

# Public Document Pack

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## PLANNING COMMITTEE

**14 FEBRUARY 2018**

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 14 February 2018** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillor Grove (Chairman); Councillors: J Fairbrass (Vice-Chairman), Ashbee, Buckley, K Coleman-Cooke, Connor, Edwards, Fenner, Matterface, Messenger, L Piper, Rusiecki, D Saunders, Taylor, Taylor-Smith 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 - 10)

To approve the Minutes of the Planning Committee meeting held on 17 January 2018, copy attached.

4. **SITE VISIT**

4a **F/TH/17/0941 - 18 WESTERN ESPLANADE, BROADSTAIRS** (Pages 11 - 20)

5. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 21 - 24)

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***

Item  
No

Subject

*the Friday before the meeting until the date of the meeting.*

**For Approval**

- 5a **A01 - F/TH/17/1781 - LAND ADJACENT 1 ALBERT ROAD, BROADSTAIRS**  
(Pages 25 - 34)
- 5b **A02 - F/TH/17/1440 - QUEX PARK LAND ADJ TO THE SECRET GARDEN NURSERY, QUEX PARK, BIRCHINGTON** (Pages 35 - 46)
- 5c **A03 - FH/TH/17/1579 - 27 DEVON GARDENS, BIRCHINGTON** (Pages 47 - 50)

**For Deferral**

- 5d **D04 - OL/TH/17/1342 - LAND NORTH EAST OF THE LENGTH, ST NICHOLAS AT WADE** (Pages 51 - 78)
- 5e **D05 - OL/TH/17/1447 - LAND ADJACENT LITTLE ORCHARD, CANTERBURY ROAD, ST NICHOLAS AT WADE** (Pages 79 - 102)
- 5f **D06 - F/TH/17/0804 - LAND BETWEEN 47 AND 71 MONKTON STREET, MONKTON** (Pages 103 - 132)

**Declaration of Interests Form**



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# Public Document Pack Agenda Item 3

## Planning Committee

### Minutes of the meeting held on 17 January 2018 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillor Bob Grove (Chairman); Councillors J Fairbrass, Ashbee, Buckley, K Coleman-Cooke, Connor, Edwards, Fenner, Matterface, Messenger, L Piper, Rusiecki, D Saunders, Taylor, Tomlinson and Dawson

**In**

**Attendance:** Councillors Hillman, L Fairbrass, Shonk and M Saunders

#### 274. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Taylor-Smith for whom Councillor Dawson was present.

#### 275. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 276. MINUTES OF PREVIOUS MEETING

It was proposed by Councillor Taylor, seconded by Councillor Edwards and AGREED that the minutes of the Planning Committee held on 13 December 2017 be approved and signed by the Chairman.

#### 277. SCHEDULE OF PLANNING APPLICATIONS

#### 278. A01 - F/TH/17/0941 - 18 WESTERN ESPLANADE, BROADSTAIRS

PROPOSAL: Erection of three storey building containing 6No. 3-bed flats, sedum roof car port and refuse store following demolition of existing dwelling house

Speaking raising points of concern was Mr Howlin.

It was proposed by the Chairman and seconded by Councillor D Saunders:

“THAT Members conduct a SITE VISIT in order to assess the situation.”

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

#### 279. A02 - FH/TH/17/0743 - 30 KENT ROAD, MARGATE

PROPOSAL: Part retrospective application for the raising of part of the rear garden, and erection of outbuilding.

Speaking in favour of the application was Mr Elvidge.

Speaking raising points of concern was Mr Mundy.

Speaking as ward councillor was Councillor Hillman.

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 labelled elevations received 26 June 2017, and block plan received, 21 November 2017.

GROUND:

To secure the proper development of the area.

3 Within one month of the date of this permission, a 1.8m high close boarded fence, measured from the approved ground level of the garden within the application site, shall be erected on the boundary between numbers 30 and 32 Kent Road as indicated on the submitted plan received 21 November 2017, and shall thereafter be maintained.

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.”

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

**280. A03 F/TH/17/1356 - 100 STATION ROAD, BIRCHINGTON**

PROPOSAL: Erection of a three storey extension to provide 2no. two bed and 1no. one bed flats following removal of external staircase and the insertion of 2no. windows to the front elevation of 100 Station Road.

Speaking in favour of the application was Mr Hayer.

Speaking raising points of concern was Mr Slade.

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 revised drawing numbered 001-201 Rev P4, received 14 December 2017; revised drawings numbered 001-205 Rev P3, 001-203 Rev P4, 001-204 Rev P4, and 101 Rev P3, received on 13 December 2017, and the revised drawing numbered 001-200 Rev P3, received on 29 November 2017.

GROUND:

To secure the proper development of the area.

3 The refuse storage facilities and clothes drying facilities as specified upon the approved drawings numbered SR-001-200 Rev P3 and SR-001-201 Rev P4, shall be provided prior to the first occupation of the flats hereby approved and shall be kept available for that use at all times.

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.

4 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. SR-001-200 Rev P3 received on 29th November 2017 shall be provided and thereafter maintained.

GROUND:

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

5 The brickwork to be used in the construction of the development hereby approved shall be London stock brick to match the existing brickwork at no.100 Station Road, and shall be of the same colour, finish and texture.

GROUND:

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

6 Prior to the commencement of the development hereby approved, full details of the render, roof material, windows, hard surfacing material and gates, to be used in the construction of the development hereby permitted shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

GROUND:

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

7 The reveals to all new window and door openings shall not be less than 100mm

GROUND:

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

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

GROUND:

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

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

Then, it was proposed by Councillor Messenger and seconded by Councillor Ashbee:

“That the application be REFUSED for the following reason:

“That the development would result in harm to the character and appearance of the area due to its scale and depth, harm to amenity from lack of parking, and lack of doorstep play space to the detriment of future occupiers, contrary to Policies D1 and SR5 of the Thanet Local Plan.”

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

281. **A04 - F/TH/17/1397 - DOCK HEREDITAMENT AND PREMISES PORT OF RAMSGATE, ROYAL HARBOUR APPROACH, RAMSGATE**

PROPOSAL: Change of use of land to a 90 space lorry and coach park for a temporary period of 24 months

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 At the expiration of a period ending on 19th January 2020, unless further permission has been granted, the use of the land for lorry and coach parking shall cease.

GROUND:

In view of the temporary nature of the proposal.

2 The development hereby approved shall be carried out in accordance with the submitted drawing numbered 3602\_502A, received 25 September 2017.

GROUND:

To secure the proper development of the area.

3 The noise rating level (L<sub>Ar</sub>,Tr) associated with the development site shall be at least 5dB below the background noise level (L<sub>A90,T</sub>) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

GROUND: In the interests of residential amenity.”

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

**282. A05 - F/TH/17/1521 - LAND ADJACENT APPLE GARTH GREEN ROAD, BIRCHINGTON**

PROPOSAL: Variation of condition 2 attached to planning permission F/TH/17/0029 for erection of a single storey two bedroom dwelling and single garage to allow for the conversion of garage to habitable room and erection of a link from bedroom to dwelling to form a three bedroom dwelling

It was proposed by the Chairman, 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 20 April 2017.

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 P001 and P002 received 12 October 2017 and P002b received 02 January 2017.

GROUND:

To secure the proper development of the area.

3 Prior to the commencement of the development hereby approved samples of the materials to be used in the construction of the external surfaces 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.

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

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- o the treatment proposed for all hard surfaced areas beyond the limits of the highway
- o walls, fences, other means of enclosure proposed

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

GROUND:

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

**283. R06 - F/TH/17/1188 - 2 WILLOW AVENUE, BROADSTAIRS**

PROPOSAL: Erection of 1no. attached dwelling

Speaking in favour was Mr Mayhew.

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

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

‘That the application be REFUSED for the following reason:

1 The proposed dwelling, by virtue of its scale, unrelated design and materials, siting and prominent corner plot location, will result in an incongruous and dominant form of development within the street scene, out of keeping with the established building line, the surrounding pattern of development and the uniform design and appearance of surrounding dwellings, to the detriment of the character and appearance of the area, contrary to Policy D1 of the Thanet Local Plan and paragraphs 17, 58 and 64 of the National Planning Policy Framework”

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

**284. R07 - FH/TH/17/1442 - 20 MILLMEAD AVENUE, MARGATE**

PROPOSAL: Erection of part two storey part single storey side and rear extension with juliet balcony to rear and dormer window to front elevation following demolition of garage

Speaking in favour of the application was Mr Bentman.

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

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

‘That the application be REFUSED for the following reason:

1 The proposed two storey side extension, by virtue of its considerable width, scale and design will result in a discordant and unduly prominent form of development, which will unbalance, and appear disproportionate and unrelated to the design of the existing property, significantly out of keeping with the surrounding pattern of development and the character and



appearance of the area, contrary to Policy D1 of the Thanet Local Plan 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 Ashbee and seconded by Councillor Messenger:

“That the application be APPROVED subject to safeguarding conditions as it was considered that there would be no harm to the character and appearance of the surrounding area.”

The motion was put to the vote and declared CARRIED.

Meeting concluded : 9pm

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**A01**   **F/TH/17/0941**

**PROPOSAL:**   Erection of three storey building containing 6No. 3-bed flats, sedum roof car port and refuse store following demolition of existing dwelling house

**LOCATION:**   18 Western Esplanade BROADSTAIRS Kent CT10 1TD

**WARD:**   Viking

**AGENT:**   Mr David Weir

**APPLICANT:**   Mr J Atherton

**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 PR147.05 Rev D, PR147.06 Rev D, PR147.07 Rev D, and dated PR147.04 Rev D, PR147.03 Rev D, received 03 January 2018

**GROUND:**  
To secure the proper development of the area.

3       The refuse storage facilities as specified upon the approved drawing numbered PR147.04 Rev D and dated 03 January 2018 shall be provided prior to the first occupation of the flats hereby approved and shall be kept available for that use at all times.

**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.

4       Prior to the first occupation of the development, the area shown 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.

5 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. PR147.04 Rev D and dated 03 January 2018, shall be provided and thereafter maintained.

**GROUND:**

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

6 Prior to the commencement of the development hereby approved samples of the materials to be used in the construction of the external surfaces and hard surfacing 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

7 The windows to be provided in the side elevation of the development hereby permitted (excluding the high level windows), shall be provided and maintained with obscure glass, as agreed by the agent in correspondence received 5<sup>th</sup> January 2018.

**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.

8 The high level windows to be provided within the side elevations of the development hereby permitted shall be provided and maintained with a cill height of not less than 1.73 metres above the finished 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.

9 Prior to the first occupation of the development hereby approved visibility splays of 2metres by 2metres behind the footway on both sides of the dwelling access with no obstructions over 0.6m above footway level shall be provided and thereafter maintained.

**GROUND:**

In the interest of highway safety.

10 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.

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

**GROUND:**

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

## INFORMATIVES

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

## SITE, LOCATION AND DESCRIPTION

The site is located within a road on the seafront, and within an Area of High Townscape value. The area is characterised by large substantial plots containing large detached buildings of either dwellings or flats. Buildings are pre-dominantly 2-storey, although there are examples of 3-storey buildings, or buildings with accommodation within the roof space. The application site is occupied by an existing 2-storey dwelling with accommodation within the roof space. The existing dwelling is quite traditional in design with a pitched roof, and gable bay, turret and chimney features. The existing building is setback from the road, and generally respects the front building line that curves around Western Esplanade.

## RELEVANT PLANNING HISTORY

No relevant planning history

## PROPOSED DEVELOPMENT

The application is for the demolition of the existing building, and its replacement with a 3-storey building of modern design, to accommodate 6no. 3-bedroom self-contained flats. The

building measures 19m wide by 19.6m deep, and is to be constructed using red brickwork, timber cladding, aluminium windows and doors, and zinc roof. Off-street parking is provided in the form of 2no. spaces to the front and 8no. spaces to the rear within a carport, to be accessed via a side access road. A large communal garden to be accessed by all flats is provided to the rear of the site, along with cycle parking provision for 12no. bikes and refuse storage.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan Policies (2006)**

H1 - Housing  
D1 - Design  
D7 - Area of High Townscape Value  
SR5 - Doorstep Play space  
TR12 - Cycling  
TR16 - Parking Provision

## NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. 47 letters of objection have been received. The main concerns are:

- modern design out of keeping,
- create further traffic,
- increase height,
- loss of existing dwelling,
- scale of building will dominate seafront,
- increase noise and disturbance,
- loss of character in Area of High Townscape Value,
- more flats are not needed in the area,
- poor design, with the appearance of a commercial building,
- over-development,
- overlooking,
- will set a precedent for other family homes to be demolished and replaced with flats,
- loss of light/outlook,
- increased highway safety risk.

**Broadstairs Town Council** - Recommend Refusal. Prominent site located in an Area of High Townscape Value. Overdevelopment, detrimental impact on the character of the surrounding pattern of development, poor quality design, loss of views and vistas and detrimental to the street scene.

**Broadstairs Society** - Area of High Townscape Value, and therefore any new development should comply with the requirements of the policy. Area has been spoiled in the past by decisions to build flats where there were seaside dwellings. Proposal is out of keeping with the character and heritage of the area. Any further flat development weakens the heritage value of this area.

## CONSULTATIONS

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

## COMMENTS

This application is brought before members at the request of Councillor Mave Saunders, to allow members to consider the design and scale of the proposed development, and its impact upon adjacent properties and the Area of High Townscape Value.

### **Principle**

The proposal involves the demolition of an existing building, and its replacement with a new residential building. The development of the flats would be on previously developed land within the urban confines, and as such the principle of the flat development is considered to be acceptable and in accordance with Policy H1 of the Thanet Local Plan.

Whilst concern has been raised by residents in relation to the loss of the dwelling and its replacement with a flat development, there are no policies within the Thanet Local Plan that would prevent the principle of providing flats in this location.

The principle of developing the site is therefore considered to be acceptable and consistent with the principles of the NPPF, subject to the consideration of other material considerations, such as impact on the character and appearance of an area, the living conditions of neighbours and impacts on the highway network, being considered acceptable.

### **Character and Appearance**

The site lies within an Area of High Townscape Value. Policy D7 of the Thanet Local Plan states that within these areas the conservation or enhancement of the local character will be the primary planning aim. As such development will only be allowed where the design, scale of development, separation between buildings, use of materials and landscaping are complementary to the special character of the area.

Whilst there is much local support for the retention of the existing building, which is of good architectural merit, its retention cannot be enforced, as the site does not fall within a conservation area, and due to its age the building is not considered as a non-designated heritage asset.

The existing building is of a traditional pitched roof design, and is 2-storey in height with accommodation within the roof space. The proposed development is 3-storey in height and of a modern design, with the second floor level set in from the front and sides. Concern has been raised by residents regarding the modern design, which is considered by many to be out of keeping with the surrounding area. However, this is an area of varied character and design, where each dwelling is of a different scale, design, height and materials. As such it

would be unreasonable to object to the modern form of designed proposed, especially when considering paragraph 58 of the NPPF, which states that whilst the identity of local surroundings should be reflected in new design, appropriate innovation should not be prevented nor discouraged.

Concern was initially raised with the scale and design of the building, as the building was quite wide and deep, and there was initially little articulation to the side elevations. There has been extensive negotiation on the scale and design of the building, resulting in a reduced width, a reduction of the second floor that brings it in from the front and side elevations, the staggering of the side elevations with the rear section of the building set in from the main side elevation by 1.2m on each side, and additional glazing within the side elevations to break up the depth and add interest to the building design.

The amended design provides a building that is set back from the front boundary by 13m, a similar setback to that of neighbouring properties. A gap of 2.5m is provided to the boundary with no. 19 Western Esplanade, with a gap of 18m to the neighbouring building, and a gap of 5.5m is provided to the boundary with no. 17 Western Esplanade, with an overall gap of 10m between the buildings. As this is an area of High Townscape value, it is important that space between buildings is maintained, in order to preserve character of the area. However, in this instance the application site is substantial in size, and excluding the neighbouring plot at no.19, the application site is wider than all neighbouring plots. As such, it is considered that a building wider than that existing could be accommodated on the site without harm to the character and appearance of the Area of High Townscape value. The proposed building is 19m wide, only 1m wider than the neighbouring property at no. 17. As such it is considered that the width of the proposed development would not appear out of keeping within the street scene.

The main section of the building is 12.5m deep, which is not dissimilar to the depth of surrounding development. The rear section of the building is 6.9m deep, and is stepped in from each side elevation by 1.2m, providing a break in the side elevations when viewed from the street. Whilst the overall depth of the building exceeds the depth of surrounding development, the staggered side elevations, the slight overhang of the first floor, the varied material (brick and cladding), and the provision of both large and high level windows within the side elevations, mean that the proposed building will not appear overly bulky or out of scale with surrounding development. It also considered that given the size of the plot, and the distance to the boundaries, that the proposed building will sit comfortably within the site.

A second floor is provided as part of the proposed development. Whilst the surrounding area is mainly characterised by 2-storey development, there is evidence of some 3-storey development, along with two storey development with accommodation within the roof space. Three-storey development is present at 15a, 15b and 23 Western Esplanade, as such the principle of 3-storey development in this location would be acceptable subject to the impact it has upon the design and scale of the building. The proposed second floor is set back from the front brick projection by 2.5m, and from the side elevations by 1.3m, and is constructed of lighter material than the main building, including zinc, timber cladding and large areas of glazing, including the front and rear corners of the structure. The reduced size of the second floor and the proposed materials provide a structure at second floor level that is lighter in appearance than the main building, and as such does not result in a bulky appearing



building. Whilst a modern building is proposed with large flat roof elements, the design of the second floor with a butterfly wing design to each side, along with the projecting elements, balconies and extensive glazing to the front elevation, and the use of predominantly red brick, examples of which are found in the Area of High Townscape Value, it is considered that the proposed development would not appear significantly out of keeping with the character and appearance of the surrounding area.

Within the site it is intended to retain the existing front hedge and garden area, with the only alteration being the provision of 2no. car parking spaces. The retention of the garden and hedge is supported, as large front gardens are characteristic of the area.

A new access road is proposed along the side of the proposed building, which will be constructed using permeable paving. The access road will not appear out of keeping as many properties within the surrounding area have long driveways adjacent to the properties. To the rear a retaining wall is proposed between the car parking area and the rear elevation of the building, with the parking area again constructed using permeable paving. A car port is proposed to accommodate the 8no. vehicles to the rear, which will be 2.5m high, and constructed of timber cladding with a sedum roof. Whilst wide, the setback location from the road of at least 42m, its location to the rear of the building, and its limited height, means that there will be very limited impact upon the surrounding character and appearance of the area. A refuse store and cycle store is also proposed to the rear of the existing neighbouring store, resulting in limited views, and will be of a similar design, height and materials to the proposed car port. The majority of the rear garden is to be retained as existing, with the only trees to be removed being two small trees within the proposed parking area.

In conclusion, there are no policies or legislation to require the retention of the existing building, and as such when considering the proposed replacement development in its amended form it is considered that its design, scale, distance to neighbours, along with the materials and landscaping proposed, would not significantly detract from the character and appearance of the Area of High Townscape Value. As such, the proposed development is considered to be in accordance with Policies D1 and D7 of the Thanet Local Plan, and the requirements of the NPPF.

## **Living Conditions**

There is a distance of 17.5m to no.19 Western Esplanade and a distance of 8.5m to no.17 Western Esplanade. Given the distance to both neighbouring properties, the impact upon neighbouring light and outlook is considered to be acceptable.

With regards to privacy, any side windows within the proposed building are either high level, obscure glazed, or directed towards the road, and as such there will be no loss of privacy for nos. 17 and 19 Western Esplanade. To the rear there is a distance of at least 64m to no. 15 Waldron Road, and therefore the impact upon their privacy is also considered to be acceptable.

Car parking is proposed to the rear of the site, with an access road extending along the north of the site, adjacent to the boundary with no. 17. Whilst this may result in some additional noise and disturbance from vehicle movements to the side and rear of the site, the proposed

access road is adjacent to an existing driveway serving no.17, and the proposed parking area lies adjacent to the access road and turning area for no. 19. As such the proposed access road and parking area is not considered to significantly increase noise and disturbance to the private amenity areas of neighbouring properties.

The impact upon neighbouring living conditions is therefore considered to be acceptable and in accordance with Policy D1 of the Thanet Local Plan and paragraph 17 of the NPPF.

Policy SR5 of the Thanet Local Plan requires that family units of 2-bed or more should be provided with secure doorstep play space. A large communal garden area to the rear, measuring a minimum of 18m by 26m, has been provided. This complies with Policy SR5 of the Thanet Local Plan.

Refuse storage has been provided for the future occupiers of the development in the form of an enclosed storage area adjacent to the proposed parking area, which is considered to be adequate for the number of units proposed.

The impact upon the living conditions of existing and future occupiers is considered to be acceptable.

## **Transportation**

The site is sustainably located within walking distance of Broadstairs Town Centre, and the facilities and services it contains.

The proposal seeks to retain the existing vehicular access from Western Esplanade (a non-classified road), and to extend the access towards the rear to serve the proposed parking spaces to the rear of the building. The access is wide enough for two vehicles to pass one another, and would allow for adequate pedestrian visibility at the access.

Within the site 10no. car parking spaces have been proposed to serve the 6no. self-contained flats, which equates to one and a half spaces per flat and one visitor parking space. The spaces meet the minimum size requirement and there is adequate depth for turning and maneuvering within the site. The off-street car parking provision is considered to be adequate for the size and number of units. There is also adequate capacity for on street parking within the vicinity.

Cycle parking is provided in the form of 12no. cycle parking spaces, which equates to 2no. spaces per flat, which exceeds the minimum requirement.

The impact upon highway safety is considered to be acceptable and in accordance with the requirements of the NPPF.

## **Archaeology**

The proposed development will extend beyond the existing footprint of the building. The application site lies within an area of archaeological potential relating to the finding of prehistoric and Roman remains nearby to the south in Dumpton Gap and the presence of

Saxon and Roman burial sites to the north near Bradstow School. Whilst some of the site may have been already disturbed, it is possible that archaeological remains would be directly affected by groundworks. If planning consent is granted it is therefore considered that provision should be made for a programme of archaeological works. Subject to this safeguarding condition the impact upon archaeology is considered to be acceptable.

## **Conclusion**

The design and scale of the proposed development is not considered to significantly detract from the character and appearance of the area and the Area of High Townscape Value. The impact upon neighbouring living conditions and highway safety is considered to be acceptable. The proposed development is therefore considered to be an acceptable sustainable form of development, and it is therefore recommended that members approve the application, subject to safeguarding conditions.

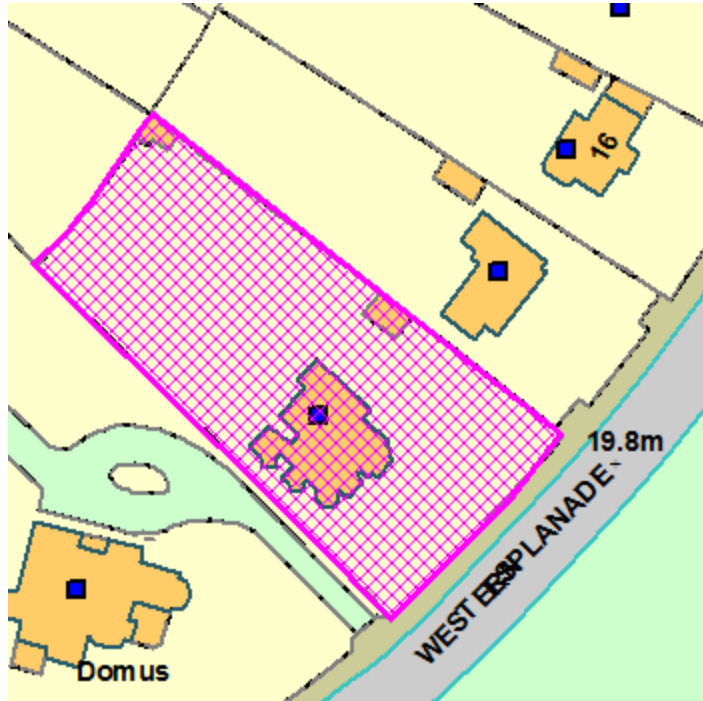
## **Case Officer**

Emma Fibbens

TITLE: F/TH/17/0941

Project 18 Western Esplanade BROADSTAIRS Kent CT10 1TD

Scale:



**THANET DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**14 February 2018**

**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:06 February 2018

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

PART A

TO: THE PLANNING COMMITTEE

DATE: 14 February 2018

Application Number	Address and Details	Recommendation
A01 F/TH/17/1781	<p><b>Land Adjacent 1 Albert Road BROADSTAIRS Kent</b></p> <p>Erection of 2No. 4-bed semi-detached dwellings</p> <p>Ward: Beacon Road</p>	Approve
A02 F/TH/17/1440	<p><b>Quex Park Land Adj To The Secret Garden Nursey Quex Park Birchington Kent</b></p> <p>Erection of a single storey timber framed therapy and education centre for children with special needs, with associated access and parking</p> <p>Ward: Birchington South</p>	Approve
A03 FH/TH/17/1579	<p><b>27 Devon Gardens BIRCHINGTON Kent CT7 9SR</b></p> <p>Installation of cladding at first floor level all elevations</p> <p>Ward: Birchington South</p>	Approve

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

PART B

TO: THE PLANNING COMMITTEE

DATE: 14 February 2018

Application Number	Address and Details	Recommendation
D04 OL/TH/17/1342	<b>Land North East Of The Length St Nicholas At Wade BIRCHINGTON Kent</b>	Defer & Delegate
MAJOR	Outline planning application for the erection of up to 25 houses with all matters reserved  Ward: Thanet Villages	
D05 OL/TH/17/1447	<b>Land Adjacent Little Orchard Canterbury Road St Nicholas At Wade BIRCHINGTON Kent</b>	Defer & Delegate
MAJOR	Outline application for the erection of 30 No dwellings with construction of new access from Manor Road with all other matters reserved  Ward: Thanet Villages	
D06 F/TH/17/0804	<b>Land Between 47 And 71 Monkton Street Monkton Ramsgate Kent</b>	Defer & Delegate
MAJOR	Erection of 20No. houses with associated access, parking and landscaping  Ward: Thanet Villages	

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**A01**

**F/TH/17/1781**

PROPOSAL: Erection of 2No. 4-bed semi-detached dwellings

LOCATION: Land Adjacent 1 Albert Road BROADSTAIRS Kent

WARD: Beacon Road

AGENT: Mr Andrew Evans

APPLICANT: Mr John Leech

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 shown on drawing numbered 17.1116.AE.PL03, 17.1116.AE.PL04, 17.1116.AE.PL05 and 17.1116.AE.PL06.

GROUND:

To secure the proper development of the area.

3 No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the dwellings 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.

4 Prior to first occupation of the development hereby permitted, details of location, type and height the boundary treatments, which shall be erected delineating the private gardens of the approved dwellings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of either approved dwelling.

**GROUND:**

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

5 No further roof alterations whether approved by the Town and Country Planning (General Permitted Development) (England) Order 2015 Class B or C of Part 1 Schedule 2 (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.

6 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.

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

**GROUND:**

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

8 The first floor windows in the rear elevation of the dwellings hereby approved (as shown on drawing numbered 17.1116.AE.PL05) shall be provided and maintained with level 5 obscure glass or equivalent.

**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.

9 The windows to be provided at first floor level in rear elevation of the dwellings hereby approved shall be provided and maintained with a cill height of not less than 1.73 metres above the finished 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

## SITE, LOCATION AND DESCRIPTION

The application site relates to a regular shaped parcel of land between numbers 1 and 3 Albert Road and 52 Whitfield Avenue, Broadstairs. The site is enclosed by a wall approximately 1m high to the Albert Road frontage. It is noted that there is a street light in situ on the public footpath in front of the site. The front portion of the site is overgrown in nature and there is a flat garage to the eastern end of the site. The rear portion of the site is associated with number 52, as part of its curtilage.

## RELEVANT PLANNING HISTORY

F/TH/17/0986 Erection of 2no. two storey 4 bed dwellings. Refused 21/09/17 Planning Committee

This application was recommended by officers for approval but following full consideration of the proposal Members resolved to refuse the planning application on the following grounds:

1) The proposed two dwellings, by virtue of their design, prominent siting and proximity to and relationship with the adjoining properties in Albert Road, would result in the loss of openness between dwellings, comprising a cramped and congested form of development, that would appear out of character with the pattern of development in the locality and incongruous within the street scene, to the detriment of the visual amenities of the area, contrary to Thanet Local Plan Policies D1 and SR11 and paragraphs 57 and 58 of the National Planning Policy Framework.

2) The proposed development by virtue of its height, siting and proximity to numbers 52, 54 and 56 Whitfield Avenue would result in a dominant form of development that would have an unacceptable overbearing sense of enclosure to neighbouring properties, significantly harmful to the living conditions of the existing and future occupiers of those properties, contrary to policy D1 of the Thanet Local Plan and paragraph 17 of the National Planning Policy Framework.

F/TH/17/0689 Erection of 4No. two storey dwellings. Withdrawn prior to determination 26/06/17, due to officer concerns

F/TH/08/0443 Erection of a single storey dwelling. Refused 28/05/08 Appeal dismissed.

The reason for refusal was:

1. The proposed dwelling, by virtue of its prominent siting and its proximity to and relationship with the adjoining properties in Albert Road, would result in the loss of openness between dwellings, therefore comprising a cramped and congested form of development, that would appear out of character with the pattern of development in the locality and

incongruous within the street scene, to the detriment of the visual amenities of the area, contrary to Thanet Local Plan Policies D1 and SR11.

The Inspector considered that the proposed single storey bungalow would infill what is now the only significant gap in the development in the immediate area, and would give a congested appearance to its frontage. In terms of the layout he noted that 'the front wall of the bungalow would be in line with the existing bungalow at 1 Albert Road, and would be forward from the building line of the semi-detached houses to the east. Together with the loss of openness from the site, the proposed bungalow would be out of keeping with the overall character of the surrounding area.' He concluded that the proposal would appear unreasonably congested on its site, and it would be out of keeping with the pattern of development in the surrounding area.

This appeal decision is still considered to be a material consideration in the determination of residential development on the site.

F/TH/04/0804 Erection of a detached, hipped-roofed bungalow, on land to be severed from the existing garden of No. 1 Albert Road. Refused 18/02/05

## PROPOSED DEVELOPMENT

Planning consent is sought for the erection of 2 no. 4 bed semi-detached dwellings and associated car-ports. The dwellings would be two and a half storey with rooms within the roof space. The two dwellings are a mirror image of each other, having a centrally positioned front entrance door and window openings aligning with one another. A car port is proposed for each dwelling located to the side of each dwelling.

The submitted plans indicate that the materials will be facing brickwork, fibre cement cladding, natural slate with timber doors and windows.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan (2006) Saved Policies**

- Policy D1 - Design
- Policy D2 - Landscaping
- Policy H1 - Residential development sites
- Policy H4 - Windfall Sites
- Policy TR12 - Cycling
- Policy TR16 - Car parking provision
- Policy SR5 - Doorstep and local play space
- Policy SR11 - Private Open Space

## NOTIFICATIONS

Neighbouring occupiers were notified of the application and a site notice was erected at the front of the site. As a result five representations have been received (some objectors have written in more than once). The concerns can be summarised as follows:

- Fire escape and safety issues of new dwellings;
- Overdevelopment of the site
- Plans do not match the surrounding closest properties 54 & 56
- The houses are not in keeping with the rest of the road – car ports and use of timber doors and windows rather than Upvc
- Rear very visible bedroom windows look more industrial
- Adverse impact upon residential amenity by way of loss of sunlight (particularly in the winter, outlook and being overbearing
- No. 54 will become boxed in; suffering a complete sense of enclosure
- No. 56 has a bedroom balcony that can be overlooked by both properties
- Submitted drawings have a number of inaccuracies – extensions on other dwellings not included
- Highway safety concerns
- Loss of mature trees and shrubs
- Increase in noise from the proposed residential properties

## CONSULTATIONS

**Broadstairs Town Council:** The Planning Committee of the Town Council has considered this application and has resolved unanimously that the planning application should be refused.

Concerns: Too high, overdevelopment, overshadowing, neighbours' loss of light, neighbours' loss of privacy, overlooking, detrimental impact on the residential amenities of nos. 52, 54 and 56 Whitfield avenue, creates an unacceptable overbearing sense of enclosure to neighbouring properties, cramming and loss of trees and shrubs.

**Broadstairs Society:** Object to the development. The previous application was for 2 4-bed semi-detached houses and there seems little difference between the applications. The Society still feels it is an overdevelopment of the site and should not be approved.

## COMMENTS

This application is referred to the Planning Committee at the request of Cllr. Matterface on the basis of the impact on neighbours at number 54 and 56 Whitfield Avenue.

### **Principle**

The 2008 appeal decision and the recent 2017 application determined by Members of the Planning Committee, referred to above are considered to be a material consideration in the determination of residential development on the site.

However, 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.

In this case the application site lies within a residential area of Broadstairs, however, the proposal needs to be assessed with regard to the impact of the character and appearance of the area, impact on living conditions of neighbours and all other relevant material considerations.

## **Character and Appearance**

One of the reasons for refusal for the previous application related to form and character issues; it was considered that the proposal would result in the loss of openness between dwellings, comprising a cramped and congested form of development, that would appear out of character with the pattern of development in the locality and incongruous within the street scene, to the detriment of the visual amenities. In order to address this reason, changes to the scheme have been made.

The key changes made are:

- \* The car-ports have been moved to the site boundaries rather than between the two dwellings proposed
- \* Barn hips have been incorporated into the design of the dwellings
- \* Alterations to the fenestration including:
- \* Additional roof lights incorporated into the front elevation
- \* Windows at first floor/lower roof level rather than roof lights

Referring back to the design of the proposed dwellings, these reflect the traditional form of a pair of semi-detached properties, with the dwellings next to one another and garages to either side of their respective dwellings which they serve, which replicates the existing pattern of development within the street scene. In addition the roof over the dwellings incorporates a half hip rather than a gable; again there are a mix of hip and half hip roofs within Albert Road, which these two dwellings would be seen in conjunction with. The northern side of Albert Road has a pattern to the roof types alternating between full hips and half hips; nos. 3 & 5 have a full hip, nos. 7 & 9 have a half hip, nos. 11 & 13 have a full hip. This roof type will therefore reinforce this pattern.

The dwellings would have fibre cement cladding to half the front elevation and brickwork to the middle option. It is considered that this is reflection of the tile hanging on existing dwellings that is the material between the upper floor window and front entrance door. The dwellings also both have roof lights within the front roof slope, whilst this is not a common feature within the street scene it is noted that no. 29 Albert Road has a roof light. One of the main differences is that the front entrance point for both proposed dwellings is located in a central position within the main elevation, those within existing dwellings are to the outer edge of the dwellings. Whilst the proposed dwellings do not directly replicate those within the

street exactly, it is considered that the key characteristics of housing in the area have been included and the development would not appear out of keeping in the streetscene following the alterations.

The reason for refusal also refers to the prominent siting of the development; the plot has limited depth and therefore the dwellings and associated car-port cannot be moved back further into the plot without reducing the depth of the amenity space. Notwithstanding this no. 3 Albert Road (two storey) would be marginally further back than the proposed dwellings. No.1 (bungalow) however would still be set further forward of the proposed dwellings. The scheme now re-locates the carports to either side of the dwellings rather than having them between the two proposed dwellings. This gives a visual break between the two storey elements and reduces the prominence within the street scene.

In terms of the site, the plot has a width of 20m, which is greater than other semi-detached dwellings fronting Albert Road (varying between 15m-18m). The proposed layout with single storey carports located to the flank of each property replicates others within the street. Their siting also creates more space at first floor level between the neighbouring properties, appearing visually similar to others within the streetscene. It is appreciated that the depth of the plots are limited in comparison to other dwellings amenity spaces, however this would not be highly visible from the road to cause visual harm to the wider area.

It is therefore considered that the previous reason for refusal has been overcome, and that the development will not cause harm to the character and appearance of the area.

## **Living Conditions**

The proposed dwelling would be two storeys with a room in the roof and therefore has the potential to impact upon the amenities of those residents living nearby.

To the north of the site is no.56 Whitfield Avenue and its associated curtilage. As the proposed dwelling is located to the south, there would be some loss of light received by no. 56 Whitfield Avenue, however given the separation distance and orientation of the property, perpendicular to the application site with main windows facing to the west and east, I do not consider that it would be significantly harmful. In terms of outlook, no.56 has a rear garden from which the development would be visible. The proposed dwelling would not affect the outlook from the main habitable room windows to the rear of no.56 due to the position of the site to the south of the site.

In terms of outlook, no.54 has a rear garden from which the development would be clearly visible. However, the proposed dwellings gardens would separate the built form from the boundary, and the spacing between the rear conservatory of no.54 and the development has increased from the previously refused scheme from 6m to 7.5m. This increase in space is considered on balance to be acceptable without resulting in a development that would create an unacceptable sense of enclosure to the garden of no.54.

The proposed first floor rear bedrooms of the development would be served by fixed obscure glazed windows, with opening rooflights (clear glazed) of cill height of 1.7m above finished floor level. This arrangement will mean that no actual overlooking would result to either the

rear garden of no.s 54 or 56 Whitfield Avenue. The obscurity of these windows, and the proposed side windows at first floor level, would be controlled by condition.

No. 52 is within the ownership of the applicant (blue land), however, concern was raised by Members about this relationship. The built form of the proposed dwellings would extend approximately a third of the way across the bottom of their site, the degree of separation between the dwellinghouse has increased in comparison with the previously refused scheme by approximately 2.7m. I considered that this relationship is acceptable.

In terms of overlooking, the front windows face south over the frontage of properties on the opposite side of the road. Therefore views would be limited to public areas only.

## **Transportation**

In-front of the dwellings is one off-street parking space for each unit, together with the space provided by the carport.

In terms of parking provision, the carport provides space for 1 vehicle per dwelling and there is an additional space to the front of each dwelling. This is sufficient for a four bedroom property and accords with the current parking standards.

In terms of the street light it is recommended that an informative is attached to advise that if street furniture will need to be repositioned at the applicant's own expense.

## **Conclusion**

Given the current housing need within Thanet and the location of the site could support a housing development, and therefore the principle of housing on this site is considered acceptable. The previous application for two dwellings was refused due to the impact on the character of the area and on the living conditions of neighbours. The revisions to the design of the properties replicate the key appearance of existing dwellings within Albert Road and increase the spacing between the new buildings and existing in the streetscene, replicating plot widths in the area. Therefore the development will appear in keeping with the character and appearance of the wider streetscene.

Previously Members were also specifically concerned with the impact upon neighbouring occupiers that would result from the introduction of two, two storey dwellings on this parcel of land. Amendments have been made to the design and siting of the dwellings, with increased spacing provided between neighbouring properties and the development. It is considered on balance that the revisions made to the scheme are sufficient to overcome the previous Member concerns. Therefore in conclusion, the proposal is considered to accord with Thanet Local Plan policies and the NPPF, and is recommended for approval.

## **Case Officer**

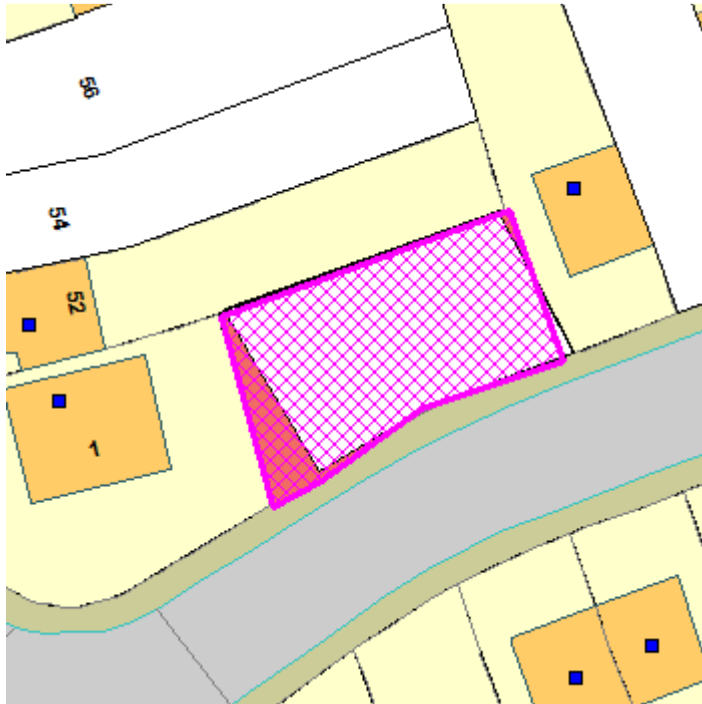
Gill Richardson



TITLE: F/TH/17/1781

Project Land Adjacent 1 Albert Road BROADSTAIRS Kent

Scale:



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**A02**

**F/TH/17/1440**

**PROPOSAL:** Erection of a single storey timber framed therapy and education centre for children with special needs, with associated access and parking

**LOCATION:**

Quex Park Land Adj To The Secret Garden Nursey Quex Park Birchington Kent

**WARD:** Birchington South

**AGENT:** Mr D Brown

**APPLICANT:** Mr A Curwen

**RECOMMENDATION:** Approve

Subject to the following conditions:

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

**GROUND:**

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered DB/QP/9/1, DB/QP/9/2, DB/QP/9/3, DB/QP/9/4,, DB/QP/9/6 and the Design, Access and Heritage Statement, received 28 September 2017, DB/QP/9/3 received 24 October, 2017, DB/QP/9/6a received 29 November 2017 and, DB/QP/9/1 (Phase 1) received 05 January 2018.

**GROUND:**

To secure the proper development of the area.

3 Prior to the construction of the external surfaces 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.

4 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.

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

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- o the treatment proposed for all hard surfaced areas beyond the limits of the highway
- o walls, fences, other means of enclosure proposed

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

**GROUND:**

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

6 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 use 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

7 Prior to the first use of the development hereby permitted, the location, design and materials of the refuse storage and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The refuse stores and cycle stores shall be provided in accordance with the approved details prior to the first use of the development hereby permitted, and thereafter maintained.

**GROUND:**

To secure a satisfactory standard of development and in the interests of the amenities of the area and to promote increased cycling, in accordance with Policies D1 and TR12 of the Thanet Local Plan.

8 Prior to the first use of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented and thereafter retained.

**GROUND:**

To enhance biodiversity in accordance with the NPPF.

9 Prior to the removal of the section of hedgerow shown on the approved plan numbered DB/QP/9/6a received 29 November 2017, the applicant, or their agent, or successors in title, shall secure the implementation of a watching brief for the avoidance of disturbance to breeding birds and reptiles. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved by the Local Planning Authority.

**GROUND:**

In order to safeguard protected species that may be present, in accordance with guidance within the National Planning Policy Framework.

10 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.

11 Prior to the first use of the development, the area shown on submitted plan DB/QP/9/6a received 29 November 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 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.

12 The premises shall be used as a Therapy and Education Centre and for no other purpose including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

## GROUND:

To secure the use as approved on the basis of the special justification for this particular development in the countryside, in accordance with Thanet Local Plan Policy CC1.

## 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, 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

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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.

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](http://www.southernwater.co.uk).

## SITE, LOCATION AND DESCRIPTION

The site is located within the countryside and within Quex Park to the south of Birchington.

Quex Park vehicular access is located on the eastern side of Park Lane. The application site is approximately 0.2 hectares and is located north of the vehicular access road behind a large hedgerow that runs from east to west along the full length of the site and to the south of the high wall that runs along the boundary of the Secret Garden centre.

The site is current used open grazing land and is only visible from the vehicular access road that extends around the east of the site.

## RELEVANT PLANNING HISTORY

The wider Quex Park site has an extensive planning history, with a variety of different leisure and tourism having been granted permission.

There is no planning history for the application site.

## PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a single storey timber framed building to house a therapy and education centre for children with special needs together with associated access and parking.

Construction of the proposed building is split into two phases, with phase one erecting the western half of the building which has a 'U' shaped design and phase two extending the building with two projections on the eastern side of the property creating an 'H' shaped property.

The area to the south of the site between the access road and the hedge is currently in use as an informal overflow parking area for events at Quex Park. A new access road will be created towards the rear of Quex Barn extending to the north with parking on the western side of the site. The parking area will be situated to the south of the hedge, and a 6m wide access created in the centre of the hedge with the road continuing to the north, across the eastern elevation of the proposed building.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan Saved Policies**

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

CC2 - Landscape Character Areas

CC10 - Farm Diversification

CF1 - Community Facilities

CF3 - Training Facilities

D1 - Design Principles

D2 - Landscaping

EP13 - Groundwater Protection Zones

HE11 - Archaeological Assessment

HE12 - Archaeological Sites and Preservation

TR12 - Cycling

TR16 - Car Parking Provision

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site. Eleven letters of support were submitted during the application process and a further fourteen letters were submitted directly by the applicant raising the following points:

- o Need for this school following closure of the Royal School for the Deaf

- o Current school needs more capacity
- o Quex park would be a beneficial environment for the children
- o Proposed building would have a minimal impact
- o No impact on tourism at Quex Park
- o No impact upon neighbours
- o Employment opportunities

**Birchington Parish Council** - No objections

## CONSULTATIONS

**KCC Archaeology** - The site lies in an area of high archaeological potential with cropmarks showing buried archaeological landscapes in land to the south of the development. The development of the new centre including the access and parking works may have an impact on buried archaeology and provision for a programme of archaeological works would be appropriate.

I would therefore advise that any forthcoming consent includes the following conditions:

AR1 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.

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

**KCC Highways** - The Highway Authority (HA) raises no objection in principle. The existing site within Quex Park has sufficient capacity to cater for drop off movements off of the public highway, and it is not believed these proposals will lead to any highway safety issues.

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

1.) Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.

2.) Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority. It is recommended that at least 2 cycle parking spaces are provided to encourage staff to travel sustainably to the site.

**KCC Biodiversity** - We have reviewed the ecological information submitted with the planning application and we advise that sufficient information has been provided to determine the planning application.



We are satisfied with the conclusions of the survey that no specific species surveys are required but instead there is a need for a precautionary approach to be implemented when removing the area of hedgerow to avoid impacting breeding birds and reptiles.

The area of hedgerow must be removed under watching brief of an experienced ecologist - we suggest the following wording.

The removal of the hedgerow must be carried out under the watching brief of an experienced ecologist as detailed within chapter 7 of the preliminary ecological appraisal; Calumma Ecology; December 2017

### Enhancements

The application provides opportunities to incorporate features into the design which are beneficial to wildlife and the report has made recommendations to enhance the site for biodiversity and we recommend that if planning permission is granted an updated landscaping plan is submitted detailing what enhancements will be incorporated in to the site.

This is in accordance with Paragraph 118 of the NPPF "opportunities to incorporate biodiversity in and around developments should be encouraged".

We suggest the following wording:

Prior to the occupation of the building an ecological enhancement plan must be submitted including the following:

- o What ecological enhancements will be incorporated in to the site
- o Dates of when the enhancements will be implemented
- o Simple management plan to demonstrate that they will be maintained for the lifetime of the development.

**Environment Agency** - We have reviewed the information submitted and due to the nature and scale of this development, we recommend the following conditions be attached to any permission granted:

### Condition

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 LPA) shall be carried out until the developer has submitted, and obtained written approval from the. LPA, details of how this unsuspected contamination shall be dealt with.

Any visibly contaminated or odorous material encountered on the site, during the development work, must be investigated. The Planning Authority must be informed immediately of the nature and degree of contamination present.

Reason: The proposed development site overlies a Principal Aquifer and Source Protection Zone 3.

### Surface water drainage

There must be no discharge into land impacted by contamination or land previously identified as being contaminated. There must be no direct discharge to groundwater, a controlled water. There must be no discharge to made ground.

Only clean uncontaminated water should drain to the surface water system. Roof water shall discharge direct to soakaway via a sealed down pipes (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gullies or interceptors. Open gullies should not be used.

**Southern Water** - The applicant has not stated details of means of disposal of foul drainage from the site. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

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

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

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

Specify the responsibilities of each party for the implementation of the SUDS scheme

Specify a timetable for implementation

Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

**TDC Conservation Officer** - No objection

**Natural England** - No comment

**KCC SUDS** - No comment as this is a minor application.

## COMMENTS

This application is brought before members as it is a departure from policies CC1 and CC2 of the Thanet Local Plan.

### **Principle**

The site is non-previously developed land, outside of the urban confines and within the Quex Park Landscape Character Area and therefore saved policy CC1 and CC2 of the Thanet Local Plan 2006 apply. 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. The presumption of sustainable development is also a fundamental principle of the NPPF. There is some allowance for the conversion of existing buildings within the countryside, but the presumption is against new development within the countryside.

Policy CC2 states that at Quex Park new development should respect the historic character of the parkland and development proposals that conflict with this principle will only be permitted where it can be demonstrated that they are essential for the economic or social well-being of the area.

Paragraph 72 of the NPPF states that 'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- o give great weight to the need to create, expand or alter schools; and
- o work with schools promoters to identify and resolve key planning issues before applications are submitted.

Policy CF1 of the Thanet Local Plan supports the provision of new community facilities where the proposal is not contrary to other local plan policies and where the community use and location are demonstrated as being appropriate. Policy CF3 of the Thanet Local Plan states that subject to the environmental, transport and other policies of this plan, proposals for new educational and training facilities will be permitted.

The National Planning Policy Framework requires that Local planning authorities take a proactive, positive and collaborative approach to meeting the needs of existing and new communities by ensuring that a sufficient choice of school places are available. As such, the NPPF requires that great weight is given to the need to create, expand or alter schools.

The applicant has submitted a number of letters highlighting the need for the facilities and the submitted design and access statement notes that this demand has come from the closure of the Royal School for the Deaf in Margate and that the current premises are at capacity and they are having to turn children away. It is acknowledged that an identified need exists for special education needs facilities following the closure of the Royal School for the Deaf. The proposed education and therapy use on the site is considered to be acceptable given the local need for the proposed development and its associated social benefits. The principle of this use is therefore considered to be acceptable, subject to other material considerations such as the impact upon the character and appearance of the area, neighbouring living conditions and highway safety.

### **Character and Appearance**

The building will be constructed from a synthetic slate and corrugated aluminium roof, with black cladding and stained timber doors and windows. Samples of the proposed materials will be requested by condition to ensure the building has a high quality appearance and is appropriate for the character and appearance of Quex Park and the countryside location.

Some views of the proposed building will be available through the access created in the hedge and the road to the east of the site, however as the access through the hedge is to the east of the building, and there is a separation distance of 73m to the main Quex Park access road at the east of the site, it is considered to have limited visibility from the public realm.

There are a number of listed buildings and structures at Quex Park, with Quex Farm cottage, a grade II listed building, the closest. The proposed building is located to the north of the hedgerow and there is a separation distance of 54m from the proposed building to Quex Farm Cottages. The Conservation Officer has raised no objection to the proposed development and due to the scale of development and distance of the heritage assets from the development, it is considered that there will be no significant impact upon the listed buildings or their setting.

The proposed building is considered to have a barn like appearance that you would expect to see within the farm setting, and given the limited visibility of the site, and the existing use of the land to the south as a parking area, it is considered that there will be no significant impact upon the character and appearance of the Quex Park landscape character area or the countryside.

### **Living Conditions**

With regard to the impact on neighbouring residents, the application site forms part of the wider Quex Park estate and is approximately 88m from the closest non-associated

residential occupiers. I therefore consider that the proposed development will not result in material harm to the living conditions of any neighbouring residential property occupiers.

## **Highway Safety**

Quex Park Estate is on the periphery of the village of Birchington, which has good transport links. It is appreciated that the proposed use increases the traffic demand to and from Quex Park as there are limited public transport links from Birchington, however given the needs of the children that would be using the facility, it is likely that most of the journeys by pupils and parents are likely to be by car regardless of the location. The majority of the movements to and from the site are likely to be during school term times when the leisure and tourism attractions at Quex Park are likely to be quietest. KCC Highways have raised no objection to the proposed development as there is sufficient capacity for drop off and pick-ups off the public highway, subject to the permanent retention of the parking and access arrangements shown on the submitted plan and the provision of two secure cycle parking spaces. A plan has been submitted indicating the location of the cycle storage and this will be secured by condition along with the parking arrangement.

In light of the above it is considered that the proposed development will have no significantly detrimental impact upon highway safety.

## **Other Matters**

Following the submission of a detailed ecology report KCC Biodiversity have raised no objection to the proposed development subject to watching brief condition for the removal of the section of the hedgerow and details of ecological enhancements for the site.

The Environment agency and Kent County Council Archaeology have confirmed that they have no objection subject to the attachment of conditions - which are considered reasonable.

## **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 Thanet Local Plan Saved Policies CC1 and CC2 and the advice contained within the National Planning Policy Framework. It is therefore recommended that members approve the application, subject to safeguarding conditions.

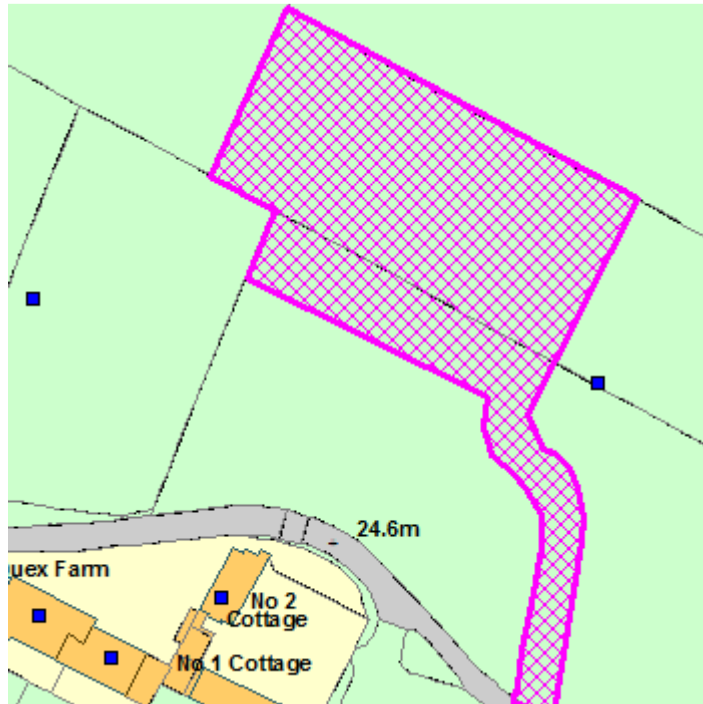
## **Case Officer**

Duncan Fitt

TITLE: F/TH/17/1440

Project Quex Park Land Adj To The Secret Garden Nursey Quex Park Birchington Kent

Scale:



**A03**

**FH/TH/17/1579**

PROPOSAL: Installation of cladding at first floor level all elevations

LOCATION: 27 Devon Gardens BIRCHINGTON Kent CT7 9SR

WARD: Birchington South

AGENT: Mr Matthew Gerlack

APPLICANT: Thanet District Council

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 17/287/MG/BR01 received 27 October 2017.

GROUND:

To secure the proper development of the area.

3 The first floor elevations of the property shall be finished in horizontal Cedral Weatherboarding cladding colour: Satin Country Cream, as annotated on the approved plan numbered 17/287/MG/BR01 received 27 October 2017.

GROUND:

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

## SITE, LOCATION AND DESCRIPTION

The site is located within a wholly residential area of Birchington. Devon Gardens is characterised by a row of two storey 20th century semi-detached houses to the west of the road of a consistent form and design, and single storey detached bungalows and detached two storey dwellings of varied styles and designs.

27 Devon Gardens is a two storey semi-detached house, sited within the row of properties of the same form and design. The property is currently finished in brick facing to the ground floor and cream render to the first floor. There are a variety of light colours to the render to the first floor of this row of properties.

## RELEVANT PLANNING HISTORY

F/TH/09/0217 - Erection of a single storey rear extension together with erection of dormer windows in roof to facilitate loft conversion - Granted

## PROPOSED DEVELOPMENT

The application proposes the installation of horizontal Cedral weatherboarding cladding to all first floor elevations, coloured Satin Country Cream to replace the existing cream smooth render.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2006 (Saved Policies)**

D1 - Design Principles

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted near the site. One letter of objection has been received. The letter raises the following concerns:

- Concern that the installation of the cladding may result in disturbance and damage to the render to the adjoined property, resulting in water ingress etc.
- The two semi-detached properties will look unbalanced

**Birchington Parish Council** - No objections, approve on the proviso that the standard check on materials for fire and building regulations are done.

## CONSULTATIONS

None received.

## COMMENTS

The application is brought to Planning Committee, as a Thanet District Council employee is the applicant. The main issues identified in determining this application are its impact upon the character of the area and its impact upon neighbouring properties.

### **Character and Appearance**



27 Devon Gardens is one of a row of semi-detached properties of a consistent form and design, finished in brick facing to the ground floor elevations, varied colours of light render to the first floor elevations and set under gabled pitched tiled roofs.

The proposed cladding's texture and design will slightly distinguish the property from the simple and consistent appearance and texture of light render to the first floor of this row of semi-detached properties. The proposed colour will be Satin Country Cream, which will appear in keeping with the light colours to render within this row of properties and there is a varied palette of materials in the wider street scene including various types and colours of brick, light render and tile hanging.

The proposed cladding, given its light colour and simple design, and in light of the varied styles, designs and materials within the area, is not considered to significantly contrast with the rendered first floor elevations to the detriment of the character and appearance of the area.

The proposal is therefore considered to comply with the objectives of Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

## **Living Conditions**

The proposal seeks to install cladding to the first floor elevations of the property, which will only introduce very modest additional mass to the property and does not propose any additional openings. The minimal nature of the proposal will not result in any additional impacts to the living conditions of the adjacent neighbouring properties with regards to a loss of light, outlook, sense of enclosure or a loss of privacy. The proposal will therefore be acceptable in terms of residential amenity of surrounding neighbouring properties, in accordance with Policy D1 of the Thanet Local Plan.

## **Other Matters**

Issues regarding the fire resistance of the proposed cladding falls under the remit of Building Regulations and will be assessed by Building Control.

If the installation of cladding results in damage to the property this will be a civil matter and is not a material consideration in the determination of planning applications.

## **CONCLUSION**

The impact upon the character and appearance of the area and neighbouring property occupiers living conditions is considered to be acceptable. It is therefore recommended that members approve the application.

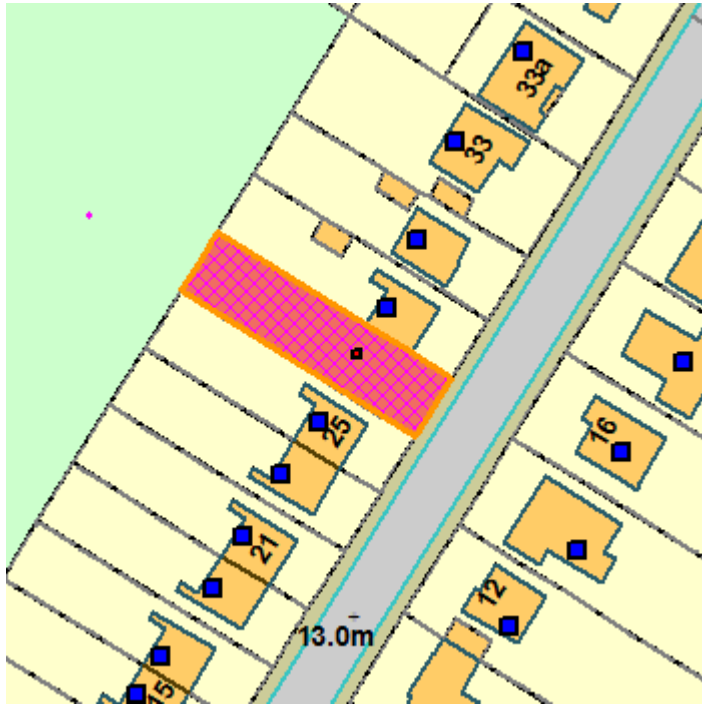
## **Case Officer**

Jenny Suttle

TITLE: FH/TH/17/1579

Project 27 Devon Gardens BIRCHINGTON Kent CT7 9SR

Scale:



<b>D04</b>	<b>OL/TH/17/1342</b>	<b>MAJOR</b>
PROPOSAL:	Outline planning application for the erection of up to 25 houses with all matters reserved	
LOCATION:	Land North East Of The Length St Nicholas At Wade BIRCHINGTON Kent	
WARD:	Thanet Villages	
AGENT:	Mr Will Lusty	
APPLICANT:	The Master, Fellows And Scholars Of The College Of St Johns.	
RECOMMENDATION:	Defer & Delegate	

Defer & Delegate for approval subject to receipt of Section 106 agreement securing required planning obligations and the following conditions:

1 Approval of the details of the access to, appearance, layout and scale of any buildings to be erected and the landscaping of the site, (herein 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 the 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 pursuant to condition 1 shall identify a minimum of 15% of housing to lifetime home and wheelchair standards and include the specification of such dwellings.

**GROUND:**

To meet the housing needs of the community in accordance with saved policy H8 of the local plan.

6 Details to be submitted pursuant to condition 1 shall include the location and size of the affordable housing units.

**GROUND:**

To ensure that the required level and type of affordable housing is provided in accordance with saved policy H14 of the Local Plan.

7 No less than 70% of the total number of dwellings constructed pursuant to this planning permission shall be dwellings of two or more bedrooms.

**GROUND:**

To ensure the provision of a mix of house sizes and types to meet a range of community needs in accordance with saved policy H8 of the Local Plan.

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 No development shall take place until full details of the proposed highway works have been submitted to, and approved in writing by, the Local Planning Authority. These details shall include:

- details of the proposed footpath located to the site's frontage with The Length;
- details of the proposed uncontrolled crossing points; and
- details of the proposed upgrade to the existing bus stop to the south east of the site together with a timescale for their provision.

These works shall be implemented in accordance with the approved details and shall thereafter be permanently retained.

**GROUND:**

In the interests of highway safety and traffic flow in accordance with saved local plan policy TR16.

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

GROUND:

In the interests of highway safety.

11 The gradient of any access shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

GROUND:

In the interests of highway safety.

12 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.

13 Prior to the first occupation of any of the units hereby approved the following works between a dwelling and the adopted highway shall be completed:

- i) Footways and/or footpaths, with the exception of the wearing course;
- ii) 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.

14 Prior to the first installation of any external lighting, 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 development shall be implemented in accordance with the approved scheme and thereafter maintained as agreed.

GROUND:

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

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

(a) Site Characterisation

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

- o A survey of the extent, scale and nature of contamination
- o An assessment of the potential risks to:
  - o Human health
  - o Property
  - o Adjoining land
  - o Groundwaters and surface waters
  - o Ecological system
- o An appraisal of remedial options and a recommendation of the preferred options

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

(b) Submission of remediation scheme

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

(c) Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority

GROUND:

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

16 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.

17 No development shall take place until a detailed sustainable surface water drainage scheme for the site based on the Flood Risk Assessment By Herrington Consulting Limited (dated December 2016) and sustainable drainage principles, to include, but not necessarily be limited to, the method of surface water disposal and a timetable for the implementation and a maintenance and management plan for the lifetime of the development, 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 100 year storm) can be accommodated and disposed of through infiltration features located with the curtilage of the site alone.

Where infiltration is to be used to manage the surface water from the development, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority that there is no resultant unacceptable risk to controlled waters.

All surface water drainage from parking areas shall be passed through an interceptor designed and constructed to have a capacity and details compatible with the site being drained.

The management and maintenance plan 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.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

**GROUND:**

To ensure that the principle of sustainable drainage are incorporated into this process, to ensure ongoing efficiency of the drainage provisions and to protect vulnerable groundwater resources and human health from pollution in accordance with the National Planning Policy Framework.

18 No development shall take place until a scheme for foul sewerage disposal from the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of any additional infrastructure required to mitigate the additional flows created by this development. The development shall be constructed and thereafter maintained in accordance with the approved details.

**REASON:** To prevent pollution in accordance with Thanet Local Plan Policy EP13 and guidance contained within the National Planning Policy Framework.

19 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

20 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 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 agreed in writing 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.

21 All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal Report (April 2017) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to occupation of any part of the development.

**GROUND:**

To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.



22 Prior to the completion of the development hereby approved details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with the installation of generous native planting where possible. The approved details shall be provided prior to the first occupation of the development hereby permitted and thereafter permanently retained.

**GROUND:**

To enhance biodiversity

23 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority for that phase. The approved statement shall be adhered to throughout the construction period and shall provide details of:

- i) the parking of vehicles for site operatives and visitors;
- ii) construction vehicle loading/unloading, tuning facilities and access routes/arrangements;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) wheel washing facilities and their use;
- vi) measures to control the emission of dust and dirt during construction including a scheme for recycling/disposing of waste resulting from construction works
- vii) a construction environmental management plan, including details of operation construction time, enclosures for noise emitting equipment, dust and waste management policy and construction site noise management including siting of stationary noisy or vibrating plant equipment.

**GROUND:**

To ensure pollution prevention measures are in place for all potentially polluting activities during construction in accordance with the National Planning Policy Framework paragraph 109 and in the interest of highway safety.

24 Details to be submitted pursuant to condition 1 shall be in accordance with parameters shown on drawing number 365\_199\_004.

**GROUND:**

To ensure the development does not have an adverse effect on the adjacent heritage assets.

**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, 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. 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.

Thanet District Council is committed to reducing crime and the fear of crime through design. We strongly advise the applicant 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, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

It is the responsibility of developers to have the appropriate waste storage facilities and containers in place prior to the properties 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.

The applicant/developer will need to enter into a S278 agreement with KCC Highways to agree the scope and timing of the off site highway works proposed.

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild bird while that nest is use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

### SITE, LOCATION AND DESCRIPTION

The application site is approximately 1.25 hectares in area and comprises agricultural land currently used for grazing of horses. It is located immediately to the north of The Length (which forms the southern boundary of the site delineated by a post and wire fence). The western boundary of the site is formed by shrubs and bushes behind which are the grade II listed properties Walmer and Bramble Cottages. The eastern boundary is formed by mature trees and bushes beyond which is the grade II listed Chalk Garden. There are no features

on the ground which delineates the site's northern boundary. The site is effectively flat and lies beyond the village boundary and conservation area, although it immediately abuts the latter.

The site is covered by CC2 (Landscape Character Areas) of the saved Local Plan but is otherwise free of Tree Preservation Orders, heritage constraints or flood risk designations.

## Surrounding area

To the immediate south of the site is the existing housing development fronting The Length. To the south of these properties are the residential properties in Bedford Way. To the east of the site is Canterbury Road with open countryside beyond that. To the west of the site is the historic centre of St Nicholas at Wade, whilst to the north is agricultural land.

## RELEVANT PLANNING HISTORY

F/TH/14/0045 - Retrospective application for change of use of agricultural land to land for the keeping of horses. Approved 23rd April 2014

## PROPOSED DEVELOPMENT

This application seeks outline consent for the erection of up to 25 dwellings with all matters reserved for future consideration. Members are, therefore, considering the principle of the development of the site for up to 25 residential units. All matters - access, appearance, layout, scale and landscaping - will come forward at the reserved matters stage.

This application is supported by a Planning Statement, Design and Access Statement, Transport Statement, Heritage Statement, Flood Risk Assessment and Drainage Strategy, Landscape and Visual Appraisal, Ecological Appraisal, Contamination Assessment, Archaeological Assessment, Utility and Infrastructure Report and Statement of Community Involvement.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan (2006)**

H1 - Residential Development Sites

H4 - Windfall Sites

H8 - Size and Type of Housing

H14 - Affordable Housing

H15 - Rural Local Needs Housing

D1 - Design Principles

D2 - Landscaping

HE11 - Archaeological Assessment

HE12 - Archaeological Sites and Preservation

SR5 - Playspace

R1 - General Levels of Development

R2 - Village Gaps

CF2 - Development Contributions  
CC1- Development in the countryside  
CC2 - Landscape Character Areas  
TR4 - New Road and Highway Improvements  
TR12 - Cycling  
TR16 - Car Parking Provision  
CS10 - Contributions to Infrastructure Requirements

## NOTIFICATIONS

Neighbouring occupiers have been notified, a site notice displayed near the site and the application publicised in a local newspaper.

12 letters objecting to the proposal have been received and their comments are summarised below.

- Inadequate parking provision and loss of parking in surrounding area;
- Already traffic congestion and speeding;
- Traffic calming measures required
- Requirement for visibility splays. Out of keeping and overdevelopment;
- More open space required;
- Impact on character of village
- Impact on Heritage assets (listed buildings and conservation area) adjoining the site;
- Loss of agricultural land
- Cumulative impacts of development should be considered. Loss of views;
- Potential for overlooking;
- Noise, disruption and mess during construction
- Proximity of development to adjoining properties results in harmony would be provided to another school in the catchment area;
- New children will not go to the village school;
- Question any benefit from the development on local businesses/services; and
- Strain on existing community facilities and infrastructure. No details of how the footpath will be dealt with;
- No detailed plans - cannot fully assess scheme;
- Effect on local ecology;
- Conflicts with saved policies CC1 and CC2 of the Local Plan;
- Preference for other sites within the village for residential development

**Parish Council** (final comments): St Nicholas at Wade with Sarre Parish Council is committed to accepting the allocated quota of housing as suggested by the Emerging Local Plan. Applications for sixty five houses in St Nicholas at Wade have been passed in the last two years. If both the schemes currently under consideration for St Nicholas (OL/TH/17/1342 and OL/TH/17/1447) were approved this would take it to one hundred and twenty. This is far in excess of that recommended in the Emerging Local Plan.

The preferred and supported option is for OL/TH/17/1447 for the reasons below:

- o Would be seen as a third phase of building on Manor Road (after F/TH/15/0770 and F/TH/15/1204). Building work is kept in one quarter of the village and is less disruptive to its

rural setting. If both applications were to go ahead two main roads in the village would see construction traffic causing traffic problems;

- o It is a well thought out plan that addresses a major concern of safety that residents have - the provision of the pavement from the A28 Canterbury Road along the south verge of Manor Road is welcomed;

- o The application has a water pumping station integrated in the plan. Water pressure is a concern for many residents.

(Initial Comments): The development of this particular area of land would have an adverse effect on the village.

1. The development will have a significant adverse impact upon the visual and landscape character of the area. The site is visually exposed and part of the flat landscape which extends northwards towards the Thanet Way and the Thames Estuary. The site was previously and appropriately identified in the Local Plan as a protected gap within which development was resisted.

The site is distinctly different from other established parts of The Length and located on the north side of the road. Existing development on the north side of the road is part of the historic village, grouped around the church, the farm and shops.

The development of the site would appear strident and incongruous and would be at variance with the prevailing spatial patterns of development in the area. It would be out of character with the historic prevailing pattern of development to the west and would perpetuate the more inappropriate post war housing to the south of The Length which is also strident and incongruous and draws on no local vernacular reference.

The development of this exposed site would be heavily visible from a number of public vantage points including the A28 Canterbury Road, Thanet Way, Orchard Lane and from parts of the A253 and the landscaping proposed would be insufficient to shield the housing. Furthermore, a reduction in housing on the site to facilitate an increase in landscape area would not address the wider concerns about the incongruity of the proposals and the adverse impact on the visual quality of the area and its landscape character.

2. The proposals would have a significant adverse effect upon designated heritage assets. These include the listed Walmer Cottage, Bramble Cottage and the listed Chalk Garden together with the St Nicholas conservation area.

3. The proposal would add a significant number of vehicle movements at the junction of The Length with the A28 at a point where visibility to the south along the A28 is limited. An area which is already extremely hazardous would be exacerbated.

It is noted that there is a substantial amount of local objection to this application. It is recognised that there will be some benefits from housing development, particularly during the construction phase and some support for local services. However, the adverse effects of the development which have been identified would significantly and demonstrably outweigh these benefits.

Furthermore, if development is to take place within the village, The Parish Council believes that there are more suitable locations. The development of a similar amount of housing between the existing site recently approved at Manor Road and the A28 could be more successfully accommodated within the surrounding landscape and would blend more satisfactorily with the spatial pattern of development. It would not harm heritage assets and would be preferable in highway safety terms.

### CONSULTATIONS

**Southern Water:** Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Request that should this application receive planning approval an informative to that effect is attached to the consent.

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

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Request that should this application receive planning approval, a condition is attached to this grant of consent to require the submission and approval of details the proposed means of foul and surface water sewerage disposal.

Please note there is a communication pipe within the site.

Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer.

**Natural England:** Designated nature conservation sites - no objection. The application site is in close proximity to European designated sites and therefore has the potential to affect

their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Thanet Coast & Sandwich Bay Special Protection Area (SPA) and Ramsar site.. The above site is also designated at a national level as the Thanet Coast Site of Special Scientific Interest (SSSI). 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.

SSSI - Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the SSSI named above have been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the sites from the applicants, if it is minded to grant permission.

Environment Agency: The previous use of the proposed development site presents a medium risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the development site is located upon Principal aquifer.

The reports submitted in support of the planning application provides confidence that it will be possible to suitably manage the risk posed to controlled waters by this development.

The proposed development will be acceptable if a condition relating to unexpected contamination is attached to any grant of planning consent. Without this condition the Environment Agency would object to the proposal in line with paragraph 109 of the NPPF because it cannot be guaranteed that the development will not be put at an unacceptable risk from, or adversely affected by, unacceptable levels of water pollution.

The design of infiltration SUDs may be difficult or inappropriate in this location. Request that a condition restricting surface water drainage into the ground.

**Kent Police:** The applicant/agent has not yet demonstrated that they have considered crime prevention. Should planning permission be granted, request that a condition requiring the applicants to liaise with the local Crime Prevention Design Advisor.

**NHS Thanet Clinical Commissioning Group (TCCG):** Any increase in the local population has a knock on effect in terms of health care and TCCG would seek to apply this contribution to meet the extra demands placed upon the local primary care health service. With regards to the particular application, despite being modest in size in its own right, it poses a risk to the provision of primary care in the locality as only two practices cover the address within their catchment area. Either minster Surgery or Birchington Medical Practice will be required to register all new patients resulting from this development.

Birchington Medical Centre are planning on a scheme of improvements. This will initially involve either moving their patient records off site into storage, or digitalising the notes to free up space. This space will be made available for administration functions by fairly simple conversion to office space, which in turn will free up space which will be converted to clinical accommodation. The costs of the programme are still to be confirmed but are likely to be in the region of £80,000. This will allow for increased access for patients to primary care services and so it is proposed that the S106 contribution forms part of the project. A financial contribution is requested based on the number of new patients expected as a result of this development. Requested contribution £21,060.

**KCC Archaeology:** Archaeology can be dealt with by condition. The Desk Based Assessment correctly identifies the potential for pre-historic and Second World War remains in the area. In particular a defensive trench is thought to cross the east end of the site and may be affected by development proposals. Would advise that a condition securing the implementation of archaeological evaluation works and mitigation is attached to any grant of planning permission. This would allow the archaeological potential to be more fully evaluated before the detailed design stage and enable any appropriate preservation measures to be implemented which may include ways to avoid impact on the defensive trenches as appropriate.

**KCC Highways:** In principle, the highway authority (HA) raises no objections to the proposals.

It is not considered that the proposals will have a detrimental effect on highway safety, or junction capacity in the area.

Access visibility at all junctions and driveways must be provided with splays of 43 metres in each direction from a point set back 2.4 metres from the carriageway, as proposed, based on the existing 30mph speed limit.

Various highway improvements have been proposed by the applicants including a 2 metre wide footway along the frontage of the site on The Length, along with uncontrolled crossing points on both sides of The Length. These improvements must be included within any detailed designs. In addition, the existing bus stop bordering the south eastern edge of the site should be upgraded to include a raised hard standing, bus shelter, bus stop clearway markings and bus stop flag.

Although a detailed matter, when any reserved matters applications are submitted parking numbers must be provided based on Kent parking standards for a rural / suburban edge location. Tandem parking should be avoided, and garages are only considered additional and must not be counted in the required parking provision.

A number of informatives relating to highway safety are requested to be attached to any grant of planning consent.

**KCC Flood and Water Management:** The planning application for the above referenced site is supported by a Flood Risk Assessment and Drainage Strategy prepared by Peter Brett and Associates (August 2017). The report includes information in relation to infiltration



testing undertaken on the site and demonstrates that surface water generated within the site may be appropriately managed.

Should your Authority be minded to grant permission to this development request that conditions requiring details of the surface water drainage scheme to be submitted and approved by the Local Planning Authority including its implementation, maintenance and management and a verification report to demonstrate the suitability of the drainage scheme.

**KCC Public Rights of Way:** Public footpath TE4 runs along the western boundary of the site. The existence of the right of way is a material consideration. Should consent be granted, the development will impact upon the public use, enjoyment and amenity of the Public Right of Way.

No objection to the outline planning application and note that the from the Design and Access statement that "The existing Public Right of Way along the western boundary of the site will not be affected by the proposals". However have concerns over the enhanced planting to the western boundary of the site. The developer should be aware that they must remain responsible for the maintenance of all planting and that it should not encroach on the right of way. There is no recorded width for this length of path, we therefore measure the right over the path as what the public currently enjoy and in this case would suggest 2 metres plus an extra metre to allow for the enhanced planting to establish.

**KCC Ecology:** Have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If planning permission is granted, we advise that conditions securing the implementation of ecological enhancements and mitigation measures are attached. Developer Contributions will also need to be provided due to the increase in dwellings within the zone of influence of a Special Protection Area.

Protected Species - Are satisfied with the conclusions of the ecological report in relation to any potential impacts that the proposed development may have on any protected species or sites. If planning permission is granted, we advise that a condition is attached to ensure compliance with the mitigation measures outlined in the Ecological Appraisal.

Statutory Designated Sites - The development includes proposals for new dwellings within the zone of influence (6km) of the Thanet Coast and Sandwich Bay Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites). Therefore, Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Strategy (SAMM) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. Subject to the above, we would be satisfied that the proposals may be screened out as not having a likelihood of significant effects upon the designated sites.

Enhancements - The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes. We advise that measures to enhance biodiversity are secured as a condition of any granted planning permission. This is in accordance with Paragraph 118 of

the NPPF "opportunities to incorporate biodiversity in and around developments should be encouraged". Recommend a condition is attached to any grant of consent to that affect.

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

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

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

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

### Request Summary

Primary Education - per applicable house (25) £3,324 Total £83,100. Towards Birchington Primary School Phase 2 expansion.

Secondary Education - per applicable house (25) £2,359.80 Total £58,995. Towards Ursuline College Phase 2 expansion.

Libraries - per dwelling (25) £48.02. Total £1200.40. Towards additional bookstock for the mobile library service attending St Nicholas at Wade required to mitigate the impact of the new borrowers from the development.

Broadband - Informative relating to the provision of high speed fibre optic Broadband.

**TDC Waste and Recycling:** Considering the indicative plan - both entrances would require refuse vehicles to reverse in which is never the preferred option. Private accesses may require a collection point at the beginning to make collections easier.

**TDC Strategic Housing:** The supporting statement with the application proposes 30% affordable housing in line with TDC policy. Of this allocation 70% will be affordable rented and 30% will be shared ownership. Request that the proposed affordable units reflect the mix of units across the whole site.

**TDC Environmental Health:** Have considered noise and air quality for the proposed development and have no observations.

Have reviewed the Phase 1 Contamination Desk Study and am satisfied with the methodology and conclusions. The report has identified very local potential sources of on site contamination including the potential for asbestos and hydrocarbons related to the building rubble in the western part of the site and chalk bedrock potentially generating carbon dioxide ground gas. Off site potential sources identified hydrocarbons (fuel) from a former garage and current MOT test station 990m south east of the site, backfilled chalk pit and smithy. The report recommends that a localised ground investigation is undertaken which should include sampling of and beneath the rubble stockpiles, and installation of gas monitoring wells to monitor any gas generated from bedrock and infilled pit to the east of the site. Request that a condition to secure this is attached to any grant of planning consent.

**TDC Strategic Planning:** The site is allocated in the draft Local Plan with an estimated capacity of 25 units. As long as the proposals are compliant with the requirements of draft Local Plan Policy HO4, raise no objection to the scheme.

**TDC Conservation Officer (January 2018):** The comments below are related to the attached re-submitted parameter plan. The fact that this is an outline application with all matters reserved, I would consider the uncertainties of the application during the reserved matters application.

(initial comment)The site forms part of an open livery farm on the south eastern fringe of the village. The site is bounded by the road to the south west, an overgrown disused public footpath to the northwest and hedgerow to the south east. The character of the area is emphasised by the open land on the site, views out from the dwellings on the west side of The Length and views of the listed buildings. The area is predominantly an open land between listed buildings and, as such, the listed buildings in particular to the north west are readily visible from the proposed development site. This setting makes a valuable contribution to the significance of the listed buildings.

The proposal would introduce new built form and hard surface areas for access and parking into undeveloped space that, at present, contributes to the setting of the listed buildings, though at different levels as indicated in the submitted Heritage Statement. The proposal would, therefore, have the potential to erode the present open character of the site and the rural character of the area.. Furthermore the proposed development and the listed buildings would be seen together in views from across the open land to the north. Consequently, the relative isolation of listed buildings would be appreciably eroded by the siting of the development. As such, the proposal would detract from the open setting of the listed buildings.

The applicants have provided, through the Heritage Statement, detailed historic information concerning the conservation area and the three listed buildings. This also recognises that the proposals could have some impact on their setting. Consider that the Statement stops short of clarifying the manner in which the setting of the listed buildings contribute to their setting as required by the NPPF.

Any proposal for the site must be designed in line with the requirements of NPPF paragraph 131 and 132. Although an outline application, not yet persuaded that sufficient information has been submitted to meet the tests of the NPPF.

Consider that there would be harm to the significance of the heritage assets as a consequence of the development within their setting and whilst arguably this is likely to be less than substantial, there is insufficient information, analysis or commitment at this juncture to assess the degree of potential harm or indeed the public benefits.

### COMMENTS

This application is reported to Planning Committee as a departure to the saved Local Plan and also at the request of Councillor Crow-Brown to allow Members to debate the impact of the development on the character and appearance of the area.

The considerations with regard to the planning application are the principle of development, quality of land, countryside impact, character and appearance of the area, living conditions, affordable housing, size and type of units, play provision, highways, archaeology, ecology and biodiversity, habitat regulations, drainage and flood risk.

### **Principle**

In considering the planning application under Section 38(6) of the Planning Act, any determination must be made in accordance with the development plan (in this case the Thanet Local Plan 2006) unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) sets out at paragraph 215 that due weight should be given to relevant policies in existing plans according to the degree of consistency with the guidance within the NPPF.

The site is non previously developed land beyond the village confines. The proposal is, therefore, contrary to the aims of saved policy H1 that states that residential development on non allocated sites will be permitted on previously developed land within the existing built up confines unless specified by other Local Plan policies. This policy constraint, however, needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis, the NPPF indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development. In this case whilst the site lies beyond the village confines, it is adjacent to and opposite either existing residential properties with good pedestrian access to local bus stops as well as the facilities in St Nicholas at Wade. It could, therefore, be considered a sustainable location with regards to services and facilities.

The site has been included within policy HO4 - Sites allocated for residential development at rural settlements - of the draft Local Plan as a residential development site. The draft Local Plan has limited weight at this stage of production, however, it reflects the most recent view of the Council with regards to the assessment of the site's suitability for residential development.

The development of this site for housing could, therefore, be acceptable subject to the detailed consideration of all material considerations including the impact upon the character and appearance of the area, the impact of living conditions on the neighbouring properties and the future residents of the proposed development and highway safety.

## **Quality of Land**

The NPPF states that Local Planning Authorities should seek to use areas of poorer quality land in preference to that of higher quality. The application site is considered to be grade 2 agricultural land, similar to much of the agricultural land within Thanet which is either grade 2 or higher. The loss of this land will need to be balanced against the need for the development.

## **Countryside Impact**

The site falls outside of the urban confines and within a Landscape Character Area. Saved policies CC1 and CC2 of the Thanet Local Plan look to protect the open landscape, and the wide, long views of the former Wantsum Channel area and Pegwell Bay. The site is also identified as a village gap (saved policy R2) which contribute to the character and amenity of the village and should be protected as such.

The application site is an open field to the north of the village, development on the site will be visible from Canterbury Road and The Length together with the public footpath that crosses the site and with longer views achievable from the open countryside to the north of the site.

Whilst it is noted that site is identified as a village gap under saved policy R2, the site has been put forward as an allocated residential development site in the emerging Local Plan. Given the Council's lack of a five year housing land supply, this policy is considered out of date and planning applications for residential development should be considered under the NPPF's presumption of sustainable development.

The application site is located adjacent and opposite existing residential development, as such, it is considered that the proposed development would be seen as an extension of the built form within the village, and would not result in an isolated extension into the countryside.

A Visual Impact Assessment has been submitted in support of the application examining the visual impact of the proposed development on the immediate area as well as on longer views, given the location of site within a Landscape Character Area. A number of view points were considered both in close proximity to the site as well as further away to assess local, medium and longer views of the development site. The assessment concludes that the application site is located within a broadly flat landscape and bounded by the existing village to the west and south. There would be some visual impact in terms of local views, with more limited views from the medium and longer views as the development would be seen as a continuation of the existing village. Enhanced landscaping (via a landscape strategy) is proposed, particularly to the north, east and western boundaries of the site. With this enhanced landscaping the proposed residential development can be incorporated into the site without causing undue harm to the landscape features, landscape character or the visual amenity of the surrounding area.

Based on the limited views of the site it is considered that there would be minimal harm on the wider landscape, including the Landscape Character Area, and the recommendations contained in the assessment are supported and would be enforced via safeguarding conditions.

## **Character and Appearance**

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

The density of the development proposed is 20 dwellings per hectare, which is considered to be in keeping with the spacious rural character of the village. The illustrative site layout plan shows that the proposed 25 units would be a mix of terraced, semi-detached and detached dwellings. Such dwelling types would be in keeping with the general pattern of development within the village.

Whilst the scale of the proposed dwellings is not being considered at this stage, the parameter plan submitted by the applicants has set the maximum height of the proposed residential units closest to the eastern and western boundaries to 1.5 storeys in height with the maximum height of the residential units set at 2 storeys. A development of this height/scale would be keeping with the surrounding character and appearance of the area and it is considered necessary for the reserved matters submission to comply with this. It is appropriate to secure this via a condition.

Details of the materials to be used in the proposed development is not for consideration as part of this application, although it is noted from the submitted Design and Access Statement that it is envisaged that the materials and architectural detailing for the development will take reference from local materials and detailing. It is stated that the development would have a contemporary/modern approach, which responds to vernacular proportions and materials. It is considered that this approach is considered acceptable in this location, especially give the guidance within the NPPF that Local Planning Authorities should not stifle design or seek to impose a particular architectural style on proposed developments. However, the detailed appearance will be considered at the reserved matters stage.

On the basis of the information submitted, the impact of the upon the character and appearance of the surrounding area is considered to be acceptable, subject to safeguarding conditions relating to issues such as development heights and materials.

## **Heritage Impact**

Concerns were raised by local residents and the Council's Conservation Officer about the potential impact of the development on the site on the listed buildings adjoining the site (particularly Bramble and Walmer Cottages to the west). Whilst the Conservation Officer did

not raise an in principle objection to the residential development of the site, concerns were raised that there was the potential for the proposed residential development to dilute the space which currently forms the setting of the listed buildings. Whilst acknowledging that layout is a reserved matter to be considered under a future application, should this application be approved, the Conservation Officer required further information to demonstrate that the proposed development would not cause significant harm to the listed buildings as heritage assets in accordance with the guidance of the NPPF.

The applicants have submitted a parameter plan which shows the retention of the public footpath crossing the site and indicates that the development closest to the eastern and western boundaries of the site would be a maximum of 1.5 storeys with the rest of the development identified as a maximum height of 2 storeys. The applicants have advised that they are willing to accept a condition that the future development of the site would be carried out in accordance with the parameter plan. The Conservation Officer confirms that this approach is acceptable. As such, it is considered that the proposed development would not have a significantly harmful effect on nearby heritage assets, subject to the imposition of the an appropriately worded condition securing that the reserved matters application(s) come forward based on the submitted parameters plan.

### **Living Conditions**

Concerns have been raised by local residents about the impact of the development on the residential amenities of adjoining occupiers. The nearest properties to the site are located on the southern side of The Length (approximately 7m from the southern boundary of the site to the northern boundary of those properties), Walmer and Bramble Cottages to the west (9m from the site) and the Chalk Garden to the east (adjacent to the site boundary).

As set out above, as an outline application with only the principles and accesses to be considered at this time and only an indicative layout plan, it is not possible to fully assess the impact of the proposed development on the living conditions of neighbours to the site or the standard of living conditions for the future occupiers of the development at this stage. However, it is considered that the quantum of development proposed provides sufficient flexibility to ensure that living conditions of neighbours can be safeguarded and a good standard of accommodation for future occupiers of the development provided through an appropriate layout. This will need to be fully assessed at the reserved matters stage.

All impacts on living conditions during construction will be temporary and managed through submission to the Local Authority of a Construction Management Plan.

### **Affordable Housing**

Affordable housing is dealt with through saved policy H14 of the Thanet Local Plan setting out 30% as the starting point of negotiations on all qualifying developments of more than 15 dwellings or sites of more than 0.5 hectares. Based on the provision of 25 units in total on the site the affordable housing requirement would be to provide 8 units.

The Strategic Housing Manager has confirmed that they would expect the affordable provision to comprise a mix of 70% affordable rented and 30% shared ownership and be

reflective of the mix of units on the whole site. It is considered reasonable to include a requirement for 100% nomination rights for potential occupants to be controlled by TDC to ensure that people on the local housing register are housed in the affordable housing units.

The applicant has confirmed that they are intending to meet this obligation, secured through a legal agreement. The proposal is, therefore, considered to comply with saved policy H14 of the Local Plan.

## **Size and Type of Units**

The application is in outline form and, therefore, the exact unit sizes or types are not being agreed at this stage. Saved policy H8 of the Thanet Local Plan requires that there should be a mix of dwelling sizes and types to meet a range of community needs. This would need to come forward as part of the reserved matters application.

Policy H8 also requires that 15% of the development is provided as lifetime homes, which the applicant has agreed to.

## **Play Provision**

The Council's Planning Obligations and Developer Contributions Supplementary Planning Document (SPD) (adopted in April 2010) states that for new residential developments of 10 to 49 units a developer will be expected to make a contribution payment for the maintenance and upgrade of play facilities within 0.87km of the site.

There is an existing play area within the village close to the application site in Bell Meadow which would be used by the future residents of the proposed development. A project for the upgrade of the play area has been identified by St Nicholas at Wade Parish Council, who also maintain the play area, and contributions towards this project have also been sought from other applications for residential development in this area. The contribution from the proposed development to this project has been calculated at £21,875 in accordance with the above mentioned SPD. If this project has already been funded, by the time this contribution is due, this money will be returned to the developer.

The financial contribution has been agreed by the agent and will be included within the legal agreement.

## **Highways**

A Transport Statement has been submitted to support the application. The statement concludes that the site is well located to existing amenities and services which would meet the day to day needs of future residents accessible by sustainable modes of transport (including walking and cycling), the area has good pedestrian infrastructure, footpath networks and cycle linkages, there is good access to bus stops and frequency of buses and numerous routes, the traffic generated from the development will not be significant and can be adequately accommodated within the existing network and whilst there would be no highway safety impact from the development a number of highway improvements from the



scheme - including footpaths, uncontrolled crossing points together with an upgrade to an existing bus stop.

KCC Highways have reviewed the statement and raise no objection on the basis that the traffic generated from the development will not have a detrimental effect on highway safety or junction capacity in the area, the creation of appropriate visibility splays, that the proposed footpaths and uncontrolled crossing points are worked into the detailed designs and the upgrading of the existing bus stop bordering the south eastern edge of the site. Conditions will be imposed to secure the above to ensure there are no detrimental highway effects from the proposed development.

### **Archaeology**

The Archaeological Officer at KCC has been consulted on the application and advises that they agree with the findings of the submitted Archaeological Assessment which identifies that the potential for prehistoric and Second World War remains in the area - in particular a defensive trench is thought to cross the east end of the site and may be affected by the development proposals. They recommend that a condition for an archaeological evaluation of the site (including mitigation measures) to be attached to any grant of planning permission. This will allow the archaeological potential of the site to be fully evaluated before the detailed design for the site is worked up and any preservation measures to be assessed and implemented as appropriate.

The impact upon archaeology is, therefore, considered to be acceptable subject to the imposition of the recommended safeguarding condition which requires evaluation carried out prior to the submission of reserved matters.

### **Ecology and Biodiversity**

The NPPF states at paragraph 109 states 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 continues at paragraph 118 that "if significant harm resulting from the development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

An Ecological Appraisal was submitted with the planning application outlining the details of a phase 1 habitat survey carried out on the site. The assessment concluded that the site is of low intrinsic ecological importance; however, it is located within close proximity to a number of statutory and non statutory designated sites. It is, therefore, considered appropriate that a contribution should be made towards the Special protection Area under The Strategic Access management and Monitoring Plan to mitigate against any impact of the development on these areas. The assessment also suggests biodiversity enhancement measures for the site that could be incorporated into the design of the site.

KCC Ecology have reviewed the assessment and raise no objection subject to the imposition of conditions. The recommended conditions are considered reasonable and necessary to ensure that any ecological, biodiversity harm from the development is mitigated.

## **Habitat Regulations**

Thanet District Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. The proposed development is 1km from the Thanet Coast and Sandwich Bay SPA, Ramsar and SSSI. Therefore, to enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required to contribute to the district wide mitigation strategy. This has been accepted as an appropriate approach by Natural England.

It is considered that the SAMM request meets the test for inclusion within a S106 agreement. The contribution required in this instance would be £408 per dwelling, totalling £10,200 for the 25 units proposed. The applicants have agreed to pay this contribution and this would be secured through the S106 agreement to accompany any permission.

## **Drainage and Flood Risk**

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 and Drainage Strategy was submitted in support of the application. It concluded that there may be some potential for some isolated areas of the site to be susceptible to surface water flooding (along the southern boundary and the south west corner) and this issue would inform the design of the proposed development. SUDs are proposed to deal with surface water and would be designed not to cause problems with infiltration and it is recommended that finished floor levels of the proposed dwellings are raised 300mm above surrounding ground levels to deal with the risk of flooding associated with exceedance events.

Southern Water, the Environment Agency and KCC (Flood and Water Management) were consulted on the application and confirm that they have no objection to the application but the Environment Agency has raised concerns that the design of infiltration SUDs may be difficult or inappropriate in this location and request that a condition prohibiting infiltration of surface water drainage to the ground is imposed.

With the imposition of safeguarding conditions including the submission and approval of details relating to foul and surface water disposal, including the use of SUDs and prohibiting surface water drainage into the ground it is considered that the proposed development would not have an adverse effect in terms of drainage or flood risk.

## **Planning Obligations**

Policy CF2 of the Thanet Local Plan requires that where a proposed development would directly result in the need to provide new or upgraded community facilities (including transport infrastructure educational, recreational facilities or affordable housing) the Local

Planning Authority will negotiate with the applicant for a contribution towards the cost of such provision, which is fairly related in scale and kind to the proposed development.

Such financial contributions would need to be secured via a S106 agreement or unilateral undertaking. The test for such contributions is that they must be fairly and reasonably related in scale and kind to the development proposed.

KCC have been consulted and have advised that there is a need for financial contributions towards primary, secondary schools and libraries. The primary contribution is in the form of £83,100 to be used towards phase 2 expansion works at Birchington Primary School and the secondary contribution is in the form of £58,995 to be used towards the phase 2 expansion of Ursuline College. Whilst these projects are not located within the village itself, KCC have advised that these schools are the nearest schools to the application site with a current expansion project, which would justify a need for financial contributions. A library contribution of £1,200.40 is also required towards additional bookstock for the mobile library service attending St Nicholas at Wade required to mitigate the impact of the additional borrowers generated from this development.

A contribution of £21,060 towards the improvements to Birchington Medical Practice.

It is considered that the above requests meet the tests for inclusion in a S106 agreement/undertaking.

## Heads of Terms

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

- 30% affordable housing,
- £83,100 towards primary school (phase 2 expansion of Birchington Primary School),
- £58,995 towards phase 1 (phase 2 expansion of Ursuline College),
- £1,200.40 towards the mobile library service attending St Nicholas at Wade,
- £12,240 towards the Special Protection Area,
- £21,875 towards the maintenance and upgrade of the play area in Bell Meadow, St Nicholas at Wade
- £21,060 towards improvements to Birchington Medical Practice.

## Other Matters

Comments have been made in relation to other housing sites in the village and preference for them to be developed. Each planning application should, however, be assessed on its own merits.

In terms of crime prevention being designed into the scheme, an informative would be placed on any permission to encourage discussion with Kent Police when designing the development.

## Conclusion

Whilst the site lies within the countryside as identified by the Local Plan, the authority does not have a 5 year supply of deliverable housing sites. Accordingly the proposed housing development must be viewed in the context of the presumption in favour of sustainable development and the tests of paragraph 14 of the NPPF, with any adverse impacts of granting permission having to significantly and demonstrably outweigh the benefits from the scheme to withhold planning permission.

The provision of 25 dwellings would make a modest contribution to the District's housing supply, supporting economic and social dimensions of sustainable development, with employment provided through construction. All requests for contributions towards education, social, leisure and health care, have been agreed by the applicant, and 30% on-site affordable housing is provided, a new footpath along the site's boundary with The Length, as well as uncontrolled crossing points to The Length and an upgraded bus stop will also be provided via this development. Significant weight can, therefore, be attached to this application due to these social and economic benefits.

In terms of the environmental dimension, the proposal would result in the loss of countryside, but would appear as a natural expansion of St Nicholas at Wade with limited impact upon the wider landscape area. The density of the proposed development falls below 30 dwellings per hectare, thus in keeping with the rural character of the area, and landscape enhancements are proposed including hedgerows and trees along the boundaries of the site. Kent Highways raise no objection in principle to the proposal, and the proposed access is considered to be both safe and suitable. Therefore overall limited environmental harm would result from the proposal.

It is considered that, with safeguarding conditions and appropriate contributions and items secured via a S106 legal agreement, that there would be no adverse impact of the development on ecology, archaeology, flooding or drainage. The reserved matters application(s) will consider detailed impact on living conditions of neighbouring occupiers, however the development of the site for the development submitted can be accommodated without resulting in a significant adverse impact to residential properties in the vicinity of the site.

Therefore when considering the framework as a whole, the proposal constitutes sustainable development, as any harm is outweighed by the economic and social benefits from the proposal and therefore it is recommended that the proposal is deferred and delegated for approval by officer subject to the receipt of an acceptable Section 106 agreement that secures the stated heads of terms..

**Case Officer**

Annabel Hemmings

TITLE: OL/TH/17/1342

Project Land North East Of The Length St Nicholas At Wade BIRCHINGTON Kent



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**D05**

**OL/TH/17/1447**

**MAJOR**

**PROPOSAL:** Outline application for the erection of 30 No dwellings with construction of new access from Manor Road with all other

**LOCATION:** matters reserved

Land Adjacent Little Orchard Canterbury Road St Nicholas At Wade BIRCHINGTON Kent

**WARD:** Thanet Villages

**AGENT:** Mrs Jane Scott

**APPLICANT:** Mr & Mrs McDonagh

**RECOMMENDATION:** Defer & Delegate

Defer & Delegate for approval subject to receipt of Section 106 agreement securing required planning obligations and the following conditions:

1 Approval of the details of the appearance, layout and scale of any buildings to be erected and the landscaping of the site, (herein 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 the 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 occupation of any dwelling hereby approved the access and visibility splays shown on drawing no. 757/201B shall be provided and thereafter permanently retained with no obstructions over 0.9 metres above carriageway level within the splays.

GROUND:

In the interests of highway safety.

6 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

7 No development shall take place until full final details of the proposed highway works have been submitted to, and approved in writing by, the Local Planning Authority. These details shall include:

- The proposed build out and priority changes on Manor Road and
- The provision of the footpath along Manor Road.

together with a timescale for their provision.

These works shall be implemented in accordance with the approved details and shall thereafter be permanently retained.

GROUND:

In the interests of highway safety and traffic flow in accordance with saved Local Plan Policy TR16.

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

GROUND:

In the interests of highway safety.

9 The gradient of any access shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

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 occupation of any of the units hereby approved the following works between a dwelling 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 Details pursuant to condition 1 shall not show any building exceeding 2 storeys with roof accommodation in height.

GROUND:

In the interests of the amenities of the locality in accordance with saved policy D1 of the Local Plan and the National Planning Policy Framework.

13 No less than 70% of the total number of dwellings constructed pursuant to this planning permission shall be dwellings of two or more bedrooms.

GROUND:

To ensure the provision of a mix of house sizes and types to meet a range of community needs in accordance with saved Local Plan policy HO8.

14 Details pursuant to condition 1 shall identify a minimum of 15% of housing to lifetime homes and wheelchair standards and include the specification of such dwellings.

GROUND:

To meet the housing needs of the community in accordance with saved policy HO8 of the Local Plan.

15 Details to be submitted in pursuant to condition 1 shall include the location and size of the affordable housing units.

GROUND:

To ensure that the required level and type of affordable housing is provided in accordance with saved policy H14 of the Local Plan.

16 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 agreed 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 the National Planning Policy Framework.

17 Prior to the installation of any external lighting, 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 development shall be implemented in accordance with the approved scheme and thereafter maintained 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.

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

(a) Site Characterisation

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

- o A survey of the extent, scale and nature of contamination
- o An assessment of the potential risks to:
  - o Human health
  - o Property
  - o Adjoining land
  - o Groundwaters and surface waters
  - o Ecological system
- o An appraisal of remedial options and a recommendation of the preferred options

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

(b) Submission of remediation scheme

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

(c) Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority

GROUND:

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

19 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.

20 No external meter cupboards, vents, flues or extract grilles or overhead supply cables shall be installed on any principle elevation unless in accordance with details of materials and design submitted to and approved in writing by the Local Planning Authority.

**GROUND:**

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

21 No development shall take place until a detailed sustainable surface water drainage scheme for the site based on the Surface Water Management Strategy incorporating a Flood Risk Assessment (dated September 2017) and sustainable drainage principles, to include, but not necessarily be limited to, the method of surface water disposal and a timetable for the implementation and a maintenance and management plan for the lifetime of the development, 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 100 year storm) can be accommodated and disposed of through infiltration features located with the curtilage of the site alone.

Where infiltration is to be used to manage the surface water from the development, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority that there is no resultant unacceptable risk to controlled waters.

All surface water drainage from parking areas shall be passed through an interceptor designed and constructed to have a capacity and details compatible with the site being drained.

The management and maintenance plan 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.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

**GROUND:**

To ensure that the principle of sustainable drainage are incorporated into this process, to ensure ongoing efficiency of the drainage provisions and to protect vulnerable groundwater resources and human health from pollution in accordance with the National Planning Policy Framework.

22 No development shall take place until a scheme for foul and sewerage disposal from the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of any additional infrastructure required to mitigate the additional flows created by this development. The development shall be constructed and thereafter maintained in accordance with the approved details.

**GROUND:**

To prevent pollution in accordance with saved Local Plan Policy EP13 and guidance contained within the National Planning Policy Framework.

23 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority for that phase. The approved statement shall be adhered to throughout the construction period and shall provide details of:

- i) the parking of vehicles for site operatives and visitors;
- ii) construction vehicle loading/unloading, tuning facilities and access routes/arrangements;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) wheel washing facilities and their use;
- vi) measures to control the emission of dust and dirt during construction including a scheme for recycling/disposing of waste resulting from construction works
- vii) a construction environmental management plan, including details of operation construction time, enclosures for noise emitting equipment, dust and waste management policy and construction site noise management including siting of stationary noisy or vibrating plant equipment.
- ix) All hedgerows and trees on site to be retained shall be protected during construction in line with standard arboricultural best practice (BS 5837:2012)

### GROUND:

To ensure pollution prevention measures are in place for all potentially polluting activities during construction in accordance with the National Planning Policy Framework paragraph 109 and in the interest of highway safety and biodiversity.

### 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, 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. 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](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.

Thanet District Council is committed to reducing crime and the fear of crime through design. We strongly advise the applicant 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 are 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](http://www.southernwater.co.uk).

It is the responsibility of developers to have the appropriate waste storage facilities and containers in place prior to the properties 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/>

No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of the construction works.

All existing infrastructure, including protective coatings and cathodic protection should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 6m, 5m and 4m of existing 18 inch, 15 inch and 3 inch water distribution main respectively without written consent from Southern Water.

If the applicant/developer proposes to offer a new on site foul sewerage pumping station for adoption as part of the public foul sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd.

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.

The applicant/developer will need to enter into a S278 agreement with KCC Highways to agree the scope and timing of the off site highway works proposed

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild bird while that nest is use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

### SITE, LOCATION AND DESCRIPTION

The application site comprises existing paddocks currently used for the keeping of horses. The site is devoid of permanent structures and located adjacent to the property known as Little Orchard which fronts onto Canterbury Road. It lies beyond the defined village boundary and conservation area.

The site is covered by CC2 (Landscape Character Areas) of the saved Local Plan but is otherwise free of Tree Preservation Orders, heritage constraints or flood risk designations. Surrounding area

Land to the south and west of the site is countryside mainly comprising arable fields. The land to the east and north east of the site (on the opposite side of Manor Road) is residential and the land immediately to the north of the application site has planning permission a recent 2016 planning consent for the erection of 39 dwellings (F/TH/15/1204 refers).

## RELEVANT PLANNING HISTORY

There is no planning history related to the application site itself, but there two relevant planning applications for residential development on adjacent plots of land.

F/TH/15/0770- Erection of 17 no. dwellings with associated parking and access from Manor Road. Approved 19th May 2016.

F/TH/15/1204 – Erection of 39 no. dwellings with formation of vehicular access to Manor Road and associated parking and landscaping. Resolution to approve subject to a S106 agreement and imposition of safeguarding conditions made at Planning Committee on the 20th July 2016.

## PROPOSED DEVELOPMENT

This application seeks outline consent for the change of use of the existing paddock land for the erection of 30 dwellings with the construction of new access from Manor Road, together with a footpath along Manor Road. All matters, except access, are reserved for future consideration. Members are, therefore, considering the principle of 30 residential units on the application site together with the acceptability of the access to serve the proposed development. All other matters – appearance, landscaping, layout and scale – will be the subject of a reserved matters application(s).

The application is supported by a Planning Statement, Design and Access Statement, Landscape Assessment, Foul Water Drainage Strategy, Surface Water Management Strategy, Ecological Survey, Reptile Survey Report, Transport Assessment, Road Safety Audit, Utilities Statement and Statement of Community Involvement

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan (2006) Saved Policies**

- H1 – Residential Development Sites
- H4 – Windfall Sites
- H8 – Size and Type of Housing
- H14 – Affordable Housing
- H15 – Rural Local Needs Housing
- D1 – Design Principles
- D2 – Landscaping
- HE11 – Archaeological Assessment
- HE12 – Archaeological Sites and Preservation
- SR4 – Provision of New Sports Facilities

SR5 – Playspace  
SR10 – Public Open Space  
R1 – General Levels of Development  
CF2 – Development Contributions  
CC1- Development in the countryside  
CC2 – Landscape Character Areas  
TR4 – New Road and Highway Improvements  
TR12 – Cycling  
TR16 – Car Parking Provision  
CS10 – Contributions to Infrastructure Requirements

## NOTIFICATIONS

Letters were sent to the occupiers of adjacent properties, site notices posted close to the site and the application publicised in a local newspaper.

Thirteen letters objecting to the application has been received (with some objectors writing more than one letter). Their objections are summarised below:

- Inadequate access;
  - Highways safety concerns about existing accidents and additional traffic.
  - Adverse effect on cycle route;
  - Site too far from stations at Birchington and Minster;
  - Loss of space for parking; and
  - Limited traffic information to support application
  - Out of keeping and over;
  - Overdevelopment in terms of scale and design;
  - Loss of countryside;
  - Close to adjoining properties;
  - Loss of privacy and light; and
  - Increase in noise and pollution
- Community Facilities
- Strain on existing facilities – already issues with school's capacity; and
  - Residents will have to travel for basic services;
  - Effect on ecology;
  - Development contrary to planning policy;
  - Application is a result of other successful applications in the village; and
  - Village is subject to issues with electricity, sewerage, water supply and drainage

**St Nicholas at Wade with Sarre Parish Council** (26th October 2017): St Nicholas at Wade with Sarre Parish Council is committed to accepting the allocated quota of housing as suggested by the Emerging Local Plan. Applications for sixty five houses in St Nicholas at Wade have passed in the last two years. If both schemes (OL/TH/17/1447 and OL/TH/17/1342) were approved this would take us to one hundred and twenty. This is far in excess of that recommended in the Emerging Local Plan.



