

4 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.

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.

5 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

6 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

7 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.

8 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

GROUND:

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

9 The construction of the development hereby permitted shall incorporate measures to prevent the discharge of surface water onto the highway.

GROUND;

In the interests of highway safety.

10 The area shown on the approved plan numbered 23541A_002 Revision B 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 any dwelling hereby permitted.

GROUND:

In the interests of highway safety.

11 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.

12 Prior to the first occupation of the development hereby permitted details of the cycle parking, which shall be in the form of a covered and secure enclosure shall be submitted to and approved in writing by the Local Planning Authority.

GROUND;

In the interests of promoting increased cycling in accordance with policy TR12 of the Thanet Local Plan

13 Prior to the first occupation of the dwellings hereby approved visibility splays of 2 metres by 2 metres behind the footway on both sides of the access with no obstructions over 0.6m above footway level shall be provided and thereafter maintained.

GROUND;

In the interest of highway safety.

14 Notwithstanding the details shown on drawing numbered 23541A_002 Revision B details of the refuse collection point shall be submitted prior to the first occupation of any dwelling hereby approved. The refuse collection point will need to be at the front of the site where it meets Clive Road.

GROUND:

In the interests of amenity for future occupiers in accordance with D1 of the Thanet Local Plan.

15 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in the back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

GROUND:

In the interests of amenity for future occupiers in accordance with D1 of the Thanet Local Plan.

16 Prior to the occupation of any dwelling hereby approved, a lighting plan must be submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate that the recommendations within paragraph 4.4.5 (Extended Phase 1 Habitat Survey and Bat Building Survey; Corylus Ecology; March 18) have been implemented. The plan must be implemented as approved.

GROUND:

In the interests of biodiversity.

17 Prior to the occupation of any dwelling hereby approved, a ecological enhancement plan must be submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate that the recommendations within paragraph 4.7.2 (Extended Phase 1

Habitat Survey and Bat Building Survey; Corylus Ecology; March 18) have been implemented. The plan must be implemented as approved.

GROUND:

In the interests of biodiversity.

18 Intrusive Investigation

a) No development shall take place until an intrusive site investigation and risk assessment has been undertaken by competent persons and a written report of the findings has been submitted to and approved in writing by the Local Planning Authority. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks in relation to:

Human health;

Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

Adjoining land,

Ground waters and surface waters,

Ecological systems,

(iii) An updated conceptual model of the site indicating sources, pathways and receptors.

(iv) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

b) If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms

including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

c) Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme 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. It shall also include details of longer term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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 in line with paragraph 170 of the National Planning Policy Framework.

19 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 development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

20 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:

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 in line with paragraph 170 of the National Planning Policy Framework.

21 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 information is submitted to demonstrate 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.

22 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved 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.

SITE, LOCATION AND DESCRIPTION

The application site comprises number 20 Clive Road and its associated curtilage which extends to the rear of numbers 22-26 Clive Road. At present there is a two storey semi-detached property in situ, the dwellings immediate garden and a parcel of land beyond this, which is laid to grass with some vegetation and trees. The site measures approximately 0.24 hectares.

The area is predominantly residential in character. To the south of the site is a farm access which crosses over the relatively new stretch of the A299 coming into Ramsgate and the Lord of the Manor roundabout. This portion of the A299 is at a much lower level to the site.

RELEVANT PLANNING HISTORY

F/TH/18/0582 Erection of 5No. Two storey dwellings with associated access and parking following demolition of existing dwelling. Refuse 11/02/19

This application was refused under officer's delegated authority. The reason for refusal was:

The site lies within a source protection source zone 2 and upon a principal aquifer, insufficient information has been submitted with the application relating to risk assessment, when dealing with land affected by contamination in order to assess adequately that the site is suitable for its proposed use or can be made so through appropriate remediation. Accordingly, the proposal is contrary to the National Planning Policy Framework, Chapter 15 "Conserving and Enhancing the Natural Environment" and more specifically paragraphs 170e), 178179 and 180.

The applicant has lodged an appeal with the Planning Inspectorate, which is in the process of being considered. Whilst a date for determination of this appeal is not known it is

confirmed that the appeal has started and The Local Planning Authority have submitted their statement.

PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of five dwellings following the demolition of no. 20 Clive Road.

