

**A03**

**F/TH/16/1308**

PROPOSAL: Erection of 4No two storey detached houses, associated access, landscaping and re-routing of public footpath and  
LOCATION: provision of new footpath to frontage of site  
Land Adjacent To Mallisden Haine Road RAMSGATE Kent

WARD: Northwood

AGENT: Mr Clive Tidmarsh

APPLICANT: Mr C Burgess

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 approved drawings numbered:

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

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

05/13/2016 received 28/09/16

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

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

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

GROUND:

To secure the proper development of the area.

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

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

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

GROUND:

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

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

GROUND:

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

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

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

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

GROUND:

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

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

GROUND:

In the interests of highway safety.

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

GROUND:

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

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

**GROUND:**

In order to safeguard protected species that may be present.

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

**GROUND:**

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

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

**GROUND:**

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

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

**GROUND:**

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

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

The public right of way crossing the site shall be retained on its existing alignment and maintained free from obstruction until an alternative right of way has been provided under the appropriate statutory procedure.

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

### SITE, LOCATION AND DESCRIPTION

The site comprises a rectangular plot of land to the east of Haine Road, within the urban confines of Ramsgate. The site lies to the south of Mallisden, a single storey bungalow, which is the southern most property of a row of detached and semi-detached properties along the eastern side of Haine Road. The site lies to the north of Hollydene, a detached two storey property.

The site is currently overgrown, with a number of individual self-sown small trees clearly visible from the road, and scrub growth covering the majority of the site.

### RELEVANT PLANNING HISTORY

F/TH/16/1766 Erection of 3No detached dwellings and 2No attached dwellings, associated access, landscaping, re-routing of public footpath and provision of new footpath to front of site. Under consideration

F/TH/16/0504 Erection of 6No three storey semi-detached houses, associated access, landscaping and re-routing of public footpath and provision of new footpath to frontage of site. Withdrawn

OL/TH/15 /0018 Outline application for the erection of 4No. dwellings with all matters reserved. Permitted 16/04/15

### PROPOSED DEVELOPMENT

The proposed development seeks detailed planning permission for the erection of 4No. two storey detached dwellings. The proposed dwellings are identical in appearance. At ground floor level there is a hallway with living room, kitchen/diner and W.C. leading off. At first floor

level there are two bedrooms (one having an en-suite) and a family bathroom, at second floor there are two further bedrooms, a family bathroom and study.

The proposed dwellings are set back approximately 6.4m to allow for two off street parking spaces per unit with some soft landscaping. Modest rear private gardens are provided with a patio and storage for bicycles.

## DEVELOPMENT PLAN POLICIES

Thanet Local Plan Saved Policies 2006

H1 - Residential development sites  
H4 - Windfall sites  
TR12 - Cycling  
TR16 - Car parking provision  
D1 - Design principles  
D2 - Landscaping  
HE12 - Archaeological sites and preservation  
SR5 - Play space  
SR11- Private open space

## NOTIFICATIONS

No third party representations received.

## CONSULTATIONS

**Kent County Council Public Protection** Public footpath TR26 is on the proposed land and would be obstructed by the proposed development I therefore object to the application.

My objection would be withdrawn if the applicant indicates an intention to divert the path under the Town and Country Planning Act 1990. The grant of planning consent does not entitle the developer to obstruct the Public Right of Way. The development insofar as it affects the Public Right of Way, must not be started - until such time as the Order necessary for its diversion has been confirmed, and the new route provided. The successful making and conformation of an Order should not be assumed. If you are mindful to approve the application I ask that you make it a condition that no development should take place over the PROW until the confirmation of its diversion or extinguishment.

## COMMENTS

This application is referred to the Planning Committee as the site comprises non-previously developed land.

### **Principle**

The site is non-previously developed land. Policy H1 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. The Council does not presently have a 5 year supply of deliverable housing sites; housing application should be considered in the context of the National Planning Policy Framework's (NPPF) presumption in favour of sustainable development. This is because local policies relating to the supply of housing are no longer considered to be 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 benefit, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

In this case the site lies within the urban confines, adjacent to residential properties on Haine Road. Westwood Cross town centre is within 900metres of the site. Bus stops are located within a 5 minute walking distance from the site along Stirling Way.

A further consideration when considering the principle is the loss of the existing open space at the site. Policy SR11 of the Thanet Local Plan seeks to protect from development private open space where it provides active recreational facilities; meets a deficiency of in recreational facilities or has intrinsically beneficial qualities and makes a contribution to the character of the area either in itself or by virtue of the longer distance views it affords. The site has been previously considered to comply with this policy requirement; planning reference number OL/TH/15/0018.

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

### **Character and Appearance**

The site lies at the end of a row of residential properties on the eastern side of Haine Road, and is viewed from the public highway in the context of these properties. Open flat fields are opposite the site, with Haine Road delineating the change in character of the area from the open countryside to the suburban residential development on the eastern side of the road. The site is covered in self-sown trees and scrub growth, with the view from Haine Road of the site blocked by this growth. The site therefore does not appear as open space, nor does the site as undeveloped land have any integral value, lying within the developed context of the eastern side of Haine Road. The self-sown trees are small and do not have any wider or special amenity value within the area. Therefore the development of the site for residential properties would not result in harm to the character of the area, and would be in keeping within the pattern of development in the area.

The proposal is for 4no. two storey dwellings set back roughly in-line with the detached garage associated with the property known as Mallisden adjacent and with two off-parking spaces in front of each dwelling. The plans also indicate the continuation of a public footpath providing a link to the existing footpath for future occupants of the dwellings. In terms of design and appearance of the proposed dwellings Plot 1 has a projecting two storey gable and projecting windows at both ground and first floor level and also a gablet feature. The dwelling has a pitched roof over; this has a full hip to the side closest to the neighbouring bungalow and a half hip to the other side. Plots 2, 3 and 4 are all of the same appearance,

but handed, these are similar to plot 1 but have a half hip across the main roof and no gablet.

The character of this section of Haine Road is relatively rural in nature; with small clusters of development separated by existing farm/grazing land, giving quite a spacious character.

The dwellings immediately to the north of the site are single storey with hipped roofs, beyond which there are examples are two storey dwellings; however these are traditional in design and have a cottage appearance.

Taking into account the existing form and character of the area, it is considered that the proposal would have regard to the existing site context in terms of the spacing between dwellings and the design of the dwellings takes into the local character and reflects the identity of the local surroundings and would add to the overall quality of the area. I am therefore of the opinion that the proposal is acceptable in terms of paragraphs 58 and 64 of the NPPF and policy D1 of the adopted Thanet Local Plan (2006).

### **Living Conditions**

The main impact of the proposal would be on the immediate neighbour which is site to the north of Plot 1, although the impact on all neighbours has been assessed below.

The impact of the proposal on Mallisden, the bungalow to the north has been assessed. Plot 1 would have the most impact upon this property as it is the closest proposed dwelling. There are window and door openings proposed within the ground and first floors of the dwelling; although not to habitable rooms, but stairway and utility.

Mallisden has a detached pitched roof garage running parallel to part of the side boundary with plot 1. Given this relationship it is considered that overlooking would be minimal. The proposal however would be directly to the south of this bungalow, which would result in a degree of overshadowing to the private amenity area and being overbearing. However this is not considered so significant that it would form a reason for refusal.

There are no dwellings to the rear of the site.

The dwelling to the south (Hollydene) has an adequate degree of separation not to result in material harm to the dwelling. Whilst there is a window within the side elevation of plot 4, this serves a non-habitable window and therefore the relationship with the private amenity space is considered acceptable.

### **Transportation**

The NPPF (paragraph 32) requires new development to provide safe and suitable access for all modes.

This part of Haine Road is subject to traffic calming measures and through traffic is encouraged to use New Haine Road, this has reduced traffic movements along this stretch of road significantly and it is no longer a classified road. Vehicular accesses shall have visibility splays of 2.4m x 43m, this has been demonstrated on plan.

Currently no footpath is present at the front of the site. A footpath is shown to be provided, to link in with the current footpath that ceases outside of Mallisden. This would provide a safe pedestrian link to the existing footway network along Haine Road towards Westwood Cross. This should be provided prior to occupation of any of the units and agreed by condition.

There is a Public Right of Way (PROW) across the site, separate consent is needed to alter the course of the PROW, whilst KCC have objected to the application, they state that should officers be minded to recommend approval a condition could be attached to stating that no development takes place over the PROW until the confirmation of its diversion or extinguishment. Officers consider that the diversion of a public right of way is subject to separate statutory procedure and the grant of planning permission does not override the separate need to follow due process for the footpaths diversion.

### **Other Material Considerations**

The dwellings proposed have rear private gardens, they are considered appropriate in this instance. and acceptable in terms of the requirements of policy SR5 of the adopted Local Plan.

The previous consent, approved in 2015 (planning reference number OL/TH/15/0018) remains extant, it contained a condition relating to archaeology due to Thanet's rich archaeological potential, it is therefore considered appropriate to attach a condition again to comply with saved Policy HE12.

In addition, information and surveys were submitted in relation to ecological issues to address the Natural Environment and Rural Communities Act (2006), requires 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions for the purpose of conserving biodiversity'. Furthermore 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.' More specifically the National Planning Policy Framework states that 'if significant harm resulting from a development cannot be avoided adequately mitigated, or, as a last resort, compensated for then planning permission should be refused.'

The surveys were considered satisfactory by the KCC Biodiversity team. Safeguarding conditions to ensure measures incorporated to minimise the potential impact on nesting birds and hedgehogs could also be attached. These measures, including emergence surveys on trees prior to felling within the bird breeding season, are considered necessary to ensure that the development minimises the impact on biodiversity from the development, although this condition was not attached to the earlier consent but as an informative. A condition is considered the most appropriate way to safeguard this requirement. A condition can also be addressed to secure native tree/hedge planting within the scheme to offer an enhancement to biodiversity.

### **Conclusion**

The application site consists of predominantly non-previously developed land within the urban confines. The proposed housing development would be contrary to Policy H1 of the Thanet Local Plan, however given the current housing need within Thanet and the location



of the site and the recent planning approval the site could support a housing development. The number of dwellings proposed on the site, is considered appropriate to the sites character and appearance of the area. Additionally the design and appearance of the dwellings proposed takes into the local character or reflect the identity of the local surroundings and would add to the overall quality of the area, and would accord with paragraphs 58 and 64 of the NPPF and policy D1 of the adopted Thanet Local Plan (2006). Issues pertaining to neighbour amenity, highway issues and biodiversity are considered acceptable and accordingly approval of the scheme is recommended.

**Case Officer**

Gill Richardson

TITLE:

F/TH/16/1308

Project

Land Adjacent To Mallisden Haine Road RAMSGATE Kent

