

**D09**

**OL/TH/16/0376**

**MAJOR**

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

LOCATION: Land Rear Of 2 To 28 Kingston Avenue MARGATE Kent

WARD: Garlinge

AGENT: Mr Matthew Beasley

APPLICANT: Mr & Mrs Bill & Ann Brazil

RECOMMENDATION: Defer & Delegate

Subject to the following conditions:

1 Approval of the details of the layout and appearance of any buildings to be erected, and the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

GROUND:

As no such details have been submitted.

2 Plans and particulars of the reserved matters referred to in Condition 1 above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

GROUND:

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

3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

GROUND:

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

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

GROUND:

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

5 Details to be submitted pursuant of condition 1 above for the matter of layout shall include:

- i. archaeological field evaluation works in accordance with a specification and written timetable to be agreed with KCC Archaeology,,
- ii. any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable.

**GROUND:**

To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

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

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

**GROUND:**

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

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

**GROUND:**

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

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

**GROUND:**

In the interests of highway safety.

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

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

GROUND:

In the interests of highway safety.

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

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

GROUND:

In the interests of highway safety.

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

GROUND:

In the interests of highway safety.

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

GROUND:

In the interests of highway safety.

13 Prior to the first occupation of the development hereby permitted, 1 metre x 1 metre pedestrian visibility splays shall be provided behind the footway on both sides of each private access, with no obstructions over 0.6m above footway level. The visibility splays shall thereafter be maintained.

GROUND:

In the interests of highway safety.

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

**GROUND:**

In the interests of highway safety.

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

**GROUND:**

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

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

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

**GROUND:**

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

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

## GROUND:

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

## SITE, LOCATION AND DESCRIPTION

The site is located just outside of the urban confines and is non-previously developed land on the edge of Garlinge. The land is not in agricultural use, but is just overgrown scrubland. To the west, south and east of the site is agricultural land and to the north of the site is residential development. The site is accessed from Brooke Avenue, and Kingston Avenue is parallel to the site. The adjacent residential area is characterised by 2-storey semi-detached and terraced dwellings, with at least 10m deep rear gardens and front gardens that are approximately 7m deep. A public right of way extends along the south western boundary of the site, connecting the site with Garlinge High Street.

## RELEVANT PLANNING HISTORY

OL/TH/01/0752 - Outline application for residential development - Refused 23/10/01

## PROPOSED DEVELOPMENT

The application is in outline form, with permission being sought for the number and size of units proposed, along with their scale and the access to the site. An illustrative layout plan has been submitted, which shows in detail how the units could be accommodated on the site. Layout was originally applied for as part of this application, but following receipt of the archaeology comment, which requires some evaluation trenching to be carried out prior to the layout of the development being confirmed, layout has since been removed as a matter to be approved through this application.

The original application submitted was for the erection of 48no. units, however, amended plans have since been submitted that now show the erection of 43no. residential units, including 35no. dwellings and 8no. self-contained flats. The units range in size between 2-bed flats to 4-bed dwellings, and the properties are all detached or semi-detached, other than the flats, which are contained within two large blocks that appear as terraces.

Access is from Brooke Avenue to the north of the site, and the development is laid out as two cul-de-sacs. Each dwelling is provided with a rear garden and 2no. off-street parking spaces. The flats are provided with a communal garden and 8no. off-street parking spaces. Nine visitor parking spaces are also provided within the overall development.

## DEVELOPMENT PLAN POLICIES

Thanet Local Plan Policy (2006) Saved Policies

D1 - Design principles

D2 - Landscaping

EP5 - Air quality  
H1 - Housing provision  
H4 - Windfall sites  
H8 - Size and type of housing  
H14 - Affordable housing provision  
CF2 - Development contributions  
SR5 - Doorstep and local play space  
TR12 - Cycling  
TR16 - Car parking provision

## NOTIFICATIONS

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

- Not a brown field site,
- Putting a strain on already overcrowded schools, doctors etc.
- Safety and vandalism,
- Overlooking,
- Loss of habitat,
- Development too high,
- Inadequate access,
- Increase in traffic,
- More open space on development needed,
- Over-development,
- Noise nuisance,
- Out of keeping with character of area,
- Increase of pollution,
- Strain on existing community facilities.

