

D05

F/TH/18/0568

PROPOSAL: Erection of 10No 3 and 4 Bedroom Houses with associated parking

LOCATION: Land On The West Side Of Nash Court Road MARGATE Kent

WARD: Salmestone

AGENT: Mr Michael Collins

APPLICANT: Mr Dawud El-Kaddah

RECOMMENDATION: Defer & Delegate

Subject to the following conditions:

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

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 32-A (received 16/08/18), 31-A (received 16/08/18), 30-A (received 16/08/19), 29-A (received 16/08/18), 28-A (received 16/08/18), 27-A (received 16/08/18), 26-A (received 16/08/18), 25-A (16/08/18), 24-A (received 16/08/18), 23-A (received 16/08/18), 22-A (16/08/18), 21-C (received 19/07/18), 20-C (received 19/07/18), EMC-2018-024-02 Rev 01 (received 16/08/18), EMC-2018-024-03 Rev 01 (received 16/08/18), EMC-2018-024-04 Rev 01 (received 16/08/18), EMC-2018-024-05 Rev 01 (received 16/08/18), EMC-2018-024-06 Rev 01 (received 16/08/18), EMC-2018-024-07 Rev 01 (received 16/08/18), EMC-2018-024-08 Rev 02 (received 28/11/18),

GROUND:

To secure the proper development of the area.

3 No development shall take place until details of the means of foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, 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.

4 The development shall not be brought into use until a scheme for the provision of 1 Electric Vehicle Charging point per residential property with dedicated parking or 1 charging point per 10 spaces (unallocated parking) has been submitted to and approved in writing by the Local Planning Authority the development shall be carried out in accordance with the approved scheme.

GROUND:

In the interest of air quality and amenity in accordance with EP5 of the Thanet Local Plan and paragraph 18 of the NPPF.

5 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A site investigation scheme, based on the submitted Soitec report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

GROUND:

To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the National Planning Policy Framework.

6 Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

GROUND:

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with National Planning Policy Framework.

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

GROUND:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework.

8 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

GROUND:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with the National Planning Policy Framework.

9 Piling or any other foundation designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

GROUND:

Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

10 The management of the receptor site must be implemented as detailed within the approved Management Plan (White Horse Ecology; April 2018). The management plan must be regularly reviewed and updated to ensure the management is appropriate. The management must be implemented for the lifetime of the development.

GROUND:

In order to safeguard protected species that may be present, in accordance with the National Planning Policy Framework.

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

o species, size and location of new trees, shrubs, hedges and grassed areas to be planted.

o the treatment proposed for all hard surfaced areas beyond the limits of the highway.

o walls, fences, other means of enclosure proposed.

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.

12 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

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

GROUND:

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

14 The area shown on the approved plan for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

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.

15 The area shown on the approved plan for cycle parking facilities shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

GROUND:

In the interests of highway safety.

16 Before any dwelling is first occupied the vehicular access hereby approved shall be completed in accordance with the details agreed.

GROUND:

In the interest of highway safety.

17 Prior to the first occupation of any unit the provision of vehicle loading/unloading, turning facilities shown on the submitted plan shall be fully operational

GROUND:

In the interests of highway safety.

18 The development hereby approved shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.

GROUND:

In the interests of highway safety.

19 Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Dust control measures

GROUND:

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

INFORMATIVES

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

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 the applicant to ensure, prior to the commencement of the development hereby approved, that all necessary highway approvals and consents where

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

Visibility at the site access could be impeded by on street parking in Nash Court Road. The applicant, must through their best endeavours, progress the installation of double yellow line parking restriction in Nash Court Road as shown on the submitted drawings (EMC-2018-024-08 Rev 3) to ensure safe access to the proposed development.

SITE, LOCATION AND DESCRIPTION

The site consists part of a former railway line, which is no longer in use, when a site visited was conducted the site had been cleared on most vegetation, the adopted Local Plan identifies the site as designated countryside. The site has a partially frontage to Nash Court Road; to the south of no. 70, the eastern boundary of the site is behind dwellings numbered 52-70 (even). To the southern boundary of the site is a former bridge over the former railway line, this is however closed to vehicular traffic, beyond the railway bridge are houses that front Nash Lane. To the west of the site is Nash Road.

RELEVANT PLANNING HISTORY

F/TH/17/0766 Erection 4no. three storey dwellings Withdrawn 08.09.17

F/TH/14/0887 Engineering operation to reduce level of site and use of excavated material to fill railway cutting. Granted 22/07/15

F/TH/04/1471 Change of use of land for storage of building materials, plant and equipment with alterations to access and site levelling. Refused 06/01/05 Appeal dismissed.

F/TH/04/0684 Change of use of land for the storage of building materials, plant and equipment together with alterations to access and site levelling works. Refused 18/11/04.

CU/TH/04/0306 Application for Lawful Development Certificate (existing development) for use for open storage. Certificate Refused 16/04/04

PROPOSED DEVELOPMENT

The application originally sought full planning permission for 12no. dwellings. Since the submission of the application, amendments have been made which reduce the number of units and alter the layout of the scheme.

The application is for the erection of 10no. dwellings, comprising two pairs of semi-detached dwellings on plots 2 & 3, 9 & 10 and detached dwellings on the remaining plots. In terms of

layout vehicular access is provided off Nash Court Road nearly opposite the junction with Rowe Close. One dwelling (plot 1) would have an elevation to Nash Court Road and the access into the new estate, its principal elevation would however be onto the new access road. Dwellings are then positioned to follow the south west boundary of the site, the access drive separated the development from dwellings to the north east fronting Nash Court Road. Each dwelling will be afforded two parking spaces in addition there are three visitor parking spaces within the scheme.

The semi-detached properties would have a pitched roof, parallel to the access road, with feature gable to front elevation (between the two dwellings). Each dwelling would have a mono pitch dormer within the rear elevation. Each property would contain four bedrooms.

Plot 8 comprises a two and a half storey dwelling with a pitch and mono pitch roof and mono-pitch dormer in the rear elevation. The property would contain four bedrooms.

Plot 6 comprises a two and a half storey dwelling with pitched roof and central projecting mono pitch to front elevation and two mono-pitch dormers in the rear elevation. The property would contain three bedrooms.

Plot 5 comprises a two and a half storey dwelling with a pitch and mono pitch roof and mono-pitch dormer in the rear elevation. The property would contain three bedrooms.

Plots 4 & 7 a two and a half storey dwelling with a pitch, mono pitch and flat roof over the main living accommodation and mono-pitch dormer in the rear elevation. Each property would contain four bedrooms. Plot 1 is a handed version of this.

The properties would have white colour render, vertical boarding to part of the elevations, grey aluminium windows and eternit slate to the roof.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan Policy (2006) Saved Policies

- D1 - Design principles
- D2 - Landscaping
- H1 - Housing provision
- H4 - Windfall sites
- H8 - Size and type of housing
- CC1 - Development in Countryside
- CC2 - Landscape Character Area - Central Chalk Plateau
- SR5 - Doorstep and local play space
- SR11 - Private Open Space
- TR12 - Cycling
- TR16 - Car parking provision
- HE12 - Archaeological Sites and Preservation

NOTIFICATIONS

Letters were sent to surrounding occupiers, site notices posted around the site and the application posted in the local newspaper.

13 representations have been received initially objecting to the application (with some people writing more than one letter) this includes 3 representations of support. Their comments are summarised below:

- Destruction of slow worm habitat
- Minimum of 26 parking spaces should be provided and appropriate visibility splays
- Concerns about health and safety on the site
- Invade privacy of houses in Nash Court Road
- Concern about the height of the dwellings
- Access will be on a blind bend and a steep hill; increase likelihood of accidents
- Loss of parking spaces on Nash Court Road
- Description is incorrect
- Overdevelopment of site
- Concern about nesting birds in the hedgerow front Nash Road
- Access for construction traffic should be from Nash Court Road
- Where will contractors park vehicles
- Question if contaminated material has been used to fill in the railway cutting
- Is subsidence possible
- Concern about proximity of the site to the main gas
- Question if the Council has required the developer to pay 50% of the net development value of the site as required by a covenant
- Does the development take into account the proposed cycle route through the site
- Would affordable housing be required?
- Question drainage of the site
- SMRA Dwellings out of keeping with the area
- Development should be bungalows
- New buildings no higher than the existing level of the buildings they face
- Working on site should only be between Monday-Friday 0730-1730
- Any amendments should be reviewed by the planning committee

Following revisions to the proposal surrounding occupiers were re-notified at the end of October 2018. Seven representations were received. The comments can be summarised as follows:

- Question if contaminated material has been used to fill in the railway cutting
- Revised plans deceiving as they bring houses up to 2m closer to properties in Nash Court Road
- Overbearing impact
- Loss of outlook and light
- Highway and parking concerns
- Concern about noise and dust during construction
- Object to the painting of double yellow lines- reducing the amount of on street parking
- De value properties
- Concern about construction parking

CONSULTATIONS

KCC Highways and Transportation - (*final comment*) Since the initial submission various amendments to the proposals, including reducing the number of dwellings proposed from 12 to 10. The reduction in dwellings has reduced the parking requirement for the site and allowed the applicants to provide additional on-site parking in excess of the minimum requirements as outlined in the Kent Residential Parking Standards (IGN3). For 10 dwellings of sizes of 3 or more bedrooms, a total of 20 parking spaces are required in addition to at least 2 visitor parking spaces.

Currently on street parking takes place along Nash Court Road in the vicinity of the proposed access. To maintain access visibility the on street parking may need to be removed for a distance of 35 metres (based on recorded 85th percentile speeds) looking north from the site access to the frontage of number 66. The introduction of parking restrictions requires a traffic regulation order (TRO), which is separate from the planning process and requires its own consultation. As such the applicants will be required to progress the new double yellow lines on Nash Court Road through a best endeavours condition to the satisfaction of the highway authority (HA). Following advice from the HA the applicants have provided additional visitor parking to offset some of the spaces which may be lost by the introduction of parking restrictions. The site requires a minimum of 22 spaces, but the applicants propose 26 in total. Most of the additional visitor parking spaces have been located as close to the site access as possible, ensuring they are visible for all road users.

To ensure safe access for refuse collection vehicles, the applicants have carried out a swept path assessment to demonstrate that an 11.2 metre long refuse collection vehicle can safely enter and exit the site in a forward gear. The HA also raised concern regarding the lack of cycle parking provision, which has now been overcome by the introduction of garden sheds for all of the proposed dwellings.

It is noted that the HA would not seek to adopt any of the roads within this application.

Conditions are recommended in relation to retention of vehicle and cycle parking spaces, completion of access, retention of loading/unloading and turning facilities, requirement of bound surface, double yellow lines, construction management plan and a condition is also requested in relation to all private parking bays being fitted with electric vehicle parking provision.

(*initial comment*) - Additional information was sought (swept path analysis to assess the proposal. In addition the required standards for residential parking, cycle parking, visibility were confirmed and was also requested that areas for adoption were highlighted.

Natural England – No objection, 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. As your authority has measures in place to manage these potential impacts through the agreed strategic solution, subject to the appropriate financial contribution being secured, Natural England is satisfied that the

proposal will mitigate against the potential effects of the development on the site(s) and that the proposal should not result in a likely significant effect.

KCC Biodiversity - The submitted information has confirmed that a reptile translocation has been carried out and 212 slow worms were translocated to a suitable off site receptor site. We highlight that is the second time a reptile translocation has been carried out within this site - the vegetation within the site must be regularly cut to prevent reptiles re-embellishing prior to works commencing (if granted).

A management plan has been submitted and detailed how the reptile receptor site will be managed in perpetuity. We advise we are satisfied with the proposed management and advise that it must be implemented as a condition if planning permission is granted.

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".

The proposed development provides limited opportunities to incorporated enhancements but we recommend that bird nesting and bat roosting features are incorporated into the buildings.

Environment Agency - Initial objection raised to the scheme as no assurance had been provided that the risks of pollution to controlled waters are acceptable, or can be appropriately managed.

Following the receipt of additional information conditions are requested relating to contamination and groundwater pollution.

Southern Water - Request an informative relating to the connection to the public sewerage system and a condition requiring details of foul and surface water drainage.

TDC Waste - It is unclear if the refuse truck will be required to cross a bridge or if there is gratings in the road, it's maybe necessary to designate points for collection for these properties.

TDC Environmental Protection – (initial comment) I note that this is an application for 12 x 3 bedroom houses. The application sits within a declared Air Quality Management Area. We therefore request the following:

Residential of 10 or more units:

- 1) All gas-fired boilers to meet a minimum standard of <40mgNOx/kWh
- 2) 1 Electric Vehicle charging point per dwelling with dedicated parking or 1 charging point per 10 spaces (un-allocated parking)

COMMENTS

The application is brought before Members as the development is located on land that is designated as countryside, and is therefore a departure to Policy H1 of the Thanet Local Plan.

The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

Principle

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The site is considered to be non-previously developed land outside of any defined settlement. The proposal is, therefore, contrary to the aims of saved policy H1 that states that residential development on non-allocated sites will be permitted on previously developed land within the existing built up confines unless specified by other Local Plan policies. This policy constraint, however, needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis, the NPPF indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Furthermore at paragraph 78 the NPPF states "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities".

In this case whilst the site lies beyond the urban confines. The site is located adjacent to existing housing development and would be viewed in the context of existing built form and be physically and visually linked to existing development. I consider that the proposal would represent a comprehensive in-fill development.

The application site is sustainably located, within walking distance of schools, facilities and services, and is close to the main Ramsgate Road and bus route.

The proposed development would also provide a minor addition to the district's housing land supply.

It is recognised that the Draft Local Plan to 2031 (July 2018) includes this parcel of land within the urban confines although within a landscape character area (undulating chalk farmland).

Taking into account the above, it is considered that the principle of development of this site for housing is therefore acceptable and consistent with the objectives of the NPPF, subject to the detailed consideration of all other material considerations including the impact upon

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

Character and Appearance

Paragraph 127 of the NPPF states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish a strong sense of place and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create place that are safe, inclusive and accessible. Saved policy D1 of the Local Plan outlines that the design of all new proposals must respect or enhance the character and appearance of the area particularly in scale, massing, rhythm and use of materials.

The site was formerly used in association with the railway, and is now vacant land. The site is therefore considered to be private open space that needs to be assessed under Policy SR11 of the Thanet Local Plan. The site does not offer any recreational opportunities, meets a deficiency in recreational facilities, neither does it have intrinsic beneficial qualities which make a contribution to the area. It is therefore considered that the proposal does not conflict with this policy.

Nash Court Road has a mix of housing types with both single and two storey properties; number 70 is a detached bungalow. Along Nash Lane there are recently constructed dwellings which are two storey with dormer windows within the roof on the application side of the road, separated by the bungalow on the other side of the road, at a lower level are bungalows.

The proposal is for 10no. dwellings of 2.5 storey in height. As described above the character of Nash Court Road is varied and mixed in terms of building types, heights and styles; there is no one overriding character. It is considered that this gives scope for development that does not seek to replicate traditional building forms.

The proposal presents a simple cul-de-sac with a spine road running adjacent to the northern site boundary, sharing a rear boundary with nos. 70 -58 (even) Nash Court Road and turning facility at the end of the site.

In terms of built form, the proposed housing units are a mix of detached and semi-detached properties. This fits in well with the surrounding development of detached and semi-detached properties on Nash Lane and Nash Court Road. Although due to the site location, parts of the development will not be readily seen from surrounding roads due to intervening buildings and vegetation. Whilst there is vegetation along Nash Road, the dwellings that abutt this boundary will be seen, due to their height and the density and height of the vegetation. The redevelopment of the site has the potential to positively contribute to the local environment, utilising a vacant parcel of land that is closely relating to existing residential dwellings. The scheme is also compatible with surrounding development in terms of density. The scheme equates to approximately 28.6 dwellings per hectare with plot depths of a minimum of 7m up to 10.5m and a range of widths presenting ample garden-to-dwelling ratios.

There are few opportunities for medium or long distance views, in these limited views, development would be seen in the context of the existing built form. It is recognised that the recently constructed dwellings to the south east are visible from Nash Road, however these dwelling were approximately 9.5m in height (at the most) and the proposed dwellings are a maximum of 9.3m from ground to ridge level, furthermore the site is at a lower level meaning that the dwelling would be less visually prominent.

It is appreciated that the proposed dwellings are different in design to the existing form of development on surrounding roads. The proposed house designs show a relatively contemporary design, although integrating a pitched roof into all properties, with more modern elements- mono pitched roofs and flat roof. Whilst not replicating existing development it is considered that most of the development would not be seen from the road, flanked by traditional built form rather it would be seen as a comprehensive development, I therefore do not consider that it is essential to copy adjacent buildings.

In summary it is considered that the proposed development fits well within the site. It respects the form and character of the surrounding development in terms of density and scale, whilst not replicating the design of existing properties, it is considered that as this forms a comprehensive scheme which will be viewed largely separately this is not essential.

Living Conditions

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

It is recognised that the site is at a lower level to Nash Court Road. The impact upon the neighbours abutting the application site has been assessed. The site only shares one common boundary with existing residential development; north eastern boundary. The other boundaries are formed by a further section of disused railway land to the north west, eastern boundary with Nash Road and the southern boundary with a disused road bridge over the former railway line (this has a barrier across so vehicles cannot cross from Nash Court Road to Nash Road).

The proposed dwellings follow the line of the rear boundary of the site, the layout of the dwellings is such that the existing and proposed dwellings are separated by the proposed access road. There is a minimum distance of 18m between the proposed dwellings and the rear boundaries of nos. 70-58 Nash Court Road. Given this distance of separation I consider that there will be no harm in terms of, overshadowing, sense of enclosure or overlooking.

It is however appreciated that due to the site layout there maybe issues resulting from increase in vehicle movements to the rear of these dwellings and also to the side of no. 70. In order to deal with this a landscape buffer is shown to the side boundary with no. 70 and a service margin. Given this the access road would be approximately at least 3m from the boundary with adjoining neighbours. Whilst it is appreciated that this access will generate additional noise that does not currently exist it is considered to be not at a level that would generate harm to the occupiers of adjoining properties. The vehicular access would also

have a hard surface rather than for example gravel that would create additional noise. It is however recommended that details of planting schedules/densities and boundary treatments be safeguarded by condition, to allow this to be controlled.

Local Plan policy SR5 requires new dwellings with two bedrooms or more to provide safe doorstep play space for young children. The private gardens would provide a safe play space and space for clothes drying, refuse storage and storage facilities.

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

Transportation

The proposed parking in the application accords with parking standards and includes additional visitor parking. It is recognised that the site requires a minimum of 22 spaces, to accord to KCC standard but the applicants propose 26 in total, an over-supply of 4 spaces, this is to offset some of the spaces which may be lost by the provision of double yellow lines on Nash Court Road. Therefore whilst the proposal will generate more vehicular movements to the site it would not be reasonable to refuse the application on this basis.

The additional plans submitted by the applicant also demonstrates that a refuse truck (11.2m) could access and turn within the development.

There are no objections from the Highways Officer subject to conditions relating to retention of vehicle and cycle parking spaces, completion of access, retention of loading/unloading and turning facilities, requirement of bound surface, double yellow lines, construction management plan and a condition is also requested in relation to all private parking bays being fitted with electric vehicle parking provision.

Ecology

There are no protected trees on site.

The application has been supported by Herpetofauna Risk Assessment and a Management Plan. KCC Biodiversity have confirmed that they are satisfied with the information contained within these reports and request that a condition is attached to any planning consent to secure the management plan dealing how the reptile receptor site will be managed.

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

Drainage

The site is in Flood Zone 1 and there are no outstanding flood risk issues.

The foul water drainage system will be dealt with by connection to the mains sewer and surface water drainage via a soakaway. This does not appear to conflict with the

requirements of Southern Water who require connection to the public sewerage system but who also seek more details of foul and surface water drainage by condition.

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

Contamination

Paragraph 170 e) of the NPPF states planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The Environment Agency initially raised concerns about the development due to the previous use, and contamination could be mobilised during construction to pollute controlled waters (the site is located above a principal aquifer overlain by drift deposits/secondary aquifer). Following the submission of additional information, (Phase 1 Environmental Assessment - Desk Study Report) this objection has been removed.

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

Habitats Regulation

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified.

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, 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. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

This application includes a draft Unilateral Undertaking which provides the required financial contribution for the provision of 10 residential units to mitigate the additional recreational pressure on the SPA area, to comply with draft policy SP26. The sum of money required to be secured by the Unilateral Undertaking is £4,982.

Conclusion

Whilst the site lies within the countryside as identified by the adopted Local Plan, the site falls within the confines of the urban area within the Draft Local Plan, and the authority does not have a 5 year supply of deliverable housing sites. Accordingly the proposal must be viewed in the context of the presumption in favour of sustainable development and the tests of paragraph 11 of the NPPF.

The proposal seeks full planning permission for ten residential dwellings. In the context of the acknowledged shortfall against need, those are social benefits that must be accorded substantial weight. Economic benefits would be realised by the provision of these additional houses, most notably during the construction period through employment and investment. In addition the site is considered a sustainable location in terms of access to services and employment has favourable environmental implications.

These benefits need to be weighed against the harm. The site is designated countryside which must be given weight, there is a shortage of housing land and this almost certainly means that parts of the countryside, outside of existing defined villages and towns will have to be allocated for development in order to address the current shortfall. In this case the proposed residential development would be seen in the context of existing residential development and would represent a logical and sustainable extension to this part of Margate that in your officers opinion would not harm to a significant degree the character and appearance of the wider countryside.

The development is considered to relate adequately to the site and its wider setting in terms of scale and density. Whilst not emulating the existing character of this part of Margate it would not be of detriment to the visual amenity of the locality, neighbour amenity or highway safety.

The submitted draft Unilateral Undertaking will deal SAMM contributions.

In light of the above, it is considered that the proposal complies with the provision of the NPPF and accordingly it is recommended that Members defer and delegate the application to officers for approval, subject to safeguarding conditions and the receipt of a signed Unilateral Undertaking securing the SAMM contribution as identified above.

Case Officer

Gill Richardson

TITLE: F/TH/18/0568

Project Land On The West Side Of Nash Court Road MARGATE Kent

Scale:

