by 1m, with a recessed balcony to the rear. The proposed single storey rear extension will be located to the east of the rear elevation, extending a depth of 2.5m and will incorporate a balcony. The single storey extension to the existing garage has been amended and will now extend forward a reduced depth of 2.6m.

The single storey canopy will be removed and the fenestration will be altered to incorporate a three paned floor to ceiling window above the existing doorway, with modern fenestration to the front elevation of the first floor extension. The materials will be altered, and the dwelling will be finished primarily in white render, with elements of grey render and split face slate cladding. The roof tiles will be replaced with grey slate tiles.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2006 (Saved Policies)

CC1 - Development within the Countryside

CC5 - Green Wedges

D1 - Design Principles

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted near the site. No letters of representation have been received.

Broadstairs and St Peters Town Council - No comment.

CONSULTATIONS

None received.

COMMENTS

This application is brought to Planning Committee as a departure to Policy CC5 of the Thanet Local Plan as the site is located within land designated as green wedge.

The main considerations with regard to this application will be the consideration of the principle of development, the impact the proposal will have on the character and appearance of the area, the residential amenity of neighbouring property occupiers and highway amenity.

Principle

The site is located outside the urban confines, within the open countryside on land designated as green wedge. The adopted Thanet Local Plan Policy CC1 relates to development in the countryside and states that new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside. Policy CC5 relates to the green wedge and states that development will not be permitted unless it is not detrimental or contrary to the stated aims of the policy or it is essential for the proposed development to be located within the Green Wedge. These aims seek to maintain the separation between towns, prevent the consolidation of development, and to conserve and protect the rural character, appearance and openness of the areas between the towns.

There is no Local Plan provision for extensions to dwellings within the countryside. It has been generally accepted that modest extensions that do not have a harmful impact on the character of the countryside, are well designed and have no unacceptable impacts to the living conditions of neighbours could be considered acceptable departures from Thanet Local Plan Policy CC1.

The proposal is for residential extensions to enlarge the garage and living accommodation of the property. Residential extensions are not deemed to be essential development within the green wedge.

In respect to the green wedge policy aim, the proposed works would extend the footprint of the existing property and would therefore constitute an encroachment upon the green wedge. This encroachment would however be within the curtilage of an existing property and would therefore not represent the introduction of a new, separate development within the green wedge. The proposal must therefore be assessed in terms of its impact to the stated aims of the Green Wedge.

Character and Appearance

Views of the property from Kingsgate Bay Road are obscured and limited by its location to the rear of Holland Close and adjacent development to the north east of the site. Distant

glimpses of part of the roof are possible from easterly views from Whiteness Road to the west, however the adjacent neighbour to the west Foxes Dale appears more prominent, by virtue of its location on higher ground level. The development will enlarge the bulk, massing and footprint of the property, however given the properties location and reduced ground level to its adjacent neighbour, the proposed extensions and alterations will not be readily visible from wider views within the countryside and the green wedge. Furthermore the site is located in an established residential road within the countryside and green wedge, and as such the proposed extensions and alterations will be seen in the context of the host property and the large adjacent dwellings, thereby limiting any harm to the limited long views possible from the green wedge and the countryside.

The property is located on a large plot, and surrounding development comprises substantial detached dwellings of a variety of styles and designs. The proposed extensions will clearly increase the scale and form of the property, however given the existing character of the area, the proposed development is considered to reflect the scale of surrounding detached dwellings relative to the size of the plot. The proposed two storey side extension will retain an approx. 2.5m separation distance to the western boundary of the site and approx. 6.8m to the adjacent property, which will maintain the spacious character of the area. The adjacent neighbouring property is located on higher ground level, and the proposal is designed with a hipped pitched roof, further reducing the prominence of this element.

The 1m set back of the proposed first floor extension, and the 0.2m set down from the ridgeline will break up the horizontal emphasis to the property. This, together with the use of alternative materials and fenestration to the ground and first floor, will add interest to the front elevation. The proposed design of the roof will appear in keeping with the existing design of the property and will reduce the prominence of the roof form.

The proposed single storey garage extension will maintain the design, form and materials of the existing garage, thereby appearing in keeping with the existing property. This element has been reduced in depth and will now retain a 2.4m separation to the front boundary of the site. Surrounding development is generally set back from the front boundary of plots, however there is no consistent building line within the locality. The location and single storey, hipped roof design and form will prohibit wider views, and limit the prominence of this element. Therefore the proposed garage is considered to retain sufficient separation to the boundary to prevent any harm to the character and appearance of the surrounding area.

The proposed rear extension will have limited visibility from Holland Close, and will not be visible from wider views within the green wedge. The extension is modest in scale and will appear clearly subservient to the main property.

The proposal alterations to materials and fenestration will create a simple and modern appearance to the property and the proposed extensions will appear in keeping with the existing form. The proposal is therefore considered to create a coherent design and appearance to the property, which will positively contribute to the existing varied design approaches within the area.

Therefore given the design and limited visibility of the proposed extensions and alterations from wider views, the proposal is not considered to result in harm to the character and

appearance of the countryside and green wedge, in accordance with Policy CC1, CC5 and D1 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

The proposed extensions will retain considerable separation distance to any adjacent neighbouring properties which will prevent any harm to the residential amenity of surrounding properties.

The proposed balcony to the west will be recessed, thereby prohibiting any direct angled views to the adjacent neighbour. The balcony to the east will retain an approx. 13m separation distance to the western boundary of the site, and 18m to the adjacent neighbour's side elevation. The raised ground level of the adjacent neighbour and the existing high boundary treatment, together with the considerable separation distance will prevent any harmful overlooking from this balcony. There will be no first floor side elevation windows to the proposed first floor extension, and therefore there will be no impacts of overlooking from this element.

Overall given the scale, location and relationship with the adjacent neighbouring properties the proposal is not considered to result in any harm to neighbouring residential amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

Highways

The property currently benefits from a large driveway, which can accommodate several cars and proposes to increase the existing garage capacity from a double garage to a triple garage. The increase in living accommodation relative to the size of the existing property is not considered to materially increase the dwellings requirement for car parking provision. If additional car parking provision was required, there is sufficient capacity on the site to absorb additional demand. The proposal does not involve any alterations to the existing vehicular accesses. For these reasons the proposal is not considered to result in any issues with regard to highway amenity or highway safety.

Conclusion

It is considered that no material harm would be caused to the character or appearance of the area which is within the countryside and on land designated as green wedge, the amenities of neighbouring property occupiers or the local highway network. The design of the proposal will create a coherent modern appearance to the dwelling, and given the location of the site, the proposal will not significantly increase the visibility of the dwelling from wider views. It is therefore considered that the development would be an acceptable departure from Thanet Local Plan Policy CC5 and recommended that planning permission is granted.

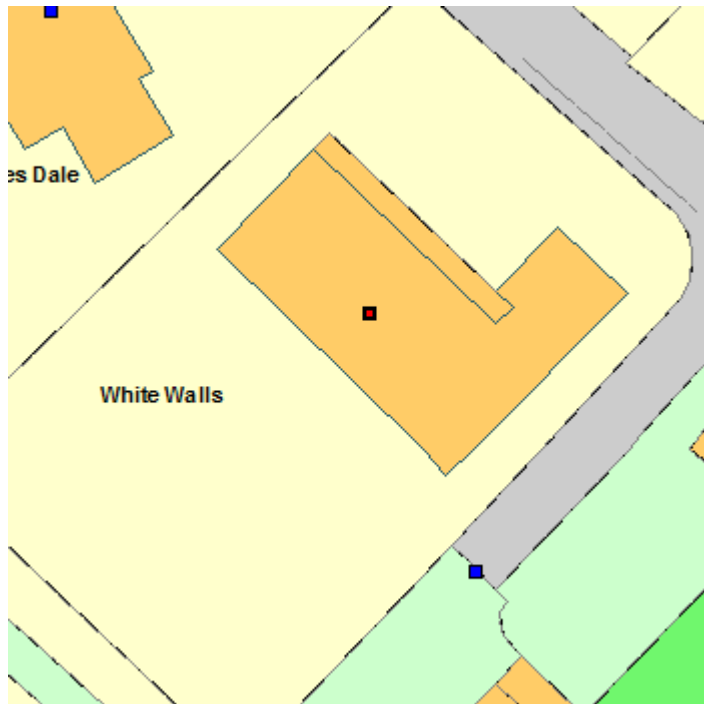
Case Officer

Jenny Suttle

TITLE: FH/TH/17/0501

Project White Walls Holland Close BROADSTAIRS Kent CT10 3QJ

Scale:



R07

F/TH/17/0286

PROPOSAL: Erection of a four storey building containing 9no. self-contained flats, 2no. 1-bed flats, 6no. 2-beds flats and 1no. 3-bed flat

LOCATION: 49 - 50 Hawley Square MARGATE Kent CT9 1NY

WARD: Margate Central

AGENT: Mr Matthew Beasley

APPLICANT: Mr Kim Hawkins

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The rear façade of the proposed development would, by virtue of the introduction of balconies and the inappropriate size and placement of fenestration, be out of character with other rear elevations of properties in the surrounding area which are traditional in design and subservient to their principle front elevations. The proposed development therefore fails to preserve or enhance the character and appearance of the conservation area resulting in significant harm to the designated heritage asset not outweighed by public benefits contrary to paragraphs 26, 63, 64 and 131, 132 and 134 of the NPPF.

SITE, LOCATION AND DESCRIPTION

The site lies within Hawley Square close to Margate town centre, within a designated Conservation Area. The building lies on the western side of Hawley Square flanked to either side by traditional and well-proportioned buildings of historic note. To the rear of the building is a public footpath that links Mill Lane multi storey carpark to Margate's shopping area. This area is also a service area to the rear of shops in the High Street and The Centre.

No.49-50 Hawley Square was formerly a listed building. Following a fire that destroyed all but the front facade of the building it was de-listed

RELEVANT PLANNING HISTORY

F/TH/15/0097 Erection of 4 storey building to accommodate 9no self-contained flats, incorporating the existing front and side elevation. Granted 14/05/15

PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a four storey building containing 9no self-contained flats, 2no 1 bed flats, 6no 2 bed flats and 1no 3 bed flat.

The proposed accommodation is contained over five floors. At basement level there are two flats; 1no. 1bedroom and 1no. 2bedroom unit. These two flats would be access from the main front entrance off Hawley Square as would be the case for all the units proposed. Although a separate rear entrance is proposed which again all units will have access to into the rear yard area. The basement units would have a small paved area from the living room/kitchen/diner.

The Ground floor units follow a similar layout to those at basement level.

The first and second floor has 2no, two bed units these have balconies to the rear elevation. The third floor has one unit which has three bedrooms; balconies are located on the rear elevation and would be accessed off the living room/kitchen/diner and master bedroom.

Within the rear yard there is a covered cycle store area, bin storage area for the flats and access to the plant room.

Clarification was sought for the applicant's agent if the front façade (all that remains of the former listed building) was to be retained; the agent has stated that this will only be done if the retention is structurally or financially viable.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006) Saved Policies

H1 - Residential Development Sites

H4 - Windfall Sites

D1 - Design Principles

SR5 - Play Space

TR12 - Cycling

TR16 - Car Parking Provision

REPRESENTATIONS

One letter of representation received the following concerns are outlined:

- Balconies will result in neighbour amenity issues
- Covered cycle yard not a good use of the small yard
- Query with TDC are happy to collect rubbish from the bin store
- Query where all the new residents will park, resulting in parking issues within the square - parking is already an issue when a show is on.

CONSULTATIONS

Conservation Officer:

Initial Comments

The proposal would result in changes to the roof appearance by introduction of a flat roof element and a lift override. The introduction of the flat roof would in my view introduce an

element that would be at odds with the prevailing character of roofs on this part of Hawley Square and most the Conservation Area as a whole.

The applicant points that the lift override is located centrally on the flat roof and will not be seen from street level surrounding the building. However, the proposed flat roof and the lift override will be visible from the east side of Hawley Square especially when viewed from the nearby buildings. As such, it would fail to respect the character and appearance of the street scene. Hence, in my view the proposed development would fail to preserve the character and appearance of the Conservation Area and setting of listed buildings.

The rear of the properties along this part of Hawley Square have a more varied character and fenestration some of which may date back to the original construction, or from incremental alterations over time, but they relate satisfactorily in scale and appearance. In my view, the rear of the proposed development would have an assertive appearance, due in part to its overall design but also its fenestration design and contrasting materials, elements of which would relate poorly to the appearance to the rear of the nearby listed and non-listed buildings. The proposed balconies, with their railings, would add visual clutter to the building and appear as a rather uncharacteristic feature in an area where balconies are not common. This would appear out of context with the setting of No 51 and other listed building within this part of Hawley Square. The adverse effects of the proposal on the setting of the adjacent listed building would also result in harm to the character and appearance of the Conservation Area.

I, therefore, consider that this makes the proposal fail to take account of the desirability of new development to make a positive contribution to local character as well as to reflect the identity of local surroundings and materials in accordance with the National Planning Policy Framework. In addition, to be a sustainable development, the NPPF identifies that there are three dimensions which are mutually dependent. The development would not fulfil the environmental role of planning due to the proposed development failing to protect or enhance the built and historic environment. It therefore follows that the proposed development is not sustainable development.

The Planning (Listed Buildings and Conservation Area) Act 1990 requires decision makers to have special regard to the desirability of preserving the setting of listed buildings and to preserving or enhancing the character and appearance of conservation areas.

Conditions

Further note from the Historic England's de-listing report should be considered which advises that although the surviving structure no longer meets the criteria for designation nevertheless, 49 and 50 Hawley Square contribute strongly to the historic architectural character of Margate, and the facade, which remains standing, is an important element of Hawley Square. There is therefore a strong presumption of retaining the front façade.

Also the unusual layout of the ground floor and some features to the basement may survive beneath the debris of the upper floors but this was not verified. An archaeological survey should be commissioned before any excavation works are carried out.

Additional Comments: 25/5/2017

After the meeting and discussions with the applicant I have checked the revised drawings of the scheme and my reservations still hold with regard to the installation of balconies to the rear elevation of the proposed building in relation to their impact to the character and appearance of the conservation area and setting of surrounding listed buildings.

The balconies would, in my view, be an inappropriate contrast to the utilitarian nature of the rear developments which define and form part of the character and appearance of this part of the Conservation Area.

The applicant claims that, "the back 'street scene' does not have a strong vernacular or architectural quality". Notwithstanding these negative comments, the rear of the buildings along this part of Hawley Square mostly remains characterised by a historic rear development pattern which is largely of traditional appearance.

I acknowledge that the balconies being situated at the rear of Hawley Square, which offers a unique characteristic of the area, would have no impact on the character and appearance of the square. The balconies would also be viewed in the same context as the 1960's shopping centre, concrete ramp and rooftop car park as indicated by the applicant. However, apart from the Council offices, these developments are not within the Conservation Area and although being within its setting do not necessarily preserve or enhance the character or appearance of the Conservation Area or the setting of the listed building within close proximity. They do not, therefore, justify further inappropriate additions to the prominent traditional character of the rear of the buildings and its townscape character and appearance. Due to their size and protrusion the balconies would be viewed across the townscape as prominent features and not as subservient features of the proposed building. The removal of the balconies and reinstatement of windows to this part of the building could be considered appropriate.

The material harm to the significance of the Conservation Area and setting of listed buildings would be less than substantial. I also note the applicant's argument that the balconies would provide valuable external space to the flats which is of importance in maximizing the space and optimum viable use of the proposed building. However, I am not persuaded that the sustainable use of the building wholly depends on provision of the balconies or that the proposed balconies would necessarily address the negative features associated with the immediate surrounding area.

Therefore by virtue of their prominence on the townscape, the design and appearance of the protruding balconies despite being on the rear would in my view fail to either preserve or enhance the character or appearance of the Conservation Area or the setting of listed buildings. The harm from the proposed balconies would therefore be contrary to advice on the NPPF and statutory duty imposed by sections 16 and 72 of the P (LB&CA) Act 1990.

Margate Civic Society: Maintains its general objection to the creation of one-bed flats in Central Margate.

The application incorporates 6 x 2 bed flats and 1 x 3 bed flat together with 2 x 1 bed flats and, it is the view of MCS, that the element of the proposal that includes the one-bed flats

that should be amended to combine these single units into a larger 2 bed flat thus reducing the number of separate units overall from 9 to 8 in total.

KCC Highways: No objection. I note from examining the plans that there is to be nil vehicle parking provision for the proposed flats. However, considering the site's proximity to Margate town centre and the train station, along with the available resident's parking on Hawley Square and nearby streets, I would consider this arrangement acceptable.

I am satisfied with the levels of proposed cycle parking on site and the space allotted to such, though I would like to see additional details to ensure that the provision is attractive to cycle users and remains well utilized. The cycle parking provision should therefore be covered and provide a separate lockable space for each user.

COMMENTS

This application is called in at the request of Cllr. Johnston to allow Members to assess the impact of the proposed development on the character and appearance of the conservation area and the historical and architectural interest of surrounding listed buildings.

Principle of development

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 their local context and creates or reinforces local distinctiveness, are visually attractive as a result of good architecture and appropriate landscaping. The NPPF 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 assets conservation. The more important the asset, the greater the weight should be. Paragraph 134 states that where a development proposal would 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 its optimum use.

The Council does not currently have a five-year supply of deliverable housing sites, housing applications such as this, should be considered in the context of the National Planning Policy Framework's (NPPF's) presumption in favour of sustainable development. This is because local policies relating to the supply of housing are no longer considered up-to-date (para 49). Paragraph 14 of the NPPF states that where relevant local policies are out-of-date, planning permission should be granted unless: any adverse impacts of doing so would 'significantly and demonstrably' outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

The proposal to re-build the fire-damaged property together with alterations to facilitate the conversion of the building to flats is considered to be acceptable in principle, as there is no policy restricting the type of accommodation in this location. The proposal involves the provision of 9 self-contained flats (1, 2 and 3 bed), and will therefore provide a mix of unit sizes that are suitable for the site and its town centre location. The principle of the development is therefore considered to be acceptable; this is also confirmed by the approval of planning application reference F/TH/15/0097, also for a flatted scheme.

Character and Appearance

Paragraph 131 of the NPPF states that Council's should take account of, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets paragraph 132 goes on to say that 'great weight' should be given the asset's conservation and that 'significance can be harmed or lost through alteration of the heritage asset or development within its setting'.

Whilst the building has been de-listed, it still forms part of a historic row of buildings within the Conservation Area and the LPA would want to see the existing front façade retained as its preservation is considered important to the character and appearance of the surrounding Conservation Area. The general appearance of the front elevation is considered acceptable. Following further discussions with the agent it was agreed that the proposed lift housing and flat roof would be acceptable as it would only have limited visibility from a distance and would not result in significant harm. In general terms the front elevation is now considered acceptable in terms of appearance although details of the elevation would need to be secured via conditions on any grant of planning consent.

In terms of the rear elevation whilst it is acknowledged that this is no longer a listed building it does fall within the Conservation Area and occupies a prominent site within Hawley Square. Furthermore the site is clearly visible from the front and is also visible to the public from the rear. The proposal would be seen in conjunction with the more traditional buildings which directly flank the site. These buildings have a traditional window hierarchy, with larger windows being positioned at the lower levels with smaller windows located at the top floor.

The proposed window arrangement shown on the rear elevation has a strong horizontal emphasis, and space to void ratio that is not a characteristic of the building that formerly stood on the site. The horizontal emphasis is further reinforced by the placement of balconies on every floor that extend beyond the window openings.

Whilst other issues concerning the design of the building have been accepted, it is considered that the proposed rear facade is not appropriate within this part of the Conservation Area and represents a discordant suburban appearance.

Section 72(1) of the Town and Country Planning Act requires special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. In this respect, national policy on heritage assets is set out in the NPPF. Paragraph 131 sets out the matters which should be taken into account. The proposal would to some extent enhance the Conservation Area by reinstating the front facade of a fire damaged building which is currently on the site. However the alterations to the rear facade in contrast would not make a positive contribution to the local character (traditional character of the rear that is subservient to the principle elevation). This is by virtue of its inappropriate fenestration size and placement and balconies (size and protrusion).

I therefore conclude that the proposed development would fail to preserve the character or enhance the appearance of the Conservation Area and furthermore fail to accord with the objectives of the NPPF to conserve heritage assets and secure high quality design.

Living Conditions

The proposed rear line of the building would be approximately in-line with those buildings abutting the site, although the balconies will extend beyond this. Concern was raised with the agent about the potential for overlooking from these external areas. In response to this the agent proposes to provide obscure glazing to the sides of the proposed balconies.

The design of the rear elevation also includes a rear four storey extension and adds some interest to the rear elevation adding a little visual break. Such additions are a feature along this rear elevation; with projecting elements which vary in height and form.

Whilst new windows are proposed within the rear elevation, which are closer to the rear boundary, the extension will overlook a public footpath and access road, and will therefore result in no significant loss of privacy. The proposed flats range in size but are spacious and, although not strictly relevant to the development of new build flatted accommodation, meet the minimum size as set out within the Council's flat conversion guideline booklet. Each room has adequate light, although some concern was expressed in relation to the basement flat units as more limited natural light, circulation of air and outlook could be achieved. The rooms to the front serve bedrooms and have French doors opening out. Railings are provided at street level and therefore some level of daylight would reach this space. While the overall level of natural lighting would not be substantial, it will not be significantly under-lit for the use as bedrooms. The living room/kitchen diner rooms to flats 1 and 2 both have patio doors opening onto the courtyard area, and as with the other rooms would receive little or no direct sunlight, due to buildings abutting the courtyard and balconies above I do not consider them to be unduly gloomy. Due to the limited size of the courtyard, the outlook from these rooms is not extensive. However, it would not be unpleasant. The courtyard area could be painted in a light cream or reflective materials to be more reflective of light. While this restricted arrangement may not suit everyone's tastes, it is not significantly out of character in a close-knit urban environment of this kind.

A cycle store and refuse storage area has been provided at the rear of the site, which is accessible to all units. Access is possible to all flats from both the front and rear of the building.

Whilst doorstep play space has not been provided, the site is within the town centre where external amenity space is less characteristic, and furthermore, there is a large area of public open space opposite the site.

The impact on neighbouring living conditions and the standard of accommodation for future occupiers are considered to be acceptable.

Transportation

No parking has been provided as part of the proposed scheme, however, the site is located within Margate Town centre, and therefore under Policy TR16 of the Thanet Local Plan, the objective is to reduce the dominance of the private car in favour of walking, cycling and public transport, and to make better use of parking facilities that already exist. Off-street

parking is not required, and therefore the impact of the development in highway terms is considered to be acceptable, and in accordance with Policy TR16 of the Thanet Local Plan.

Secure covered cycle parking has been provided as part of the scheme at a ratio of one space per unit, in accordance with Policy TR12 of the Thanet Local Plan.

Archaeology

The application site lies within an area of archaeological potential associated with prehistoric activity. There is some evidence to suggest there may have been a Neolithic enclosure or activity site in this area and there are known Roman burials to the south west. Remains associated with prehistoric or later activity may survive on this site. The building itself was a late 18th century house but it suffered a fire in 2008 however, remains associated with the original structure may survive and be of historic interest.

Conclusion

Whilst the application site is no longer a listed building (designated heritage asset) it does fall within the Conservation Area and occupies a prominent site within Hawley Square. Furthermore the site is clearly visible from the front and is also visible to the public from the rear.

Section 72(1) of the Town and Country Planning Act requires special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. National policy on heritage assets is set out in the NPPF. Paragraph 131 states that Council's should take account of, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets.

The alterations to the rear façade would not make a positive contribution to the local character and appearance of the area where other rear elevations would traditionally have been, and have largely been retained as, subservient to the principle of front elevations. The proposal is considered to have inappropriate fenestration (size and placement) and balconies (size and protrusion) on the rear elevation. The proposed rear façade is not appropriate within this part of the Conservation Area and represents a discordant suburban appearance. The proposed development would neither preserve the character nor enhance the appearance of the Conservation Area and furthermore fail to accord with the objectives of the NPPF to conserve heritage assets and secure high quality design. Therefore the application is recommended for refusal.

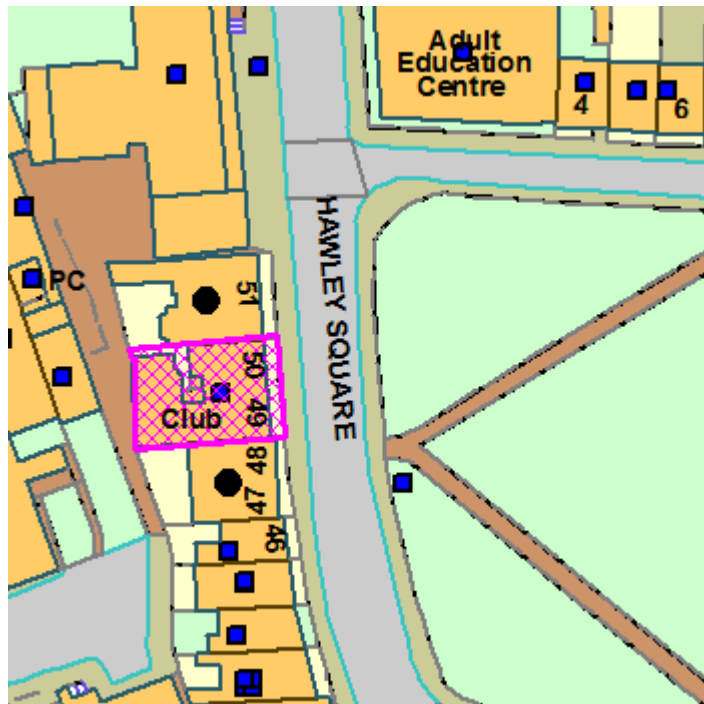
Case Officer

Gill Richardson

TITLE: F/TH/17/0286

Project 49 - 50 Hawley Square MARGATE Kent CT9 1NY

Scale:



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R08

F/TH/17/0014

PROPOSAL: Retrospective application for the change of use from former stables/barn to a single dwelling

LOCATION: The Barn St Margarets Road Birchington Kent CT7 0HJ

WARD: Thanet Villages

AGENT: Mr John Elvidge

APPLICANT: Mr S Woods

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The site is outside the built up area boundary of any settlement and, as such, represents an unsustainable and isolated form of development within the countryside contrary to saved policies H1 and CC1 of the Thanet Local Plan and paragraphs 14 and 55 of the National Planning Policy Framework.