The Parish Council has already raised an objection against planning application OL/TH/7/1342. Our preferred option is for OL/TH/17/1447. The reasoning for this is as follows:

1. OL/TH/17/1447 is seen as a third phase of building on Manor Road after F/TH/15/0770 (seventeen houses) and F/TH/15/1204 (thirty nine houses). This means that much of the building work is kept in one quarter of the village and therefore less disruption to our rural setting. If OL/TH/17/1342 were to go ahead two main roads through the village would see construction traffic causing major traffic problems, particularly at school dropping off and picking up times.
2. OL/TH/17/1447 is a well thought out plan that addresses a major concern of safety that residents have. The footpath/pavement from the A28 Canterbury Road along the south verge of Manor Road is very welcome. Not only will it widen the road but give pedestrians the safety required in an area that is well known for accidents over many years.
3. OL/TH/17/1342 does not address the issue of a weak infrastructure. OL/TH/17/1447 has a water pumping station integrated in the plan. Water pressure is a concern for many residents and therefore an addition pumping station is a most wanted addition.

(Initial comment) The Parish Council fully support this development for the following reasons:

1. It would not harm heritage assets and would be preferable in highway safety terms. Visibility splays at Manor Road and the A28 are greater and it is considered to be a safer access point were additional development to take place within the village.
2. The area is significantly more self-contained in visual and landscape terms.

### CONSULTATIONS

**Southern Water:** The exact position of the combined sewer within the site must be determined by the applicant before the layout of the finalised development is finalised. Informatives setting out restrictions on development in the proximity of existing sewers should be attached to any grant of planning permission.

Any new on site foul sewerage pumping station to be adopted as part of the public foul sewerage system would need to be designed and constructed to meet Southern Water specifications. A secure compound (100 square metres) would be required with access for large vehicles possible at all times. No habitable rooms should be located less than 15 metres from the pumping station compound.

Southern Water can provide foul sewage disposal to service the proposed development and a formal application would be required for the connection. An informative to that effect should be attached to any grant of planning consent.

There are no public surface water sewers in this area to serve the development and alternative means of draining service water from this development will be required. The application makes reference to Sustainable Urban Drainage System (SUDs). A condition requiring details of foul and surface water disposal to be submitted and approved should be imposed on any grant of planning permission.

**Environment Agency:** No objection to the proposed development.

Request informatives are added to any planning permission in relation to Sustainable Urban Drainage.

The previous use of the site as a nursery and outhouses presents a medium risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because of the proposed development site is located upon a principal aquifer.

Limited information is submitted to support this application, however, it is considered that it will be possible to suitable manage the risk proposed by controlled waters by this development if further detailed information is submitted before built development is undertaken and this can be secured by means of planning conditions relating to a remediation strategy for contamination, verification report for the completion of the remediation works, unexpected contamination and foundation design.

Natural England: The application will result in a net increase in residential accommodation, impacts on the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Thanet Council has measures in place to manage that impact and this should mitigate against the potential effects of the development.

**KCC (Flood and Water Management):** No objection in principle. A condition to secure the submission and agreement of a surface water drainage scheme should be imposed on any planning consent.

**KCC Archaeology:** The site lies in a rich archaeological landscape with remains of prehistoric funerary monuments amongst the site identified as cropmarks in the field surrounding the village. The village is also surrounded by defences dating to the Second World War. While no features are presently recorded in the proposed development site, given the rich archaeological landscape and features nearby there is potential for significant archaeological remains to be present and these would be affected by the proposed development. Recommend a condition for a programme of archaeological works.

**KCC Highways and Transportation:** Initially requested additional information and amendments to the proposal. The requested information has now been received and amendments received. No objections now raised to the proposal, subject to the imposition of conditions relating to completion and maintenance of the proposed access, provision and permanent retention of vehicle loading/unloading and turning facilities and the provision and maintenance of visibility splays.

**KCC Biodiversity:** Under the Natural Environment and Rural Communities Act (2006), “Every public authority must, in exercising its functions have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. In order to comply with this biodiversity duty , planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states that “the planning system should contribute to and enhance the natural and local environment by ... minimising impacts on biodiversity and delivering net gains in biodiversity where possible.”

Sufficient information has been provided for the determination of the planning application.

Reptiles - Satisfied with the conclusions of the Reptile Survey which states that no reptiles have been found on site and therefore no mitigation measures need to be undertaken.

Breeding Birds – the site contains suitable habitat for breeding birds and all nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). Advise that an informative to protect breeding birds is attached to any planning consent.

Bats – Lighting can be detrimental to roosting, foraging and commuting bats. Advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design for the works undertaken and the new dwellings built. This should be secure by condition.

Retained Habitats – All trees and hedgerows on site to be retained within the proposed development should be protected during construction works. Recommend that the protection of the retained habitats is incorporated in a Construction Management Plan and secured via a condition.

Designated Sites – The proposed development is located less than 3km from the Thanet Coast and Sandwich Bay Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site. Advise that the applicant contributes to SAMM.

Enhancements – The proposed development site provides opportunities to increase habitat for protected/notable species within this area. Satisfied with the proposed ecological enhancements made within the Preliminary Ecological Appraisal report and advise that these should be detailed within the final site and landscape plans. A condition requiring the submission of a Landscape and Ecological Management Plan to be submitted and approved should be imposed.

**KCC Economic Development:** Are of the opinion that the proposed development will have an additional impact on the delivery of its services which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests – 1. Necessary, 2. Related to the development and 3. Reasonably related in scale and kind. These tests have been applied and give rise to the following specific requirements:

Primary Education – per applicable house (30) £3,324. Total £99,720 towards Birchington Primary School Phase 2 expansion.

Secondary Education – per applicable house (30) £2,359.80. Total £70,794 towards Ursuline College Phase 2 expansion.

Libraries – per dwelling (30) £48.02. Total £1440.47 towards additional bookstock for the mobile library service attending St Nicholas at Wade.

Request an informative is imposed on any grant of planning consent relating to high speed fibre optic broadband.

**NHS Thanet Clinical Commissioning Group (TCCG):** Any increase in the local population has a knock on effect in terms of health care and TCCG would seek to apply this contribution to meet the extra demands placed upon the local primary care health service. With regards to the particular application, despite being modest in size in its own right, it poses a risk to the provision of primary care in the locality as only two practices cover the address within their catchment area. Either minster Surgery or Birchington Medical Practice will be required to register all new patients resulting from this development.

Birchington Medical Centre are planning on a scheme of improvements. This will initially involve either moving their patient records off site into storage, or digitalising the notes to free up space. This space will be made available for administration functions by fairly simple conversion to office space, which in turn will free up space which will be converted to clinical accommodation. The costs of the programme are still to be confirmed but are likely to be in the region of £80,000. This will allow for increased access for patients to primary care services and so it is proposed that the S106 contribution forms part of the project. a financial contribution is requested based on the number of new patients expected as a result of this development.

The developer contribution is as follows £31,896 total – 2 bed, 3 in scheme, total occupancy 6, contribution £2,160, 3 bed , 17 in scheme, total occupancy 47.6, contribution £17,136 and 4 bed, 10 in scheme, total occupancy 35, contribution £12,600.

**TDC Environmental Health:** Recommend that conditions relating to a Construction Environmental Management Plan and contamination should be imposed on any grant of planning permission.

**TDC Housing:** The submitted planning application confirms that the site will provide 30% affordable housing as per policy. Recommended split – 70% affordable rent and 30 % shared ownership. Would like an appropriate allocation (unit size) of the properties across the whole site.

**TDC Waste and Recycling:** No objection. Although have concerns about the potential for private drives and walkways to properties designated collection points might be required when the final scheme is developed.

### COMMENTS

This application is reported to Planning Committee as a departure to the saved Local Plan – policy H1.

The main considerations with regard to the planning application are the principle of development; the impact upon the character and appearance of the local area; the impact

upon living conditions of the occupiers of neighbouring properties and future occupiers of the development; highway safety, biodiversity impacts, drainage and flood risk considerations together with Environmental Health considerations.

## **Principle**

In considering the planning application under Section 38(6) of the Planning Act, any determination must be made in accordance with the development plan (in this case the Thanet Local Plan 2006) unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) sets out at paragraph 215 that due weight should be given to relevant policies in existing plans according to the degree of consistency with the guidance within the NPPF.

The site is non previously developed land beyond the village confines. The proposal is, therefore, contrary to the aims of saved policy H1 that states that residential development on non allocated sites will be permitted on previously developed land within the existing built up confines unless specified by other Local Plan policies. This policy constraint, however, needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis, the NPPF indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development. In this case whilst the site lies beyond the village confines, it is adjacent to and opposite either existing residential properties or land with planning consent or resolutions to approve residential development, with good pedestrian access to local bus stops as well as the facilities in St Nicholas at Wade. It could, therefore, be considered a sustainable location with regards to services and facilities.

The development of this site for housing could, therefore, be acceptable subject to the detailed consideration of all material considerations including the impact upon the character and appearance of the area, the impact of living conditions on the neighbouring properties and the future residents of the proposed development and highway safety.

## **Quality of Land**

The NPPF states that Local Planning Authorities should seek to use areas of poorer quality land in preference to that of higher quality. The application site is considered to be grade 2 agricultural land, similar to much of the agricultural land within Thanet which is either grade 2 or higher. The loss of this land will need to be balanced against the need for the development.

## **Visual Impact**

The site falls outside of the urban confines and within a Landscape Character Area. Saved policies CC1 and CC2 of the Thanet Local Plan look to protect the open landscape, and the wide, long views of the former Wantsum Channel area and Pegwell Bay. The application site is an open field to the southern end of the village, its development on the site will be visible from Canterbury Road and with longer views achievable from the open countryside to the south and west of the site.

The application site is located adjacent to existing residential development or land with planning permission or resolutions for approval for residential development. As such, it is considered that the proposed development would be seen as an extension of the built form within the village, and would not result in an isolated extension into the countryside.

A Visual Impact Assessment has been submitted in support of the application examining the visual impact of the proposed development on the immediate area as well as on longer views, given the location of site within a Landscape Character Area. A number of view points were considered both in close proximity to the site as well as further away to assess both immediate and longer views of the development site. The assessment concludes that the longer distance views of the proposed development, from the east and south, would be mitigated due to a combination of existing planting, development and land levels changes and it would not, therefore, be prominent in the longer views. It highlights that that with the existing village backdrop beyond that the proposed dwellings would appear merged into the outline of the village and have no harmful impact on the surrounding landscape.

The assessment highlights that the site's southern boundary will be enhanced with the introduction of new landscaping with existing boundary treatments retained along the south east and west boundaries by placing them under a management agreement to be secured via the S106 legal agreement.

Based on the limited views of the site it is considered that there would be minimal harm on the wider landscape, including the Landscape Character Area, and the recommendations contained in the assessment are supported and would be enforced via safeguarding conditions.

### **Character and Appearance**

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

The density of the development proposed is 22 dwellings per hectare, which is considered to be in keeping with the spacious rural character of the village. The illustrative site layout plan shows that the proposed 30 units would be a mix of mix of terraced, semi-detached and detached dwellings. Such dwelling types would be in keeping with the general pattern of development within the village.

Whilst the scale and appearance of the proposed dwellings is not being considered at this stage, the Design and Access Statement submitted with the application advises that the proposed dwellings would be predominantly 2 storey in height. A development of this height/scale would be keeping with the surrounding character and appearance of the area and the scale of dwellings approved recently on the adjoining sites. Given the edge of

village location of the site, a condition is proposed to restrict any future reserved matters application to development that is a maximum height of 2 storey.

Details of the materials to be used in the proposed development is not for consideration as part of this application, although it is noted from the submitted Design and Access Statement that the it is envisaged that the materials for the development will be of the traditional vernacular such as red brick, weatherboarding, tile hanging and tiles. These materials would be in keeping with other development within the village.

On the basis of the information submitted, the impact of the upon the character and appearance of the surrounding area is considered to be acceptable on the basis of the information provided at outline stage, subject to safeguarding conditions relating to issues such as development height and materials.

### **Living Conditions**

As set out above, as an outline application with only the principles and vehicular access to be considered at this time and only an indicative layout plan, it is not possible to fully assess the impact of the proposed development on the living conditions of neighbours to the site or the standard of living conditions for the future occupiers of the development at this stage. However, it is considered that the quantum of development proposed provides sufficient flexibility to ensure that living conditions of neighbours can be safeguarded and a good standard of accommodation for future occupiers of the development provided through an appropriate layout. This will need to be fully assessed at the reserved matters stage.

### **Affordable Housing**

Affordable housing is dealt with through saved policy H14 of the Thanet Local Plan setting out 30% as the starting point of negotiations on all qualifying developments of more than 15 dwellings or sites of more than 0.5 hectares. Based on the provision of 30 units in total on the site the affordable housing requirement would be to provide 9 units.

The Strategic Housing Manager has confirmed that they would expect the affordable provision to comprise a mix of 70% affordable rented and 30% shared ownership and be reflective of the mix of units on the whole site. It is considered reasonable to include a requirement for 100% nomination rights for potential occupants to be controlled by TDC to ensure that people on the local housing register are housed in the affordable housing units.

The applicant has confirmed that they are intending to meet this obligation, secured through a legal agreement. The proposal is, therefore, considered to comply with saved policy H14 of the Local Plan.

### **Size and Type of Units**

The application is in outline form and, therefore, the exact unit sizes or types are not being agreed at this stage. Saved policy H8 of the Thanet Local Plan requires that there should be a mix of dwelling sizes and types to meet a range of community needs. This would need to come forward as part of the reserved matters application.

Policy H8 also requires that 15% of the development is provided as lifetime homes, which the applicant has agreed to.

## **Play Provision**

The Council's Planning Obligations and Developer Contributions Supplementary Planning Document (SPD) (adopted in April 2010) states that for new residential developments of 10 to 49 units a developer will be expected to make a contribution payment for the maintenance and upgrade of play facilities within 0.87km of the site.

There is an existing play area within the village close to the application site in Bell Meadow which would be used by the future residents of the proposed development. A project for the upgrade of the play area has been identified by St Nicholas at Wade Parish Council, who also maintain the play area, and contributions towards this project have also been sought from other applications for residential development in this area. The contribution from the proposed development to this project has been calculated at £26,250 in accordance with the above mentioned SPD. If this project has already been funded, by the time this contribution is due, this money will be returned to the developer.

The financial contribution has been agreed by the agent and will be included within the legal agreement.

## **Highway Safety**

As set out above, this application seeks to agree the principle of 30 dwellings on the site with all matters except access reserved for future consideration. The application proposes a new vehicular access onto the Manor Road, incorporating a build out to encourage vehicles leaving the site to turn right and access the A28 (Canterbury Road) via Manor Road. Pedestrian links will also be enhanced by the provision of a footpath along the manor Road linking to the existing footpath along Canterbury Road.

KCC Highways originally requested additional information to be submitted to allow them to fully assess the highway implications of the proposed development. The information requested including the applicants TRICs survey data and chosen parameters, clarification of the details/location of the proposed build out in Manor Road, tracking diagrams for refuse vehicles entering and exiting the application site and Sandalwood Drive, amended footpath details, clarification that appropriate visibility slays can be achieved and the provision of a stage 1 Road Safety Audit.

The additional informal requested was subsequently provided and assessed by KCC Highways. They confirm that they now have sufficient information to assess the highway impacts of the proposal. They raise no objection to the proposal subject to the imposition of conditions relating to the completion and maintenance of the proposed vehicular access, visibility slays and parking, loading and unloading and turning facilities. The requested conditions are considered reasonable and necessary.

## **Archaeology**



The Archaeological Officer at KCC has been consulted on the application and advises that the site lies in a rich archaeological landscape with remains of prehistoric funerary monuments amongst the site identified as cropmarks in the field surrounding the village. The village is also surrounded by defences dating to the Second World War. While no features are presently recorded in the proposed development site, given the rich archaeological landscape and features nearby there is potential for significant archaeological remains to be present and these would be affected by the proposed development. They recommend a condition for a programme of archaeological works.

The impact upon archaeology is, therefore, considered to be acceptable subject to the imposition of the recommended safeguarding condition.

### **Ecology and Biodiversity**

The NPPF states at paragraph 109 states 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 continues at paragraph 118 that “if significant harm resulting from the 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.

A Preliminary Ecological Survey was submitted with the planning application outlining the details of a phase 1 habitat survey carried out on the site. This survey identified that there was the potential for reptiles to be present in part of the site and recommended that a reptile survey be undertaken to inform the determination of the application. This additional survey work has been undertaken and KCC Ecology have confirmed that they now have all the ecological information required to determine the application. They raise no objection subject to the imposition of conditions requiring specific requirements within the Construction Management Plan. The recommended conditions are considered reasonable and necessary to ensure that any ecological, biodiversity harm from the development is mitigated.

### **Habitat Regulations**

Thanet District Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. The proposed development is 1km from the Thanet Coast and Sandwich Bay SPA, Ramsar and SSSI. Therefore, to enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required to contribute to the district wide mitigation strategy. This has been accepted as an appropriate approach by Natural England.

It is considered that the SAMM request meets the test for inclusion within a S106 agreement. The contribution required in this instance would be £408 per dwelling, totalling £12,240 for the 30 units proposed. The applicants have agreed to pay this contribution and this would be secured through the S106 agreement to accompany any permission.

## **Drainage and Flood Risk**

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 Foul Water Drainage Strategy and Surface Water Management Strategy were submitted in support of the application. The Foul Water Drainage Strategy concluded that the public combined sewers drain to the east along Manor Road and the topography does not allow foul water to be drained to Manor Road by gravity. A small pumping station is proposed within the application site to serve the development and pump the wastewater to the sewerage network in Manor Road. The Surface Water Management Strategy confirms that the scheme will incorporate SUDs to control surface water runoff.

Southern Water, the Environment Agency and KCC (Flood and Water Management) were consulted on the application and confirm that they have no objection to the application subject to the imposition of safeguarding conditions requiring the submission and approval of details relating to foul and surface water disposal including the use of SUDs. These conditions are considered to be both reasonable and necessary.

## **Planning Obligations**

Policy CF2 of the Thanet Local Plan requires that where a proposed development would directly result in the need to provide new or upgraded community facilities (including transport infrastructure educational, recreational facilities or affordable housing) the Local Planning Authority will negotiate with the applicant for a contribution towards the cost of such provision, which is fairly related in scale and kind to the proposed development.

Such financial contributions would need to be secured via a S106 agreement or unilateral undertaking. The test for such contributions is that they must be fairly and reasonably related in scale and kind to the development proposed.

KCC have been consulted and have advised that there is a need for financial contributions towards primary, secondary schools and libraries. The primary contribution is in the form of £99,720 to be used towards phase 2 expansion works at Birchington Primary School and the secondary contribution is in the form of £70,794 to be used towards the phase 2 expansion of Ursuline College. Whilst these projects are not located within the village itself, KCC have advised that these schools are the nearest schools to the application site with a current expansion project, which would justify a need for financial contributions. A library contribution of £1440.47 is also required towards additional bookstock for the mobile library service attending St Nicholas at Wade required to mitigate the impact of the additional borrowers generated from this development.

A contribution of £31,896 towards improvement works to Birchington Medical Practice.

It is considered that the above requests meet the tests for inclusion in a S106 agreement/undertaking.

## **Heads of Terms**

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

- 30% affordable housing,
- £99,720 towards primary school (phase 2 expansion of Birchington Primary School),
- £70,794 towards phase 1 (phase 2 expansion of Ursuline College),
- £1440.47 towards the mobile library service attending St Nicholas at Wade,
- £12,240 towards the Special Protection Area,
- £26,250 towards the maintenance and upgrade of the play area in Bell Meadow, St Nicholas at Wade

## **Other Matters**

Comments have been made in relation to other housing sites in the village and preference for them to be developed. Each planning application should, however, be assessed on its own merits.

## **Conclusion**

Whilst the site lies within the countryside as identified by the Local Plan, the authority does not have a 5 year supply of deliverable housing sites. Accordingly the proposed housing development must be viewed in the context of the presumption in favour of sustainable development and the tests of paragraph 14 of the NPPF, with any adverse impacts of granting permission having to significantly and demonstrably outweigh the benefits from the scheme to withhold planning permission.

The provision of 30 dwellings would make a significant contribution to the District's housing supply, supporting economic and social dimensions of sustainable development, with employment provided through construction. All requests for contributions towards education, social, leisure and health care, have been agreed by the applicant, and 30% on-site affordable housing is provided, a new footpath on Manor Road. Significant weight can, therefore, be attached to this application due to these social and economic benefits.

In terms of the environmental dimension, the proposal would result in the loss of countryside, but would appear as a natural expansion of St Nicholas at Wade with limited impact upon the wider landscape area. The density of the proposed development falls below 30 dwellings per hectare, thus in keeping with the rural character of the area, and landscape enhancements are proposed including hedgerows and trees along the boundaries of the site. Kent Highways raise no objection in principle to the proposal, and the proposed access is considered to be both safe and suitable. Therefore overall limited environmental harm would result from the proposal.

It is considered that, with safeguarding conditions and appropriate contributions and items secured via a S106 legal agreement, that there would be no adverse impact of the development on ecology, archaeology, flooding or drainage. The reserved matters application(s) will consider detailed impact on living conditions of neighbouring occupiers, however the development of the site for the development submitted can be accommodated

without resulting in a significant adverse impact to residential properties in the vicinity of the site.

Therefore when considering the framework as a whole, the proposal constitutes sustainable development, as any harm is outweighed by the significant economic and social benefits from the proposal, and the development supports the direction of the emerging Thanet Local Plan.

It is therefore recommended that Members defer and delegate the application for approval, subject to the receipt of a satisfactory Section 106 agreement to secure the required planning obligations.