## CONSULTATIONS

**KCC Highways and Transportation** - (amended comment) I refer to the amended drawing number 16.859.MB.PL01 Rev. G submitted for the above.

Whilst the visibility envelopes and junction splays shown are still not correct they can be resolved by condition.

The site is located close to regular and frequent bus services, and to local facilities such as schools, doctors' surgery, shops, etc. The number of vehicle movements likely to be generated in the peak hours (around 25) and the number of different routes available that vehicles are likely to use travelling to/from the site indicates there is unlikely to be a severe impact on the highway network that would warrant a recommendation for refusal on highway grounds.

The proposals include connections to the existing footway network in Brooke Avenue, allowing pedestrian access to bus stops, services and amenities in Garlinge and beyond.

Adequate vehicle parking is now provided and construction matters can be dealt with through a Construction Management Plan.

I therefore now have no objections in respect of highway matters subject to the following being secured by condition:

(Original comment) - I refer to the above planning application and note that access and layout are for approval at this stage.

If the streets within the site are intended to be adopted by the highway authority, the following matters need to be satisfactorily resolved:

1. Speed restraint measures are required at maximum 60 metre spacing. An additional measure is therefore required in the street serving plots 1-29.
2. Vehicle swept paths should be submitted to demonstrate that the proposed streets and turning heads can accommodate an 11.2 metre refuse vehicle. The turning heads currently shown in particular appear too small.
3. Forward visibility envelopes of 18 metres are required around the bends adjacent to plots 2, 30-33, with no obstructions over 1 metre above carriageway level. These envelopes should be included within the highway to be adopted.
4. Visibility splays of 2.4 metres x 25 metres are required at the junction of the street serving plots 30-48 with the street serving plots 1-29, with no obstructions over 1 metre above carriageway level. These splays should be included within the highway to be adopted.
5. Footways should be a minimum width of 1.5 metres.
6. The footways at the site entrance should connect to the existing footways in Brooke Avenue.
7. Driver visibility splays of 18 metres x 2 metres x 18 metres are required at private accesses/driveways, with no obstructions over 1 metre above carriageway level. These splays do not need to be included in the adoptable highway and could be secured by condition, however the provision of these splays does not currently appear possible for plots 2, 37 and 38.
8. Pedestrian visibility splays of 1 metre x 1 metre are required behind the footway on each side of each private access/driveway, with no obstructions over 0.6 metres above footway level. These splays could be secured by condition.
9. Additional unallocated parking is required for plots with tandem parking and for visitors. A total of 10 additional spaces are required and these should be distributed throughout the site but with particular focus on the areas with tandem parking. The spaces should be provided in lay-by format with the proposed footway diverted behind.
10. All parking spaces should be a minimum of 5 metres long x 2.5 metres wide, increased to 2.7 metres where bounded on one side by a fence/wall/landscaping or 2.9 metres where bounded by such obstructions on both sides. Where a parking space/driveway also serves as the pedestrian route to/from the front door of a dwelling, it should be widened to 3.2 metres. Spaces in front of garages should be a minimum of 5.5 metres long.
11. It should be noted that garages are not counted as providing vehicle parking spaces but can

be assumed to provide the necessary secure, covered cycle parking for the relevant dwellings. Car ports are acceptable as parking spaces but permitted rights to enclose them/add doors will need to be removed as part of any planning consent given.

12. Secure, covered cycle parking should be provided at a minimum of 1 space per bedroom for dwellings and 1 space per flat.

**KCC SUDs** - Kent County Council as Lead Local Flood Authority have no objection to the proposals of the revised flood risk assessment and are satisfied that the development can accommodate sufficient provision for surface water drainage. Ground Investigations will be required to validate the assumptions of the report during any detailed design work.

**Southern Water** - Following initial investigations, Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to para 109 of the NPPF. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested by the developer to accommodate the above mentioned project.

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

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

No objections subject to safeguarding conditions.

**Environment Agency** - We had no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.

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

#### Primary School Provision

The attached Education statistics (Appendix 1) identify that there is a deficit in Primary provision locally. The above development will add to that deficit. KCC, as the Local Education Authority, has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.

In accordance with the Planning Legislation, new development is to be sustainable and mitigate its impact upon local facilities. KCC have, in accordance with KCC policy, identified



that even after further expansion of existing Primary Schools they will be at capacity and unable to be extended further, thus new provision is required locally to accommodate the further pupils arising.

The proposal gives rise to 12 additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the enhancement of St Gregory's RC School, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded.

A contribution of £3324.00 per 'applicable' house (x35) and £831.00 per 'applicable' flat (x8) is required towards the enhancement of St Gregory's RC Primary School.

The Applicant is not being asked to contribute to that part of any project which addresses existing need, but a proportionate contribution to the provision of additional capacity to meet the needs arising from the occupants of the new development.

#### Secondary school provision

The proposal gives rise to additional secondary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the extension of existing Secondary School accommodation within the locality. The contributions from this development will be allocated towards the construction costs of Phase 1 expansion of Ursuline College Secondary School.

Therefore the County Council requests a contribution of £2,359.80 per 'applicable' house (x35) and £589.95 per 'applicable' flat towards Phase 1 Ursuline College Secondary School expansion costs.

#### Libraries

This new development will generate new borrowers for the Library service. KCC are the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

Bookstock in Thanet at 953 items per 1000 population is below the County average of 1134 and both the England and total UK figures of 1389 and 1492 respectively.

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

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

**Natural England** - The application site is in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application sites are in close proximity to:

- Thanet Coast & Sandwich Bay Special Protection Area (SPA) and Ramsar site<sup>2</sup>, part of which is also designated as the Tankerton Slopes and Swalecliffe Special Area of Conservation (SAC)

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

When recording your Habitats Regulations Assessment, we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects:

Appropriate financial contributions should be made to:

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

With regard to the Thames, Medway and Swale Estuaries, as detailed in Natural England's letter of the 6 January 2015, we confirmed that a suite of strategic measures similar to those set out in the Thames, Medway and Swale Estuaries SAMM Strategy will provide appropriate mitigation. However, we consider it is up to the local authorities to ensure that appropriate measures are in place to allow the strategic mitigation to be delivered. This would include consideration of the appropriate tariff. Natural England will of course to continue to offer advice through the North Kent Environmental Planning Group and the Thanet Coast local authorities on the strategic mitigation.

**KCC Biodiversity** - We have reviewed the ecological information which has been submitted with the planning application and we advise that additional surveys are required prior to determination of the planning application.

The proposed development site is an area of scrub/grassland and the ecological scoping survey has detailed that the proposed development site has the potential for breeding birds, reptiles and foraging/commuting bats to be present within the proposed development site. The ecological scoping survey has recommended that a reptile survey is required but we also advise that there is a need for a breeding bird survey to be carried out as the proposed development site will result in a complete loss of the scrub / grassland habitat.

The presence of protected species is capable of being a material consideration and we advise that the recommended specific species surveys and details of any mitigation required are submitted to the LPA for comment prior to determination of the planning application.

**Archaeological Officer** - The application site lies within an area of considerable archaeological interest with evidence of extensive ancient landscapes revealed through aerial photography as cropmarks in much of the surrounding agricultural fields.

Of immediate relevance to the proposed residential development site is the presence of a sizeable rectangular enclosure part of which lies over the eastern area of the application site. Within the enclosure lies a circular feature which could be indication of a Bronze Age barrow (burial mound) or possibly a round house (although with a diameter of c.15m the latter interpretation seems less likely). A larger circular feature has also been recorded in the field to the east of the enclosure. The date and function of the enclosure complex which is over 200m in length and 80m wide is not known as no archaeological fieldwork has been undertaken in this area to date. Significant archaeological remains, and in particular the remains of the enclosure complex, activities associated with it and the possible burial mound could very possibly be affected by the groundworks for the proposed residential development.

Previously we had recommended that evaluation trenching would be needed prior to determination of a planning application at this site. However on reviewing the present condition of the site it is very clear that over the last thirty or so years it has become heavily overgrown and this would make evaluation at this stage difficult to achieve without significant clearance work. Further the ongoing overgrowth of the site would be likely to have an effect on the archaeology itself. It is my view therefore that the archaeological potential of this development and its impact can be best addressed through the imposition of a planning condition that secures evaluation once the site is cleared of vegetation but preferably in advance of a detailed submission so that mitigation including potentially preservation of archaeology can be achieved in the detailed design.

**Open Space Officer** - The nearest play area to Brooke Avenue is Garlinge Recreation Ground, and there is a need for new equipment here.

## COMMENTS

This application is brought before members as a departure to Thanet Local Plan Policy H1 and has been called in by Cllrs Curran and Dennis for consideration of whether the application constitutes overdevelopment of the area.

## **Principle**

The application site is located outside of the urban confines on non-previously developed land. Policy H1 of the Thanet Local Plan requires that residential development on non-allocated sites will be permitted only on previously developed land within existing built-up confines unless specifically permitted by other local plan policies, however this policy no longer accords with the requirements of the National Planning Policy Framework, as the Council no longer has a 5 year supply of housing, and as such this policy has little weight at this time.

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

countryside. There is a current need for housing within Thanet, which is being reviewed through the Local Plan process. The NPPF states in para 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The site is on the edge of the urban boundary, falling adjacent to the Garlinge area. A local amenities map has been submitted by the agent in support of the application, which shows that the site is within 300m of 4 bus stops, and within 500m of shops and a public house (Garlinge High Steet), a primary school and a recreation area, including an equipped play area. A public right of way extends along the south western boundary of the site and would connect the residential development with Garlinge High Street. It is therefore acknowledged that the site is sustainably located with regards to its walking distance from facilities and services, and public transport.

Within the Emerging Draft Local Plan, the application site is allocated for residential development for a notional 34no. units. Whilst the application site would be a departure to current Local Plan Policy H1, the direction of travel of the new Policy document to allocate the site for housing development has some weight in decision-making to support a proposal for housing development on the site.

In determining whether housing on the site would be acceptable in principle as a departure to Policy H1, the need for housing in the district will therefore need to be balanced against other issues such as the impact on the countryside, sustainability of the site, character and appearance of the proposed development, and highway safety.

### **Character and Appearance**

The application site adjoins an existing residential area, with Brooke Avenue leading directly into the site. Whilst the site would be viewed as a natural expansion to the residential development within Brooke Avenue, consideration needs to be given to the visual impact upon the countryside in accordance with Policy CC1 of the Thanet Local Plan. The site is quite small in size, only 1.17 hectares, and is located a significant distance from both Garlinge High Street to the west of the site, and Shottendane Road to the south of the site. Any long distance views of the proposed development will be against the backdrop of existing residential development within both Brooke Avenue and Kingston Avenue, and will be beyond the large areas of countryside that will remain between the proposed development and the surrounding roads to the west and south. The application site is an overgrown area of land that provides no agricultural benefit, and the site is not considered to offer intrinsically beneficial qualities, recreational space, or visual relief. The principle of developing this site is therefore not considered to be visually harmful to either the countryside or the character of the area, in accordance with Policies CC1 and SR12 of the Thanet Local Plan.

The proposed development will be accessed from a single access point to the north of the site, onto Brooke Avenue. The single access point has resulted in two cul-de-sacs being formed within the development, one above the other. The majority of the development consists of semi-detached dwellings, in keeping with the pattern of surrounding development. Some detached dwellings are also proposed to the south of the site, which allow for a more spacious setting within the far corner of the site, which is surrounded on

both sides by countryside. The flat development, which consists of 8no. units, is split into two blocks that have the appearance of 4no. terraced units. This is again in keeping with the surrounding area where terraced development is characteristic.

The application site is allocated within the Draft Local Plan for 34no. dwellings, yet the proposal is for 43no. units, an increase of 9no. units. This has resulted in a density of 37 dwellings per hectare. Whilst this density is slightly higher than what we would expect to see on a site located within the countryside, this is not a village location, and therefore a slightly higher density would be acceptable if it were in keeping with the pattern of surrounding development. The illustrative layout plan submitted allows for buildings of a similar type, plot depth, and setback as surrounding development, and therefore whilst the number of units proposed exceeds the notional housing figure contained within the Draft Local Plan, the impact would not be significantly detrimental to the character and appearance of the area.

Scale is a matter for consideration. The proposal is for a 2-storey pitched roof development, with units that measure approximately 5.8m to eaves level and 8.8m to ridge height. All of the units are of a similar form, with only slight variations in the roof style, or where different building types are proposed, such as detached, link detached, semi-detached, and the flat blocks. This can be seen within the submitted section plans through the site. The scale is considered to be in keeping with the character and appearance of the surrounding area.

Landscaping is a reserved matters, yet the illustrative layout plan suggests that tree planting may be achievable around the boundary of the site, as well as within some amenity areas within the development, which would help to soften the appearance of the development, especially given its location as a transition site between the urban area and open countryside. The provision of trees is therefore a requirement for the landscaping reserved matters.

The scale and illustrative layout plan of the proposed development is considered to be acceptable and in keeping with the character and appearance of the area, in accordance with Policy D1 of the Thanet Local Plan.

### **Living Conditions**

The neighbouring dwellings closest to the application site are on Kingston Avenue. The neighbouring properties back onto the application site, with the closest neighbouring property a minimum of 9m from the proposed development. The impact upon light and outlook is therefore considered to be acceptable.

In terms of overlooking, there is a minimum distance of at least 17m between the proposed unit 3 and the neighbouring properties to the rear. Whilst this is slightly less than what we would consider to be acceptable, layout and appearance are reserved matters and this is a detached dwelling so there is the opportunity for the design of the dwelling to accommodate no clear glazed first floor windows to the rear, and instead accommodate oriel windows to the side. This is also the same for units 9, 10 and 11, which although semi-detached, also have the same opportunity for oriel windows, where windows could face the road, or for the dwellings to be moved towards the road. All of the other proposed dwellings have a

minimum distance of 20m to the nearest neighbouring dwellings, which is considered acceptable. The impact upon neighbouring privacy is therefore considered to be acceptable.

Within the proposed site there is a distance of at least 28m between the rear elevation of dwellings, and as such there is no mutual overlooking within the proposed scheme.

Each dwelling is provided with its own garden, and a large communal garden area, with the potential for refuse storage and cycle storage, is provided for the self-contained flats. The proposal therefore complies with Policy SR5 of the Thanet Local Plan, which requires that doorstep play space is provided for each family unit.

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

## **Transportation**

The application is seeking approval for the access to the site, along with the number of dwellings proposed and the parking layout.

The proposal is for 43no. units, all of which will be accessed from Brooke Avenue. Each of the dwellings are provided with 2no. off-street parking spaces and the flats are provided with 8no. off-street parking spaces, along with space for a cycle storage area. Ten visitor parking spaces are provided within the development, and there is also considered to be capacity on surrounding streets for on-street parking.

KCC Highways and Transportation have been consulted and have advised that the site is located close to regular and frequent bus services, and to local facilities such as schools, doctors' surgery, shops, etc. The number of vehicle movements likely to be generated in the peak hours (around 25) and the number of different routes available that vehicles are likely to use travelling to/from the site indicates there is unlikely to be a severe impact on the highway network that would warrant a recommendation for refusal on highway grounds.

The applicant is keen for the roads within the development to be adopted by the highway authority, and as a result KCC have requested additional information to prove that the roads can be laid out to an adoptable standard, including adequate visibility on corners, turning provision, footpath widths, and adequate parking provision. Amended plans have been submitted for further comments from KCC, who advise they have no concerns other than the visibility envelopes and junction splays, which are still shown incorrectly, but which can be resolved by condition, or through the layout reserved matters application.

The proposals include connections to the existing footway network in Brooke Avenue, allowing pedestrian access to bus stops, services and amenities in Garlinge and beyond, and adequate vehicle parking is now provided within the site. KCC Highways and Transportation therefore raise no objections to the proposed development subject to safeguarding conditions.

It is therefore considered that given the acceptability of the access design and parking provision on site, the impact upon highway safety is acceptable.

## **Size and Type of Housing**

The proposal is for the erection of 8no. 2-bed flats, 7no. 2-bed dwellings, 25no. 3-bed dwellings, and 3no. 4-bed dwellings. Policy H8 of the Thanet Local Plan requires that on sites where 10 or more residential units are proposed, the council will require a mix of dwelling sizes and types to be provided to meet a range of community needs. 15% lifetime homes is also required.

The most up to date information on housing need, for both market and affordable houses, can be found within Policy SP18 of the Draft Thanet Local Plan. The Strategic Housing Market Assessment (SHMA) shows that the greatest need is for 3-bed houses and 2-bed houses. The proposed development is considered to address the proportional need identified within the SHMA, and as such the proposed development is considered to comply with adopted Policy H8 and draft Policy SP18.

## **Ecology**

An Ecological Scoping Survey has been submitted with the application, which advises that the site has excellent potential as a bird nesting and foraging habitat, and good potential for reptiles and both slow-worm and viviparous lizard. The site is not considered to hold dormice, water vole or great crested newts, and no signs of badgers were found during the scoping visit. The site does have potential as a bat foraging area, and it is recommended that hedgelines are maintained around the site within the development proposals to provide corridor habitats for this group and other species.

The report recommended a presence/absence survey for reptiles be carried out. A reptile report has been submitted, which advises that Slow-worms and Viviparous Lizards were recorded on site, but no other reptiles were seen.

## **Drainage**

A flood risk assessment has been submitted in support of the application, which states that the intention would be to use shallow soakaways for the disposal of surface water runoff. KCC SUDs have commented and advised that they have no objections to the flood risk assessment, and they are satisfied that the development can accommodate sufficient provision for surface water drainage. Safeguarding conditions are recommended for further ground investigation following the grant of any planning permission, in order to validate the assumptions of the report.

Southern Water have commented that they cannot accommodate the needs of this application without the development providing additional local infrastructure, which the developer would be required to provide.

Southern Water can provide a water supply to the site, however Southern Water will require a formal application for connection and on-site mains to be submitted by the developer.

The impact upon flooding and the proposed form of drainage is therefore considered to be acceptable and in accordance with the NPPF.

## **Play Area**

Policy SR5 of the Thanet Local Plan requires that for development of between 11 and 49 units, an off-site financial contribution towards the nearest equipped play area is required to be used for new or replacement equipment to serve the development. The Open Spaces Officer has advised that the nearest equipped play area to the proposed development is Garlinge Recreation Ground, and there is a need for new equipment at this location. A contribution of £37,625 is therefore required towards the play equipment at Garlinge Recreation Ground, which the applicant has agreed to, and will form part of the legal agreement to be submitted with the application.

## **Archaeology**

The KCC Archaeology Officer has commented that the application site lies within an area of considerable archaeological interest with evidence of extensive ancient landscapes revealed through aerial photography as cropmarks in much of the surrounding agricultural fields.

Of immediate relevance to the proposed residential development site is the presence of a sizeable rectangular enclosure part of which lies over the eastern area of the application site. Within the enclosure lies a circular feature which could be indication of a Bronze Age barrow (burial mound) or possibly a round house (although with a diameter of c.15m the latter interpretation seems less likely). A larger circular feature has also been recorded in the field to the east of the enclosure. The date and function of the enclosure complex which is over 200m in length and 80m wide is not known as no archaeological fieldwork has been undertaken in this area to date. Significant archaeological remains, and in particular the remains of the enclosure complex, activities associated with it and the possible burial mound could very possibly be affected by the groundworks for the proposed residential development.

KCC have advised that given the current condition of the site, which is heavily overgrown, evaluation of the site would be difficult without significant clearance works, and therefore the archaeological potential of this development and its impact can be best addressed through the imposition of a planning condition that secures evaluation once the site is cleared of vegetation. This would be achievable prior to the submission of the reserved matters for layout, which could result in some minor alterations to the layout to preserve archaeology where possible, however, KCC have advised that the outcome of the evaluation trenching should not fundamentally affect the delivery of the proposed development. The impact upon archaeology is therefore considered to be acceptable.

## **Planning Obligations**

### *- Financial Contributions*

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, or 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 in kind to the proposed development.

KCC have been consulted and have advised that there is a need for financial contributions towards primary and secondary schools, and libraries. The primary contribution is in the form of £122,988 to be used towards the St.Gregory's RC School enhancement and the secondary contribution is in the form of £87,312.60 to be used towards the Phase 1 expansion of Ursuline College Secondary School. A library contribution of £2,304.76 is also required towards additional book stock required to mitigate the impact of the additional borrowers generated from this development.

As stated above, the contribution of £37,625 is also required towards the play equipment at Garlinge Recreation Ground, under Policy SR5 of the Thanet Local Plan.

A viability appraisal has been submitted as part of the planning application. The appraisal initially advised that the site was unviable to develop if requiring the payment of the requested financial contributions. Following a number of meetings between the agent and planning officers, and numerous reviews of the viability appraisal and the figures it contained, the latest viability appraisal now proposes that all financial contributions will be met. The proposed development therefore provides the necessary community facilities required to mitigate against the impact of the development, and as such the proposal complies with Policy CF2 of the Thanet Local Plan.

*- Affordable Housing*

Policy H14 of the Thanet Local Plan states that where development is proposed, which in its completed form, would amount to fifteen or more residential units, the district council will negotiate with the developer for the inclusion of an element of affordable. The willingness of the developer to provide an element of affordable housing will be a material consideration in considering the application. The scale of affordable housing which is reasonable and appropriate on any particular site will be a matter for negotiation between the developer and the district council, however, an element of 30% will represent the starting point, and negotiations will be based on the individual circumstances of the case.

A viability appraisal has been submitted with the application, which originally showed that no affordable housing provision was achievable. The planning department assessed the viability appraisal, and following a number of requests by the LA to review the viability appraisal and its figures, it was determined that the provision of some affordable housing on the site would be viable.

Four scenarios were used to determine what affordable housing level would be achievable. All were based on 15% developer profit, which is the lower end of what is accepted as reasonable developer profit. The scenarios assessed included the following:

- no affordable housing, full financial contributions,
- 10% affordable housing, full financial contributions,
- 20% affordable housing, full financial contributions,
- 30% affordable housing, full financial contributions.

The estimated existing use value of the site is £16,800.00, which is based on the site being an overgrown area of land, which is not in agricultural use. The 30% affordable housing and full financial contribution scenario has resulted in a Residual Land Value (RLV) of £101,940.00, once all development costs are removed from the Gross Development Value of the development. Whilst this would result in an uplift from the estimated land value of £16,800.00, the applicant has commented that they do not consider this RLV to be a fair market value for the site, when compared to other development sites across the country, and this value would not be enough to entice them to sell the land and release it for development. It is accepted that at this value there would be little room for manoeuvre should unexpected risks associated with the development of the site be discovered. Paragraph 205 of the NPPF states that where obligations are sought LPAs should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. This site forms part of the Council's allocated housing stock within the draft local plan, and therefore delivery of these sites is supported. The applicant has advised that they have a developer on board, who would be able to commence works within 8-12 weeks from the final decision date, with delivery of phase 1 perceivable within 12 months from the commencement of works date. The delivery of housing on the site is therefore achievable subject to an agreement on the RLV that both the applicant and LA consider to be reasonable.

The applicant has not agreed to 30% affordable housing provision, but has agreed to 20% affordable housing provision, along with full financial contributions. Affordable housing at a level of 20% would result in a RSL of £256,570.00. The applicant has confirmed that they would be willing to release the land for development at this value.

The 20% affordable housing would be almost entirely proportionate to the size of units proposed, and would consist of 2no. 2-bed flats, 2no. 2-bed houses, and 5no. 3-bed houses. Of these nine affordable units, 7no. would be affordable/social rent and 2no. would be shared ownership. The breakdown and split of the units would comply with the most up to date need as identified within the Strategic Housing Market Assessment.

Whilst the proposal would not provide for 30% affordable housing, the proposal does allow for 20% affordable housing along with all financial contributions, and would allow for the delivery of a housing site that is allocated within the Council's Draft Local Plan. Given that national guidance recommends that LAs are flexible when it comes to negotiation on planning obligations, where a full viability justification has been made, and given that Policy H14 of the Thanet Local Plan allows for negotiation on the level of affordable housing provision to take place, it is considered that in this instance, the level of affordable housing provided, which is only 4no. units short of the recommended number, is acceptable.

### **Habitat Regulations**

Thanet District Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. The proposed development is 1km from the Thanet Coast and Sandwich Bay SPA, Ramsar and SSSI. Therefore, to enable the Council to be satisfied that the proposed development

will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required to contribute to the district wide mitigation strategy.

The tariff for this contribution is provided in the SAMM report. For this development the contribution required is in the form of £5,430 for the 2-bed flats and houses, £12,000 for the 3-bed dwellings, and £1,800 for the 4-bed dwellings. The applicant has agreed to this contribution, which will be secured through a legal agreement.

### **Heads of Terms**

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

- 20% affordable housing,
- £122,988 towards primary school provision at St.Gregory's RC School,
- £87,312.60 towards secondary school provision at Ursuline College Secondary School,
- £2,304.76 towards library provision in Broadstairs,
- £37,625 towards play equipment at Garlinge Recreation Ground,
- £19,230 towards the Special Protection Area.

### **Conclusion**

The application site is located outside of the urban confines, and is non-previously developed land, and is therefore contrary to Policy H1 of the Thanet Local Plan. However, the site is allocated for housing within the Draft Local Plan and would address a local need for housing. The site provides for an extension of an existing residential area, with an existing access road that would lead directly into the site; and the density and design of the proposed development is considered to be in keeping with the surrounding pattern of development, without causing significant visual harm to the countryside. The impact upon highway safety is considered to be acceptable, and subject to careful consideration of the fenestration through the appearance reserved matters, the impact upon neighbouring living conditions is also considered to be acceptable. There are no principle objections to drainage, archaeology or ecology, and all financial contributions are to be secured through the submission of a unilateral agreement. Whilst only 20% affordable housing on site is proposed, it is considered that when taking account of viability of the scheme and the benefits of the scheme, namely the deliverability of 43.no dwellings in a sustainable location with all other financial contributions provided the lack of these 4no. affordable housing units does not outweigh the benefits of the development in this instance. The proposed development is therefore considered to be an acceptable departure to Policy H1 of the Thanet Local Plan, and to comply with the requirements of the NPPF. It is therefore recommended that members defer and delegate the application for approval, subject to the submission of a legal agreement securing the agreed Heads of Terms.

### **Case Officer**

Emma Fibbens

TITLE:

OL/TH/16/0376

Project

Land Rear Of 2 To 28 Kingston Avenue MARGATE Kent