SITE, LOCATION AND DESCRIPTION

The site lies outside any defined settlement and is located in the countryside for planning purposes. The site is surrounded by a variety of uses including some residential and commercial uses such as riding centres, kennels and a breakers yard which benefit from a more rural location.

The application is rectangular in shape with the barn (the subject of this application) located approximately centrally within the site. Access to the site is taken from St. Margaret's Road and it was noted, at the time of the officer site visit, that there were also two caravans on site which have been partly clad.

RELEVANT PLANNING HISTORY

Planning records for the site date back to the 1955 and several applications for planning permission have been submitted and refused for a variety of uses including residential dwellings, a camp site, car breaking yard the storage of motor vehicles and grass kart racing circuit.

In May 1994 retrospective planning permission was granted under F/TH/94/0050 for the change of use of an existing building from a chicken house to stable for six horses.

PROPOSED DEVELOPMENT

This application seeks retrospective consent for the change of use from a barn/stable to a single dwelling. The application form states that the use as a dwelling commenced in April 2011 but no further evidence has been submitted to support this.

The ground floor has an open plan lounge, dining and kitchen area with a separate utility room/WC and two bedrooms and a bathroom. At first floor level there is a 3rd bedroom with an ensuite.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (Saved Policies)

H1 - Residential Development Sites

H4 - Windfall Sites

TR12 - Cycling

TR16 - Car Parking

D1 - Design Principles

D2 - Landscaping

CC1 - Development in the Countryside

CC2 - Landscape Character Areas

SR5 - Playspace

EP13 - Groundwater protection zones

HE11 - Archaeological assessment

HE12 - Archaeological sites and preservation

REPRESENTATIONS

Letters were sent to adjoining occupiers and a site notice posted near the site.

No representations have been received.

CONSULTATIONS

Southern Water: The site lies within Source Protection Zone 2, approximately 800 metres east from the Sparrow Castle Acol Borehole. This is a critically important public water supply abstraction (groundwater source) with extensive shallow adits and disinfection as the only treatment, serving the Thanet supply area. The close proximity of the source and the sensitivity of the public water supply means that careful consideration must be given to the protection of the public water supply.

It is Southern Water's preference that the flows from the development be connected to a nearby public sewer due to sensitivity of the site and the applicant is required to investigate this option.

A condition should be attached to any planning approval requiring that the developer to provide details that dispersal of foul flows to the nearby public sewer were considered before a cess pit can be used as the means of disposal for foul sewerage.

A formal application to Southern Water for connection to sewer will be required.

Initial investigations indicate that there are no public surface water sewers in the area to serve the development. Alternative means of draining surface water from this development is required. This should not involve disposal to a public foul sewer.

COMMENTS

This application is reported to committee at the request of Cllr Crow Brown to allow Members to assess the impact of the dwelling on the countryside.

Principle of Development

Woodchurch is a hamlet within Thanet; without facilities or services.

In acknowledging there is a lack of a five year housing supply on deliverable sites within the district, saved policies H1 and CC1 of the Local Plan cannot be considered up to date in so far as they seek to restrict housing in the open countryside. However, in order for proposals to benefit from the presumption in favour, proposals must be considered as sustainable by meeting the economic, social and environmental dimensions. Whilst on the social aspect a new dwelling might give rise to support of existing services and facilities in the area (there are, however, no such facilities within Woodchurch), the lack of connectivity with it would reduce the weight that could be afforded. Economically, the benefits arising from the creation of the new dwelling would have been in the work required to convert the dwelling and can, therefore, be considered of little weight. Environmentally, the application site is remote from the built up area and presently shares more characteristics with countryside than a settlement location. On that basis, the proposal does not constitute sustainable development and would not, therefore, benefit from the presumption in favour enshrined within the NPPF.

Location of the development

The application site is located within the countryside and, therefore, subject to the requirements of saved policy CC1. The requirement is. Therefore, that a need for the development must be demonstrated to override the requirements to protect the countryside.

Paragraph 55 of the NPPF states that in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. It also sets out that LPAs should avoid new isolated homes in the countryside unless there are special circumstances, such as where the development would re-use a redundant or disused building and lead to an enhancement of a setting, or where the development is of an exceptional quality or innovative nature.

In terms of supporting the vitality of rural communities, it is noted that there are no facilities within Woodchurch and the residents of the dwelling are reliant on the use of a private vehicle to reach services and facilities within nearby settlements. It is, therefore, considered

that the application site is in a remote location and does not enhance or maintain rural services/facilities.

Need for Development

Saved policy CC1 of the Local Plan requires that for new development within the countryside to be permitted a need must be demonstrated which must outweigh the need to protect the countryside. This is consistent with paragraph 55 of the NPPF that states that isolated homes within the countryside should be avoided unless there are special circumstances such as a need for an essential need for a rural worker to live permanently at or near their place of work in the countryside, the re-use of a redundant or disused building leading to an enhancement of a setting or where the design of the dwelling is of an exceptional quality or innovative nature.

The application is not supported by any information that sets out the need for the provision of a new dwelling within the countryside, contrary to the requirements of policy CC1. It is, however, acknowledged that there is a current need for housing in the district which must be taken into consideration.

In regards to special circumstances the conversion of the existing stable building does not constitute exceptional quality or innovative design, nor does the resulting building result in an enhancement to the immediate setting. Indeed the conversion of the building will only preserve the setting of the building, whilst adding residential paraphernalia within the countryside that will detract from the wider setting. The existing building is not a heritage asset requiring preservation and there is no evidence submitted to demonstrate that the dwelling meets the needs of a rural worker or why other dwellings in the area could not meet that need.

In summary, the application as submitted provides no justification against the requirements of paragraph 55 of the NPPF or saved policy CC1 of the Local Plan.

Character and Appearance

There is no set character or appearance of buildings in the area surrounding the application site and the weatherboarded nature of the building does not look out of place in its rural environment. As already stated above, the resulting design is not considered to be of exceptional quality or innovative design to amount to special circumstances for an isolated dwelling in the countryside. It is, therefore, considered that there is no evidence as part of the application to demonstrate that the proposal would enhance its immediate settings and the proposal is, therefore, contrary to saved policy CC1 of the Local Plan and paragraph 55 of the NPPF.

It was noted at the time of the site visit that there was no clear garden space to serve the dwelling identifiable on site and it is noted that none is identified on the plans submitted for this application. It would be considered appropriate that the areas for users associated with the dwelling, such as parking, bin storage and amenity space be identified with the application site so that they can be controlled by condition as appropriate.

Living Conditions

The building already exists and, therefore, its presence alone is unlikely to result in detrimental impacts to the living conditions of neighbouring occupiers. Even the presence of residential paraphernalia and the associated comings and goings of the dwellings results in detrimental impacts to the surrounding occupiers especially given the separation distances between the building and adjoining properties.

From the submitted floor plans of the dwelling, it appears that it provides a good standard of accommodation for its occupiers.

Highways

The site is an isolated location and will, therefore, be dependent on the private motor car for accessing services and facilities locally, thereby conflicting with the NPPFs aim of promoting sustainable travel and reducing travel journeys.

The traffic generation from a single dwelling is unlikely to result in detrimental impacts on highway safety; however in the unsustainable location of the site means that the proposal is considered unacceptable in highway terms and contrary to the NPPF principally paragraphs 29 and 37.

Conclusion

Whilst noting the scheme does not give rise to any unacceptable highway safety impacts or noticeable impacts on the character and appearance of the immediate surroundings (countryside) and provides an adequate standard of accommodation for its occupiers this must be weighed against the lack of any defined need for the proposals or the balanced assessment on sustainability.

Furthermore, the proposed development would not be supported by the NPPF. If it is accepted as being a conversion and, therefore, the re-use of a redundant/disused building, it is argued that the proposal would not lead to an enhancement of its setting, is not of an exceptional quality or innovative design that would outweigh the concerns regarding its isolated location within the countryside.

Overall, the proposed development is not considered a sustainable form of development, and, as such, it is recommended that Members refuse the application.

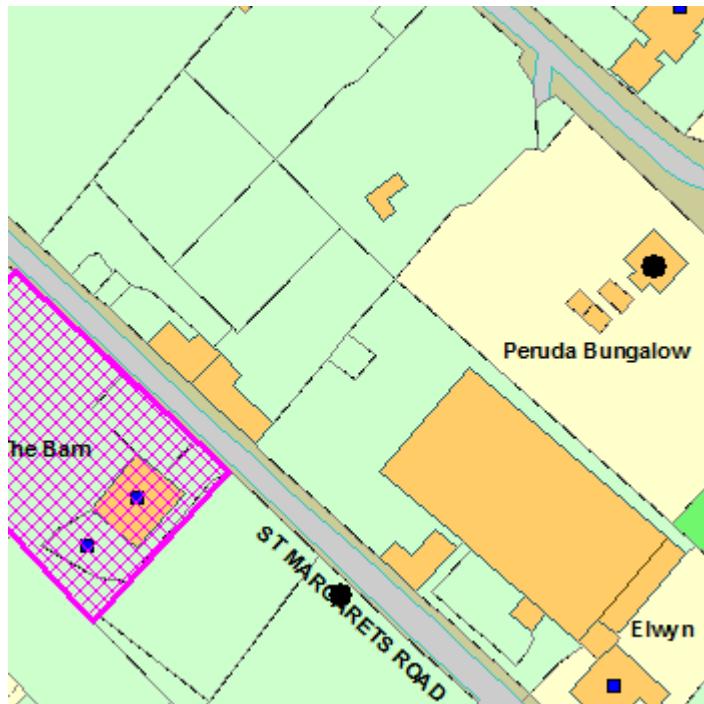
Case Officer

Annabel Hemmings

TITLE: F/TH/17/0014

Project The Barn St Margarets Road Birchington Kent CT7 0HJ

Scale:



D09

F/TH/16/1160

PROPOSAL: Erection of 10no. dwellings together with formation of vehicular access to Tivoli Road

LOCATION: Disused Railway Line College Road MARGATE Kent

WARD: Salmestone

AGENT: Mr Matthew Beasley

APPLICANT: Mr Damien Gillis, Joe Desosa, Ian Craig

RECOMMENDATION: Defer & Delegate

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 proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 16.986.MB.PL02 Rev B, 16.986.MB.PL03 Rev A, 16.986.MB.PL05 Rev A, 16.986.MB.PL06 Rev A, and 16.986.MB.PL07 Rev G, received 06 June 2017; revised drawings numbered 16.986.MB.PL16 Rev A and 16.986.MB.PL17 received 24 May 2017; revised drawing numbered 16.986.MB.PL15, received 18 May 2017; revised drawing numbered 16.986.MB.PL01 Rev A, received 23 February 2017; and drawing numbered 16.986.MB.PL04 Rev A, received 22 August 2016.

GROUND:

To secure the proper development of the area.

3 Prior to the commencement of development hereby permitted, a detailed sustainable surface water drainage scheme for the site shall be submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of within the site boundary via infiltration without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

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 NPPF.

4 Prior to the first occupation of any part of the development hereby approved, 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 NPPF.

5 No infiltration of surface water drainage into the ground is 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 approval details.

GROUND:

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

6 No development shall take place until details of the means of foul drainage 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 NPPF.

7 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.

8 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 prior to the construction of development hereby permitted.

GROUND:

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

9 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:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework, as the site lies on a principal aquifer and in Source Protection Zones 1 and 2.

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

GROUND:

To ensure that features of archaeological interest are properly examined and recorded.

11 Prior to the commencement of development hereby permitted, a detailed construction management plan shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include the following information:

- Timing of HGV movements (HGV movements to and from the site will not be allowed during school drop-off and pick-up times),
- Methodology for the provision of a construction access to the site, and associated traffic management (it appears that temporary traffic management will be required and this should be agreed with the Street Works Team at KCC),
- Provision of construction vehicle loading/unloading and turning facilities on site for the duration of excavation and construction works,
- Provision of parking facilities for site personnel and visitors for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities for the duration of construction.

Development shall be carried out in accordance with the approved details.

GROUND:

In the interests of highway safety, and considering the restricted nature of the site, its proximity to Salmestone Primary School, the one-way system and the existing

levels of on-street parking in the immediate vicinity.

12 Prior to the first occupation of any part of the development hereby approved, the provision of the vehicular access road through the site (including the speed restraint measures), the road widening, improvements to the pedestrian public right of way to the northern boundary of the site (to include its widening and resurfacing), and the provision of the pedestrian footpath to the western boundary of the site, as shown on plan numbered 16.986.MB.PL07 Rev G, shall be completed and made operational for use.

GROUND:

In the interests of highway safety and pedestrian movement.

13 Prior to the construction of the vehicular access road hereby approved, a plan showing the gradient of the access road, which shall not exceed a gradient of 5% for a distance of at least 6m, or 7% thereafter (in accordance with Kent Design standards for a minor access road), and shall have a cross-sectional gradient of no more than 2.5%, shall be submitted to and approved in writing by the Local Planning Authority.

GROUND:

In the interests of highway safety.

14 Prior to the first occupation of any part of the development hereby permitted, 2.4m x 48m visibility splays as shown on the approved plan numbered 16.986.MB.PL07 Rev G, shall be provided and thereafter maintained, with no obstructions over 1.05 metres above carriageway level within the splays.

GROUND:

In the interests of highway safety.

15 The area shown on the plan numbered 16.986.MB.PL07 Rev G, as vehicle parking spaces and turning areas, shall be kept available for such use at all times and such land and access thereto shall be provided in relation to each dwelling as shown prior to the first occupation of each respective dwelling hereby approved.

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.

16 Prior to the installation of any lighting on the access road or within the parking areas, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall:

a) Identify those areas/features on site that are particularly sensitive nocturnal species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

GROUND:

In the interests of nature conservation in accordance with the NPPF.

17 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include:

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- the treatment proposed for all hard surfaced areas beyond the limits of the highway
- walls, fences, other means of enclosure proposed
- a mixed native species hedgerow along the southern boundary of the site
- bat and bird boxes to be provided within the site

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.

18 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 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

19 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:

Agenda Item 5i

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

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

GROUND:

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

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

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

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

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

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

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

GROUND:

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

22 No further alterations to any of the buildings, or the erection of garden buildings, or erection of boundary or internal fences or means of enclosure, whether approved by Classes A, B, C, D, or E of Part One or Class A of Part Two of Schedule 2 to the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

GROUND:

To ensure a satisfactory external treatment and in the interests of the visual amenities of the locality in accordance with Policy D1 of the Thanet Local Plan.

23 The first floor bathroom window in the eastern front elevation of unit 7 hereby permitted shall be provided and maintained with obscure glass, and be non-opening below a level of 1.7m from internal floor level.

GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with Policy D1 of the Thanet Local Plan.

INFORMATIVES

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations

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

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000418181) in order to obtain the necessary Application Pack.

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

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

It is the responsibility of developers to have the appropriate waste storage facilities and containers in place prior to the property being occupied. For more information, please contact Waste and Recycling on 01843 577115, or visit our website <http://thanet.gov.uk/your-services/recycling/waste-and-recycling-storage-at-new-developments/new-developments/>

For the avoidance of doubt, the provision of contributions to as set out in the unilateral undertaking made on submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

SITE, LOCATION AND DESCRIPTION

The site consists of a former railway line, which is no longer in use, and has since become overgrown with vegetation. Until recently the site was covered in trees, but the site has recently been cleared. The level of the land varies, with the highest point approximately 4.7m above road level. To the front boundary of the site, adjoining Tivoli Road, is a high wall of approximately 3-4m in height, and lower metal railings. A fence currently encloses the site on all other boundaries.

To the north of the site is Salmestone Primary School, and to the south of the site are residential properties, which are pre-dominantly terraced and 2-3 storey in height. Adjoining the northern boundary of the site is a public right of way, which connects Tivoli Road to College Road.

RELEVANT PLANNING HISTORY

No relevant planning history.

PROPOSED DEVELOPMENT

The application is for the erection of 10no. dwellings, comprising 3no. 2-bed dwellings, 6no. 3-bed dwellings, and 1no. 4-bed dwelling. The dwellings are all terraced or detached, and 2no. parking spaces per dwelling are provided, along with 2no. visitor parking spaces. A new vehicular access into the site is proposed, along with other highway works, which include the widening of the road, the provision of a pedestrian footpath link, and the improvement of the existing public right of way adjoining the northern boundary of the site. These works would follow the demolition of the existing railway bridge wall adjoining the highway, and the excavation of the site by up to 4.7m.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan Policy (2006) Saved Policies

D1 - Design principles

D2 - Landscaping

H1 - Housing provision

H4 - Windfall sites
H8 - Size and type of housing
SR5 - Doorstep and local play space
TR12 - Cycling
TR16 - Car parking provision
HE12 - Archaeological Sites and Preservation

NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. Eleven letters of objection have been received raising the following concerns:

- school will be affected during building works with noise, highway access to school,
- loss of trees,
- new access is dangerous,
- sewers overloaded,
- increased traffic and congestion,
- loss of ecology,
- loss of privacy,
- loss of light/outlook,
- too close to school playground,
- overdevelopment,
- turning head not large enough,
- development not in keeping with the area.

CONSULTATIONS

KCC Highways and Transportation - (*final comment*) Further to my previous comments dated the 6th September 2016, I note that the plans have been adapted to accommodate some of the points I raised. Provided the remaining requirements are secured by condition or planning obligation, then I would have no further objection on behalf of the local highway authority.

(*initial comments*)

In order that I may fully assess the highway implications I shall require further information as follows:-

1) Owing to the extent of the proposed works to the public highway I recommend in the first instance that a Road Safety Audit be carried out by an independent auditor with special consideration given to the realignment of the highway and visibility at the proposed new access from Tivoli Road.

2) The proposed site plan (drawing no. 16.986.MB.PL07) indicates a visibility splay at the access of only 2m x 33m. I would consider this inadequate in most cases and this is potentially exacerbated by the presence of on-street parking right up to the southern edge of the site

boundary, along with a downhill gradient. I recommend that a speed survey be carried out to determine actual speeds along this section of road. If the 30 mph speed restriction is proven an accurate indicator, then a visibility splay of 2.4m x 43m would have to be achieved. It is possible that some form of parking restriction along Tivoli Road may also require investigation in order to reduce the impact parked vehicles will have on visibility at the proposed junction.

3) Although tracking has been indicated on the proposed site plan (drawing no. 16.986.MB.PL07) for a 11.2m refuse vehicle at the turning head, I would also require tracking at point of access, in order to bring the road to an adoptable standard for highway purposes.

4) It is noted that the access road provides a 100m length of virtually straight carriageway with high forward visibility. I require a proposal on appropriate speed restraint measures that could be implemented on this site.

In consequence of the above matters, I wish to place a holding objection until these have been satisfactorily resolved and I would be pleased to comment further on additional/amended details when they are submitted. I also have the following comments to make in relation to highway matters, which I would like to see secured by way of planning condition once I am satisfied the above are resolved:-

5) It is noted that the access road onto the site is 4m in width from immediately after the junction mouth all the way through. I would want to see 4.8m width at the access for a distance of 12m to accommodate refuse vehicles coming onto the site with no potential for overhang onto the highway. I would also want to see facility for passing vehicles at intervals of no less than 40m, ideally at the junction mouth and further along the access road in order to allow two vehicles to pass each other safely, in accordance with Kent Design standards for a minor access road.

6) Noting the topography on site during a recent visit, I would like confirmation that the gradient at the access will be no greater than 5% for a distance of at least 6m, with no more than 7% thereafter, in accordance with Kent Design standards for a minor access road. Cross-sectional gradient should be no more than 2.5%.

7) There appears to be little turning room for some of the parking bays, namely the spaces for dwellings 4 and 8. The parking space closest to dwelling 8 also appear to be bound on one side by a fence, and would require widening to 2.7m (the adjoining footway width may be reduced to allow this). A 1m turning recess adjacent to parking for dwellings 7 and 10 would also appear necessary in order to facilitate egress.

8) In terms of parking provision, the site as a whole would also require two visitor parking spaces in accordance with Supplementary Planning Guidance Note 3. There appears to be no provision for cycles on the plans, which would need to be secure and covered within the curtilage of each property. The provision of a shed would be considered adequate facility for cycle storage. Facility for bin storage would also need to be indicated on any amended plans.

9) I would require a detailed construction management plan considering the restricted nature of the site, its proximity to Salmestone Primary School, the one-way system and the existing levels of on-street parking in the immediate vicinity. As stated before, this could be implemented by way of planning condition once planning approval has been granted.

Environment Agency - Based on the submitted information we consider that planning permission could be granted for the proposed development if safeguarding conditions are included. Without these conditions, the proposed development poses an unacceptable risk to the environment and we would object to the application.

The Desk Study Report (ref 0865/DS dated 9 August 2016) has been submitted with the application. In general the report has been completed in line with guidance. We agree with the conclusions that state the environmental risks associated with the site appear to be low.

Due to the historic uses of the site, however, we recommend that a watching brief is maintained throughout site clearance and construction works. If any material impacted by contamination is identified during this time, works should stop until the contamination is assessed and remediated as appropriate. Liaison with the Local Planning Authority will be required regarding such works.

Further advice should be sought from the Local Authority Environmental Health Officer with respect to issues related to harm to human health.

The application form states that surface water drainage is to be discharged via SuDS and soakaways. The construction of soakaways for the disposal of surface water drainage will only be acceptable at this site if they are constructed into natural chalk. Only clean uncontaminated roof water should discharge directly to soakaway. All other surface water drainage should pass through appropriate pollution prevention measures prior to entering the surface water drainage system. No soakaway should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated. There should also be no discharge to made ground. All foul drainage should be directed to mains foul sewer.

TDC Environmental Protection Manager - I am in agreement with the EA comments, and following a review of the desk study and walkover survey submitted, I would recommend a safeguarding condition based on the potential for contaminants associated with the former railway use of the land to be identified during proposed site clearance works.

KCC Biodiversity Officer -

Reptiles

A reptile survey has been submitted and concluded that reptiles are likely absent from this site as such we are satisfied there is no requirement for a detailed mitigation strategy to be submitted.

As reptiles have been recorded within the surrounding area we were surprised that no reptiles were recorded during the survey - however we are satisfied that the surveys were carried out following best practice guidance and the results are valid.

As reptiles have been recorded within the surrounding area and we recommend that the vegetation is cut down and then regularly mown to ensure that a reptile population does not establish on site. The regular cutting must continue till construction works commences - if planning permission is granted.

Breeding Birds and Hedgehogs

The ecological scoping survey highlighted that there was suitable habitat present for breeding birds and hedgehogs which will be lost if planning permission is granted. The updated site plan has demonstrated that a hedgerow along the southern and western boundary will be created which will provide suitable breeding bird and hedgehog habitat and connectivity to the wider area.

We also recommend that gaps are included at the bottom of garden fences to enable movement of hedgerows throughout the completed development site.

Bats

Bats are likely to be foraging within the site and the proposed development will result in a loss of suitable foraging habitat and an increase in lighting.

However we do note that the site plan indicates that a vegetated boundary will be created along the western and southern boundary. This will continue to provide some foraging/commuting habitat for bats.

We advise that the lighting scheme is designed to minimise impacts on bats and if planning permission is granted we recommend a condition requesting a lighting design strategy to be submitted. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".

The ecological survey report has made recommendations for ecological enhancements to enhance the site for biodiversity. The update site plan has confirmed that a hedgerow will be created along the western and southern boundary and bird boxes will be erected within the site.

We advise that the hedgerow along the hedgerows must be a mixed native species.

KCC SUDS officer - We note that no surface water drainage strategy has been provided for this site. The application form suggests that soakaways will be used for surface water drainage. Whilst we have no objection to the use of soakaways in this area, the presence of Made Ground from the site's former use as a railway line and any contamination will need to be taken into account to ensure that surface water is only discharged into clean, uncontaminated natural Chalk.

Site investigations will be required at the detailed design stage to demonstrate that soakaways can discharge only within natural chalk, and confirm site-specific infiltration rates. The design must ensure that soakaways can be delivered within the proposed layout whilst being sited at least 5m away from any buildings.

Southern Water - The applicant has not stated details of means of disposal of foul drainage from the site. A formal application for a connection to the public sewer needs to be made by the applicant or developer. Safeguarding condition requiring seeking details of the foul and surface water drainage.

KCC Archaeological Officer - I have read the submitted assessment and agree with their conclusions that archaeological works should be carried out in conjunction with the development proposals when impacts are fully understood. I would also advise that a basic level of historic building recording is undertaken of the railway structures affected. This approach is consistent with the development proposals elsewhere on this line.

To secure the appropriate archaeological measures, ie. monitoring and recording, I would advise a safeguarding condition that secures the implementation of a programme of archaeological work.

COMMENTS

The application is brought before members as it is non-previously developed land, and is therefore a departure to Policy H1 of the Thanet Local Plan.

Principle

The site is non-previously developed land within the urban confines. The proposal is therefore contrary to Policy H1 of the Thanet Local Plan, which requires that development is built on previously developed land within the urban confines. However, this policy constraint 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 application site is sustainably located, within walking distance of schools, facilities and services, and on a bus route. The site also lies adjacent to a public right of way.

The principle of development of this site for housing is therefore acceptable and consistent with the objectives of the NPPF subject to the detailed consideration of all other material

considerations including the impact upon the character and appearance of the area, the impact upon living conditions of neighbouring properties, and the impact upon ecology and highway safety.

Character and Appearance

The site was formerly used in association with the railway, and is now enclosed scrubland. The site is therefore considered to be private open space that needs to be assessed under Policy SR11 of the Thanet Local Plan. The site does not offer any recreational opportunities. Whilst there were originally trees on the site, these have since been removed, and given the ground level of the site, which is well above road level, the site does not allow for long views through. As such I do not consider the space to offer intrinsic qualities that benefit the character and appearance of the area.

The surrounding area is characterised pre-dominantly by 2-3 storey terraced dwellings, although some detached dwellings are also present, including adjacent to the site to the south. To the north of the site is Salmestone School.

The proposal is for 10no. dwellings of 2-3 storey in height. Nine of the dwellings are laid out as three sets of terraced dwellings and the tenth dwelling is detached. Units 1-3 front Tivoli Road, and follow the building line of the properties either side in Tivoli Road (although orientated at an angle). Units 8-10 follow the building form of the existing properties in Salmestone Rise. The remaining terrace and detached dwelling are located towards the centre of the site. Whilst there is no other example of development within this central location, the site area is much larger than neighbouring sites, and so will appear as a comprehensive form of development; and the proposed access road through the site would enable the central development to maintain a road frontage, which would be visible from the pedestrian right of way. As such the pattern of development proposed is considered to be acceptable, and the form and height of development is considered to be in keeping with the surrounding area.

There is a significant change in ground level through the site, with the greatest change being between road level and the rear of plots 1 to 3. At the moment the ground level of the site is approximately 4.7m above road level, given the former railway line use of the site, which would have run along a bridge over the road. The proposal involves significant excavation work to the front of the site where adjoining Tivoli Road, with the land level reduced by 4.7m to the level of the proposed front footpath, by 3.7m to the ground level of plot 2, and by one metre to the garden level of plot 2. Across the rest of the application site excavations of up to 1.5m are proposed.

The resultant ground level is in keeping with the ground level of properties in Tivoli Road, with the street scene and section plan showing that the eaves and ridge height of the proposed dwellings will not exceed the height of no. 50 Tivoli Road. A similar case can be seen for the properties adjacent to those in Salmestone Rise, where the levels and ridge height of the proposed development matches the neighbouring properties. Given the distance to neighbouring properties (a minimum of 7m to no. 50 Tivoli Road), the similar ground levels, and the space around the proposed development, it is not considered that the proposed development would appear obtrusive within the street scene.

With regards to the design, the proposed dwellings have a more contemporary design than the adjacent traditional Victorian dwellings, and the proposed dwellings vary in their design across the site. Units 1-3, which front Tivoli Road, have a modern flat roof double bay projection to the front, and small leaded flat roof dormer windows. The units will be constructed from timber boarding, render and brick. The proposed dwellings reflect the general fenestration and features identified on the adjacent traditional dwellings, and therefore whilst they are more modern in their appearance and use of materials, it is not considered that the proposed dwellings would appear significantly out of keeping with the area.

Units 8-10 are similar in design to units 1-3, and have the same fenestration arrangement as the adjacent dwellings in Salmestone Rise, and whilst the proportions of the windows vary given the contemporary design, this is not considered to significantly impact upon the character and appearance of the area.

Units 4 and 5-7 differ in design, with units 5-7 gabled with timber and metal cladding and brick, and unit 4 a wide detached dwelling with small pitched roof front dormers and carport. The varied ground level and dwelling design throughout the scheme adds to the interest of the overall appearance of the development, which can be viewed from the wider area.

There is a large parking area accommodating 8no. car parking spaces to the rear of unit nos.1-3. Whilst large parking areas are not ideal, each of the parking spaces are immediately to the rear of the units they are allocated to, and the parking area is raised with landscaping surrounding it. The parking area is also to be constructed of block paving. Parking is not achievable to the front of the properties for both highway safety and design reasons, and as such subject to good quality paving materials and landscaping, the parking area is considered to be acceptable.

Parking for units nos. 5-10 are directly to the front of the dwellings, with areas of soft landscaping to the front and rear of the parking areas.

The site was previously covered by trees, so the retention of trees, or planting of new trees where possible, would help to soften the appearance of the development. A detailed landscaping plan has not been submitted at this stage, however, the amended site plan shows the provision of new tree planting across the site, in either side gardens or around the parking areas. The landscaping as proposed is therefore considered to be acceptable in principle.

The layout and design is considered to be acceptable, and therefore it is not considered that there will be a significant impact upon the character and appearance of the area. As such the proposed development is considered to comply with Policy D1 of the Thanet Local Plan and the NPPF.

Living Conditions

Agenda Item 5i

There is a distance of at least 7m between the proposed development and no. 50 Tivoli Road, and therefore the impact upon the light and outlook of the neighbouring occupiers is considered to be acceptable.

Whilst the proposed unit 10 in the eastern end of the site is less than 1m from 15 Salmestone Rise, the building lines are very similar, and therefore the impact upon light and outlook to the front and rear elevations of no. 15 is not considered to be significant.

Loss of privacy has been raised as a concern by neighbouring residents. There are no side windows within unit nos. 1-3, and there are no first floor rear windows within unit 4, other than a small setback dormer window that would only look towards the very furthest part of the rear gardens of the neighbouring occupiers in Tivoli Road. A 1.8m high fence is also proposed along the southern boundary of the site in order to avoid overlooking from proposed rear gardens into neighbouring rear gardens. The impact upon the privacy for Tivoli Road occupiers is therefore considered to be acceptable.

Unit nos. 8-10 follow the line of dwellings in Salmestone Rise, and would not result in any overlooking.

Unit no.7 is located within one metre of the southern boundary, and therefore there is concern with the potential for overlooking towards no.15 Salmestone Rise. However, the closest window within unit 7 is an obscure glazed bathroom window that can be conditioned, and trees are also proposed along the boundary in order to restrict any overlooking. The dwellings are also orientated slightly away from the boundary, and therefore the other first floor window within unit no.7 would not directly overlook no. 15 Salmestone Rise. Subject to conditions requiring obscure glazing to the nearest window and tree planting, the impact upon the privacy of no.15 is considered to be acceptable.

Within the development itself, there is some potential overlooking from the rear windows in unit no.7 to the rear garden of no. 4, with a distance of only 8m between the windows and the side boundary of no.4. However, there is a ground level change between the plots, with the garden of unit no.4 on a higher ground level to the garden of unit no.7. This ground level change will limit the extent of overlooking to the garden area, and the main patio area is close to the fence where direct overlooking will not be possible. Any buyers will also be aware of this relationship, and it is not considered that the standard of accommodation is unacceptable due to this relationship. As such the impact upon the future occupiers of the development is also considered to be acceptable.

Each proposed dwelling has a secure garden area, which complies with Policy SR5 of the Thanet Local Plan. Refuse storage, cycle storage and clothes drying can also be provided within these garden areas.

The impact upon neighbouring occupiers and future occupiers of the development is therefore considered to be acceptable and in accordance with Policy D1 of the Thanet Local plan and paragraph 17 of the NPPF.

Transportation

Agenda Item 5i

There is currently no vehicular access into the site. Instead, the application site, where adjoining Tivoli Road, consists of a tall wall previously forming part of the railway bridge, and metal boundary fencing of approximately one metre in height. There is currently no pedestrian footpath along this side of Tivoli Road, and the road is very narrow. The current arrangement means that pedestrians walking up Tivoli Road are required to cross from one side of the road to the other in order to access the footpath. This is particularly problematic during school drop off and pick up times, as there is no footpath connection between Tivoli Road to the south and the pedestrian right of way adjacent to the school, meaning that children walking south from the school are forced to cross the road in order to access the pedestrian footpath.

The proposal involves the removal of the wall and fencing adjacent to Tivoli Road, the widening of the road by up to 1.8m, and the provision of a new pedestrian footpath of approximately 2m wide. This will allow for full pedestrian connectivity along the eastern side of Tivoli Road, and provides benefits to the local community.

A new vehicular access from Tivoli Road into the application site is also being created, which will allow for 2.4m by 48m vision splays. This will not only provide for adequate visibility for vehicles using the new access, but will also improve visibility for the vehicular access into the neighbouring school site. Tracking plans have been provided showing that large delivery/refuse/emergency vehicles can turn into the site, and within the site itself there is a turning area to allow vehicles to leave the site in a forward gear.

Adjoining the northern boundary of the site is an existing pedestrian public right of way, which provides access to College Road. This pedestrian route is particular useful during school drop off and pick up times, as the entrance of Salmestone Primary School is off College Road, and so any children living to the west of the school require this footpath for easy access to the school. The proposal is to retain and widen the pedestrian right of way, and also resurface it. This will greatly improve the quality and usability of the footpath for pedestrians. The improvement of the existing pedestrian right of way and the provision of a new footpath to the front of the site provide clear sustainability benefits to the surrounding area.

Within the application site itself, 2no. parking spaces per dwelling have been provided, along with 2no. visitor parking spaces. This level of off-street parking is considered to be acceptable.

KCC Highways and Transportation have been consulted on the application. A Stage 1 Road Safety Audit was requested, which has since been submitted and is considered to be acceptable in principle, subject to a Stage 2 Road Safety Audit to be carried out prior to the commencement of works. KCC also requested greater visibility splays (from 33m to 43m based on an average speed of 30mph along the road), evidence of tracking for 11.2m vehicles from the highway, speed restraint measures along the access road within the site, and the widening of the junction mouth from 4m to 4.8m. All of these amendments have been incorporated within the amended site plan, and as such KCC raise no objections to the proposed development subject to safeguarding conditions.

The impact upon highway safety is therefore considered to be acceptable, and the alterations to the highway and improvements to pedestrian connectivity are considered to benefit the area.

Ecology

A Preliminary Ecological Appraisal was submitted with the application, which identified the potential for reptiles. A Reptile Survey has since been carried out, which concludes that there was no presence of reptiles on site. The Biodiversity Officer at KCC is satisfied that the survey was carried out following best practice guidance and that the results are valid. As reptiles have been recorded within the surrounding area, KCC recommend that the site is regularly mown until construction works commence to prevent suitable reptile habitat establishing on site. However, given that the application site is detached from surrounding sites by the road network, there is not considered to be a justification for this condition in this instance.

There is suitable habitat and foraging habitat upon the site for breeding birds, hedgehogs, and bats. An amended site plan showing the provision of a hedge along the southern boundary and bat/bird boxes has been submitted, which addresses the need for ecological enhancements, subject to details of the hedgerows. A condition requiring details of any lighting scheme within the road and parking areas is also required, in order to limit any disturbance to the above species.

Subject to these safeguarding conditions, the impact upon ecology is considered to be acceptable, and in accordance with the NPPF.

Drainage

Detailed drainage plans have not been submitted as part of the application. Southern Water has no objections to the foul drainage subject to a safeguarding condition requiring details, and a formal connection to the public sewer being made by the applicant.

With regards to the surface water disposal, again no details have been submitted, but the application indicates that a Sustainable Urban Drainage system will be used.

KCC have advised that the construction of soakaways for the disposal of surface water drainage will only be acceptable at this site if they are constructed into natural chalk, and only clean uncontaminated roof water should discharge directly to soakaway. All other surface water drainage should pass through appropriate pollution prevention measures prior to entering the surface water drainage system.

The Environment Agency have commented in a similar way, and have advised that whilst they have no objection to the use of soakaways in this area, the presence of Made Ground from the site's former use as a railway line and any contamination will need to be taken into account to ensure that surface water is only discharged into clean, uncontaminated natural Chalk.

Subject to safeguarding conditions requiring details of foul drainage and surface water drainage, there are no concerns regarding drainage provision.

Other Issues

- Size and Type of Housing

Policy H8 of the Thanet Local Plan requires that for development of 10 units or more, a mix of dwelling sizes and type are required in order to meet a range of community needs. The proposal consists of 3no. 2-bed units, 6no. 3-bed units and 1no. 4-bed unit, and therefore provides a mix of unit sizes that complies with the local need for housing as identified with the most up to date Strategic Housing Market Assessment. The proposal therefore complies with Policy H8 of the Thanet Local Plan.

- Loss of Trees

Trees have been removed from the site, however, none of the trees were covered by a Tree Preservation Order, and the site does not fall within a Conservation Area, so permission was not required for the removal of the trees. A Tree Survey and Arboricultural Report have been submitted with the application. The Arboricultural Consultant concludes that 'the trees growing on the site are all self-sown specimens that have established since the railway line was decommissioned. As individual trees they are of poor quality and even as groups, I do not consider them to be of sufficient merit to be suitable for retention if the site is to be developed'. On the basis of this report it is not considered likely that any of the trees would have been worthy of a Tree Preservation Order.

- Contamination

A Desk Study Report has been submitted with the application. The EA and Environmental Health raise no concerns with the report, and agree with the conclusions that state the environmental risks associated with the site appear to be low.

Subject to a safeguarding condition requiring a watching brief to be maintained throughout site clearance and construction works, and any contamination identified, there are considered to be no contamination issues associated with the development of the site.

- Archaeology

An Archaeological Desk Based Assessment has been submitted with the application. The Principal Archaeological Officer has commented on the application and advised that he agrees with their conclusions that archaeological works should be carried out in conjunction with the development proposals. He has also advised that a basic level of historic building recording should be undertaken of the railway structures affected, which is an approach consistent with other development proposals elsewhere on this line. The impact upon archaeology is therefore considered to be acceptable.

- Impact on Special Protection Area

There will be a requirement for a financial contribution of £4,566 towards the mitigation of additional recreational pressure on the Thanet Coast and Sandwich Bay Special protection Area. The financial contribution required towards the mitigation is identified within the Strategic Access Management and Monitoring Plan, and has been agreed by the agent. The contribution is to be provided within the legal agreement to be submitted to the Council.

Conclusion

The principle of development is considered to be acceptable as there is a need for housing, and the site does not offer intrinsically beneficial qualities that would warrant the protection of the site. There are no significant concerns regarding the layout of the site or the design of the development, and the impact upon neighbouring living conditions is considered to be acceptable. Whilst concerns are raised by residents regarding increased traffic and congestion, I am of the opinion that the proposed development will result in highway benefits, in the form of the road widening, new footpath connection, and improved pedestrian right of way, along with improved visibility for the existing school vehicular access. The site is sustainably located and there are no ecology, drainage or tree concerns. It is therefore recommended that members defer and delegate the application for approval, subject to the receipt of a satisfactory legal agreement containing the SPA contribution.

Case Officer

Emma Fibbens

TITLE: F/TH/16/1160

Project Disused Railway Line College Road MARGATE Kent

Scale:



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D10

OL/TH/16/0417

PROPOSAL: Outline application for mixed use residential and business development comprising 19 dwellings, 4 live-work units, and a detached building incorporating a shop and cafe, together with associated access roads, paths and vehicle parking, including access and layout

LOCATION: Land Between Manston Road And Preston Road, Adjoining Manston Green Industries Manston Ramsgate Kent

WARD: Thanet Villages

AGENT: Mr John Elvidge

APPLICANT: Montgomery And Partners LLP

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 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 development or other operations shall take place on site until a detailed construction management statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:

- (a) Provision for construction vehicle loading/unloading and turning facilities for the duration of the construction period;
- (b) the location of any temporary buildings and compound areas;
- (c) the location of parking areas for construction and other vehicles;
- (d) the measures to be used to prevent the deposit of mud and other deleterious material on the public highway; and,

The development shall be carried out in accordance with the approved construction management statement.

GROUND:

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

6 Prior to the first use of any of the development hereby permitted, a scheme detailing measures to prevent the discharge of surface water onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as agreed.

GROUND:

To ensure satisfactory development of the site.

7 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:

In the interests of highway safety.

8 Details pursuant to condition 1 shall include full details (in the form of scaled plans and / or written specifications) to illustrate the following: -

- i) Parking provision in accordance with adopted standard.
- ii) Turning areas
- iii) secure, covered cycle parking facilities

The scheme shall be implemented as approved prior to the first occupation of the units hereby approved.

GROUND:

In the interests of highway safety

9 Prior to the use of the site commencing the accesses and associated alterations in Manston Road and Preston Road shown on the submitted plans or as amended by details to be submitted to and approved by the Local Planning Authority shall be completed.

GROUND:

In the interests of highway safety

10 Details pursuant to condition 1 (in the form of scaled plans and / or written specifications) shall include, but not necessarily be limited to, the following; proposed roads, footways, footpaths, verges, junctions, sewers, retaining walls, service routes, vehicle overhang margins, embankments, accesses, carriageway gradients, driveway gradients and street furniture.

The development shall be laid out and constructed in accordance with the approved details prior to the first occupation of the dwellings hereby permitted.

GROUND:

In the interests of highway safety

11 Prior to the first use of any of the units hereby approved the following works between a dwelling or the shop/café and the adopted highway shall be completed:

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

GROUND:

In the interests of highway safety

12 Prior to the first use the existing access to and egress from the site shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority concurrently with the bringing into use of the new access.

GROUND:

In the interests of highway safety

13 Prior to the first use of any development served by the new accesses onto Manston Road or Preston Road hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan for that access. The splay shall thereafter be maintained at all times free from any obstruction exceeding 1 metre above the level of the adjacent highway carriageway.

GROUND:

In the interests of highway safety.

14 Details pursuant to condition 1 shall include full details (in the form of scaled plans and / or written specifications) to illustrate the provision of an internal pedestrian link between the Manston Road and Preston Road accesses.

GROUND:

In the interests of highway safety

15 Prior to the first use of the development hereby approved, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with the approved scheme and thereafter maintained and retained as agreed.

GROUND

In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF and saved policy D1 of the Local Plan.

16 No dwellings hereby permitted shall exceed 2 storeys in height.

GROUND:

In the interests of the amenities of the locality in accordance with the NPPF and to define the terms of the permission.

17 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 development shall be carried out in accordance with such details as are agreed and thereafter maintained.

GROUND:

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

18 No development or other operations shall commence on site until the existing trees and/or hedgerows along the site boundaries to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

GROUND:

To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF and saved policy D2 of the Local Plan.

19 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 in accordance with Saved policies HE11 and HE12 of the Local Plan.

INFORMATIVES

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

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.

The District Council is committed to reducing crime and the fear of crime through design. You are therefore strongly advised to contact external bodies such as Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety before making any reserved matters application for the development.

A formal application for connection to the public sewerage system and water supply is required in order to service this development. Please contact Southern Water, Sparrowgate House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0199) or www.southernwater.co.uk

For the avoidance of doubt, the provision of contributions to as set out in the unilateral undertaking made on submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

SITE, LOCATION AND DESCRIPTION

The application site is located on the periphery of Manston Village. The site is irregular in shape comprising land to the north, east and south of Jubilee Cottages which front Manston Road and land opposite The Leys on Preston Road. The area to the north and east of Jubilee Cottages has a post and wire enclosure to the Manston Road frontage and was ploughed at the time of the site inspection. There are perimeter trees and vegetation particularly to the northern boundary. The land between Jubilee Cottages and the rear of houses in The Green is uncultivated and enclosed by a brick wall. The land fronting Preston Road has trees and vegetation to the road boundary.

There is a Tree Preservation Order on trees to the south of Jubilee Cottages.

RELEVANT PLANNING HISTORY

F/TH/11/0526 Erection of 2No. single storey dwellings, one with integral garage, one with detached garage together with associated parking. Refused. Appeal dismissed

R/TH/06/0288 Erection of 2no. detached bungalows, erection of a detached garage and associated car parking and access, being details pursuant to permission OL/TH/02/1165. Granted 04/05/06

OL/TH/01/0741 Demolition of existing prefabricated timber bungalow and erection of five dwellings (outline). Refused 05/12/01

OL/TH/02/1165 Outline Application for the Erection of Two Detached Dwellings. Granted 12/03/03

OL/TH/95/0701 Erection of two dwelling houses Refuse 30/11/95

PROPOSED DEVELOPMENT

This application seeks outline planning permission for a proposed shop/café and residential development. All matters are reserved (appearance, landscaping, layout and scale) with the exception of access (layout and scale was withdrawn from consideration by the applicant's agent).

The submitted layout show the village shop/café located along the Preston Road frontage. Two dwellings are shown between Jubilee Cottages and The Green; the live/work units are located behind Manston Green Industries. To the North of Jubilee Cottages and extending back into the site towards the proposed shop/café there the remaining dwellings.

A new vehicular access is provided onto Manston Road (at the north eastern end) the illustrative plan shows these will serve the majority of the dwellings, with the exception of the live/work units. The live/work units are shown to utilise an existing access onto Manston Road. A further access onto Preston Road which is shown to serve the proposed café/shop.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006) Saved Policies

H1- Housing
H4 - Windfall Sites
H8 - Mix of dwellings
H14 - Affordable housing negotiations on housing sites
TC1 - New Retail Development
HE11 – Archaeological Assessment
HE12 -Archaeological Sites and Preservation
TR4 – New Road and Highway Improvements
TR12 - Cycling
TR16 - Car Parking Provision
D1 - Design Principles
D2 - Landscaping
SR5 - Play space
SR10 – Public open space
SR11 - Private open space
CC1 - Development in the Countryside (urban and rural confines)
CC2 - Landscape Character Areas
R1 - General Levels of Development
R4 - Village Shops
CF1 – Community facilities
CF2 - Development Contributions

NOTIFICATIONS

A total of eight letters have been received; four letters of support and four of objection
The letters of support detail:

- The need for a village shop and café
- Development would provide a heart to the village following the loss of the post office and shop in the High Street
- Supporter expresses interest in operating the shop/café
- Provides the type of housing and additional residents that can only have a positive effect
- Proposed footpath from Jubilee Cottages to near Wood Farm will be beneficial

The following concerns are made about the proposal:

- Highway safety issues- road is busy and used as a rat run, limited footpaths, speeding traffic, lack of visibility, entrance from Manston Road with the road layout
- Loss of countryside

- No economic benefit - Preston Caravan Park has a shop and the public house serves teas and coffees
- Effect on local ecology, flora and fauna
- Junction of Preston Road and Manston Road subject to repeated flooding, extra run-off may exacerbate the problem
- Lack of school places
- Loss of hedgerow to Preston Road
- Views and skyline would be spoiled
- Out of keeping with the semi-rural location of Manston

Manston Parish Council: This development would cause big issues with the surrounding highways. The parking situation around the site already causes concerns and this would add to the problems.

CONSULTATIONS

KCC Highways: Having regard to the additional/amended drawing numbers 604/203 Rev. B, 204 Rev. D, 205 and 208 Rev. B submitted for the above and also confirmation that the site layout is not for consideration at this time. The proposals are unlikely to generate a level of traffic that would have a severe impact on the highway network. The revised access arrangements in Manston Road and Preston Road have acceptable visibility and include additional footways, including a pedestrian crossing point and build-out in Preston Road, to allow connection to the existing footway network and therefore provide pedestrian access to/from the village and local bus stops. I therefore now have no objection in respect of highway matters subject to the imposition of conditions relating to a construction management plan, discharge of surface water, surface of the access, vehicle parking and turning, cycle parking, completion of access and highway alterations, closure of access, visibility splays and pedestrian link between Manston and Preston Road accesses.

TDC Strategic Housing Manager: Strategic Housing would like 30% of the 19 dwellings to be affordable housing. This equates to 5.7, which we would expect to be rounded up to 6. The split of the units must be representative of the units on the scheme.

In 2013, Thanet District Council undertook a rural housing needs survey in Manston. Although there was only a 26% response rate, the findings were as follows.

* 14 adults and 1 child have a housing need

* 8 respondents live in Manston and 1 previously lived there and has family there.

* Overall a need for 9 affordable homes for local households was identified:

4 single people

3 couples

2 families

This scheme would satisfy the need for affordable units within Manston.

In line with TDC policy, the split of the affordable units would be expected to be 70% Affordable rent (Social rent), and 30% Shared Ownership. This split could be negotiated depending on the units identified as affordable.

If affordable housing were not provided there would be an objection.

The number of affordable units required by the Housing Officer was later reduced to 5.

Kent Police: The applicant/agent has considered crime prevention and has attempted to apply the seven attributes of CPTED in their combined Planning and Design and Access Statements (D&AS) and it was pleasing to note the reference to NPPF paragraph 69 on page 9 of the D&AS which states:

"secondly, 'safe and accessible environments where crime and disorder and the fear of crime, do not undermine quality of life or community cohesion'"

Should this application proceed, I would welcome a meeting with the applicant/agent to discuss Crime Prevention in more detail, including the security of the residential units and for the proposed shop/café, particularly if an ATM is to be considered.

KCC Regeneration Projects: A contribution of £3324.00 per 'applicable' house (x19) is required towards Phase 1 of the expansion of Birchington Primary School (total £63,156.00) and a contribution of £2,359.80 per 'applicable' house (x19) towards Royal Harbour Secondary School Phase 1 works (total £44,836.20).

To mitigate the impact of this development, the County Council will need to provide additional library books to meet the additional demand to borrow library books which will be generated by the people residing in these Dwellings.

The County Council therefore requests £48.02 per household (total £1104.36) to address the direct impact of this development, and the additional stock will be made available locally as and when the monies are received.

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.

KCC SUDS: No objection. Recommend conditions relating to the submission of detailed sustainable surface water drainage scheme and no infiltration of surface water drainage.

Southern Water: No objection. Request an informative relating to the public sewerage system and water supply and a condition relating to foul and surface water sewerage disposal.

KCC Archaeology: Given the archaeological potential of the site, the relatively undeveloped nature of it and the potential impact of development I would advise that, the site should be subject to further archaeological evaluation and subsequent mitigation to either preserve in situ or investigate significant remains that may be present. A planning condition is recommended in relation to archaeological field evaluation works.

Natural England: The application site is in close proximity to Thanet Coast & Sandwich Bay Special Protection Area (SPA) and Ramsar site, part of which is also designated as the Tankerton Slopes and Swalecliffe Special Area of Conservation (SAC).

The above site is also designated at a national level as Sites of Special Scientific Interest (SSSIs) (the Thanet Coast SSSI and Sandwich Bay to Hacklinge Marshes SSSI).

In advising your authority on the requirements relating to the Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based upon the information provided, Natural England offers the following advice:

- The proposals are not necessary for the management of the European sites
- Subject to appropriate financial contributions being made to strategic mitigation, the proposals are unlikely to have a significant effect on these sites, and can therefore be screened out from any requirement for further assessment

When recording your Habitats Regulations Assessment, we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects: Appropriate financial contributions should be made to:

- The Thanet Coast and Sandwich Bay SPA SAMM Plan being developed in conjunction with Thanet District Council.
- This strategic mitigation will need to be in place before the dwellings are occupied.

Natural England is satisfied that the proposed developments being carried out in strict accordance with the details of the applications, as submitted, will not damage or destroy the interest features for which the SSSIs named above have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining these applications. Should the details of these applications change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

KCC Ecological Advice Service: No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records), the information submitted with the planning application and current photos provided by the applicant we advise that the proposed development has limited potential to result in ecological impacts. We require no additional information to be submitted prior to determination of the planning application.

The photos provided by the applicant confirm that the site is actively managed (mixture of ploughing and grass cutting) and as such it does reduce the potential for habitat suitable for protected/notable species to have established within the proposed development site.

When we originally commented the aerial photos indicated that the site contained rough grassland we highlighted that these habitats may provide suitable habitat for protected/notable species. However the photos submitted by the applicant that there is reduced potential for protected/notable species to be impacted by the proposed development.

There are mature trees within the boundary of the site but we understand that they are not within the redline boundary - we advise that measures are put in place during works (if granted) to protect the trees and their roots from being damaged/impacted by the works.

It's likely that bats forage within the proposed development site - particularly along the boundaries with the mature trees. Lighting can be detrimental to roosting, foraging and commuting bats and we advise that the lighting is designed to be sensitive towards bats. We also advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design.

We understand that the final layout of the proposed development will be a reserved matter; we recommend that details of ecological enhancement are included within the proposed layout to demonstrate that they will be implemented.

COMMENTS

The application is brought before Members as a departure to policy H1 of the Thanet Local Plan, as the site is located outside the confines of Manston village, within the open countryside. In addition Cllr. Crow-Brown has requested that the application be determined by the Planning Committee to consider impact on the area.

The key issues in the determination of this application include the principle of development, character and appearance, living conditions, transportation, affordable housing, planning obligations, 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.

The 'Settlement Pattern and Hierarchy' Topic Paper to the emerging local plan identifies Manston as a rural village and describes it as follows:

“Manston is a small village and has no shops or commercial services other than a public house. There is no doctor or dentist surgery. The village contains a cluster of small industrial units, and other business being mostly local farms. A Parish Plan of 2009 suggests that the majority of residents did not consider there was scope for more housing in the parish, and some sought scheduled bus services to Westwood for shopping and to Minster for a doctor's surgery.”

It identifies Manston as a smaller rural village with no/limited services and the following potential growth and key policy implications for accommodating future development requirements:

“Maintain individual form and character. Maintain and where feasible increase local services to level to serve village population and reduce reliance on other centres.

Housing development should be limited to opportunities within current village confines and to scale reflecting village's character and availability of accessible local services.”

The 'Housing Levels for Rural Settlements' Topic Paper concludes the following for rural housing at Manston:

“Acol, Sarre and Manston

These villages are poorly served with services and facilities required day to day by their residents. The table above suggests that compared with facilities in the larger villages, the scale of growth that might attract even basic services such as a single convenience shop at Acol, Sarre and Manston would be very substantial in proportion to their existing size and difficult for their existing communities to absorb.”

At the villages of Acol, Sarre and Manston housing development should therefore be minor in scale and consistent with their form and historic scale of growth.

Finally, the Strategy for the Planned Location of Housing identifies a key principle as being to “focus new housing development at locations where a range of services can be accessed conveniently without reliance on use of private cars, and where feasible to optimise use of previously developed land”.

The Local Plan Proposed Revision to draft Local Plan (preferred options) January 2017 has now been published. Amongst other issues covered, Section 4 deals with proposed additional housing sites. In combination with the Preferred Option Local Plan published in 2015, the Council is seeking to make full provision for the housing requirement of 17,140 dwellings for the Plan period to 2031.

The weight to be given to the emerging local plan prior to adoption is set out in the NPPF para 216. The weight given depends on the stage reached, the extent of unresolved objections, and the consistency with the NPPF. It is considered that limited weight can be attached to the draft Plan at this stage, however, the Council has been granting planning permission for development on draft allocated sites to ensure a pipeline of new housing.

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 28 of the NPPF promotes the development of local services and community facilities in villages such as local shops, meeting places, sports venues, cultural buildings,

public houses and places of worship. Section 7 requires good design whilst Section 8 promotes healthy, inclusive communities.

Sustainability

The NPPF details that there are three dimensions to sustainable development: economic (building a strong economy), social (providing the supply of housing required to meet the needs of the present and future generations, with accessible local services) and environmental (contributing to protecting and enhancing our natural, built and historic environment). The three roles of sustainable development are mutually dependent. Paragraphs 6-9 of the Framework indicate that 'sustainability' should not be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life.'

In this case the site is on the edge of the village of Manston on an existing field, close to the main village centre; cross roads, which has a public house. The village also has a Caravan Park which has modest facilities that are incidental to the needs of the site. There are no other services or facilities within the village, for example a village shop, doctors or school. It is however, acknowledged that the site is physically well located to existing residential development in the village.

The village in itself is therefore considered to be unsustainable as its facilities could not support additional dwellings and their occupants. This is verified by the fact that a housing allocation is not made for the village within the Emerging Local Plan. Furthermore in order to access services and facilities, it is clear that the inhabitants of Manston village would be unlikely to access them by foot in Ramsgate. This is because there is no footpath linking Manston village to Ramsgate - Tesco Ramsgate, or schools the site is also separated from these sites by a busy main road which carries significant volumes of traffic. This together with the lack of footpath would in my view represent a significant barrier that would reduce the ability or willingness of potential future occupiers of the proposed dwellings to access the facilities and local services by foot or bicycle.

In terms of public transport, bus numbers 11 and 38 go through the village (11 is the Broadstairs to Canterbury bus and the 38 is the Palm Bay to Birchington route). Route 38 is approximately once an hour during the weekdays, but there are only hourly services to Palm Bay between 09:45 and 13:45 and hourly to Birchington between 10:00 and just after 14:00 hours. Route 11 is more limited with 4 buses to and 4 buses from Broadstairs/Canterbury during the week and Saturdays.

I am of the view that the proposal would be isolated from services/facilities and future occupiers of the proposed dwellings would be very likely to be heavily reliant on the use of a car to access the full range of services and facilities reasonably likely to be required to meet their residential needs. As a result, the proposal for just residential units would not meet the aims of paragraph 55 of the Framework, to avoid new isolated homes in the countryside, or those of paragraph 17, to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

There are no proposed housing allocations in the village of Manston, which reflects the LPA's stance that the village does not meet the definition of sustainable development as defined by the NPPF.

The proposal would, however, result in the development of 19 dwellings and 4 live-work units that would add to the local housing stock and contribute to meeting local housing need. The development as proposed would also be very likely to result in some support for the existing public house after occupation. In order to off-set the unsustainability of the site the development seeks to include a shop/café use, however for the full range of services and facilities - healthcare, education and employment (with the exception of the live/work units) residents would still have to travel outside of the village. This arrangement is similar to the village of Cliffsend, which also shares relatively close links to the town of Ramsgate.

The provision of a shop/café in a central village location would allow residents of this current proposal to be able to utilise the facility as well as serving the existing villagers and reduce their trips outside of the village for grocery provisions and meeting other residents/friends for a coffee as well as village meetings, making positive improvements to villager's quality of life. It is also acknowledged that the facility in itself would provide some benefits for existing and new residents of Manston village itself, in that it would provide some employment opportunities, and overall the shop/café would improve the sustainability of this particular development.

A balanced decision therefore needs to be taken as to whether the specific material considerations suggest that the development would be sustainable weighing up all factors. In this case weight needs to be attached to the lack of a five year housing land supply and the benefits that the proposal would bring in terms of additional retail facilities and a small number of jobs for the village, which would support the existing Manston Green Industries and housing within a central position within the village, which all add to the sustainability of the scheme as defined by the NPPF.

Retail location

In terms of saved policy TC1 (new retail development) it states that a sequential approach to the location of retail development should be taken. This means that retail development should be located within the existing core commercial centres and then if no sites are available edge of centre and then out of centre location considered. However by the very nature of the provision of a village shop it requires a village location, which is clearly not in a core commercial centre. Saved policy R4; Village shops, emphasis the Council's continued stance of supporting shopping provision in Thanet's rural settlements. The NPPF also has this approach promoting the retention and development of local service and community facilities (paragraph 28). In this case the proposal of a shop/café would introduce a use serving the wider village which does not exist currently and which there is a need for.

Taking the above issues into account it is considered that there are specific and extraordinary material considerations that indicate that this application could be determined as acceptable departure to the development plan, subject to all other material considerations and the overall planning balance.

Character and Appearance

The supporting statement indicates nineteen dwellings and four live/work units which would be provided with their own detached studio units.

The proposal will result in the loss of an area of private open space which is to be considered under policy SR11. This safeguards areas that provide active recreation opportunities or meets a deficiency in recreational facilities or has intrinsically beneficial qualities and makes a contribution to the character of the area either in itself or by virtue of the longer distance views it affords. In this case the application site does not provide recreational opportunities or meet a deficiency in recreational facilities. It forms the edge of the settlement providing a transition between the undeveloped countryside and the village, however given the low density of the scheme it could be argued that the residential scheme proposed would still provide this transition. However due to screening from the north, west and south the site does not lend itself to providing for longer views that can be considered to be of intrinsic benefit.

The site is largely formed by arable land and grassed land adjacent to the adjoining business park.

The form and character of development in the locality predominantly two storey and some single storey development. Given this character it is considered that dwelling greater than two storeys in height would be inappropriate in this semi-rural setting. Whilst appearance is a reserved matter, it would be appropriate to condition the height of the proposed dwellings at this outline stage, as a parameter for the reserved matters submission.

The site, where the dwellings would be located, is approximately 2.2 hectares, which is considered more than sufficient to accommodate twenty three dwellings whilst providing a reasonable level of amenity areas to each property. The development has a density of approximately just over ten dwellings per hectare. Whilst this gives a low density, taking into account its village location and the surrounding pattern of development this is considered appropriate and would offer a transition between the undeveloped countryside and the village.

Whilst the predominant form of residential development in the locality is linear development fronting the road there are examples of cul-de-sacs and estate type development within the locality including The Green. The illustrative plans show a small cluster of cottage style dwellings off the proposed Manston Road access and five larger detached dwellings directly fronting the road and then a private drive leading to four detached dwellings. The four live work units and the proposed two bungalows (facing out onto Manston Road) utilise the existing access, and have a close physical relationship with Manston Green Industries. The proposed shop/café would have its own access off Preston Road. These arrangements would be reflective of other development within the village.

It is therefore considered that residential development of the site (with the restrictions outlined above) would be acceptable in this location in terms of impact on the character and appearance of the locality.

Living Conditions

The potential impact upon residential amenity of adjoining residential dwellings would mainly be addressed within the reserved matters submission. The illustrative layout submitted of dwellings within their own plots would ensure that there would not be any unreasonable levels of shadowing, whilst appropriate fenestration arrangement in the proposed dwellings would help to mitigate against any overlooking between plots on the proposed development. Distance between existing dwellings and those proposed varies; however it is noted that two bungalows are shown to the south west of Manston Green Farmhouse (which is also single storey), with a minimum of approximately 20 metres between built forms. The proposed cottages that share a common boundary with Jubilee Cottages (two pairs of semi-detached two storey cottages) and face onto Manston Road are positioned at an oblique angle so that they would face onto the side elevation.

I am satisfied that the amount of development proposed could be accommodated on site without harm to residential amenity.

Transportation

The outline application seeks approval of access. The proposed site would be accessed off Manston Road and Preston Road into the site. KCC Highways initially raised concerns including in relation to the access proposed in terms of visibility, width of the proposed footway, lack of pedestrian connection between the shop/café access and the existing highway footway network on the east side of Preston Road and parking standards.

Since this initial objection additional information has been submitted. This additional information including plans altering the access position on Manston Road, indicative position of a new footway, information to demonstrate that a refuse vehicle can safely enter and egress at the proposed accesses on Manston Road and Preston Road, and Road Safety Audit.

KCC have confirmed that they can withdraw their initial holding objection, based in the additional information/plans and on the basis that the site layout is not for consideration at this time subject to conditions.

Affordable housing

Paragraph 47 of the NPPF says that local planning authorities should use their evidence base to ensure that their local plans meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework. This is reinforced by the guidance at para. 159 on the requirement to prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs, to address the need for all types of housing, including affordable housing and the needs of different groups in the community. Where planning authorities have identified that affordable housing is needed, paragraph 50 says that they should set policies for meeting this need on site, unless off-site provision or financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies, the NPPF says, should be sufficiently flexible to take account of changing market conditions over time. Therefore it is for planning authorities to

determine whether affordable housing is required and, in the absence of a national threshold within the NPPF, to set their own thresholds for provision.

Affordable Housing is dealt with through Policy H14 of the Thanet Local Plan setting out 30% as the starting point for negotiations on all qualifying developments of more than 15 dwellings or sites of more than 0.5 hectares. Due to the number of dwellings proposed there is a requirement for affordable housing. The Housing Officer confirms that there is a housing need in the village of Manston (Rural Housing Needs Survey). The applicant has confirmed that they will be willing to enter into a Legal Agreement to secure 30% on site affordable housing in line with current standards.

Archaeology

As part of the application a desk based assessment by the Trust for Thanet Archaeology was submitted. The assessment concludes that the site lies in an area of high archaeological potential with numerous remains recorded in the area of prehistoric to second world war date. The report goes on to say that further research in the form of targeted field evaluation would be required to establish a base line assessment of the archaeological potential, with the design of any field evaluation taking into account the potential direct impacts of the proposed residential development to formulate any further mitigation measures.

KCC Archaeology have confirmed that they agree with the findings of the submitted report and recommended a condition for field evaluation works.

Ecology

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."

In terms of ecology potential Natural England have confirmed that they have no objection to the proposal, subject to a financial contribution relating to the Special Protection Area (SPA) Strategic Access Management and Monitoring (SAMM) Plan. Whilst KCC did initially raise concerns with the scheme from additional photographic evidence submitted by the applicant they concluded that there was a reduced potential for protected/notable species on site. However they requested that measures are put in place to protect trees and their roots during construction and recommended that ecological enhancement measures are included within the proposed layout to be considered at reserved matters stage.

Drainage

Paragraph 103 of the NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere as a result of permitting new development and that any residual risk can be managed. The application site is not within an area prone to flooding

and is designated as being of low risk; accordingly the development would not pose a flood risk issue.

A Flood Risk Assessment (FRA) supports this application (version 2.1), due to the site being over a hectare. This concluded that the site was in flood zone 1 (low probability of flooding). Suitably designed SUDS infiltration system for the disposal of surface water discharge would reduce the post development run-off from the site and reduce the risk to the neighbouring land soakaway will be designed to cater for a 1 in 100 year return period with a 40% allowance for climate change.

KCC Flood Water Management, as the Lead Local Flood Authority have confirmed that they are generally satisfied with the proposed use of infiltration to dispose of the runoff, although permeability testing is strongly recommended before the design, as if the ground is less free draining additional space may be required for attenuation. Any surface water management scheme should be capable of accommodating and disposing of the runoff from the critical, climate change adjusted, 100yr rainfall event without its capacity being exceeded. It should also be able to accommodate subsequent successive smaller rainfall events, with a half-drain time not exceeding 24 hours.

On this basis conditions are recommended in relation to a detailed sustainable surface water drainage scheme, its subsequent implementation, maintenance and management and no infiltration of surface water drainage.

Southern Water has commented that there is currently sufficient capacity within the local network to provide foul sewage disposal to service the proposed development.

The impact upon drainage and potential flood risk is therefore considered to be acceptable and in accordance with the National Planning Policy Framework.

Play Area

Policy SR5 of the Thanet Local Plan requires that for development of between 11 and 49 units, an off-site financial contribution towards the nearest equipped play area is required to be used for new or replacement equipment to serve the development. The Open Spaces Officer has advised that they would seek a contribution for play equipment for Manston Park. The amount will be verbally reported to Members.

Planning Obligations

As set out at paragraph 204 of the Framework, planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and reasonably related in scale and kind to the development proposed.

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.

The applicant has confirmed his agreement to make contributions in terms of affordable housing, primary and secondary education and library provision as well as the SPA mitigation package.

Whilst the application proposes a shop/café, the level of residential development would not justify the provision of the shop as a necessity, given the relatively small number of houses proposed in the application. However, the proposed shop/café would have economic and social benefits to existing and new residents of the village were it to be provided, reducing reliance of private vehicle travel and increasing the facilities available to them via sustainable forms of transportation. The applicant has submitted a unilateral undertaking to secure the provision of the shop/café as part of the development, however negotiation has taken place regarding when the building and services for the shop/café should be provided by, and how a leaseholder would be secured, to ensure the best possible circumstances for the facility to be delivered. Without the following provisions, it is considered that minimal weight can be attributed to the potential benefits of the shop/café:

- The provision of the shop/café should be prior to the occupation of any new dwelling.
- The shop/café should be fully fitted to facilitate these uses (to make it as attractive a business venture as possible) prior to the occupation of any new dwelling.
- Legal agreement to outline what happens in the event that no one to lease the shop/café is found, how it will be marketed and the level of marketing required should be agreed with the Council prior to the commencement of development. The premises should be offered to the Parish Council or similar community group to operate on a peppercorn rent if no leaseholder can be found.
- Remove permitted development rights to restrict conversion to residential.

As identified in the principal section, Manston as a settlement is currently unsustainable, and the provision of shop/café would make this development, and the village, more sustainable. Whilst the operation of the shop/café cannot be secured in perpetuity (as the running of a private business is outside the purview of the planning system), the provision of a building, which is fitted for the use and marketed thoroughly to find an occupier, would be an appropriate planning obligation that could be secured through a legal agreement as the sustainability benefits of the shop/café are necessary to make the development acceptable in planning terms and directly related to the development. The applicant has proposed the shop/café, and therefore it is considered that it is fair and reasonable related to the scale and

kind of the development to require the above timing and controls of this part of the development. Therefore the requirements would accord with Regulation 122 of the Community Infrastructure Levy regulations.

Heads of Terms

The legal agreement to be submitted in support of this application will contain the following commitments:

- 30% affordable housing – five dwellings
- £63,156 towards Phase 1 Birchington Primary School expansion,
- £44,836.20 towards Royal Harbour Secondary School Phase 1 works,
- £1,104.36 towards the additional bookstock required to mitigate the impact of the additional borrowers generated from this development
- Contribution towards play equipment at Manston Park,
- £9,384 (£408 per unit) towards the Special Protection Area
- Provision of café/shop with suitable controls to secure its delivery at an appropriate time in terms of the residential development proposed and retention of the use

Conclusion

The proposed development for housing in this location outside the settlement boundary is in principle contrary to the Local Plan. In addition the village is not in a sustainable location in terms of its proximity to shops, services and employment opportunities. Future residents would be largely reliant upon the private car for health, education and jobs.

Taking into account the lack of a five year housing land supply the application needs to be determined on the basis of paragraph 14 of the NPPF which states planning permission should be granted unless; any adverse impacts of doing so would “significantly and demonstrably” outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

The provision of housing to meet future needs is a key element of the social dimension of sustainable development. Affordable housing is also proposed through this scheme and expanded facilities for the community will be provided in terms of a village shop café which could provide benefits for the wider village as well as residents of the proposed development.

In economic terms, the provision of housing would have short-term benefits to the local economy during the construction phase, and in terms of employment via the proposed shop/café use and associated spending and longer term economic benefits as a result of increased spending within the local economy, with a likelihood of increased support for the proposed village shop/café and existing public house.

The expansion of the village onto undeveloped agricultural land would inevitably involve a change to the character of the area in environmental terms. However, the site is well related

to the existing built form and, subject to the approval of appropriate details at the reserved matters stage, I am satisfied that development at the site would not result in any significant harm to the character and appearance of the area or wider village.

Illustrative plans have shown that the site could be developed in a manner that would not give rise to material neighbour amenity or highway safety issues. Issues pertaining to character and appearance, ecology, archaeology, drainage can all be dealt with adequately through the imposition of conditions.

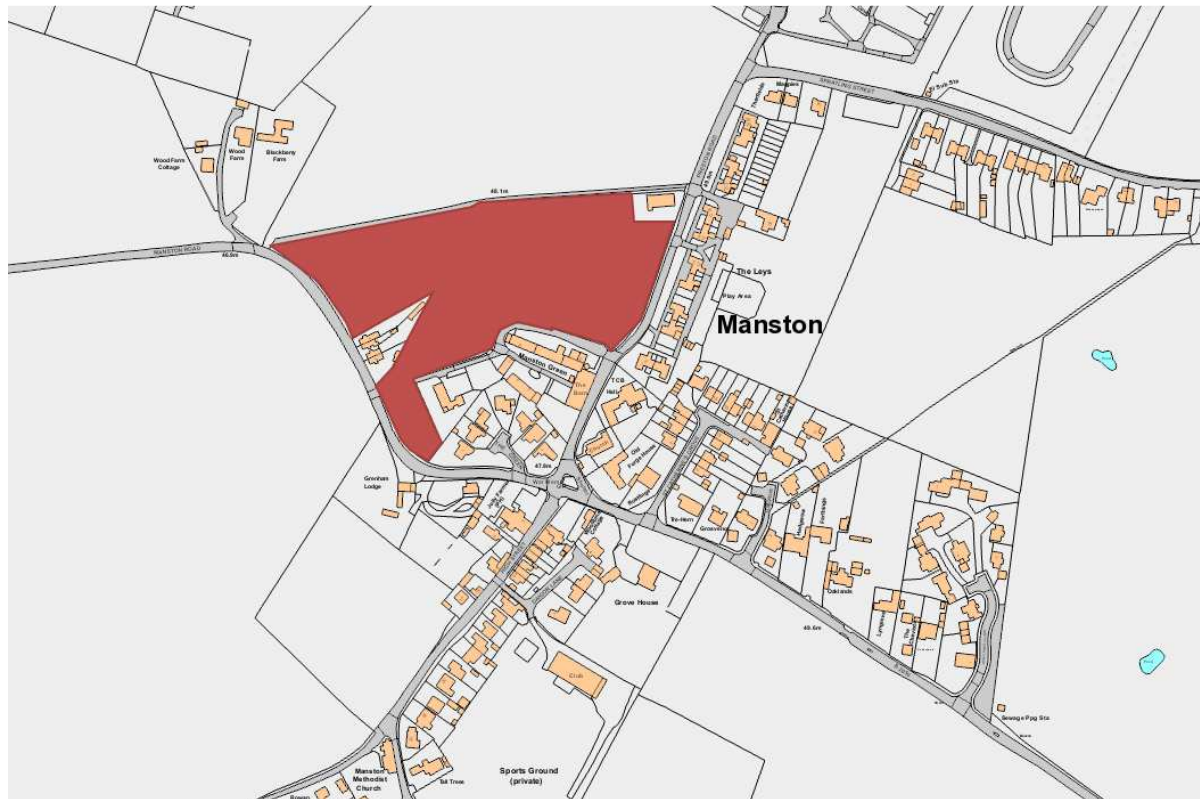
It is therefore concluded, with regard to the different economic, social and environment roles of development and the planning balance, that the benefits of approving this application could be considered to outweigh the departure from the Local Plan in this specific instance subject to the specific planning obligations proposed. It is recommended that Members defer and delegate the application to officers subject to the receipt of satisfactory legal agreements (unilateral undertaking and S.106 agreement) to secure financial contributions, affordable housing and the provision of a café/shop on site.

Case Officer

Gill Richardson

TITLE: OL/TH/16/0417

Project Land Between Manston Road And Preston Road, Adjoining Manston Green Industries Manston Ramsgate Kent



THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services and Scrutiny Manager well in advance of the meeting.

DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS, SIGNIFICANT INTERESTS AND GIFTS, BENEFITS AND HOSPITALITY

MEETING

DATE..... **AGENDA ITEM**

DISCRETIONARY PECUNIARY INTEREST

SIGNIFICANT INTEREST

GIFTS, BENEFITS AND HOSPITALITY

THE NATURE OF THE INTEREST, GIFT, BENEFITS OR HOSPITALITY:

.....
.....
.....

NAME (PRINT):

SIGNATURE:

Please detach and hand this form to the Democratic Services Officer when you are asked to declare any interests.