**Case Officer**

Annabel Hemmings

TITLE: OL/TH/17/1447

Project Land Adjacent Little Orchard Canterbury Road St Nicholas At Wade BIRCHINGTON Kent

Scale:



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**D06** **F/TH/17/0804** **MAJOR**

**PROPOSAL:** Erection of 20No. houses with associated access, parking and landscaping

**LOCATION:** Land Between 47 And 71 Monkton Street Monkton Ramsgate Kent

**WARD:** Thanet Villages

**AGENT:** Hume Planning Consultancy Ltd

**APPLICANT:** Sunningdale House Developments Ltd.

**RECOMMENDATION:** Defer & Delegate for approval subject to receipt of

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 revised site plan numbered 003 Rev A, received 06 February 2018, and the plans numbered 005, 006, 008, 009, 010, 011, and 012, received 02 June 2017.

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

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

(a) Site Characterisation

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

- o A survey of the extent, scale and nature of contamination
- o An assessment of the potential risks to:
  - o Human health
  - o Property
  - o Adjoining land
  - o Groundwaters and surface waters
  - o Ecological system
- o An appraisal of remedial options and a recommendation of the preferred options

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

(b) Submission of remediation scheme

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

(c) Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority

GROUND:



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

5 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.

6 Prior to the commencement of development hereby permitted, a drainage strategy detailing the proposed means of foul disposal and an implementation timetable shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**GROUND:**

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

7 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.

8 Prior to the installation of any external lighting, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) Identify those areas / features on site that are particularly sensitive for bats 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, e.g., for foraging.

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

### GROUND:

To safeguard protected species, in accordance with the NPPF.

9 Prior to the commencement of development hereby approved, including vegetation clearance, an ecological landscape plan that demonstrates the location of the reptiles log piles (as detailed within the reptile precautionary strategy) adjacent to the boundary hedgerow, and the location of bat and bird boxes, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved ecological landscape plan, and the full reptile precautionary strategy (as detailed in paragraph 8 of the Reptile Survey Report), and shall thereafter be retained.

### GROUND:

To safeguard protected species, in accordance with the NPPF.

10 Prior to the commencement of 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
- the provision of hedgerow planting along the northern, western and eastern boundaries of the site, and part of the southern boundary,
- the provision of tree planting along the northern boundary of the site,
- ecological enhancements to 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

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

**GROUND:**

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

12 Prior to the first occupation of any dwelling hereby approved, the proposed site access and footways, as shown on the approved plan numbered 003 Rev A, shall be completed and operational.

**GROUND:**

In the interests of highway safety and pedestrian movement, in accordance with the NPPF.

13 The following works between a dwelling and the adopted highway shall be completed prior to the first occupation of the dwelling:

- (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.

14 Prior to the first occupation of the development hereby permitted, visibility splays of 2.4m x 43m x 2.4m shall be provided to the accesses onto Monkton Street, as shown on the

approved plan numbered 003 Rev A, with no obstructions over 1 metre above carriageway level within the splays, which shall thereafter be maintained.

**GROUND:**

In the interests of highway safety.

15 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 the following:

- (a) Routing of construction and delivery vehicles;
- (b) Parking and turning facilities for delivery and site personnel vehicles;
- (c) Wheel washing facilities;
- (d) Temporary traffic management/signage required;
- (e) Timing of deliveries.

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

**GROUND:**

In the interests of highway safety.

16 Prior to the first occupation of the development, the area shown on the approved plan numbered for the parking, manoeuvring and loading/unloading 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.

17 Prior to the commencement of development hereby permitted, details of the measures to prevent the discharge of surface water onto the highway shall be submitted to and approved in writing by the Local Planning Authority.

**GROUND:**

In the interests of highway safety.

18 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

19 The windows and doors to be inserted within the development hereby permitted shall be constructed of timber, as agreed by the agent in correspondence received 6th February 2018.

**GROUND:**

In the interests of visual amenity, and to protect the setting of the adjacent Grade II Listed building, in accordance with Policy D1 of the Thanet Local Plan and the NPPF.

20 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 100 year storm) can be accommodated without increase to flood risk on or off-site and discharged at an rate and location as agreed (approved in writing by) the local planning authority. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed, and that pollutants are not mobilised, to ensure that contamination is not impacted and there is no pollution risk to receiving waters.

**GROUND:**

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with the NPPF.

21 Prior to the first occupation of the development hereby permitted, an operation and maintenance manual for the proposed sustainable drainage scheme shall be submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- o A description of the drainage system and it's key components
- o An as-built general arrangement plan with the location of drainage measures and critical features clearly marked
- o An approximate timetable for the implementation of the drainage system
- o Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- o Details of who will undertake inspections and maintenance activities, including 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.

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

**GROUND:**

To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

22 Prior to the first occupation of the development hereby permitted, a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, shall be submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

**GROUND:**

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

23 Prior to the commencement of development hereby permitted, details that demonstrate that off-site surface water drainage works are appropriately secured and protected shall be submitted to and approved in writing by the Local Planning Authority. The drainage shall be implemented in accordance with the approved details.

**GROUND:**

To ensure the development is served by satisfactory arrangements for the disposal of surface water.

24 All dwellings hereby permitted shall be provided with the ability for connection to Superfast Fibre Optic Broadband 'fibre to the premises', where there is adequate capacity.

**GROUND:**

To serve the future occupants of the development in accordance with the guidance within the National Planning Policy Framework.

### SITE, LOCATION AND DESCRIPTION

The site is located on the edge of Monkton Village, just outside of the village confines and measures 0.8 hectares. The site is currently open agricultural land and is on the northern side of Monkton Road. To the west of the site is a recently constructed residential development of 8no. dwellings that was on previously developed land. To the east of the site is Walters Hall Farm, which contains a Grade II Listed building. Opposite the site are existing residential properties. Surrounding properties are pre-dominantly 2-storey in height and detached, with the properties opposite staggered in their layout, and varied in their age and design.

### RELEVANT PLANNING HISTORY

No relevant planning history.

## PROPOSED DEVELOPMENT

The application is a full application for the erection of 20no. dwellings, with a single vehicular access point onto Monkton Street. The development is 2-storey in height, and consists of 12no. 4-bed dwellings, 5no. 3-bed dwellings and 3no. 2-bed dwellings. The unit type varies across the site, and includes the provision of 7no. terraced dwellings, 8no. semi-detached dwellings, and 5no. detached. Parking is provided with a minimum of 2no. allocated spaces per dwelling, and additional driveway space for the 4-bed detached dwellings, along with 4no. visitor spaces. The proposed development is at a density of 25 dwellings per hectare, and includes extensive soft landscaping, including native hedges and individual trees along the boundaries. The development is proposed to be constructed using timber windows and doors, stock brick, render, timber boarding, smooth plain tile, and reconstituted stone cills.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2006**

CC1 - Development in the Countryside  
CC2 - Landscape Character Area  
H1 - Residential Development Sites  
H8 - Size and Type of Housing  
H14 - Affordable Housing  
HE11 - Archaeological Assessment  
HE12 - Archaeological Assessment  
TR12 - Cycling  
TR16 - Car Parking Provision  
D1 - Design Principles  
D2 - Landscaping  
SR5 - Play space  
EP13 - Groundwater Protection Zones  
SR11 - Private Open Space  
CF2 - Financial Contributions  
EP5 - Local Air Quality Monitoring

## NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. 12 letters of objection have been received. The main concerns are:

- highway safety due to speed of vehicles and narrowness of road,
- lack of drainage,
- impact upon neighbouring amenity from headlights/vehicles,
- lack of sustainability,
- footway should extend the full extent of the development,
- spoil the appearance of the countryside,
- large houses are out of keeping with the rural area,

- nuisance and disruption during the construction period,
- inadequate infrastructure - schools/doctors etc,
- houses too tall, should be restricted to 2-storey,
- no need for more dwellings,
- loss of light,
- overlooking.

**Monkton Residents Association** - Whilst the land is designated in the draft plan have concerns that the development of the site will alter the environment of the village, reduce the gap between Monkton and Minster, and will not enhance or maintain the vitality of the rural community.

There are already problems within the village such as school being over subscribed, lack of capacity at doctors, and infrequent public transport.

Concerned about highway safety, as road is very narrow and there has been increased traffic along it due to congestion within Minster.

No local employment opportunities within the village as suggested within supporting documentation.

Concerned about drainage and surface water runoff into the properties opposite.

Concerned with any 3-storey development, and believe buildings should be setback in line with original dwellings in the road.

Concerned about disruption during construction, materials being unloaded in the road, mud on the road, and congestion from construction vehicles.

**Monkton Parish Council** - Although the Parish Council have no objection to the development in principal, concerns have been raised regarding the location and impact on the surrounding properties.

These concerns are outlined below and the Parish Council would appreciate them being taken into consideration when making your decision.

. The current road infrastructure is inappropriate. The country road is narrow and already copes with a vast volume of traffic entering and exiting the Village which will inevitably increase with the additional houses. The construction traffic will also have detrimental impact on the Village road, which is unsuitable for such traffic. Disruption to the Village should be kept to a minimum, therefore, if planning permission is granted for these premises, those responsible should be made to ensure that no construction traffic (cranes, lorries and HGV's) is permitted to park on the roadway directly outside the site. Furthermore, that this regulation should apply to any employee operating from the site.

Space must be provided for all such vehicles to park on the actual building site itself as any additional parking will create a further hazard to that currently present. Consideration should



be given to enforce an order to direct that any site traffic must enter the actual site and not park in the road, this includes any delivery traffic. It may be possible to create a temporary service road to the building site from the northern service road. The Police and Community Wardens should be made aware of such regulation to aid enforcement and in so far as possible keep this arterial road clear. If these proposed regulations are included it is suggested they must be documented as formal conditions.

The road currently narrows at the proposed development site, thus, the entrance road to the new houses should take this into account to ensure the cars are able to enter/exit Monkton Street considerately.

Any increase in housing is likely to put extra pressure on the drainage and sewerage amenities which currently cannot always cope, therefore, appropriate measures should be put in place to ensure the development does not adversely impact the neighbouring properties.

In view of the recent problems encountered with the housing development at 71-73 Monkton Street, namely inconsiderately parked construction traffic, mud and debris left on the road, general disregard for neighbouring residents, it is imperative that efforts are made to ensure similar issues are not repeated and any formal conditions issued by TDC are enforced appropriately.

The Parish Council would appreciate these comments being noted and taken into account when considering the proposal.

### CONSULTATIONS

**KCC Highways and Transportation** - No objections in response to amended plans, subject to safeguarding conditions.

(initial comment)

1) Although the submitted plans have demonstrated a visibility splay at the main access of 2.4metres x 43 metres x 43 metres, we would also require the same at each of the proposed vehicle crossovers that directly access Monkton Street. Each of these would require the same visibility splay with no obstructions over 0.9 metres in height and not crossing over 3rd party land.

2) Whilst I welcome the proposed continuation of the footway along the northern side of Monkton Street, this should be extended into the site to provide a separation of vehicular and pedestrian movement. The proposed shared surface is not considered suitable for a development of this size. I believe the easiest way to deliver this would be to extend the western part of the footway around plots 5-7 and into the site along the frontages of plots 1-4.

3) The parking bay for plot 6 may need to be moved back to avoid the overhanging of any vehicle on the footway. The footway should be a minimum of 1.2 metres in width for the whole of its length.

- 4) The submitted drawings show vehicle tracking for a 11.5 metre refuse vehicle performing a turning movement on the site. We would also require tracking at the access for the site.
- 5) On the plots without a proposed garage there should be provision for bicycle storage, which on this development could take the form of a shed or garden store.

### **KCC SUDs** - (final comment)

The applicant has provided further clarifications as to the intended discharge destination for surface water flows:

'With respect to the drainage point, I can confirm that following further discussion between our drainage engineer and Southern Water the solution is for all of the impermeable areas (roofs, roads and hardstandings) on-site will be drained via a piped system. Surface water generated by the development will then be controlled and attenuated within the site boundary in a below ground storage tank and lined permeable paving. A flow control device is to be incorporated within the on-site surface water system in order to restrict the off-site discharge rate. The flow control device will be designed in order to limit the off-site discharge rate to 5l/s.

The surface water discharge from the site will be directed via gravity in a pipe constructed below Monkton Street travelling approximately 70 metres to the east. At this point the pipe will travel south underground and outfall into a local ditch, which has the agreement with the landowner. Discharge pipework will be 150mm diameter and manholes / inspection chambers will be incorporated at all changes of gradient and direction to ensure suitable maintenance access is available. All drainage serving the development will be designed in accordance with the requirements of Building Regulations Part H'.

We agree that this may be a feasible approach to managing surface water flows, but no mapped information has been submitted to explicitly state the location of the discharge point. No detailed information is provided on the outfall location and no other proof of agreement for the utilisation of this outfall location. We would also contend that the final discharge flow rate needs consideration of the discharge location and will need confirmation when these details are ascertained.

It is unfortunate to be making a decision with a lack of information at this late date; however we would suggest that the off-site provision of the outfall could be conditioned to manage the risk associated with this lack of information.

We would highlight to the applicant that detailed design will need to be compliant to KCC's policy and refer the consultant to the Drainage and Planning Policy Statement (June 2017). Please note the correct use of M5-60 is using FSR rainfall statistics and appropriate climate change allowances.

(Initial comment)

The planning application is supported by a Drainage Assessment prepared by MLM Group (July 2017). The Drainage Assessment states that underlying ground conditions do not support the use of infiltration and that surface water from the site must discharge to the combined sewer in Monkton Street at a rate of 5 l/s as no other discharge destinations are available.

Kent County Council as Lead Local Flood Authority has the following comments:

1. The proposed development site is a greenfield site which does not have an existing connection to a sewer system. Any connection or extension to the combined system in Monkton Street to serve this development would need approval from Southern Water.
2. As it is a combined system, any additional new flows into the sewer system have a potential for the reduction of sewer capacity within the network and increased flood risk elsewhere within the network.
3. Southern Water (18 August 2017) have indicated that as no public sewers are available in the locality and that alternative means of draining surface water from the site must be found.

Though Southern have recommended a condition for the provision of a condition that "development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted", we would not recommend that the development application is determined until further information is submitted which demonstrates how surface water drainage is to be provided.

At this current time there is no certainty given the underlying geology and lack of an available surface water sewer or agreement from Southern Water proposal can be adequately served without creating local surface

**KCC Archaeology** - I am satisfied that the site can be addressed through a condition for evaluation followed by safeguarding measures. The area has high archaeological potential generally and specifically for Iron Age archaeology found on the adjacent site. Cropmarks indicate a lot of significant archaeology on the higher area to the north.

**KCC Economic Development** - The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution - £66,480 towards primary school provision (works at Birchington Primary School Phase 2), £47,196 towards secondary school provision (Phase 2 expansion of Ursuline College), and £960.32 towards the library in Minster.

**KCC Biodiversity** - We have reviewed the ecological information which has been submitted and we advise that sufficient information has been provided for the determination of the planning application. We require no additional ecological information to be submitted prior to determination of the planning application but the detailed below requirements must be submitted and implemented as a condition of planning permission if granted.

## Reptiles

Although a single reptile has been recorded, the suitable reptile habitat on site is limited to the site edge boundaries and is very small compared to the footprint of the development site (arable land).

However, to minimise any residual risk of harm or impact to reptiles, the precautionary measures detailed in paragraph 8 of the Reptile Survey Report have to be undertaken.

We advise that the detailed location of the log piles to be incorporated in to the proposed development must be detailed within the site and landscape plans and submitted as a condition of planning permission if granted.

## Bats lights

The semi-mature and mature trees along the western boundary and the hedgerow along the eastern boundary provide commuting and foraging opportunities for bats within the area.

Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design for the works undertaken and the new dwellings built (see end of this note for a summary of key requirements).

If planning permission is granted we suggest a safeguarding conditions requiring the submission of a lighting scheme.

## Enhancements

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

We are happy with the submitted information regarding planting enhancements and we advise that the details of other ecological enhancements (eg. Bird and bat boxes) to be incorporated in to the proposed development must be detailed within the site and landscape plans. These and the landscape strategy shall be submitted and implemented as a condition of planning permission if granted.

**TDC Conservation Officer** - In my view the proposed siting, design and external appearance of the development would not have a significant adverse effect on the setting of the listed Walters Hall Farm. I therefore have no objection on the development.

**TDC Environmental Health** - I have considered the issues of air quality, noise and contaminated land for the proposed development. I have no objections to the proposal but given that this application is for new residential properties and there is the potential for historic contaminants from the former agricultural use of the site, I would request

safeguarding conditions to ensure appropriate remediation is undertaken to render the site suitable for its intended use.

**TDC Waste and Recycling** - No objections

**TDC Strategic Housing** - No objections

**Southern Water** -

(Final comment)

Thanks for the amended drawing. This is adequate enough to satisfy us that the surface water is not going to a public sewer. However an assessment still needs to be done for the foul flow into our network as was previously carried out for both foul and surface water.

Please can the condition still be included so that the foul discharge can be addressed.

(Initial comment)

The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage

system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required.

The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.

**Environment Agency** - The site is located above a Secondary Aquifer and within both SPZ3 and a designated groundwater Safeguard Zone (Minster) for nitrates. The site currently appears to be in agricultural usage but no information has been provided on historic uses. Consequently, we wish to request a safeguarding condition.

**Thanet CCG Estates Manager** - NHS Thanet CCG (TCCG) now has the responsibility for requesting Section 106 (s106) health care contributions, on behalf of developments in areas where CCG practices are located. TCCG wishes to apply for such assistance and a healthcare contribution is therefore requested against

the above development in accordance with the recognised Thanet District Council Planning Obligations and Contributions Guidance.

Inevitably, any increase in the local population has a knock-on effect in terms of health care and TCCG would seek to apply this s 106 contribution to meet these extra demands placed upon the local primary care health service. With regards to this particular application, despite being modest in size in its own right, it poses a risk to the provision of primary care in the locality as only one single practice covers the address within its catchment area. Minster Medical Practice will be required to register all new patients resulting from this development. Despite the premises being of sufficient size overall to accommodate the increase in patients; the overall amount of clinical space would need to be increased by way of internal reconfiguration and upgrade in order to provide access to core clinical services. We would anticipate works to convert existing admin space into compliant clinical accommodation would be required, including installation of clinical sink/IPS unit and compliant flooring.

In respect of this application a developer's contribution is required in the form of £22,320.

In respect of phasing and patient numbers, the contribution is sought upfront from the application, this will allow improvement works to be complete in advance of new patients wishing to register and will mitigate capacity issues going forward.

### COMMENTS

This application is brought before members as the site lies outside of the village confines, and is therefore a departure to Policy H1 of the Thanet Local Plan.

### **Principle**

The site is non-previously developed land outside of the village confines. The proposal for residential development is therefore contrary to Policy H1 of the Thanet Local Plan.

Policy CC1 of the Thanet Local Plan states that 'within the countryside, new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside'.

Currently the Local 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 site has been identified by officers in the draft local plan as suitable for residential development. The draft local plan has limited weight in decision-making; however, given the draft allocation and identified need for housing, the proposal falls to be considered under paragraph 14 of the NPPF as to whether it represents sustainable development.

Policy H04D of the Draft Local Plan specifically relates to this housing allocation, and requires that development be informed by archaeological evaluation and development be laid out and designed so as to respect the setting of the listed building. These issues have been addressed within this report.

The site is located on the edge of Monkton Village, which has some facilities and services, such as a primary school, church, and hall, and is also close to Minster Village, where there are many more facilities and services. A bus service runs along Monkton Street (directly to the front of the application site), which connects to Minster Village and the urban area. The bus stop for this service is within 200m of the application site. A footpath extends up to the application site, and the proposal includes the extension of the footpath across the front of the site. All of this contributes to the sustainability of the development.

Given the need for housing, the principle of development is likely to be considered acceptable, subject to all other material considerations, such as the impact upon the countryside, adjacent listed building, archaeology and highway safety.

### **Quality of Land**

The NPPF states that local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. The planning statement advises that the application site consists of Grade 2 agricultural land, similar to much of the agricultural land within Thanet that is either Grade 2 or higher. The loss of this land will need to be balanced against the need for the development.

### **Impact on Countryside and Surrounding Area**

The site falls outside of the urban confines and within a Landscape Character area. Policies CC1 and CC2 of the Thanet Local Plan look to protect the open landscape, and the wide, long views of the former Wantsum Channel area and Pegwell Bay. The application site is located on the edge of the existing settlement in an open area of field, and will be visible from Monkton Street, with longer views achievable from the surrounding area, including the A299 and Willetts Hill.

#### **- Landscape Impact**

The site is located between existing residential development and Walters Hall Farm; with the northern boundary of the application site not extending beyond the extent of residential development to the west of the site, of farm buildings to the east of the site. As such, the proposed development would be viewed as an infill between existing road frontage development on Monkton Street, and would not result in an isolated extension into the countryside.

A Landscape Appraisal has been submitted as part of the application in order to examine the visual impact of the proposed development on the immediately surrounding area, as well as on long views of the Wantsum Channel, given the location of the site within a Landscape Character Area. The main views of the site are from Monkton Road itself and the A299 to the north of the site, which is at a higher ground level looking down towards Monkton Street. There are limited to no long views available from the west and east of the site, mainly due to the presence of existing development and existing trees surrounding Walters Hall Farm.

The report concludes that whilst the development will be visible, it will not appear out of context with the character of development along Monkton Street, and that mitigation planting will help to blend the proposed development in with surrounding development.

A Landscape Strategy has been submitted, which shows the location of proposed trees, native hedges and shrubs. The strategy has been designed as a direct response to the ecology report and findings of the Landscape Appraisal, and shows the planting of a double native hedgerow along the western, northern and eastern boundaries of the site, and the planting of trees of varying canopy sizes and at random spacing along the northern boundary of the site, in order to soften the appearance of the development from the north. The Landscape Strategy also highlights the views through the site towards the open fields beyond that would be maintained.

Based on the limited long views of the site, and its infill position between an existing residential development to the west and farm buildings to the east, it is considered that there would be very minimal visual harm on the wider landscape, especially if the mitigation planting detailed within the Landscape Strategy is implemented. As a result the landscape impact is considered to be acceptable subject to safeguarding conditions, which should detail the mitigation planting proposed.

#### - Impact on Listed Building

There is a Grade II Listed building on the adjacent neighbouring site to the east, called Walters Hall Farmhouse. The listed building is at least 36m from the side boundary of the application site. It is therefore unlikely that the setting of the listed building will be affected, especially given the row of existing trees to the western boundary of the listed building, which limit longer views of the listed building along Monkton Street. Whilst long views of the listed building as a whole are restricted, partial views of the roof of the listed building are possible, and this may be affected by the location of the proposed development.

The Conservation Officer has been consulted and has advised that in his opinion the proposed siting, design and external appearance of the proposed development would not have a significant adverse effect on the setting of the listed Walters Hall Farm.

Given the distance to the listed building, and its relationship with the proposed development, it is considered that the proposal would have a less than substantial impact upon the significance of the designated heritage, and the public benefits from providing new housing are considered to outweigh the harm to the listed building. The proposed development would therefore comply with paragraph 134 of the NPPF.

#### - Impact upon Character and Appearance of area

Policy SR11 of the Thanet Local Plan prevents development on undeveloped private open space or a gap in the settlement pattern if the site provides recreational opportunities or has intrinsically beneficial qualities and makes a contribution to the character of the area either in itself or by virtue of the longer distance views it affords. The site consists of a modest sized area of agricultural land between built development. Whilst long views across the site are achievable, these views across the countryside continue just beyond Walters Hall Farm



where there is a very wide expanse of countryside. As such it is not considered that the development of this particular area of agricultural land would be significantly harmful to the character of the area.

The proposal is for the erection of 20no. dwellings, at a density of 25 dwellings per hectare. Within the draft Local Plan the site is allocated for 18no. dwellings, which is not too dissimilar to that proposed. A development of the density proposed is considered to be suitable for this rural edge of village location.

Opposite the site are existing residential dwellings, some of which are setback, and others of which extend up the highway. Dwellings on the adjoining site to the west are setback from the road by approximately 9m. On the Eastern site the nearest agricultural building is significantly setback from the road, almost in line with the rear boundary of the site. It is therefore acknowledged that along this section of the village there is a varied character, and so continued variety through this scheme is encouraged when considering the layout, and the size and type of units.

The proposal consists of a mixture of terraced, detached and semi-detached properties; with the larger detached dwellings located to the rear of the site, and the smaller terraced and semi-detached units located towards the front section of the site. The layout of the development proposed is considered to be in keeping with the surrounding pattern of development where there is variety in the size, scale and design of unit types. A new development has recently been constructed on the adjacent site that consists of 8no. large detached dwellings. In order to maintain the variety in the streetscape it is therefore important that within this scheme the smaller units of differing building types are located towards the front of the site. A staggered building line is also important given the varied building line opposite the site. In order to achieve this, the proposal shows plots 1-4 reversed so that the rear gardens adjoin Monkton Street, allowing for the buildings to be setback into the site. Plots 5-7 have also been re-orientated to partly front the single vehicular access road, and partly front Monkton Street, but designed so to appear to as a single detached unit. Further to the east a row of terraced cottages are proposed. The layout proposed enables spacious gaps between the development when viewed from the street, and the varied building line enables large landscaped areas to be provided adjacent to Monkton Street.

Five different building types are proposed within the development. House type 1 covers plots 5, 6 and 7, and consists of 3no. terraced dwellings, two of which are 2-storey gables, with the central dwelling hipped with a dormer at one and a half storeys in height. House type 2 forms the terrace row fronting Monkton Street and consists of 2-storey modest sized dwellings with door canopies and chimneys that add interest to the design. House type 3 forms the 4no. pairs of semi-detached dwellings, which have barn hips and a small front and rear dormer window, along with an extended ground floor area including a setback attached garage. These are the only units with accommodation at second floor level. Whilst some concern has been raised by residents of the presence of 3-storey units on the site, the accommodation is only within the roof space with modestly sized dormers and therefore this is not considered to be out of keeping with the general character of the area. House types 4 and 5 are 2-storey in height and make up the remaining 5no. detached dwellings on the site.

The design of these dwellings is similar to the design of the recently constructed dwellings on the adjacent site.

It is considered that the provision of 5no. different unit types across a 20no. dwelling scheme will help to provide the necessary variety in building design and scale that is required in order for the proposed development to be successfully integrated into this rural village environment.

In terms of materials a mixture is again proposed including both red and yellow brick, white board cladding, slate and clay roof tiles, and timber windows and doors. These materials are considered to be suited to this rural village location, and are considered to be sympathetic to the setting of the adjacent Grade II Listed building.

Overall, the impact of the density, layout, design, scale and materials of the proposed development are considered to be in keeping with the character and appearance of the area, in accordance with Policy D1 of the Thanet Local Plan and the NPPF.

### **Living Conditions**

The site is adjacent to a recently constructed development to the west, and is opposite existing residential occupiers. To the east is an existing farm.

The residents of the adjacent housing development are not likely to be affected by the proposed development as there is a gap of 6.4m between the side elevation of the nearest proposed unit and the side elevation of the nearest neighbouring dwelling, so the impact upon light and outlook is considered to be acceptable. There are no upper level clear glazed windows facing the neighbouring properties, so the impact upon privacy is also acceptable.

The majority of dwellings opposite are setback from the road with driveways to the front, and will therefore not have their privacy or general amenity affected by the proposed development. The only dwellings that may be affected are nos. 56 and 50, both of which are located close to the road, and the garden area adjacent to nos. 56, 58 and 58a.

There are two very small windows within the road elevation of no.56, and a distance of 18m to the rear elevation of plot 4 opposite the site. There is not considered to be any significant impact upon the privacy within the rooms of no. 56, and given the limited number of small windows within the road fronting elevation of no.56, and the proposed planting along the boundary, there would also be a limited impact upon the future occupiers of plot 4.

No. 50 Monkton Street is located directly opposite the new vehicular access into the application site. There are no proposed dwellings directly opposite the site; however, the windows within the proposed front elevation of plot 8 would look towards the driveway associated with no. 50, but as this space is not classed as private amenity space, and is already visible from the public realm, the impact upon the privacy of the occupiers of no.50 Monkton Street is considered to be acceptable.

A concern raised by the occupiers of no.50 is the potential for light pollution from the headlights of cars approaching the new junction opposite the property. Whilst it is accepted

that there would be some impact from headlights, this is only during limited times of the day, and would only be from a limited number of vehicle movements. The section plan also shows that the ground level within the application site would not be much higher than the existing road level, and as such lights from vehicles approaching the junction would only impact upon rooms at ground floor level, and not first floor level where bedrooms are likely to be located. Given the very temporary and limited harm that would result from the proposed development, it is not considered that the standard of amenity for the occupiers of no.50 would be significantly affected to warrant refusal of the application.

A neighbouring garden area is present opposite the site, which appears to belong to no. 56, 58 or 58a Monkton Street. The front boundary adjacent to the garden area consists of a high brick wall of approximately 1.8m in height. The height of the boundary wall means that most of the garden area would be outside of the view line from windows within the proposed development. In any event, there is a minimum distance of 21m between the first floor windows within the proposed dwelling opposite (plot 4) and the boundary wall to the neighbouring garden area, meaning that the degree of harm resulting from potential overlooking would be limited.

Within the development itself, each dwelling is provided with doorstep play space, in accordance with Policy SR5 of the Thanet Local Plan.

The impact upon neighbouring living conditions is therefore considered to be acceptable, and in accordance with Policy D1 of the Thanet Local Plan and paragraph 17 of the NPPF.

### **Transportation**

The proposal involves the creation of a single central vehicular access into the site from Monkton Street, which will provide access to all but three of the proposed parking spaces. The new vehicular access can achieve the required 2.4m x 43m visibility splays.

A Transport Statement has been submitted with the application, which concludes that whilst there will be a number of additional trips on the highway network, the small increase in peak hour trips will be insignificant in traffic terms and will have no material impact on the operation of the local highway network.

The proposal involves the creation of an access road within the site, which extends to both the north and west of the site. Plans have been submitted showing vehicle tracking for a 11.2m long refuse vehicle both within and at the entrance to the site, which proves that vehicles would be able to enter and leave the site in a forward gear.

Off-street vehicle parking has been provided in the form of 2no. parking spaces per dwelling and 3no. visitor parking spaces across the whole development. For the larger dwellings there is also scope for additional parking within their driveways. All of these parking spaces are served from the internal access road other than 2no. parking spaces adjacent and allocated to plot 5, and 1no. parking space adjacent and allocated to each of plots 10 and 11. Independent parking spaces were originally shown for each of units 8-11, but these could not achieve the necessary vision splays and are therefore shown relocated within amended plans to within the site, and an extended footway provided to the front of plots 8-

11. KCC Highways and Transportation have been consulted and are satisfied with the number of off-street parking spaces provided and the footpath extension, which will improve pedestrian movement into the centre of the village and to the bus stop for both the future occupiers of plots 8-11 and existing residents living opposite the site.

Concern has been raised by residents with regards to the narrowness of Monkton Street at this point and the likelihood that the proposed development would lead to on-street parking outside of the development, further restricting access along Monkton Street. KCC has advised that the proposed parking is generally positioned close enough to the houses they serve to help deter on-street parking along Monkton Street; however, it is acknowledged that wherever there is frontage development there is the possibility of some residents ignoring their allocated spaces in order to park immediately outside. If this does occur and cause a highway obstruction, then it may be prudent in the future to investigate the possibility of a Traffic Regulation Order at the mouth of the new junction as far as the proposed crossovers in each direction. The presence of the new bell mouth junction should serve to keep vehicles from parking directly opposite.

Concern has also been raised by residents in relation to highway safety during the construction period. Whilst there may have been inconvenience caused to neighbouring residents during the construction phase of the adjacent development, this could not justify a reason for refusal of the proposed development. In any event, the application site is larger than the adjacent development site, meaning that it will be easier for construction vehicles to load and unload within the site itself rather than on the road. A construction vehicle management plan condition is also proposed in order to provide the necessary safeguarding to the highway during construction, and will include a requirement for on-site parking for construction vehicles.

The number of vehicle movements that would result from the development is not considered to have a severe impact upon the highway network, and adequate off-street parking and turning space within the site has been provided. It is therefore considered that the impact upon highway safety is acceptable and in accordance with the NPPF.

## **Drainage**

- Foul drainage

Southern Water has advised that the results of an initial desk top study indicate that they are currently unable to accommodate the needs of the proposed development without the development providing additional local infrastructure. Southern Water are satisfied that these details can be provided as part of a safeguarding condition, with the required infrastructure to be provided by the developer through separate agreement with Southern Water.

- Surface water drainage

A drainage strategy plan was submitted as part of the application, which showed that surface water run-off would drain to a proposed combined sewer. Southern Water raised concerns to this proposal on the basis that there are no public surface water sewers in the area to serve

the development, and therefore alternative means of draining surface water from the development were recommended.

An amended drainage strategy plan has been submitted, which shows the provision of a proposed foul sewer, and a separately proposed surface water sewer, which would travel below Monkton Street and then south, and outfall in to a local ditch. Southern Water are satisfied that the proposed plan shows that the surface water will not be going to a public sewer, and KCC SUDs have advised that this may be a feasible approach, however they require further detail on the outfall location, discharge rates, and detailed design of the drainage provision, which they have confirmed can be dealt with via condition.

The surface water drainage provision is therefore considered to be acceptable subject to detailed safeguarding conditions requiring the necessary drainage details.

### **Affordable Housing**

Policy H14 of the Thanet Local Plan requires that 30% affordable housing be provided on sites of 15 units or more. The agent has confirmed that 30% of the development will be provided as affordable units, which equates to 6no. units.

Of these 6no. units it is intended that three will be 2-bed and three will be 3-bed. The Strategic Housing Manager has advised that our largest housing need on the register is for 1,2 and 3 bedroom units, and therefore whilst the provision of 2no. 4-bed units would have been proportionate to the overall size of units provided on the site, the size of those provided meets the local need, as such the Strategic Housing Manager has raised no objections to the proposed mix.

Details of the tenure split are to be determined at a later stage through the submission of an affordable housing scheme. With regards to the location, it is intended that plots 5-7 to the west of the access road, and plots 8-10 to the east of the access road, will be provided as the affordable units.

A legal agreement is to be submitted that includes the provision of the 30% affordable housing, along with the unit sizes and an agreement to 100% nomination rights by the Council. The proposal therefore complies with Policy H14 of the Thanet Local Plan.

### **Size and Type of units**

Policy H8 of the Thanet Local Plan requires that there should be a mix of dwelling sizes and types within developments to meet a range of community needs. The proposal is for the erection of 12no. 4-bed units, 5no. 3-bed units and 3no. 2-bed units, and will take the form of 7no. terraced dwellings, 8no. semi-detached dwellings, and 5no. detached dwellings.

Whilst a mix of dwelling sizes is proposed, ideally more 3-bed units than 4-bed units should be provided, as the latest Strategic Housing Market Assessment shows that the greatest need within Thanet is for 3-bed family dwellings. However, the provision of 4-bed units enables the density of development on the site to remain low, which is important for this rural

village location; and provides a form of development in keeping with the surrounding pattern of development. As such, the mix of unit sizes proposed is not considered to be harmful enough to warrant the refusal of the application.

Policy H8 also requires that 15% of the development is provided as lifetime homes, which the applicant has agreed to.

### **Play Provision**

Policy SR5 of the Thanet Local Plan requires that where a development in its completed form would amount to ten to forty-nine residential units a commuted payment is expected to be made for the provision, maintenance and upgrade of play facilities.

There is an existing play area within Monkton Recreation Ground, which is maintained by Monkton Parish Council. The Clerk at Monkton Parish Council has advised that there is a need for additional play equipment and upgrading at the play area, including a new roundabout and safety surface.

The agent has agreed to the provision of a financial contribution in the form of £17,500 to be used for additional off-site play equipment/facilities within Monkton Recreation Ground. This contribution would address the requirements of Policy SR5 of the Thanet Local Plan, and is therefore considered to be acceptable.

### **Archaeology**

An Archaeological Desk based assessment has been submitted with the application, although the draft policy for the allocated site asks for an archaeological evaluation to accompany the application. KCC Archaeological Officer has responded to consultation and has advised that the area has high archaeological potential generally and specifically for Iron Age archaeology found on the adjacent site. Cropmarks indicate a lot of significant archaeology on the higher area to the north. Whilst only limited information has been submitted with the application, the Archaeological Officer is satisfied that the site can be addressed through a condition for evaluation followed by safeguarding measures.

The impact upon archaeology is therefore considered to be acceptable.

### **Biodiversity**

A Preliminary Ecological Appraisal was undertaken by Native Ecology in February 2017, which found that the site provided habitat of negligible suitability for reptiles, although the boundaries of the site were found to provide potential foraging and basking opportunities for reptiles, particularly slow worms and common lizards.

A reptile survey report has been submitted as part of this application, which concludes that only one common lizard was recorded during the reptile survey. As a result, the report recommends a strategy of supervised habitat manipulation, which would encourage any common lizards present within the site to disperse to nearby suitable habitat prior to the start of development works.

KCC Biodiversity have assessed the submitted report and advise that sufficient information has been provided for the determination of the planning application. Although a single reptile has been recorded, the Biodiversity Officer accepts that the suitable reptile habitat on site is limited to the site edge boundaries and is very small compared to the footprint of the development site; however, to minimise any residual risk of harm or impact to reptiles, KCC require the precautionary measures detailed in paragraph 8 of the Reptile Survey Report (regarding habitat manipulation and exclusion) to be undertaken.

The impact upon Biodiversity is therefore considered to be acceptable and in accordance with the NPPF, subject to safeguarding conditions requiring the precautionary measures to be carried out both prior to and during development, and subject to a condition requiring details of bat and bird boxes, log piles, and any intended lighting scheme.

### **Financial Contributions**

#### **- Education/Libraries**

Policy CF2 of the Thanet Local Plan requires that where a proposed development would directly result in the need to provide new or upgraded community facilities, a financial contribution towards the cost of such provision will normally be sought.

KCC have been consulted and have advised that there would be a requirement for a financial contribution of £66,480 towards Birchington Primary School Phase 2 expansion; a financial contribution of £47,196 towards Phase 2 of Ursuline College expansion works; and a financial contribution of £960.32 towards book stock at the local library in Minster.

Whilst these projects are not located within the village itself, KCC have advised that these schools are the nearest schools to the application site with a current expansion project, which would justify a need for financial contributions.

The applicant has agreed to provide all of the required financial contributions, which will be secured through the submission of a legal agreement.

#### **- Healthcare Provision**

A request has been received from the NHS regarding the need to mitigate the increased healthcare requirement created by this housing development. They have advised that any contributions secured should be put towards the internal reconfiguration and upgrade of Minster Medical Practice in order to provide access to core clinical services.

The formulae used to calculate the contribution is based on a cost per head to provide a new surgery. This equates to £360 per person, resulting in an overall contribution of £22,320 for the application site.

The principle of the contribution is considered to meet the statutory test of planning obligation, and the applicant has agreed to the principle of a contribution to be part of the

Section 106 agreement. The impact upon healthcare provision is therefore considered to be acceptable.

## **Habitat Regulations**

Thanet District Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. The proposed development is 1km from the Thanet Coast and Sandwich Bay SPA, Ramsar and SSSI. Therefore, to enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required to contribute to the district wide mitigation strategy.

The tariff for this contribution is provided in the SAMM report. For this development the contribution required is in the form of £10,686. The applicant has agreed to this contribution, which will be secured through a legal agreement.

## **Heads of Terms**

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

- 30% affordable housing,
- £3,324.00 per 'applicable' house towards primary school provision in the form of Birchington Primary School Phase 2 expansion,
- £2,359.80 per 'applicable' house' towards secondary school provision in the form of Phase 2 Ursuline College expansion works,
- £960.32 towards library provision,
- £10,686 towards the Special Protection Area,
- £22,320 towards improvements within primary care by way of an internal reconfiguration and upgrade of Minster Medical Practice,
- £17,500 towards play equipment at Monkton Recreation Ground.

## **Conclusion**

Whilst the site lies within the countryside as identified by the Local Plan, the authority does not have a 5 year supply of deliverable housing sites. Accordingly the proposed housing development must be viewed in the context of the presumption in favour of sustainable development and the tests of paragraph 14 of the NPPF, with any adverse impacts of granting permission having to significantly and demonstrably outweigh the benefits from the scheme to withhold planning permission.

The provision of 20no. dwellings would make a modest contribution to the District's housing supply, supporting economic and social dimensions of sustainable development, with employment provided through construction. It is not considered that the proposed development would significantly impact upon neighbouring amenity due to the general distance and layout of the proposed development. All requests for social contributions



towards education, play provision, social and health care have been agreed by the applicant, and 30% on-site affordable housing is provided. This attaches significant weight in favour of the application due to these social and economic benefits.

In terms of the environmental dimension, the proposal would result in the loss of countryside, but would be viewed as an infill between existing development, with limited impact upon the wider landscape area and the setting of the adjacent Grade II Listed building. The density of the proposed development falls below 30 dwellings per hectare, thus in keeping with the rural character of the area, and landscape enhancements are proposed including hedgerows and sporadic tree planting along the northern, eastern and southern boundaries of the site. Kent Highways raise no objection in principle to the proposal, and the proposed access is considered to be both safe and suitable. Therefore overall limited environmental harm would result from the proposal.

It is considered that, with safeguarding conditions and appropriate contributions and items secured via a S106 legal agreement, that there would be no adverse impact of the development on ecology, archaeology or drainage.

Therefore when considering the framework as a whole, the proposal constitutes sustainable development, as any harm is outweighed by the economic and social benefits from the proposed development of this draft allocated housing site.

It is therefore recommended that Members defer and delegate the application for approval, subject to the receipt of a satisfactory Section 106 agreement to secure the required planning obligations.

**Case Officer**

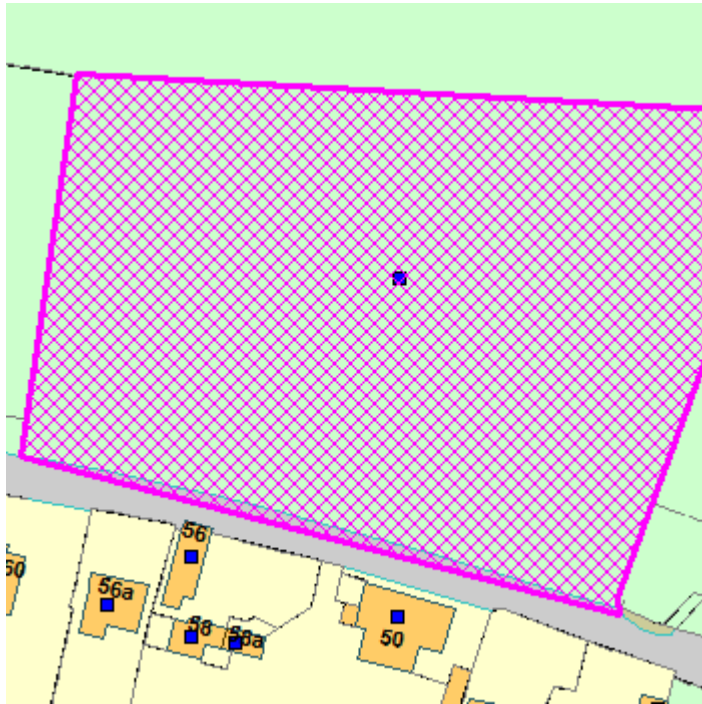
Emma Fibbens

# Agenda Item 5f

TITLE: F/TH/17/0804

Project Land Between 47 And 71 Monkton Street Monkton Ramsgate Kent

Scale:





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## 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.