In terms of layout vehicular access is shown off Clive Road between nos. 20 and 22 leading into the site. No. 20 would be rebuilt to the eastern side of the access, but on a smaller footprint to the existing dwelling. In the rear section of the site two detached properties are proposed; one of which is on an east-west alignment and the other a north-south alignment. Both properties would have their southern boundary to the farm access. A pair of semi-detached dwellings are proposed to the south of no. 24a Clive Road.

The two detached properties; plots 1 & 2 have at ground floor an open plan living/dining room and kitchen, W.C. and bedroom with en-suite and at first floor two further bedrooms, one of which has an en-suite and family bathroom. The proposed dwellings would have their ridge parallel to the communal parking area, which the dwellings are positioned around. The dwellings have a first floor flat roof projection at the front to either side of the front entrance and a rear gable projection to the rear. The overall ridge height is approximately 6.8m and eaves at approximately 3m.

With regard to plots 3 & 4 the semi-detached properties, accommodation provided at ground floor comprises open plan living/dining, kitchen and a bedroom. On the first floor there are two bedrooms, one of which has a dressing area and en-suite and family bathroom. The proposed dwellings would have their ridge parallel to the communal parking area. Each dwelling would have two flat roof, roof projections, one extending down to eaves level the other set up just over 1m from eaves level.

No. 20 would be replaced by a dwelling of the same ridge and eaves height, but a reduced width. The flat roof dormer at no. 18 would also continue across, although at a greater width. The main entrance to the dwelling would be on the front elevation, rather than the current position; at the side. To the rear is a flat roof dormer and a ground floor projection flat roof and roof lantern.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006 Saved Policies)

- H1 - Residential Development Sites
- H4 - Windfall Sites
- D1 - Design Principles
- D2 - Landscaping
- SR5 - Play Space
- TR12 - Cycling

- TR16 - Car Parking Provision
- CF2 - Development Contributions
- CC1 - Development in the Countryside
- CC2 - Landscape Character Area- Wantsum North Shore

NOTIFICATIONS

A site notice has been posted and neighbouring occupiers notified.

One letter of objection has been received raising the following concerns:

- Out of keeping with the area
- Need to insure the structural integrity of no. 18 and no damage
- Highway safety concerns
- Concern about how construction vehicles would access the site
- Inadequate parking
- No. 22 stands higher than No.20
- Not be allocated within the Local Plan for housing
- Loss of habitat

Cliffsend Parish Council: The Parish Council having carefully considered the revised plans decided they are still opposed to this development for the following reasons.

a) The Access road to the properties at the rear will be very narrow, leading to access issues for Emergency Service Vehicles such as Fire Engines or larger water supply vehicles. In addition we note that Environmental Services indicate their refuse vehicles will be unable to access the road, thus leading to rubbish bins being left on the access road. Also the size of the roads will cause access issues for delivery's and also the average moving company vans.

b) The demolition will be needed for nr 20 to create the access, but what consideration has been given on the impact on the elderly occupant of nr 18, will she be provided with alternative accommodation during the demolition and rebuilding?
 Also what compensation will she get for the disruption of her life?
 Are the builders warranting that her house will not be affected by the demolition and rebuild?
 Are they offering her a warranty of 10 years once the rebuild work is complete
 What provision has been made should the demolition structurally damage Nr18, something which is likely to occur as the roofs are linked.

c) The exit from the development is adjacent to the junction of Clive Road and Cliff View Road, the development is likely to lead to an increase in parking on Clive Road.

d) We note the concerns expressed by Environmental Agency that the site is former landfill area with the consequence concerns of contamination of the Thanet Water Aquifer which underlies the area and is the main source of water for the whole Thanet area.

e) We note the limited Environmental Report provided shows the landfill area contains lead, PAH and Asbestos contaminants as a starting point, which is very worrying given the close proximity of the site to the Thanet Aquifer.

Disturbance of the site by building has the potential to cause a major environmental impact.

f) The Parish Council has serious concerns over the proposed site level changes which potentially may require the provision of retaining walls, none of this is shown on the diagrams submitted.

g) Given the range of levels across the site, how surface water will be handled in heavy rain situations is not clear

h) The Parish Council is very concerned about the potential for noise impact on nearby houses should the development proceed.

CONSULTATIONS

Southern Water: Recommend an informative relating to connection to the public foul sewer.

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 would rely on your consultation with the Environment Agency to ensure the protection of the public water supply source.

Kent County Council Ecological Service: We have reviewed the ecological information submitted with the planning application and we advise that sufficient information has been submitted to determine the planning application. We advise that the ecological survey has provided a good understanding of the ecological interest of the site and there is no requirement for additional ecological surveys to be submitted with the planning application.

Breeding Birds - The scrub within the site is likely to be used by breeding birds and we advise that any removal is undertaken outside of the bird breeding season, an informative is recommended in this regard.

Bats - The site may be utilised by foraging and commuting bats and as the boundary vegetation has been retained it's likely that any bats can continue to forage/commute along this boundary. However we highlight that the increase in lighting may have a negative impact on the bats. To minimise the impact we advise that the recommendations within paragraph 4.4.5 (Extended Phase 1 Habitat Survey and Bat Building Survey; Corylus Ecology; March 18) are implemented if planning permission is granted, a condition is suggested in this regard.

Enhancements - 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 in and around developments should be encouraged". Extended Phase 1 Habitat Survey and Bat Building Survey provides a number of recommendations to enhance the site for biodiversity and we advise that they are

implemented if planning permission is granted a condition is suggested to require an ecological enhancement plan.

Environmental Health Officer: Given the proximity to the A299 Hengist Way there is potential for road noise to impact on the dwellings. It is recommended that an acoustic assessment is undertaken to ensure that mitigation is implemented where necessary to achieve acceptable standards, this can be achieved by condition.

Environment Agency: This site is based on an old landfill site, as shown by historic surveys and the phase 1 site investigation, which was limited to 6 small diameter cores and limited sampling. The heterogeneity of materials discovered indicates that the risk assessment has not fully shown the site characteristics. Indeed the report states: At this stage, lead and PAH contamination has been identified however, it is recommended that a more detailed investigation be undertaken to provide a more robust assessment for the site.

The report would indicate in the consultants view that the site may be able to be developed, but it only deals with limited sampling and is not fully representative of the sensitivity of the site setting with respect to groundwater.

The previous use of the proposed development site as a landfill presents a high to medium risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon Principal aquifer.

The reports submitted in support of this planning application indicate the site has potential for the proposed development. Further detailed information will however be required before any built development is undertaken. In the light of reporting it may be prudent to ask for more detailed information prior to the granting of planning permission, but respect that this is a decision for the Local Planning Authority.

In light of the above, if the proposed development were to be considered for permission at this stage we would object unless planning conditions were included requiring the submission of a full risk assessment and remediation strategy, carried out by a competent person in line with paragraph 170 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will cause or be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Contaminated Land Officer: No objection subject to the conditions recommended by the Environment Agency.

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.

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 part previously developed land and part 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 the application site lies within a residential area of Cliffsend, Ramsgate, however it is outside of the defined settlement and within designated countryside. In broad terms residential development would be acceptable on part of the site, where the existing dwelling is and its garden land. This appears to have been extended from the original. The area beyond what appears to be the original area of garden land; curtilage is classed as countryside and outside of the development boundary for Cliffsend.

The site is located adjacent to existing housing development and would be viewed in the context of existing residential built form and be physically and visually linked to existing development. The proposed development would therefore not be viewed as isolated development within the countryside. The site is within walking distance of the facilities and services provided to the centre of Cliffsend, and is therefore considered to be sustainably located, and the proposed development would also provide a minor addition to the district's housing land supply.

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

Impact on Countryside

The proposal is within designated countryside. It is however considered that the proposal would represent a logical in-fill area to the centre of Cliffsend, that is self-limiting due to the constraints of the site. The proposed site will be seen against and with existing residential development, and therefore the development of the site will appear in keeping with the surrounding pattern of development. It is therefore considered that the proposal will not have a detrimental impact upon the wider countryside.

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 Council's general policy for development is that any form of development must respect the character and appearance of the area. Thanet Local Plan policy D1 requires all new development to be of high quality, and to protect or enhance the appearance and character of the area, whilst paragraph 124 of the NPPF advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It further adds "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The submitted scheme proposes, demolishing No.20 Clive Road to create an access road leading to land at the rear of No.20- 26 Clive Road and erection of a pair of semi-detached 2 storey 3 bed dwellings properties, 1 semi-detached 2 bed property (replacing existing) and 2 detached 2 storey, 3 bed dwellings. The proposed dwellings have two parking spaces per property in front of the units. The replacement unit has two parking spaces located to the road, to the side of the access road.

The proposed access would be located between Nos. 22 & 20 Clive Road having a length of approximately 41m before it opens out into the turning and manoeuvring area, which the proposed dwellings face onto. The dwellings would not have a road frontage to Clive Road and are located to the rear of existing development. There is another example of a dwelling that does not have a direct road frontage onto Clive Road; number 8. Although this is for only one dwelling, whilst the proposed scheme would provide for a more comprehensive form of development than the smaller existing nearby site through the creation of a cul-de-sac layout. The dwellings would have reasonable sized gardens and the distance between the houses, both existing and proposed, would be sufficient to avoid the appearance of an overdeveloped, cramped site.

Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas and therefore will be a key consideration.

The proposed layout of the dwellings has a 'J' shape, with the front elevations predominantly facing into the site and plot 2 being the only dwelling which would face the rear of properties which front Clive Road. The proposal has an appropriate density for the locality. The proposed would effectively create a small courtyard type development and is considered to be acceptable.

The proposed plans include dwellings which are 1.5 storey in height. Dwellings within the vicinity of the site are a mix of single, 1.5 and full 2 storey in height, with a mix of styles and most properties being altered/extended over the years, and therefore the proposed height of the dwellings is considered to be acceptable.

With regard to plot 5 (no, 20 Clive Road) the proposal would see the size of this dwelling reducing, more specifically its width in order to incorporate the vehicular access. No. 20 is one half of a semi-detached property. The resulting appearance of the buildings would have an a-symmetrical appearance. It is noted that this part of Clive Road has three pairs of similar properties; including this one. These dwellings have a similar appearance at ground floor, but at first floor their dormer features appear to have been altered, have different widths across the roof. The proposal has also been designed to have a main entrance door on the front elevation and could therefore at a glance read as a detached property. I consider that this approach is acceptable.

The proposed dwellings are similar in appearance; the approach to the design given the context of the site is for rooms being provided within the roof; with flat roof dormers incorporated into the design. The design does not replicate dwellings within the street scene but incorporates aspects and features seen on existing nearby dwellings. I consider that there is sufficient visual cohesion between the existing and proposed development for the proposal to appear in keeping with the character and appearance of the area.

The proposal is therefore considered to be acceptable in terms of the character and appearance of the area, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

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.

The building of a dwelling behind other dwellings has long been regarded as a potential source of environmental problems, and there is a need for proper access, if the mutual disturbance that can occur from vehicles being drawn into the normally quiet areas behind frontage development is to be avoided. There is a distance of 1m from the side elevation of number 22 Clive Road and the access drive. Number 22 has windows within the side elevation, however, they appear to be secondary or windows serving non-habitable rooms. Taking into account the likely traffic generation from the proposal and the relationship with number 22 the noise and disturbance associated with vehicles accessing the site is considered acceptable.

In terms of neighbour amenity, the proposed dwellings face into the application site rather than directly into the rear gardens of properties fronting Clive Road. There is in most cases a significant degree of separation between the proposed dwellings and neighbouring occupiers. The closest relationship is that between plot 4 and number 24a Clive Road. There is a minimum distance of approximately 1.5m to the boundary and the boundary is a distance of approximately 17m from the built form of no.24a. Plot 4 has been designed so

that there are no side windows at first floor level, therefore preventing direct overlooking into the rear of number 24a. Appropriate boundary treatment would prevent overlooking from ground floor windows. I consider that this relationship and the impact upon neighbouring privacy from plot 4 is acceptable.

With regard to plot 2 this would face onto the rear of number 24 Clive Road. However, given the dwellings location within the scheme it is considered that significant overlooking would not result, as there is a separation distance of approximately 22m to the shared boundary with number 24

In terms of the living conditions of the future occupiers of the proposed dwellings, the Council's Draft Local Plan to 2031 has now been submitted and Policy QD03 requires new development to be of an appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in Policy QD04, which are the National Described Space Standards (March 2015). Policy D1 of the Thanet Local Plan requires development to provide a high quality layout and paragraph 127 of the National Planning Policy Framework requires development to provide a high standard of amenity for existing and future users, with all windows serving primary habitable rooms required to provide an acceptable level of outlook, natural light and ventilation for the rooms. The proposed dwellings meet all of this criteria in terms of the overall floor space and window provision to habitable rooms.

Given the proximity of the site to the road and railway, there are concerns regarding the potential for unacceptable levels of noise and vibration to the proposed dwellings. A condition requiring the submission of an acoustic assessment is therefore required prior to the commencement of works, to enable modifications to be made during the construction process to prevent unacceptable levels of noise and disturbance for the future occupiers of the development. Subject to this condition the impact upon future occupiers is considered to be acceptable.

Local Plan policy SR5 requires new dwellings with two bedrooms or more to provide safe doorstep play space for young children. All of the proposed dwellings are provided with private gardens, which would provide a safe play space and space for clothes drying, refuse storage and storage facilities. The proposal therefore complies with Policy SR5 of the Thanet Local Plan.

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.

Land 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 site lies within a source protection source zone 2 and upon a principal aquifer, the site used to be a quarry and has been filled, the Environment Agency in the previous application advised that they did not consider that the submitted application and supporting documents contained sufficient information stating that a full phase 2 investigation and remediation strategy would be required given the sensitivity of the site setting, sensitive proposed end use, limited size of trial holes, limited testing various materials encountered and potential for significant variability in landfills of this age and nature. On this basis the previous application was refused.

This current application contains an Environmental Ground Appraisal Report and Desk Study Report as well as a letter from Ecologia setting out works that need to be undertaken in relation to the contamination status of the land.

The Environment Agency state that additional investigation will be required prior to the commencement of development, but if conditions are attached they would not object to the proposal. On this basis the LPA consider that it can't sustain an objection to the application.

Ecology

KCC Ecologist has confirmed that the application contains sufficient information to determine the planning application and there is no requirement for additional ecological surveys to be submitted with the planning application. Informatives are recommended in terms of breeding birds and scrub removal. In terms of bats a condition is recommended to ensure that the development is carried out in accordance with the recommendations within paragraph 4.4.5 (Extended Phase 1 Habitat Survey and Bat Building Survey; Corylus Ecology; March 18). In addition a condition is recommended in relation to an ecological enhancement plan. These recommendations are considered to be reasonable.

Transportation

In terms of the access it is noted that the width would not enable two vehicles to pass and cars may have to wait in order to gain access into and out of the site. Given however the number of properties proposed I do not consider that this would be a regular occurrence, which would result in harm to highway safety.

Each dwelling has been afforded two off-street parking, which is considered to be adequate, and enough to avoid an increase in the demand for on-street parking on Clive Road and on the surrounding highways. Parking spaces are not provided in tandem and are easily accessible.

Whilst each dwelling has at least one space within the curtilage and another opposite the plot, which is not ideal as it will provide a poor arrangement, it is not considered that a reason for refusal can be substantiated on this ground.

In terms of visibility splays it is considered that this can be safeguarded by planning condition.

In terms of a refuse collection point this has been located to the north of plot 1. The refuse and recycling team have indicated that this should be at the junction with Clive Road and where the development starts. This could be accommodated at the front of the site within a section of land to the front of no. 20, although it is acknowledged that this would not be visually pleasing on bin collection day, although this would be limited to only occasionally use- once a week.

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

Planning Obligations

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.

The agent has confirmed the applicant's willingness to sign up to the Unilateral Undertaking which provides the required financial contribution for the residential units to mitigate the additional recreational pressure on the SPA area, and therefore subject to the submission of a signed unilateral agreement, the impact upon the SPA is considered to be acceptable.

Impact on Trees

The site has a number of trees on site. The submitted plans and accompanying Pre-development Tree Survey and Report show that a number of trees are to be removed. Trees around the perimeter are shown to be retained. A site inspection was carried out with the Arboricultural Officer who confirmed that he had no objection to their removal. The impact upon trees is therefore considered to be acceptable.

Conclusion

The additional information submitted with the proposed scheme are thought to overcome the issues raised with the original application, which was refused on land contamination issues.

The proposed layout provides the appropriate amount of open space to cater for the new dwellings.

The layout, scale and appearance of the proposed development is appropriate for the area and raises no significant amenity issues. There are no outstanding matters raised by consultees, subject to the submission of additional information which can be controlled by planning conditions.

The proposal is therefore considered to accord with the policies of the Local Plan and the provisions of the National Planning Policy Framework. It is therefore recommended for approval.

It is therefore recommended that Members defer and delegate the application for approval, as an acceptable departure to Policy H1 of the Thanet Local Plan, subject to safeguarding conditions and the submission of a signed unilateral undertaking.

Case Officer

Gill Richardson

TITLE:

F/TH/19/0407

Project

20 Clive Road RAMSGATE Kent CT12 5EG

