

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.

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 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:

