

**D03**

**F/TH/19/0364**

PROPOSAL: Erection of 8No 3bed detached dwellings with parking and associated works

LOCATION: Land West Of Farley Road MARGATE Kent

WARD: Salmestone

AGENT: Mr Michael Collins

APPLICANT: Knights Lodge Properties

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 drawing numbered 03-G, received 9th August 2019; the revised drawings numbered 04-C, 05-C, 06-C, 10-A, 07-C, and 08-C, received 30th May 2019; and plan numbered 09-A, received 19 March 2019.

**GROUND:**

To secure the proper development of the area.

3 Prior to the commencement of development hereby permitted, details of the measures to be undertaken to protect the public water supply main shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**GROUND:**

To protect the public water supply, in accordance with the NPPF.

4 No works shall take place (including site clearance and levelling) until the Precautionary Mitigation Strategy outlined in the submitted Ecological Appraisal and Precautionary Reptile Mitigation; Calumma; 14th May 2019; paragraph 7.3 has been implemented. On completion of the works a letter from the ecologist shall be submitted to, and approved in writing by the Local Planning Authority, confirming that the reptile precautionary mitigation strategy has been implemented.

**GROUND:**

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

5 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, which shall include the provision of at least 36no. new trees, and hedge planting to both the eastern and western boundaries, as shown on plan numbered 03-G;
- the treatment proposed for all hard surfaced areas beyond the limits of the highway, in accordance with plan numbered 03-G;
  - walls, fences, and other means of enclosure, to include the new fencing and gate along the southern boundary adjoining the receptor site;
  - details of external lighting;
  - ecological enhancements as identified within the submitted management plan and ecological report.

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.

6 Prior to the commencement of development hereby permitted, a "bat sensitive lighting plan" for the site boundaries shall be submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory (including details of light spill which shall not exceed 1LUX on and outside the red line boundary of the site).

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

**GROUND:**

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

7 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with

the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

**GROUND:**

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

8 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.

9 The reptile receptor site shall be managed and maintained in accordance with the Management Plan (White Horse Ecology), dated 10th April 2018.

**GROUND:**

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

10 Prior to the first occupation of the development, the area shown on plan numbered 03-G for the parking and manoeuvring of vehicles shall be operational. The area approved shall thereafter be maintained for that purpose.

**GROUND:**

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

11 Prior to the commencement of work on site the provision of construction vehicle loading/unloading, turning facilities and parking facilities for site personnel and visitors should be submitted to and approved in writing by the local planning authority. This should be provided for the duration of construction

**GROUND:**

In the interests of highway safety.

12 Prior to the first occupation of the development hereby permitted, the vehicular access as shown on plan numbered 03-G shall be provided and thereafter maintained.

**GROUND:**

In the interests of highway safety.

13 Prior to the commencement of any development on site (including site clearance and levelling), details to include the following shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site, including entry points to the 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) Measures to control noise affecting nearby residents
- (g) 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.

14 Prior to the construction of the external surfaces of the development hereby approved samples of the materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved .

**GROUND:**

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

15 No further extensions or alterations, whether approved by Class A, B, or C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

**GROUND:**

To ensure a satisfactory external treatment and in the interests of the visual amenities of the locality in accordance with Policy D1 of the Thanet Local Plan.

16 Prior to the first occupation of the development hereby permitted, the refuse collection point, as shown on plan numbered 03-G, shall be provided and thereafter maintained.

**GROUND:**

In the interests of living conditions for future occupiers, in accordance with Policy D1 of the Thanet Local Plan, and the NPPF.

17 The development hereby permitted shall be constructed at the land levels as shown on the approved section plans, numbered 07-C and 08-C.

**GROUND:**

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

**INFORMATIVES**

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

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](http://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

## SITE, LOCATION AND DESCRIPTION

The site is characterised by bungalows and 2-storey dwellings, of a semi-detached and detached form. The site is located at the end of an existing cul-de-sac, and consists of land formerly used as railway land, which is now redundant. The site is overground, and on a raised ground level, with planning permission having previously been granted for the partial reduction of the ground level. The site is enclosed by existing fences, and a recently erected metal fence and gate adjoining Farley Road, as agreed through the previous consent. There are a number of trees within the site, and part of the site to the south is covered by a Tree Preservation Order.

## RELEVANT PLANNING HISTORY

F/TH/17/0770 - Retrospective application for excavation works to level site and create vehicular access onto Farley Road. GRANTED - 20/10/17.

## PROPOSED DEVELOPMENT

The proposal is for the erection of 8no. detached 3-bed chalet bungalow dwellings. Each dwelling is provided with a minimum of 2no. parking spaces, and 3no. visitor parking spaces are also provided. The dwellings are of pitched roof design, and are to be constructed using dark grey UPVC doors and windows, slate roof, white render, and chestnut timber boarding.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan Policy (2006) Saved Policies**

D1 - Design principles  
D2 - Landscaping  
H1 - Residential Development  
H4 - Windfall Sites  
H8 - Size and type of housing  
H14 - Affordable housing provision  
SR5 - Doorstep and local play space  
SR11 - Private Open Space  
TR12 - Cycling  
TR16 - Car parking provision  
CF2 - Development Contributions  
HE11 - Archaeological Assessment

## NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. Three letters of objection have been received, raising the following concerns:

- Access for construction traffic shouldn't be through Farley Road as it's too narrow,
- Protection of reptiles,
- Possible boundary issue with plot 8, appears to be on adjacent owners land,

- Too many houses being built in the surrounding area.

## CONSULTATIONS

### **KCC Highways and Transportation -**

*(final comments)* - Following previous comments from the highway authority (HA) the applicants have now provided amended drawings which include a revised parking layout as shown in drawing reference: 03 Revision D. It is noted that the bin collection points, opposite plot 4, are a notable distance from the western edge of the site (plots 7 and 8) which will require future residents to transport their bins more than 40 metres on collection days. TDC refuse department may wish to comment on this matter. I confirm that subject to safeguarding conditions, I would raise no objection on behalf of the local highway authority.

*(initial comments)* - The highway authority (HA) is satisfied with the principle of housing in this location, however there are various amendments that need to be made before the HA can provide recommended planning conditions. 1.) Each of the proposed dwellings includes at least 2 allocated parking bays, in addition to garages for the purpose of storage and cycle parking. This is deemed acceptable to the highway authority, but the site must also provide visitor parking spaces at a minimum level of 0.2 spaces per dwelling (2 spaces in total). It appears possible to site at least one visitor parking space along the verge opposite plot 6. Any parallel parking bays must be at least 2 metres wide and 6 metres long, in addition they should include chamfered edges to allow ease of access into the parking bays. 2.) The applicants have provided a turning area at the entrance to the site, but have not demonstrated that a large refuse freighter can enter and exit the site in a forward gear. Tracking is required to demonstrate that a 13 metre long refuse vehicle can safely use the turning area. 3.) Plots 6-8 are too far from the turning area for refuse collection purposes. Refuse bin collection points must be provided for any proposed dwellings which are more than 30 metres from the refuse turning area.

### **KCC Ecology -**

*(final comments)* - We have reviewed the ecological information which has been submitted with the planning application and we advise that additional information is required prior to determination of the planning application. We are satisfied that our previous concerns have almost all been addressed. However there is still some confusion around the red line boundaries of the proposed development, the landowner boundaries, and the proposed reptile receptor site boundaries (see tab Reptiles below). We advise that a final map is submitted prior to determination of the planning application with the correct boundaries location.

#### Reptiles

We understand that two reptile translocation exercises were undertaken within the area. We have compared the red line boundaries of the Land Conveyance Plan; Giarti; November 2017 and the boundaries of the reptile receptor site Fig 7.1 of the Ecological Appraisal and Precautionary Reptile Mitigation; Calumma; 14th May 2019. It is our understanding that the receptor site area boundaries go beyond the red line boundaries of the landowner

boundaries. This is rather concerning and prior to determination of the planning application we need a final site plan with the suggested below colour coded correct boundaries : Red line boundaries of the proposed development area; Blue line boundaries of the landowner area; Green line boundaries of the reptile receptor area. We are happy that a fence with gated access will be erected between the receptor site and proposed development with a controlled access via a locked gate. This demonstrates that the reptile receptor area will be protected from recreational pressure. We are also satisfied that the fence between the receptor site and the proposed development has remained intact since 2017 and that the proposed development has very low potential for reptiles to be present. As such, we are happy that precautionary mitigation work will be undertaken to minimise the risk of reptiles being impacted by the proposed development works. As such, we advise to secure the implementation of the precautionary measures as a condition of planning permission if granted.

#### Bats - proposed development site boundaries

We are satisfied with the conclusions of the ecological report which state that none of the mature trees present on site are to be lost by the proposed development and as such no further survey work is recommended with regard to roosting bats for the proposed development. However, and as discussed within the report, lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design for the works undertaken and the new dwellings built (see end of this note for a summary of key requirements).

We advise that if planning permission is granted information is provided to residents encouraging them to have minimal or no lighting within their gardens area and provide recommendations on the type of lighting they should install in situations where they would require lighting.

#### Breeding birds

The site contains suitable habitat for breeding birds and all nesting birds are protected under the wildlife and countryside act 1981 (as amended). We advise that if planning permission is granted the following informative is included: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub and shrubs are likely to contain nesting birds between 1st March and 31st August inclusive. Trees, scrub and shrubs are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present. Hedgehog There is some potential for hedgehogs to be present on site along the boundaries. Therefore, any areas where mammals could be sheltering should be hand searched prior to disturbance. Excavations should not be left open for animals to fall into, or planks of wood should be placed to enable any animals which may fall into such a hole to escape. We are happy that fencing design will have hedgehog holes included so that hedgehogs have free movement on site.



## Ecological Enhancements

The submitted management plan and ecological report have made recommendations for ecological enhancements to be incorporated in to the site and we are very supportive of their implementation. We advise that if planning permission is granted a landscaping and biodiversity enhancement plan is submitted to demonstrate that ecological enhancements will be incorporated into the site.

*(initial comments)* - We have reviewed the ecological information, which has been submitted with the planning application and we advise that additional information is required prior to determination of the planning application.

It is our understanding that two reptile translocation exercises were undertaken within the area. We could not find reliable information or any location plan for the proposed development and if the reptile receptor area is part of the proposed development, or if it is located within the same landowner boundaries. Please provide a map prior to determination of the planning application with the following information : red line boundaries of the proposed development reptile receptor site location.

After reviewing the management plan for the reptile receptor site, we would like to raise the following concerns which need to be addressed prior to determination of the planning application : For the proposed development site : we have no detail on the current state of the proposed development site. Although it seems that the majority is bare ground, we could not verify this information. Please provide up to date photos of the development site we could not find out if any trees are to be lost by the proposed development - please provide this information with a clear plan of the trees to be lost. If any trees are to be lost, a bat scoping survey will need to be undertaken the report states "It should be noted that a site plan has not been provided by the owner and the author does not take any responsibility for errors in the boundaries shown in mapping." This is rather concerning and we need to understand that the proposed development will not encroach on the existing reptile receptor site - including any of the residential gardens we could not find any precautionary measures to be undertaken on site for any reptiles to be present.

For the reptile receptor site : the management plan suggest that several trees are proposed to be removed to accommodate reptiles habitat and surrounding housing. We advise that a bat scoping survey is carried out on all trees to be removed, any recommend bat survey and details of mitigation must be submitted for comment and prior to determination we could not find any detail on the protection of the reptile receptor site during the construction phase we could not find any detail on the protection of the reptile receptor site from recreational pressure and how it will be protected from any residential garden access

Ecological Enhancements The submitted management plan has made recommendations for ecological enhancements to be incorporated in to the site. We advise that if planning permission is granted a landscaping and biodiversity enhancement plan is updated to demonstrate that ecological enhancements will be incorporated in to the site. This is in accordance with Paragraph 175 of the NPPF "opportunities to incorporate biodiversity improvements in and around developments should be encouraged". As a reminder, we

advise that ecological enhancements measures need to be over and above any mitigation measures. As such, any suggested log piles enhancements have to be in addition of any log piles suggested in the reptile mitigation strategy.

**Southern Water** - Please find attached a plan of the water main and sewer records showing the approximate position of a public water trunk main crossing the site and foul sewer within the access. The exact position of the public water main and sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

No development or new planting should be carried out within 6 metres of the public water trunk main without consent from Southern Water.

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

**KCC Archaeology** - Thank you for consulting on this application. I note we had previously advised a condition for a watching brief on this site for application F/17/0770 should groundworks extend beneath the level of the former railway embankment. I have examined the present levels and position and note from the aerial photographs that the site looks to have been heavily worked and am satisfied that the potential for archaeology to survive is minimal. I am therefore satisfied that no archaeological measures are necessary in connection with this proposal.

## COMMENTS

The application is brought to planning committee as part of the site is non-previously developed land and within the countryside, and therefore forms a departure to Policy H1 of the Thanet Local Plan.

### **Principle**

The site is non-previously developed land outside of the urban confines, and is therefore contrary to Thanet Local Plan Policy H1, which requires that residential development should be on previously developed land within the urban confines, however this policy has limited weight. 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'.

There is a current need for housing within Thanet. The NPPF states in paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. The site is within walking distance of facilities and services, close to the hospital and schools, and is within easy walking distance of Ramsgate Road, which is on a bus route. The principle of development is therefore considered to be acceptable subject to other material considerations such as the impact upon the countryside and character and appearance of the area, neighbouring living conditions, and highway safety.

## Character and Appearance

The site forms part of a disused railway line, and currently falls outside of the urban confines. Whilst Nash Lane lies adjacent to part of the application site, the majority of the application site adjoins agricultural land which is bound by mature trees. Mature trees also extend along the boundary with Nash Lane, and as such views into the site from the countryside are limited. The site as an open area of land provides no recreational or agricultural benefits, and given its location at the end of a cul-de-sac, the space is not considered to offer intrinsically beneficial qualities that would warrant its retention. As such the loss of this private area of open space is considered to comply with Policy SR11 of the Thanet Local Plan.

The proposal seeks to retain all but nine trees, and the submitted section plans show that the ground level within the site is intended to be dropped by a varying degree up to a maximum depth of 1.8m, with the greatest excavation being to the south of the site within plots 1 and 2, in order to bring the ground level of the site closer to the Farley Road level. The proposed dwellings are of a chalet bungalow design, with a maximum height of 6.4m to ridge level. As such, given the location of the development on the edge of the settlement boundary, its relationship with Farley Road, the single storey nature of the development and the tree screen that exists and is to be retained along the boundary of the site, it is considered that there will be limited visual harm to the countryside resulting from the proposed development.

Farley Road itself is characterised by detached and semi-detached bungalows, and semi-detached 2-storey dwellings. The proposal is to continue Farley Road into the site providing an extended cul-de-sac with 8no. detached chalet bungalow properties with associated parking. The proposal will result in plot sizes in keeping with the surrounding pattern of development, with parking to the front and garden space to the rear, and adequate spacing between properties. All of the dwellings will front the access road, with differing orientations of the building footprints allowing for the Farley Road turning head to be clearly addressed, and long views of the development from the end of Farley Road. Excavation within the site is intended in order to bring the level of the site closer to Farley Road level, although a land level difference of approximately one metre between the site and the road is still expected. Given the setback and spacious layout of the development, along with its single storey height, this resulting land level is not considered to result in an overly prominent or obtrusive form of development; and the scale and unit type proposed is considered to be in keeping with the street scene. It is therefore considered that the proposed development will result in a comprehensive form of development, with a scale and layout in keeping with the surrounding character and pattern of development.

The proposed dwellings are of a traditional form, with pitched roofs and a gable frontage, although the materials and fenestration are quite modern in appearance, with large areas of glazing within the front gables, and the use of aluminum windows and doors, white render finish, and chestnut strip cladding. All dwellings are of a similar design, although their differing orientations enable varying extents of the elevations to be visible from the road, helping to provide an interesting street elevation.

In terms of landscaping, a full landscaping plan has not been submitted at this stage, but the submitted layout plan shows that the turning head and pavements will be tarmac, with the remainder of the access road and parking areas in permeable block paving. Some hedge planting is shown around plot frontages, and to the north eastern boundary of the site, adjoining no. 36 Farley Road. New tree planting is also shown around the site (in addition to the retained trees), along with large areas of grassed areas to both the front and rear of dwellings, which will help to soften the appearance of the development, and provide a good quality form of development.

Overall, the impact upon the character and appearance of the area is considered to be acceptable, and in accordance with Policy D1 of the Thanet Local Plan, and paragraph 127 of the NPPF.

### **Impact on Living Conditions**

The proposed development is located a minimum of 10m from the nearest neighbouring residential property, no.36 Farley Road. This distance is considered to be acceptable to prevent any significant impact upon neighbouring light and outlook.

With regards to neighbouring privacy, there is unlikely to be a significant impact upon no. 19 Farley Road due to the orientation of plot 1, which directs windows away from the neighbouring rear elevation, the distance of approximately 19m, and the retention of the boundary trees, which will screen the proposed development from the neighbouring view.

Concern has been raised with the impact upon privacy for no. 36 Farley Road, given the proximity and change in ground level. There is a distance of 11m between the front elevation of plot 4 and the side boundary with no.36. In addition, there is a ground level change of approximately one metre, meaning that the ground floor windows within the front of plot 4 could potentially overlook the rear garden of no.36. A section plan has been submitted to show the relationship between the ground floor windows and the rear garden of no.36. In order to address any potential overlooking, an increased boundary treatment is required along the boundary with the neighbouring property, which is shown as a hedge on the amended plan as submitted in order to reduce any impact from an increased boundary height for the occupants of no.36. Subject to the hedge planting, and given the single storey nature of the proposed development, with no clear glazed first floor windows in the front elevation, the impact upon the privacy of the occupants of no.36 is considered to be acceptable.

With regards to the living conditions for future occupiers, each property is provided with doorstep play space in accordance with Policy SR5 of the Thanet Local Plan; the proposed dwellings comply with the national space standards, and space within the rear garden areas for clothes drying and cycle storage is achievable. A refuse collection point has been provided for the dwellings close to the vehicular access, which will serve all of the units. The living conditions for future occupants is therefore considered to be acceptable and in accordance with the NPPF.

## **Highway Safety**

The proposal involves the continuation of the existing access road into the site to create an extended cul-de-sac. Each property is provided with a minimum of 2no. off-street parking spaces, either on the driveway or within a carport structure. Three visitor parking spaces are provided within the site.

KCC Highways and Transportation have been consulted. They initially raised concerns that tracking plans had not been provided to prove that a refuse vehicle could enter and leave the site in a forward gear, but tracking plans have since been submitted proving that this is possible.

Concern was also raised with the refuse collection points, which KCC Highways have indicated should be within 30m of the refuse turning area. An amended plan has been submitted showing the location of the refuse collection point opposite proposed plot 4, which should now be adequate to enable collection of refuse from all units. Whilst there is a carry distance of 40m between the refuse collection point and plots 7 and 8, this arrangement does not result in any highway safety issues and the proposed collection point can be used by waste and recycling with the ability to turn at the access to the site. The bin collection point will be required to be provided prior to the occupation of any unit on site via planning condition.

Visitor parking was not initially proposed, but the amended plans now show the provision of the 3no. spaces, which addresses the final concern raised by KCC.

Concern has been raised by residents regarding construction traffic, with a suggestion that construction traffic enter the site from Nash Lane. KCC have recommended a construction management plan condition and it is proposed for a condition requiring submission of a plan including details of entry points to the site for construction traffic, prior to commencement of development on site (including excavation of the site). The Council will consult with KCC Highways prior to approval of the construction management plan, to ensure that construction traffic does not result in safety concern or harmful disruption to the free flow of traffic or residential amenity.

## **Ecology**

Reptiles have previously been identified through planning applications on this site and adjoining sites, with mitigation involving their translocation to a reptile receptor site, on land adjoining the application site. Following queries regarding the ownership of the receptor site it is clear that the applicant is the owner, and would therefore be responsible for any ongoing maintenance and monitoring of the site.

Within the application a Precautionary Mitigation Strategy has been submitted, which includes measures to take place during construction, and other physical measures such as a fence with a controlled access via a locked gate, which will help to protect the reptile receptor area from recreational pressure. Given the presence of the existing fence to the site, KCC are satisfied that there is only a low potential for reptiles to be present within the

application site, and as such the precautionary approach rather than any additional surveys is adequate for the application to be determined.

KCC has raised queries regarding the potential impact from lighting within the site, but this can be dealt with via condition, through a landscaping submission.

The impact upon biodiversity is therefore considered to be acceptable subject to safeguarding conditions.

### **Impact on Trees**

A Tree Preservation Order covers part of the site to the south, adjacent to the reptile receptor site.

The original layout plan included either the removal of, or an impact to, trees covered by the TPO. Amended plans have since been submitted showing these trees retained and the proposed dwelling on plot 1 relocated.

Further clarification has been sought on the exact trees to be removed. The amended plan shows that nine trees in total are to be removed, including some poplars, and some self-seeded sycamores, none of which fall within the area covered by the Tree Preservation Order. The trees to be removed are located to the north of the site, with a few trees along the western boundary and a few on the eastern boundary. The trees on the eastern boundary will have limited visibility from the surrounding area, and therefore their loss is not considered to cause significant harm to the character of the area. However, views of the trees at the western boundary are possible from Nash Road, but these trees are amongst a wide screen of trees present along this road, and therefore their removal would not result in significant harm to the amenity of the area. The applicant has also proposed, a tree replacement plan, which is currently shown for approximately 36no. new trees and is conditioned to be provided as part of a future landscaping plan. These trees will be required to be planted at a nursery standard size, prior to the occupation of any dwelling on the site. Therefore weighing up the 9 trees to be removed against the provision of 36 new trees,, the impact upon trees in the area is considered to be acceptable.

### **Drainage**

Southern Water have commented that there is a public water main and sewer running through the site, and that no development or tree planting shall be located within 3m either side of the sewer.

The agent has confirmed that this has been looked at on site, and the plan correctly shows the location of the sewer. Amended plans have been submitted showing alterations to the layout to avoid any physical built development or tree planting within this 6m zone.

Subject to safeguarding conditions, the impact upon drainage is therefore considered to be acceptable.

## **Special Protection Area**

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 close to 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. This mitigation has meant that the Council accords with the Habitat Regulations and an appropriate assessment has been undertaken.

The tariff for this contribution is provided in the SAMM report. For this development the contribution required is in the form of £3,392 for the 3-bed units. The applicant has agreed to this contribution, which will be secured through a legal agreement which is required prior to the approval of the planning application.

## **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. Policy CC1 of the Thanet Local Plan requires that there be a need for the development that overrides the need to protect the countryside.

There is considered to be limited environmental harm, as the site is sustainably located close to facilities and services; the openness of the site is not considered to provide intrinsically beneficial qualities, or recreational or agricultural benefits; and whilst 9no. trees are being removed, these trees are not protected, and a minimum of 36no. additional trees are being planted. Whilst some excavation works are taking place, these are to bring the land closer to road level, offering drainage and visual benefits. The resulting development is considered to be a of a layout, scale and design in keeping with the surrounding pattern of development, and the character and appearance of the area. Mitigation in relation to protected species across the site has been adequately dealt with, and KCC Highways and Transportation have raised no highway safety concerns, subject to safeguarding conditions, which includes details of construction traffic management.

There will be modest social and minor economic benefits provided through the provision of 8no. additional housing units, for which the district has an identified housing need, and from the employment from the construction of the houses.

Given the distance to neighbouring properties, the proposed design, which directs windows away from neighbouring properties, and the provision of mitigation landscaping, the impact upon neighbouring living conditions is considered to be acceptable.

The proposal is therefore considered to result in a sustainable form of development, for which there is a need that outweighs visual harm, and as such it is recommended that

Members defer and delegate the application for approval, subject to safeguarding conditions and a signed legal agreement securing the SPA contribution.

**Case Officer**

Emma Fibbens



TITLE: F/TH/19/0364

Project Land West Of Farley Road MARGATE Kent

