

**D05**

**F/TH/18/1424**

PROPOSAL: Variation of condition 17 of planning permission OL/TH/16/1416 'Outline application for erection of 14No. detached dwellings including access, layout and scale' to allow amendments to scale and layout.

LOCATION: Land Adjoining 1 Chilton Lane RAMSGATE Kent

WARD: Cliffsend And Pegwell

AGENT: Mr M Collins

APPLICANT: Mr R Smith

RECOMMENDATION: Defer & Delegate

Subject to the following conditions:

1 Approval of the details of the layout, scale and appearance of any buildings to be erected, the means of access to the site 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 Prior to the commencement of the development hereby permitted, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include:

- i) Details of construction access point to the site
- ii) Parking and turning for delivery and site personnel vehicles
- iii) Wheel washing facilities
- iv) Any temporary traffic management required during construction (details of this should be agreed beforehand with the Streetworks Team)

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

**GROUND:**

In the interests of highway safety.

6 No development shall take place until the highway alterations shown on plan numbered 8250Z/02 Rev A, which include the provision of parking controls outside of the site, either side of the new access, have been completed.

**GROUND:**

In the interests of highway safety.

7 The areas shown on the approved plans for vehicle parking and turning shall be provided prior to the first occupation of the development hereby permitted, and thereafter maintained.

**GROUND:**

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

8 Prior to the first occupation of the development hereby permitted, visibility splays of 120 metres x 2.4 metres x 120 metres shall be provided at the access, with no obstructions over 1 metre above carriageway level within the splays.

**GROUND:**

In the interests of highway safety.

9 Prior to the first occupation of the development hereby permitted, visibility splays of 0.5 metres x 18 metres into the site on both sides of the access, with no obstructions over 0.6m above footway level, shall be provided and thereafter maintained.

**GROUND:**

In the interests of highway safety.

10 No development hereby permitted shall commence until 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 100 year storm) can be accommodated and disposed of within the curtilage of the site without an increase to the flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

**GROUND:**

To ensure that the principles of sustainable drainage are incorporated into this proposal without increasing the on and off-site flood risk, in accordance with the NPPF.

11 No building hereby permitted shall be occupied until 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:

- a) a timetable for its implementation, and
- b) 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 the ongoing efficiency of the surface water drainage system and to clarify the responsibilities for the post-construction care of the approved system, in accordance with the NPPF.

12 Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

**GROUND:**

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

13 Details to be submitted in pursuant of condition 1 above for landscaping shall show:

- the use of a bound surface material for the first 5 metres of the access from the edge of the highway;
- a lighting design strategy for biodiversity, which shows how and where external lighting will be installed, and areas/features on site that are particularly sensitive for badgers and bats;
- details of how the development will enhance the quality and quantity of biodiversity on site;
- ecological enhancement measures to be provided on site, i.e. bat/bird boxes;
- the provision of mature tree planting within the site;
- retention of the tree planting to the northern boundary of the site.

**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, and the NPPF.

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

**GROUND:**

To prevent pollution, in accordance with the advice contained within the National Planning Policy Framework.

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

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

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

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

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

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

## **GROUND**

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

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

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

## **GROUND**

To ensure that features of archaeological interest are properly examined and recorded in accordance with the advice contained within the National Planning Policy Framework.

17 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 15128-05-C and 15128-06-B, received 27th June 2017, and the additional parking controls plan numbered 8250Z/02 Rev A, received 28th February 2017.

## **GROUND:**

To secure the proper development of the area.

## SITE, LOCATION AND DESCRIPTION

The site is located in the countryside, on the edge of the urban area of Ramsgate. There is existing residential development to the north and east of the site, which consists pre-dominantly of large detached 2-storey dwellings, set within substantial plots. Directly opposite the site is a car garage, and adjacent to the northern boundary of the site is a bus stop and a pedestrian crossing, with a roundabout present to either end of the site on Canterbury Road East. To the south of the site are allotments.

The site itself consists of a large area of open space, which has previously been used as agricultural land, but is now unused and slightly overgrown. Trees exist along the northern boundary of the site, and an existing gate is located halfway along the site to provide access to the site; however, this would not appear to be a formal vehicular access to the site as the gate is adjacent to the pedestrian crossing.

## RELEVANT PLANNING HISTORY

OL/TH/16/1416 - Outline application for erection of 14no. Detached dwellings including access, layout and scale - Granted - 03 September 2018

## PROPOSED DEVELOPMENT

The application is for the variation of condition 17 of outline planning permission OL/TH/16/1416, to allow for changes to the layout and scale of the 14no. dwellings.

The application has been submitted as a result of investigative site works, which has identified the presence of a significant gas main running through the site. The gas main requires a wayleave zone to be maintained around it, which has led to the need to alter the layout, and subsequently the scale.

The dwellings are all 2-storey in height and detached, and consist of 11no. 5-bedroom units and 3no. 4-bedroom units. The site is accessed using a single access onto Canterbury Road East (as previously approved), with an internal access road extending the width of the site. Each property is provided with a minimum of 2no. parking spaces and garden.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2006**

H1 - Residential Development Sites  
H4 - Windfall Sites  
H14 - Affordable Housing  
HE12 - Archaeological Assessment  
TR12 - Cycling  
TR16 - Car Parking Provision  
D1 - Design Principles  
D2 - Landscaping  
SR5 - Playspace  
CC1 - Development in Countryside  
CC2 - Landscape Character Areas  
EP13 - Groundwater Protection Zones  
SR11 - Private Open Space  
CF2 - Financial Contributions

## NOTIFICATIONS

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

**Ramsgate Town Council** - No comment

## CONSULTATIONS

**KCC Highways and Transportation** - I confirm I have no objections to the variations proposed, subject to the matters to be secured by condition previously requested under permission OL/TH/16/1416.

**KCC Biodiversity** - We have no comments to make on the proposed condition variation.

**KCC Archaeology** - I have no additional comments to make with respect to this variation. I am presently discussing the scope of archaeological works with the applicant and their archaeologists and will update you in due course.

**KCC SUDs** - Subject to the principles of drainage remaining the same as per previous submissions we have no comment to make on this variation of layout proposal and would refer you to our previous responses.

**Environment Agency** - We have no comments to make on this application.

**Southern Water** - No comments to make in respect of the variation of condition 17 submitted by the applicant. The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.

**KCC Accommodation** - I confirm there is no update on the KCC figures secured previously through TH/16/1416, although we would wish to amend the Secondary project from Royal Harbour to Ursuline Phase 3.

## COMMENTS

The application is brought before Planning Committee as a departure to Local Plan Policy H1.

### **Principle**

The site is non previously developed land outside of the urban confines. Policy CC1 states that 'within the countryside, new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside'.

The proposal is for residential development. There is a current need for housing within Thanet. The NPPF states in para 49 that housing application should be considered in the context of the presumption in favour of sustainable development.

The site is located on the edge of Ramsgate, close to Pegwell. It is within walking distance of a primary school and park, and also from shops and services both within Pegwell and St.Lawrence High Street. The site is also on a bus route. The site is therefore considered to be sustainably located.

Within the Emerging Draft Local Plan, the application site is allocated for residential development for a notional 27no. 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.

Outline planning permission has also been granted for the erection of 14no. dwellings on the site, which is an extant consent. Given this realistic fallback position, along with the policy position identified above, the principle of development as a departure to Policy H1 is considered to be acceptable, subject to the detailed consideration of all other material considerations including the impact upon the countryside, character and appearance of the area, and neighbouring living conditions being acceptable.

### **Character and Appearance**

The site is located within the countryside, and is an area of open grassland, with existing trees along the boundaries. The site is located between two roundabouts, and to the rear of the site is an existing allotment. It has previously been considered through the original outline application that the open space does not significantly contribute to the character and appearance of the area, and that the proposed development would not appear isolated given the presence of existing residential development opposite and adjacent to the site.

The surrounding area is pre-dominantly characterised by large detached dwellings set within substantial plots, and planning permission has previously been granted through the original outline application for the erection of 14no. large detached dwellings. This variation application has been submitted following investigative works on site that have discovered the presence of a significant gas main that runs through the site and that requires a wayleave zone to be maintained around it. This application therefore seeks to amend the layout of the proposed development by pushing a few of the dwellings back on the site away from Canterbury Road East to ensure that no part of the development extends over the gas main which runs parallel to the front boundary of the site. The gas main will now run solely below the proposed road access, with all of the dwellings fronting the road. The proposed development is linear in its appearance, with the only alteration to this layout being plots 1-4 that face onto a small cul-de-sac section of the road. The layout is not dissimilar to that previously approved, and the setback of the dwellings from Canterbury Road East is considered to be an improvement to the streetscene, as this allows for a more spacious frontage that is characteristic of the surrounding area.

Concern was originally raised with the submitted plan on the basis that there was limited space provided between some of the properties. An amended plan has since been submitted that addresses this issue through relocating parking spaces between dwellings, to create

regular spacing throughout the proposal which reflects the pattern of development in the area.

Adequate space for soft landscaping to the front of the site and within plots is achieved, and the scale of the dwellings is again not dissimilar to either the previous approval, or the scale of dwellings in the surrounding area.

Details of the appearance and landscaping, including materials, are to be submitted as part of a future reserved matters application.

The impact upon the character and appearance of the area is therefore considered to be acceptable, and in accordance with the NPPF and Policies CC1, SR11 and D1 of the Thanet Local Plan.

### **Living Conditions**

The application is in outline form, with consideration of the location and scale of dwellings only, not their appearance.

The site adjoins only two neighbouring properties, both of which are to the east of the site, fronting Chilton Lane, and the roundabout between Chilton Lane and Canterbury Road East. The location of the proposed development adjacent to the eastern and southern boundary of the site has been amended through this application, with the nearest proposed dwellings to the neighbouring properties relocated in both orientation and distance to the boundary. As a result of this change there has been a reduction in the level of direct overlooking of no.1 Chilton Lane, with the proposed dwellings oriented so that the rear elevations are both angled away from the side elevation of no.1 Chilton Lane. Whilst the origination has changed, the proposed dwellings are slightly closer to the side boundary with no.1, with a distance of only 4.5m. On balance, there is still a distance of at least 15m between the proposed dwellings and no.1, and the change in orientation considerably improves the impact upon privacy when compared to the previous scheme. The impact upon the light, outlook and privacy of the occupiers of no.1 Chilton Lane is therefore considered to be acceptable at this time, with any further alterations to window design a consideration for a future reserved matters application.

For no.3 Chilton Lane, the impact upon privacy will be increased, as the change in orientation means that the rear elevation of plot 2 is now facing the rear garden of no.3. However, a distance of 26m between the nearest point of unit 2 and the rear elevation of no.3 Chilton Lane will be maintained, and there would be no direct overlooking of their windows, only of the far end of their garden area. As such the impact upon their privacy is again considered to be acceptable, with consideration of the window design, which could be an oriel window directing views away from their garden, reserved for any future application on the appearance of the dwellings.

Neighbouring properties can be seen opposite the site in Canterbury Road East, but these are a minimum distance of 35m from the proposed development, and will therefore not be affected.

Within the development itself, the relationship between dwellings with regards to light, outlook and privacy is considered to be acceptable, and each of the proposed dwellings is provided with doorstep play space, in accordance with Policy SR5 of the Thanet Local Plan.

The impact upon neighbouring and future living conditions is therefore considered to be acceptable. The impact upon the light, outlook, and privacy of neighbouring properties and future occupiers is therefore considered to be acceptable, and in accordance with Policy D1 of the Thanet Local Plan, and paragraph 127 of the NPPF.

## **Transportation**

The site is provided with a single access into the site, which will be located between the bus stop and the pedestrian crossing, and which has previously been approved through the original outline application. No alterations are proposed to the access as previously approved, and as such KCC Highways and Transportation have no comments to make on the application.

Adequate off-street parking is provided within the site to ensure there is no unacceptable parking on the highway, with a minimum of 2no. parking spaces per property.

Overall, the impact upon highway safety is considered to be acceptable.

## **Affordable Housing**

Policy H14 requires that for development that exceeds 14 units, or for sites over 0.5 hectares, 30% affordable housing should be provided. The site exceeds 0.5 hectares, and therefore an element of affordable housing is required.

Through the previous application, a viability assessment was submitted to prove that it would be unviable to provide 30% affordable housing on site, especially given the size and number of the units. Instead, an off-site contribution of £166,288 was agreed following discussion with the Housing Manager and an independent viability consultant, and this formed part of the financial contributions secured through the submitted legal agreement.

This application has been submitted within 6 months of the previous approval, and therefore the viability issues remain mainly the same. The only difference is that the design and layout of the proposed dwellings has changed (including a slight increase in floor area), along with the removal of the double garages, and therefore the build costs and sales values will have been affected by this.

A revised viability assessment has been submitted by the applicant, which updates the build costs and sales values on the basis of the revised plans. The assessment advises that any uplift in the value arising from the increase in floorspace is outweighed by the loss in value arising from the removal of the garages. In addition, the assessment advises that in the last 6 months sales prices have generally fallen, with a 4-bed dwelling valued significantly lower

than the £400,000 previously valued for a 4-bed dwelling; and the build costs having been increased from £3,998,336 to £4,172,046. As such the assessment concludes that the proposed development will result in a negative residual land value of -£17,349, which means that no affordable housing contribution is viable, however, the applicant has offered to commit to the previously agreed level of affordable housing contribution of £166,288 in the hope that sales values will increase over time.

Having considered the submitted assessment, the planning department are satisfied that these figures accurately reflect the viability situation of the site, and therefore support the level of financial contribution offered, which remains the same as that previously secured through the legal agreement associated with the original outline application.

Subject to the submission of a deed of variation securing the affordable housing contribution, the proposed development is considered to be in accordance with Policy H14 of the Thanet Local Plan.

### **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, a financial contribution towards the cost of such provision will normally be sought.

KCC were previously consulted and advised that there would be a requirement for a financial contribution of £63,490.00 towards phase 1 of the new Ramsgate Primary Free School; a financial contribution of £33,037.20 towards Royal Harbour Secondary School phase 2 works; and a financial contribution of £672.28 towards book stock at the local library. This was secured through the legal agreement.

For this application KCC have commented that the level of contributions remain the same as those previously requested, but that the contribution for the secondary school should be amended so that it would contribute towards the expansion of Ursuline School Phase 3.

Policy SR5 of the Thanet Local Plan requires a contribution to be made towards the upgrading of play equipment at the nearest local play area. The Open Spaces Manager previously advised that Nethercourt Park was within walking distance of the site and in need of upgraded play equipment. A financial contribution of £12,250 was therefore secured through the legal agreement within the previous application towards the upgraded play equipment, in order to mitigate against the additional demand created by the proposed development.

All of the required financial contributions have previously been secured through a legal agreement, which is again intended to be secured through this application by way of a deed of variation to the original legal agreement, which the applicant is intending to submit.

### **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 most up to date tariff for this contribution is contained within Draft Local Plan Policy SP26, in the form of £530 per 4-bed unit or above, which falls below the contribution sought on the previous outline approval. As such, this reduced figure towards the SPA is to be contained within the submitted Deed of Variation.

### **Other Issues**

- *Size and Type of Housing*

No changes are proposed to the size and type of units, which remain as 11no. 5-bedroom and 3no. 4-bedroom detached dwellings, so there will be additional impact beyond that within the extant consent when considering the scheme under Policy H8 of the Thanet Local Plan.

- *Impact on Trees*

The previous approval granted the removal of 2no. Trees in order to achieve the required 120m x 2.4m x 120m visibility splays from the proposed access. This application does not change that, and seeks to retain all but the 2no. trees previously approved for removal. The impact upon trees is therefore considered to be acceptable, subject to safeguarding conditions.

- *Drainage*

The previously approved scheme included the provision of permeable paving and a soakaway within each property. This is not being altered, and both Southern Water and KCC SUDs have responded to the consultation to say that they have no further comments to make. Drainage provision is therefore considered to be acceptable, subject to the same safeguarding conditions as previously attached.

- *Biodiversity*

KCC Biodiversity were previously satisfied that sufficient ecological information had been provided, and as such they have advised that they have no further comments to make on this application.

## - *Archaeology*

Due to the site lying within a very high area of archaeological potential, KCC Archaeology previously advised that provision be made in any permission granted for archaeological evaluation to be followed by appropriate mitigation of the impacts of development through either investigation or preservation. KCC Archaeology have advised through the consultation on this application that they are in discussions with the developer on the scope of archaeological works to be carried out, and therefore subject to same safeguarding conditions as previously advised, they have no concerns with the proposed development. The impact upon archaeology is therefore acceptable.

## **Heads of Terms**

The deed of variation to be submitted with this application will secure the financial contributions previously secured through the original outline application, with the only alterations to this being the reduction in the level of SPA contribution (in line with the new policy requirements as set out within the Draft Local Plan), and the secondary school project. The financial contributions that will be secured through this application therefore include the following:

- £166,288 towards affordable housing,
- £63,490.00 towards primary school provision in the form of phase 1 of the new Ramsgate Primary Free School,
- £33,037.20 towards secondary school provision in the form of Ursuline Secondary School phase 3 works,
- £672.28 towards library provision in Ramsgate,
- £12,250 towards play equipment at either Courtstairs or Nethercourt play area (Open Spaces Manager to confirm project details)
- £7,420 towards the Special Protection Area.

## **Conclusion**

The site falls outside of the urban confines on non-previously developed land, and is therefore contrary to Policy H1 of the Thanet Local Plan that requires new housing development to be on previously developed land within the urban confines. However, the site is sustainably located, within walking distance of primary schools and facilities and services within St.Lawrence High Street, there is a local need for housing, the site is allocated for housing development within the Emerging Draft Local Plan, and outline planning permission for 14no. dwellings has previously been approved on the site, and is an extant consent.

The application seeks the variation of condition 17 of the original outline, to vary the layout and scale of the proposed development, and it is considered that these amendments will not cause harm to either the character and appearance of the area or neighbouring living conditions.

As such it is recommended that members defer and delegate the application for approval as an acceptable departure to Thanet Local Plan Policy H1, subject to the submission of a deed of variation securing the financial contributions as previously agreed and as set out within this report.

**Case Officer**

Emma Fibbens

TITLE: F/TH/18/1424

Project Land Adjoining 1 Chilton Lane RAMSGATE Kent

