

A03

F/TH/18/1203

PROPOSAL: Erection of 3No two storey and 2No single storey dwellings with associated parking and landscaping

LOCATION: Land Adjacent Brooksend Lodge Canterbury Road
BIRCHINGTON Kent CT7 0JW

WARD: Thanet Villages

AGENT: Jane Scott

APPLICANT: Mr & Mrs Montgomery

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND;

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 18/300/JG/PL01 Rev C, 18/300/JG/PL02 Rev C, 18/300/JG/PL03 Rev D, and 18/300/JG/PL04 Rev C, received 20 November 2018, and the materials specification numbered 18/300/JG/PL05 and visibility splay plan numbered 833/201, received 28 August 2018.

GROUND;

To secure the proper development of the area.

3 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

GROUND;

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11) and National Planning Policy Framework.

4 Prior to the first occupation of the development, the area shown on the approved for the of vehicles shall be operational. The area approved shall thereafter be maintained for that purpose.

GROUND;

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

5 Prior to the first use of the dwellings hereby approved visibility splays of 2.4m x 160m shall be provided to the access on to Canterbury Road as shown on the approved plan no 833/201 with no obstructions over 0.6m above carriageway level within the splays, which shall thereafter be maintained.

GROUND;

In the interest of highway safety.

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

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- the treatment proposed for all hard surfaced areas beyond the limits of the highway
- walls, fences, other means of enclosure proposed
- ecological enhancements to the site, including the installation of bat and bird nesting boxes, generous native planting and hedgehog access points,
- retention of the historic hedgerow as identified within the archaeological desk based assessment,

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

GROUND;

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

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.

GROUND;

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

8 Clearance of the site and excavation works shall be carried out in accordance with the mitigation measures as identified within section 4 of the Preliminary Ecological Appraisal report, dated 30th May 2018.

GROUND:

To protect endangered species in accordance with the NPPF.

9 The development hereby permitted shall be constructed in the materials as specified within the material specification numbered 18/300/JG/PL05.

GROUND;

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

10 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2005 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

GROUND;

To Protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policies D1 and D2.

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

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

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

GROUND:

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

INFORMATIVES

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

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

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

SITE, LOCATION AND DESCRIPTION

The site is located outside of the urban confines, on the edge of Birchington, and is accessed from Canterbury Road. The site is non-previously developed land, having previously been in agricultural use for a mix of grazing and horticulture. Adjacent to the western boundary of the site is Brooksend Lodge, a 2-storey residential dwelling. Immediately to the east and south of the site is agricultural land. A further 7no. residential dwellings and a petrol station are located within close proximity of the eastern boundary of the site, at the bottom of the hill leading into Birchington. The area of land to the north of the site is within the same ownership as the application site, and has previously had consent granted for the erection of 3no. dwellings following the removal of agricultural buildings on the site. The 3no. dwellings have been

constructed but are not yet occupied. The application site is located to the rear of the recently constructed dwellings.

RELEVANT PLANNING HISTORY

F/TH/17/0344 - Retrospective application for erection of 3no. Dwellings with associated parking - Granted - 18/05/2017

PROPOSED DEVELOPMENT

The proposal is for the erection of 5no. single storey dwellings, including 3no. 3-bed dwellings, 2no. 2-bed dwellings and 1no. 1-bed dwelling. The access to the dwellings will extend from the previously approved access to the 3no. dwellings on land adjacent to the application site. Each of the dwellings will be provided with 2no. off-street parking spaces and a private garden area.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2006

CC1 - Impact on Countryside

CC2 - Landscape Character Area

H1 - Housing

D1 - Design

TR12 - Cycle parking

TR16 - Proposed parking

NOTIFICATIONS

Neighbouring occupiers have been notified and site notice posted. No letters of objection have been received.

Monkton Parish Council - No comment received.

CONSULTATIONS

KCC Highways and Transportation - Thank you for your consultation in relation to the above planning application. The proposals make use of an existing access onto the highway and it is unlikely that the proposal for 5 new dwellings, additional to the 3 previously consented, will result in a notable increase in vehicle movements compared to the previously approved use. Therefore, provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority.

Natural England - Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to

manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can however be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site.

Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

KCC Biodiversity - The Preliminary Ecological Appraisal report has been submitted. We have reviewed this report and advise that sufficient ecological information has been provided to inform the determination of the application.

The potential for nesting birds and hedgehogs to be present on the site is identified in the Preliminary Ecological Appraisal report and mitigation measures to minimise the potential for impacts are recommended (paragraphs 4.5 and 4.9). We advise that the implementation of these measures is secured by condition, if planning permission is granted. Suggested condition wording is provided below.

It is also concluded in the Preliminary Ecological Appraisal report that the bank to the west of the site has potential to support reptiles and badgers. No impacts to these protected species are expected, but if the site is left unmanaged, such that suitable habitats for reptiles develops, there will be potential for additional ecological impacts. An informative reminding the applicant of this should be attached to the planning permission, if granted. Suggested wording is provided below.

As concluded in the Preliminary Ecological Appraisal report, there should be no risk to badgers as a result of the proposals, but if works to the bank on the western boundary of the site are considered necessary, further ecological advice must be sought by the applicant.

The application provides opportunities to incorporate features into the design which are beneficial to wildlife and this is in accordance with Paragraph 175 of the NPPF "opportunities to incorporate biodiversity improvements in and around developments should be encouraged". Recommendations for ecological enhancements are provided in paragraph 4.10 of the Preliminary Ecological Appraisal. We note that some of these (bird boxes and native species planting) have been incorporated into the Proposed Landscaping and External Works but advise that a condition securing the implementation of ecological enhancements is secured, if planning permission is granted. Suggested condition wording is provided below.

The development includes proposals for new dwellings within the zone of influence (6km) of the Thanet Coast and Sandwich Bay Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites). Therefore, Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Strategy (SAMM) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A recent decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore we advise that due to the need for the application to contribute to the SAMM, there is a need for an appropriate assessment to be carried out as part of this application.

Southern Water - The applicant has not stated details of means of disposal of foul drainage from the site.

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

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

Environment Agency - The previous agricultural/commercial use of this land may have left contamination which could impact on the proposed development or cause it to impact on the

environment. An assessment into the past uses of land and any potential risks arising from the buildings/grounds for the proposed end use and wider environment should be carried out prior to the change of use and/or development works proposed. Any identified risks should be fully evaluated and appropriately addressed during development.

KCC Archaeology - I note that the application was accompanied by a desk based study which provides a good account of the archaeological potential of the site based on findings in the surroundings. Adjacent fields show numerous cropmarks of enclosures, trackways and ring ditches indicating complex archaeological landscapes. These are mainly sited on the series of ridges crossing this land and I note that the site falls within a small valley between two such ridges rather than on the high area itself. The development of the site remains with potential to affect significant archaeological remains and I would therefore recommend that in any planning permission granted that provision is made for archaeological evaluation to be followed by mitigation measures as needed that may include preservation of archaeology if appropriate.

I note that the desk based assessment also flags up the boundary hedge as being historic in hedgerow regulation terms and any proposals should take account of its preservation needs.

COMMENTS

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

Principle

The proposal would represent development on land outside of the urban confines, which would be contrary to Policy H1 of the Thanet Local Plan; however this needs to be considered having regard to the fact that there is a current need for housing in Thanet and, on this basis, the National Planning Policy Framework (NPPF) requires that applications for housing should be considered in the context of the presumption in favour of sustainable development.

Whilst the site lies outside of the urban confines, it is accessed off a main through road, with good access into Birchington as well as out of the Thanet. There is a footpath outside of the property that leads directly to the local centre of Birchington, which is approximately 1 mile from the site. Within close walking distance (approximately 200m) is a petrol station with shop, and within approximately 800m walking distance is another petrol station, two shops, a café and the local primary school. A bus stop also lies within 140m of the site, which provides links with Canterbury, and on the opposite side of the road is the bus stop that would allow for links with Birchington and Margate. The buses along this route are also extremely frequent given that this is the main bus route between Thanet and Canterbury. For a site falling outside of the urban confines the site is quite well connected to public transport, schools and facilities, all of which contribute to the sustainability of the development.

The proposal could therefore be viewed as an acceptable departure to Policy H1 of the Thanet Local Plan, and consistent with the principles of the NPPF, for a small number of dwellings subject to the consideration of other material considerations, such as the impact upon the countryside and character and appearance of an area, and the impact upon the highway network being considered acceptable.

Impact upon Countryside

Policy CC1 of the Thanet Local Plan states that development is only considered to be acceptable where the need for the development outweighs the need to protect the countryside. Paragraph 170 of the NPPF states that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

The consideration before members is whether the social and economic benefits achieved from delivering additional housing to meet a local need outweigh the visual harm to the countryside and the surrounding environment.

The proposal is for the erection of 5no. Dwellings within an area of open land, located to the rear of the site recently granted planning permission for 3no. Dwellings. The recent approval was given on the basis that the site was considered to be sustainably located, within walking distance of Birchington and facilities and services, and that the proposed dwellings would have resulted in no greater visual impact upon the countryside than that already present from the original modest sized agricultural buildings.

The site lies within the St.Nicholas at Wade Undulating Chalk Farmland Landscape Character Area (formerly known as the Former Wantsum Channel Character Area) for which the key sensitivities and qualities as identified within the Council's Landscape Character Assessment (2017) include the openness and undeveloped character of the farmland that contributes to the essentially rural character and relatively dark skies; occasional quiet rural lanes; and long distance panoramic views, big skies and uninterrupted sea views from elevated locations. The relevant saved policy from the 2006 Local Plan is policy CC2. The site is former agricultural land, although it is not viewed as open fields, and has a clear and distinctive boundary enclosing the site, with both vegetation and fencing. The site also lies within a natural dip within the landscape, which restricts any impact upon the open landscape subject to a modest scale and form of development being achieved that has only a limited visual impact upon long views.

The originally submitted plans were for the erection of 2no. Single storey buildings, and 3no. 2-storey terraced buildings. It was considered that the proposed 2-storey dwellings would have resulted in significant visual harm, and therefore amended plans have been submitted reducing the scale of all dwellings to single storey in height, and reducing the ground level of the application site by up to 1.5m. These amendments to the scale and ground level mean that the proposed dwellings do not exceed the ridge height of the recently approved dwellings, and as such the visual impact of the proposed dwellings will be limited when

viewing the site from Canterbury Road, as the main bulk of the proposed development will be obscured by the presence of the recently approved development.

Further amendments to the plans have included the movement of the proposed dwellings away from the eastern boundary, in order to achieve the retention of the existing hedgerow and trees along the eastern boundary of the site. The retention of this soft landscaped boundary means that there would be limited views of the proposed development from Seamark Road (located South-East of the site) as shown within the submitted Landscape Assessment. New tree planting is also proposed around the site in order to soften the appearance of the development.

There would be very limited views of the proposed development due to the vast ground level changes that surround the site, the single storey nature of the proposed development, the reduced ground level of the site, and the retention of, and proposed, soft landscaping. The buildings will be of similar modest scale to the recently approved dwellings to the front of the site, which mimicked the scale and appearance of the original agricultural buildings that accommodated the site. The proposed development would be of a low density, with large areas of open space retained around the 5no. proposed units. As such the proposed development is considered to be of a scale and layout appropriate for its rural setting.

The proposed dwellings are laid out as one terrace of 3no. dwellings and one pair of semi-detached dwellings, and in their single storey form have the appearance of a former agricultural building, such as stables, storage buildings etc. A material specification has been submitted showing that the proposed dwellings would be constructed using mostly mid oak cladding, oak casement windows and timber entrance doors. These materials are reflective of the materials often visible on rurally located buildings. The form, design and materials of the proposed dwellings respond well and are sympathetic to the layout, scale and design of the previously approved dwellings on the adjacent site, and as such the proposed development is considered to be in keeping with the rural character and appearance of the area.

It is therefore considered that overall, for the reasons identified above, the proposed development would not cause significant visual harm to the countryside or the surrounding landscape character area, and would therefore not detract from the character and appearance of the area, in compliance with Policy D1 of the Thanet Local Plan and the NPPF. With regards to landscape policies, it is considered that the proposed development would not conflict with the aims of Policies CC1 and CC2 of the Thanet Local Plan, and the NPPF.

Living Conditions

The closest neighbouring properties are Brooksend Lodge, which is 24m from the proposed development, and the recently approved dwellings to the front of the site that are 13m from the proposed development. There will be no impact upon light or outlook due to the distance, and the proposed development is single storey, so there will be no loss of privacy. Whilst there may be some increased noise and disturbance from both the use of the site and the

access, the provision of only five units, along with the distance, is not likely to result in a significant impact upon the living conditions of the neighbouring occupiers. As such the impact upon the neighbouring living conditions is considered to be acceptable.

With regards to the living conditions of future occupiers, each of the properties are provided with a small garden, in accordance with Policy SR5 of the Thanet Local Plan, and there is adequate external space for refuse storage and clothes drying facilities. The impact upon the living conditions of future occupiers is therefore considered to be acceptable.

Transportation

The proposal provides for 2.no parking spaces per dwelling, and will utilise the existing vehicular access with turning provided within the site. The site access has good visibility for both pedestrians and vehicles, and KCC Highways and Transportations have raised no objections to either the use of the access or the proposed parking provision, and consider it unlikely that the proposal for 5no. new dwellings will result in a notable increase in vehicle movements compared to that from the 3no. previously approved dwellings.

A footpath exists outside of the site, which provides pedestrian and cycle access to Birchington, and the proposal provides for cycle parking within each of the plots, thereby supporting sustainable forms of transport.

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

Other Issues

- Ecology

A Preliminary Ecological Appraisal report has been submitted with the application. KCC Biodiversity have been consulted and advise that sufficient information has been submitted, but that they recommend the use of conditions to secure enhancement works, and mitigation works during both clearance and construction to ensure that any protected species that may be residing within the site are not harmed. Subject to these safeguarding conditions the impact upon biodiversity is considered to be acceptable and in accordance with the NPPF.

- Archaeology

An Archaeological Desk-Based Assessment has been submitted with the application. KCC Archaeology have been consulted and advise that it provides a good account of the archaeological potential of the site based on findings in the surroundings. As the development of the site has the potential for significant archaeological remains to be identified, KCC recommend a safeguarding condition for an archaeological evaluation to be submitted followed by mitigation measures as required, which may include the preservation of archaeology if appropriate.

KCC has also identified within the desk based assessment that the boundary hedge is historic and should be retained, and therefore the proposed landscaping condition requires any landscaping scheme to include the retention of the historic hedge.

The impact upon archaeology is therefore considered to be acceptable and in accordance with the NPPF.

- *Drainage*

No drainage details have been provided, and therefore Southern Water suggest that an informative be attached to any consent requiring a formal connection to the public foul sewer to be made by the applicant.

- *Protected sites*

The Council has confirmed with Natural England that contributions are being sought on planning applications for residential development below 10 dwellings received after 30th October 2018 towards the Council's Strategic Access Management and Monitoring Plan to mitigate recreational impact on protected sites from housing development, due to the submission of the draft local plan to the Planning Inspectorate. In this instance the application was received prior to this date and therefore the previous position applies in relation to the need for mitigation and assessment.

Conclusion

Whilst the site lies outside of the urban confines, and is contrary to Policy H1 of the Thanet Local Plan, there is a need for housing within the district, and the site is sustainably located within walking distance of Birchington and nearby facilities and services. Following the submission of amended plans, the scale, layout, form, design and materials of the proposed development, along with the ground level reduction and soft landscaping retention and improvements, has resulted in a development that would have very limited visual harm to both the countryside and the landscape character area, whilst also appearing in keeping with the rural character of the area. The proposed development is therefore considered to comply with Policies CC1, CC2 and D1 of the Thanet Local Plan. There are no neighbouring occupier or highway safety concerns, and all other issues have been dealt with. It is considered that the social and economic benefits from providing an additional 5no. dwellings within a sustainable location would outweigh the any visual harm to the environment, and therefore the proposed development would constitute sustainable development in accordance with the NPPF, and it is recommended that members approve the application as an acceptable departure to Policy H1 of the Thanet Local Plan.

Case Officer

Emma Fibbens

TITLE: F/TH/18/1203

Project Land Adjacent Brooksend Lodge Canterbury Road BIRCHINGTON Kent
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