

D09

F/TH/16/1160

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

LOCATION: Disused Railway Line College Road MARGATE Kent

WARD: Salmestone

AGENT: Mr Matthew Beasley

APPLICANT: Mr Damien Gillis, Joe Desosa, Ian Craig

RECOMMENDATION: Defer & Delegate

Subject to the following conditions:

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

GROUND:

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

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

GROUND:

To secure the proper development of the area.

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

GROUND:

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions, in accordance with the NPPF.

4 Prior to the first occupation of any part of the development hereby approved, details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

GROUND:

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions, in accordance with the NPPF.

5 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

GROUND:

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

6 No development shall take place until details of the means of foul drainage have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

GROUND:

To prevent pollution in accordance with the NPPF.

7 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

GROUND:

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

8 The developer must ensure a watching brief is carried out by a suitable consultant during demolition and foundation works. Any measures to control any contamination identified during these activities shall be agreed with the Local Planning Authority prior to the construction of development hereby permitted.

GROUND:

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

9 No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

GROUND:

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

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

GROUND:

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

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

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

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

GROUND:

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

levels of on-street parking in the immediate vicinity.

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

GROUND:

In the interests of highway safety and pedestrian movement.

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

GROUND:

In the interests of highway safety.

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

GROUND:

In the interests of highway safety.

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

GROUND:

Development without adequate provision for the parking or turning of cars is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of policy D1 of the Thanet Local Plan.

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

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

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

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

GROUND:

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

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

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

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

GROUND:

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

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

GROUND:

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

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

GROUND:

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

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

GROUND:

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

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

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

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

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

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

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

GROUND:

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

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

GROUND:

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

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

GROUND:

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

INFORMATIVES

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

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

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

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

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

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

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

SITE, LOCATION AND DESCRIPTION

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

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

RELEVANT PLANNING HISTORY

No relevant planning history.

PROPOSED DEVELOPMENT

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

DEVELOPMENT PLAN POLICIES

Thanet Local Plan Policy (2006) Saved Policies

D1 - Design principles

D2 - Landscaping

H1 - Housing provision

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

NOTIFICATIONS

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

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

CONSULTATIONS

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

(*initial comments*)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

KCC Biodiversity Officer -

Reptiles

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

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

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

Breeding Birds and Hedgehogs

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

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

Bats

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

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

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

Enhancements

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

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

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

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

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

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

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

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

COMMENTS

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

Principle

The site is non-previously developed land within the urban confines. The proposal is therefore contrary to Policy H1 of the Thanet Local Plan, which requires that development is built on previously developed land within the urban confines. However, this policy constraint needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis the National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development.

The application site is sustainably located, within walking distance of schools, facilities and services, and on a bus route. The site also lies adjacent to a public right of way.

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

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

Character and Appearance

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

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

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

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

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

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

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

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

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

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

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

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

Living Conditions

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

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

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

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

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

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

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

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

Transportation

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

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

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

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

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

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

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

Ecology

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

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

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

Drainage

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

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

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

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

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

Other Issues

- Size and Type of Housing

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

- Loss of Trees

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

- Contamination

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

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

- Archaeology

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

- Impact on Special Protection Area

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

Conclusion

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

Case Officer

Emma Fibbens

TITLE: F/TH/16/1160

Project Disused Railway Line College Road MARGATE Kent

Scale:

