

**D06**

**F/TH/19/1026**

PROPOSAL:                   Erection of 9No. two-storey 4 bed dwellings with associated parking

LOCATION:                     Land Adjacent 150 Monkton Street Monkton Ramsgate Kent

WARD:                        Thanet Villages

AGENT:                      Miss Hannah Garlinge

APPLICANT:                 Mr Harry Ling

RECOMMENDATION:         Defer & Delegate

Defer & Delegate for Approval subject to the submission of an acceptable signed unilateral undertaking and 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 drawings numbered:

- 17-0515-01 Revision A (26/07/2019)
- 17-0515-10 Revision D (26/07/2019)
- 17-0515-11 Revision A (26/07/2019)
- 17-0515-18 (26/07/2019)
- 17-0515-20 Revision B (26/07/2019)
- 17-0515-21 Revision A (26/07/2019)
- 17-0515-22 Revision A (26/07/2019)
- 17-0515-23 Revision B (26/07/2019)
- 17-0515-24 Revision A (26/07/2019)
- 17-0515-25 Revision A (26/07/2019)
- 17-0515-26 Revision B (26/07/2019)
- 17-0515-27 Revision A (26/07/2019)
- 17-0515-28 Revision A (26/07/2019)
- 17-0515-29 Revision A (26/07/2019)
- 17-0515-30 (26/07/2019)
- 17-0515-31 (26/07/2019)
- 17-0515-32 (26/07/2019)
- 17-0515-33 (26/07/2019)
- 17-0515-35 (26/07/2019)
- 17-0515-36 (26/07/2019)

17-0515-37 (26/07/2019)  
17-0515-40 (26/07/2019)  
17-0515-41 (26/07/2019)  
17-0515-42 (26/07/2019)  
2018\_23\_001 (01/08/2019)  
2018/23\_002 (26/07/2019)  
2018/23\_003 (26/07/2019)

**GROUND;**

To secure the proper development of the area.

3 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 details.

**GROUND;**

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

4 All hard and soft landscape works shall be carried out in accordance with the approved details- 2018\_23 001. 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

5 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, 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

6 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.

7 Prior to the commencement of any development on site, a construction management plan to include the following details 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 interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

8 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.

9 The area shown on the approved plan numbered 17-0515 - 10 Revision D 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.

10 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.

11 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

12 Prior to the first occupation of the development hereby permitted, the proposed footway improvements shown on plan numbered 17-0515-10 Rev D or amended as agreed with the Local Planning Authority shall be completed and operational.

**GROUND;**

In the interests of highway safety.

13 Prior to the first occupation of any dwelling hereby approved visibility splays of 1 metre by 1 metre behind the footway on both sides of the vehicular accesses with no obstructions over 0.6m above footway level shall be provided and thereafter maintained.

**GROUND;**

In the interest of highway safety.

14 Prior to the first occupation of plots 1 and 2 (as shown on drawing numbered 17-0515-10 Revision D an enclosure of not more than 0.9m shall be provided along the frontage of plots 1 and 2 until the proposed boundary hedge is established.

**GROUND;**

In the interests of highway safety.

15 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, in consultation with the Environment Agency. 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.

16 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an

appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

**GROUND;**

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

17 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 result in pollution as the site is underlain by a principal aquifer, in accordance with paragraph 178 of the National Planning Policy Framework.

18 No development shall take place (including any ground works, site or vegetation clearance) until a method statement to safeguard badger, foraging and commuting bats, breeding birds, great crested newt, reptiles and hedgehog has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) Extent and location of proposed works, including the identification of a suitable receptor site (where appropriate), shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- f) Use of protective fences, exclusion barriers and warning signs;
- g) Initial aftercare and long-term maintenance (where relevant);
- h) Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

**GROUND;**

To protect habitats and species identified in the ecological surveys from adverse impacts during construction, in accordance with paragraph 170 of the National Planning Policy Framework.

19 Prior to the commencement of the development hereby approved, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. These shall include, and expand on, the recommendations within the Preliminary Ecological Report (t4 Ecology) dated June 2018. The approved details will be implemented and thereafter retained.

**GROUND:**

To enhance biodiversity in accordance with paragraph 170 of the National Planning Policy Framework.

20 No development shall take place until a detailed surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be in conformity with the submitted surface water drainage strategy and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

**GROUND;**

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with the NPPF

21 No building hereby permitted shall be occupied until an operation and maintenance manual for the proposed drainage scheme is submitted to and approved in writing by the Local Planning Authority. The manual shall include the following details:

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities

**GROUND;**

To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction) as per the requirements of the NPPF.

22 No building of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and

evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

**GROUND;**

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

23 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 paragraph 199 of 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

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

The applicant is advised that separate prior approval is required from Kent Highway Services for the new vehicle crossing/removal of the existing vehicle crossing/works within the highway and in this regard they should contact KHS on 08458 247800

There is a risk that invasive non-native species, listed on schedule 9 of the wildlife and countryside act 1981 (as amended) which makes it an offence to plant or otherwise cause it to grow in the wild, will colonise the site during the proposed works. Planning consent for a development does not provide a defence against prosecution under this act. Measures will need to be undertaken to ensure that any invasive species are eradicated prior to commencement of development, and that precautionary working methods are followed during site works, to ensure that no offence occurs.

## SITE, LOCATION AND DESCRIPTION

The application site is currently in use as a paddock with menage, accessed from Monkton Road, and there are also stable buildings on the land. Whilst the site is bounded by other residential properties to either side, although there is access track to the eastern side, the site lies outside the village confines of Monkton and is considered to lie within the countryside for planning purposes.

The application site is a rectangular shaped parcel of land fronting onto Monkton Street, at the western side of the main area of Monkton. The site is some 0.6ha in size.

## RELEVANT PLANNING HISTORY

F/TH/18/0897 Erection of 9No two storey 4 bedroom dwellings with associated parking. Refused by Planning Committee 13/12/18 for the following reason:

The proposed development, by virtue of its location, scale and layout, would result in the loss of an important gap within the village which provides for views of the Stour Marshes and Wantsum Channel North Shore, and is considered to be a valued undeveloped landscape identified within the development plan, the loss of which would be significantly harmful to the character and appearance of the village, and the countryside as a landscape character area, contrary to Thanet Local Plan Policies CC1, CC2 and R2 and paragraph 170 of the National Planning Policy Framework.

A planning appeal against the refusal was dismissed on the 22nd July 2019.

F/TH/01/0015 Change of use of land and conversion of barn for the keeping of horses. Granted 08/03/01

## PROPOSED DEVELOPMENT

This is a full application for the development of 9 dwellings. The layout plans shows two vehicular access points either side of the proposed open space which is located centrally and within the front portion of the site. The dwellings are positioned around the perimeter of the site. There are four dwelling types:

Dwelling types 1 & 2 are positioned on plots 3 and 6. A type 1 & 2 dwelling is detached and residential accommodation is over two floors. The upper floor has four bedrooms. The dwelling has a gable feature to the front elevation and gable projections within the rear elevation.

Dwelling types 1a & 2a is a handed version of types 1 and 2 these dwellings are located on plots 4 and 5.

Dwelling type 3 is positioned on plot 7 on the western side of the site and again is a four bedroom detached property. This has a barn hip to the southern elevation and a gable end to the northern side.

Dwelling type 4 is located on plots 1, 2, 8 and 9 and are semi-detached dwellings and again is a four bedroom dwelling and incorporates a barn hip.

Garage accommodation is provided for all the detached dwellings and off street parking is provided for the semi-detached - two spaces per dwelling and a visitor space.

## DEVELOPMENT PLAN POLICIES

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

H1 - Residential Development Sites  
H4 - Windfall Sites  
CC1 - Development in the Countryside  
CC2 - Landscape Character Areas  
D1 - Design Principles  
D2 - Landscaping  
R1 - General Levels of Development  
R2 - Village Gaps  
EP13 - Groundwater Protection Zones  
TR12 - Cycling  
TR16 - Car Parking Provision  
SR5 - Doorstep Playspace  
SR11 - Private Open Space

### **Draft Local Plan 2019**

SP23 - Landscape Character Areas

## NOTIFICATIONS

38 Letters of representations have been received, including 9 letters of support. The concerns can be summarised as follows:

- \* No change to the previous application which was refused
- \* Affect local ecology
- \* Close to adjoining properties
- \* Conflict with Local Plan
- \* Development too high
- \* General dislike of proposal
- \* Inadequate access
- \* Inadequate parking provision
- \* Inadequate public transport provisions
- \* Increase danger of flooding
- \* Increase in traffic
- \* Increase in pollution
- \* Information missing from plans
- \* More open space needed on development

- \* Noise nuisance
- \* Not enough information given on application - no details of Unilateral Undertaking published
- \* Out of keeping with character of area
- \* Over development
- \* Strain on existing community facilities
- \* Traffic or highways
- \* Loss of privacy
- \* Overbearing impact
- \* Object to building on designated open space
- \* Impact on listed buildings
- \* Will endanger children using the walking bus
- \* Concern about pollutants infiltrating the underground water
- \* Proposal does not meet SuDs requirements
- \* Drainage problems
- \* Environment Agency note that SuDs may not be acceptable in this location
- \* Proposal will place pressure on works to tree subject of a Tree Preservation Order on an adjacent site
- \* Unlikely young villagers will be able to afford the properties
- \* No local need for four bedroom houses
- \* Financial mitigation will only benefit the Council
- \* Land owner has not complied with planning condition on a 2001 application relating to height of frontage hedge

The letters of support states the proposal:

- \* Scheme not over crowded
- \* Plenty of parking
- \* Enhance the area which is currently an eyesore
- \* New footpath is a benefit to the village; need to make sure it is secured if permission is approved

**Monkton Residents Association:** Concerns raised are:

Only change from previous application is unpublished Unilateral Undertaking. It is impossible to comment on the effectiveness of this mitigation. Concerns also raised about highway issues, intrusion into the countryside, loss of village gap and drainage issues. Once an asset like this is lost it is irreplaceable and harmful effects on the nearby designated European sites would be the same. Monkton already has a housing allocation which we consider to be more than enough for the village. We do not consider that there is any mitigation that could effectively make any positive difference.

**Monkton Parish Council:** Object to the development on the following grounds:

1 Village Gap - The site is identified in TDC planning policy as a Village Gap which is important in defining the linear village character & retaining open views. As such the site is afforded protection against development.

2 Site outside village confines - This also affords protection against development. It is understood intrusion development into open countryside, on Village Gaps and outside Village Confines are all subject to saved policies under the Local Plan.

3 Does application justify a genuine need for development on protected site - Planning policy indicates that consent for development on this site will only be given where there is a demonstrable and justified need for development. Monkton PC is of the opinion a need has neither been justified or demonstrated in this case.

4 Drainage & surface water concerns -The responses from the Environment Agency & Southern Water both express serious concerns about drainage & surface water proposals on this site. Both Agencies highlight many complex problems related to the site ¿both in terms of environmental sensitivity, and the difficulty in future regulation of what would have to be a site specific drainage system, managed in perpetuity by the site owners. It would appear neither Agency is really supportive of development.

Monkton Parish Council ask that TDC give full consideration to the drainage issues as stated by Nicola Dyas in her letter of objection. Ms Dyas not only farms the land neighbouring the application site, she is also the regional representative of the Drainage Board and as such her objections are of considerable to Monkton Parish Council. It would seem the SuD is located at the top of the site in a position where it is totally ineffective as surface water drains away from in not into it.

5 History of unsuccessful applications - There is a history of declined (including refusal on appeal) and withdrawn applications relating to this site. In all cases, the status of the site - i.e. that it is a Village Gap, and development would be outside the village confines, this has been key to refusal in previous applications.

6 Sufficient housing land supply identified under Proposed Local Plan - The Applicant is reliant, in the Planning Statement, on the fact that TDC does not have a 5 year housing land supply. It is noted, under the proposed Local Plan, sufficient sites have been identified to cater for local housing need up to 2031 (but not including this site although it was submitted for inclusion). The Local Plan does include 2 large sites in Monkton. NB other minor sites have also recently been approved for development in Monkton, though not as part of the Local Plan. Arguably, therefore, Monkton has contributed proportionately and sufficiently to housing land supply.

Based on the above, Monkton PC draw the conclusion that this application is speculative in nature, and not based on a reasoned and identified housing need.

7 Highways - It is noted KCC Highways have given consent to the proposals. Monkton Parish Council are concerned that sufficient concern may not have been given to the inevitable on street parking that will occur where minimum guidelines are applied. (The recent Monocstone Mews development is a clear example of the negative effects of on street parking resulting from insufficient parking facilities in a new development). On street parking (which already exists from adjacent cottages) will compromise site lines.

Monkton School have also expressed concerns over the potential loss of their 'walking bus' which could occur if road safety is compromised in front of this site. The School have made an extensive representation regarding the negative impact of the development on the School, independently.

8 Other general concerns raised by Villagers - This development, in combination with other development schemes, will create additional strain on infrastructure & services, including Minster Surgery.

TPOs on trees bordering the west side of the site have not been identified on the plans, and appropriate provisions put in place.

The case that the development brings economic and social benefit to the village is questionable. Monkton has very few facilities anyway, most of which would not benefit from this application. Consideration should be given with regard to the wildlife that inhabits the location and the loss of valuable habitat for a number of species, including bats, adders, rabbits, newts to name but a few. There would be a severe impact on the neighbouring properties both in terms of loss of protected outlook and noise intrusion. Inevitably there will be a visual and heritage impact on neighbouring listed buildings. Consideration should also be given regarding the enforcement of construction vehicle provisions should the development be granted permission.

Monkton Parish Council called a public meeting to discuss this application. At this meeting, 53 villagers attended, of which 51 voted against development on the basis that:

The impact of this development vastly outweighs its benefit.

It is noted the applicants will be submitting a Unilateral Undertaking with this application which we request the right to comment on once it has been finalised and published.

Monkton Parish Council therefore ask that the above reasons are taken into consideration and that this application is refused on the grounds outlined as above.

## CONSULTATIONS

**TDC Conservation Officer:** No objection -The Land Adjacent to 150 Monkton Street is a large plot of land that currently remains undeveloped, there are multiple listed buildings within close proximity of the site including Vicarage House which directly overlooks the site. No heritage designation protects the site proposed for development within this application and it sits outside the main confines of the village itself.

Opposite the site is the prominent Grade II listed property Vicarage house, which largely contributes to the character of the surrounding area. However, adjacent and to the rear to this site is already a modern development, presumably built on land once associated or within the boundary of the listed building. In my opinion the proximity of that new development would have a greater impact upon the setting of the listed property, rather than the works being proposed across from it as they appear within the same street scene and surround the property. In my opinion, the openness that once would have complemented these properties has already been compromised.

That being said, having a vast open field opposing the listed building supports the predominant character of Vicarage House and its assertive position on the road. An element of openness has been retained within the proposed development due to the incorporation of green space to the centre of the site. The properties are then positioned around this space meaning only two elevations are directly adjacent to the main road. Glimpse views have been incorporated throughout the site retaining the vista of the landscape beyond the new properties further reducing the impact of this development. Some harm would be caused to the setting of this listed property, however I would deem the level of that harm less than substantial when compared to the public benefit of having these new dwellings.

Further listed properties, No 148 Field Cottages and Field House, both Grade II listed are also within close proximity to the site. Mitigation measures have been made within the proposal in order to set the new properties back from any existing built form, allowing views of the road frontage to be maintained and to cause less of an impact on the character of the area. Other listed properties in the area are not considered to be harmed by the work proposed in this application as they are outside of the immediate area of the site and would their setting would not be impacted.

Although some harm could be considered to be caused to the setting of the surrounding area and the listed buildings, in particular Vicarage House, this possible harm is outweighed by the introduction of a new development which has been designed with consideration to the existing character and surroundings. An appropriate number of dwellings have been designated for this site when considering the extent of the plot, resulting in the proposed works being less than dominating of the area. In my opinion this application meets national and local legislation in regards to heritage implications and therefore I do not object.

**TDC Environmental Health:** No objection subject to a Construction Environmental Management Plan secured by condition.

**Kent County Council Highways and Transportation:** I have no objection in respect of highway matters. Adequate visibility is achievable from the proposed site accesses.

Whilst I would prefer to see a footway connection to the existing footway network near the junction of Monkton Street with Seamark Close, this does not appear to be achievable. The amount of additional vehicular and pedestrian traffic likely to be generated by the proposals is not significant. The section of Monkton Street having no footway between the site and the existing footway network near Seamark Close is relatively short, within a low speed environment, and has no recorded personal injury crashes in the 5 years to the end of 2018.

The proposals include a 1.8 metre-wide footway for a length of approximately 90 metres along the site frontage, providing an improved pedestrian route for both residents of the development and existing pedestrians.

Adequate parking facilities are proposed within the site. The routing of the private pathways to plots 1 and 2, and the use of boundary treatments to prevent direct access to the highway for these plots means that unacceptable on-street parking is unlikely to occur, although I suggest some form of fencing will need to be in place until the hedging is established. Conditions are recommended.

**Kent County Council Ecological Advice Service:** We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If planning permission is granted, we advise that conditions securing the production of a biodiversity method statement and an ecological enhancement plan are attached. Developer Contributions will need to be provided due to the increase in dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area.

**Kent County Council Archaeology:** No comments received at the time of writing.

**Environment Agency:** No objection subject to planning conditions in relation to water pollution and contamination. Note that use of infiltration SuDS may not be appropriate in this location.

**Southern Water:** No objections

**Kent County Council Flood and Water Management:** In principle, we are satisfied with the drainage design where permeable paving will be implemented in patios and driveways/access road. We would therefore have no objection to this application.

At detailed design stage, we would recommend that the model details for the permeable paving system are submitted.

Conditions are recommended in terms of detained sustainable surface water drainage scheme and verification report pertaining to the surface water drainage system.

## COMMENTS

The application has been brought before members as a departure to Saved Policies H1 and R2 of the Thanet Local Plan as the site is located within the open countryside, inside a village gap. Furthermore the application has been called in by Cllr. Reece Pugh on the grounds that not enough consideration has been given to the issue of site lines on Monkton Street and the impact it will have on the environment and local nature.

## **Planning History**

With regard to the planning history detailed above; Members will note that an earlier application for nine dwellings was refused by Members in December 2018 (the application had an officer recommendation of approval). The reason for refusal was:

The proposed development, by virtue of its location, scale and layout, would result in the loss of an important gap within the village which provides for views of the Stour Marshes and Wantsum Channel North Shore, and is considered to be a valued undeveloped landscape identified within the development plan, the loss of which would be significantly harmful to the character and appearance of the village, and the countryside as a landscape character area, contrary to Thanet Local Plan Policies CC1, CC2 and R2 and paragraph 170 of the National Planning Policy Framework.

The applicants subsequently appealed Thanet District Council's decision. The Planning Inspector dismissed the appeal, but not on the grounds cited within the reason for refusal. The Inspector considered that there were three main issues relating to the proposal:

- i) the character and appearance of the area;
- ii) heritage assets; and
- iii) the integrity of designated European sites.

The Inspectors view on each of these issues is detailed below:

- i) the character and appearance of the area

*"Whilst the introduction of built form within this site would conflict in principle with the development plan, it is clear that the uninterrupted views through towards the marshes and the channel, and the contribution to the landscape area that the site may have historically made, have been eroded through the passage of time and the natural evolution of the surrounding landscape, including the vegetation and trees within the site boundaries. The dwellings would be carefully orientated to allow visual gaps which would enhance long reaching views of the countryside as it now appears and so would create a permeable development.*

*In addition there are a number of functional gaps, one being close to the site, which allow these long views, and provide open and accessible space in which to appreciate the landscape. As such I do not consider that the development proposed would result in harm to the overall character of the site or the surrounding area."*

*"This secondary enclave pattern of built form would not be out of character with the general grain of development that has evolved within the village. Furthermore, it would create an engaging and inclusive layout, providing a level of space between each section of development to retain a level of permeability and provide views through the site to the wider landscape beyond."*

*It concluded that "The proposal would provide housing in a location that is well connected, and therefore whilst I acknowledge the conflict with the development plan in respect of policies CC1 and R2, I have found that the proposal would not result in harm to the character and appearance of the area. Furthermore, the Framework provides that development that would support the use of under-utilised land should be supported if it would help to meet identified needs."*

- ii) heritage assets

*Vicarage House – "...the proposal would result in some harm to the setting of the listed building. Taking into account the increase in development near to the asset, and the erosion of openness of its setting due in part to the overgrown nature of the front boundary of the appeal site, I consider this harm to be less than substantial however I attach significant weight to that harm. Balanced against this harm is the contribution of 9 dwellings to the supply of housing within the district, located within a well-designed and carefully considered*

*scheme. In these particular circumstances I consider that there are public benefits that would outweigh the less than substantial harm to the heritage asset."*

No. 148 Field Cottages and Field House – *"...Plots 1 and 2 would be set back from the main highway so that views of these buildings would be maintained, and the built form in itself would not have a harmful impact on the setting of these buildings as they are currently enjoyed as part of an active, bustling, road frontage."* The Inspector concluded that the proposal would not result in harm to the setting of these listed buildings.

The Parsonage, Lantern Cottage and No. 153 Monkton Road – *"It does not at present contribute to the setting of these assets and the proposal would not have a harmful effect on these buildings."*

iii) the integrity of designated European sites

The Inspector considered that there was a potential for recreational disturbances to the SPA and SSSI through additional residential development and no mitigation or alternative situations had been put forward.

The Inspector in the planning balance stated:

*"Paragraph 177 of the Framework is clear in advising that the presumption in favour of development does not apply where a proposal is likely to have a significant effect on a SPA, either alone or in combination with other projects, unless an appropriate assessment has concluded that it will not adversely affect the integrity of the site. For the reasons set out above, I have found that the proposal would be harmful to the integrity of the protected sites and no mitigation measures have been put forward to address the harm. This provides a clear reason for refusing the appeal proposal."*

*Although I have found that the proposal would be acceptable in terms of its effect on the character and appearance of the area, and the setting of nearby heritage assets, this would not overcome the harm in relation to the SPA and SSSI."*

The application before the Council is identical to the proposal considered by the Planning Inspectorate, other than the submission of a unilateral undertaking to secure a contribution to mitigate recreation impact on protected sites. The conclusions of the Planning Inspector, in considering the previous application against the same policy framework as the current application is a significant material consideration and should be given significant weight in the determination of this application.

## **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 'development plan' for Thanet is the 2006 'adopted' Local Plan. Paragraph 213 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies

according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy.

Since the determination of the previous planning application, the Council's new Local Plan has progressed to examination, which is still ongoing at the time of writing. The site in question is still outside the urban confines in the new local plan.

The site constitutes non previously developed land, which is currently in use as a land for keeping horses and which lies outside any defined settlement. The proposal is, therefore, contrary to the aims of Saved Policy H1 of the Thanet Local Plan which 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. However this policy no longer accords with the requirements of the National Planning Policy Framework, as the Council no longer has a 5 year supply for housing, and as such this policy has little weight at this time. Saved Policy R1 of the Thanet Local Plan also limits development at rural settlements to minor development within the confines and under Saved Policy R2 of the Thanet Local Plan the site is considered to be an important gap in the built area of the village which contributes to the character and amenity of the village and as such will not be considered suitable for development.

Saved Policy CC1 of the Thanet Local Plan states that new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside. The site is also covered by the Former Wantsum North Shore Character Area under Saved Thanet Local Plan Policy CC2.

There is a current need for housing within Thanet, which is being reviewed through the Local Plan process. The emerging Local Plan, recently went to examination by the Planning Inspectorate, seeks to identify a 5 year supply of housing land, and it is expected that the Council will be able to demonstrate this supply on adoption of the new local plan early next year at the latest. At the current time, the Council is not formally confirming that it can demonstrate a 5 year supply of housing land.

On this basis the NPPF states in Paragraph 11 states that where there are no relevant development plan policies, of the policies which are most important for determining the application are out-of-date granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the [policies in this Framework taken as a whole.

In determining whether housing on the site would be acceptable, the need for housing in the district will therefore need to be balanced against other issues such as the impact on the countryside, sustainability of the site, character and appearance of the proposed development and highway safety.

The proposal provides nine houses, the proposal would have a modest economic benefit and would result in an additional nine families residing in a small village, supporting the local community facility and vibrancy of the village community without overwhelming the infrastructure available.

The development of this site for housing could, therefore, be acceptable subject to the detailed consideration of all material considerations including the impact upon the countryside, and character and appearance of the area, the impact on the living conditions of neighbouring property occupiers and highway safety.

### **Impact on Countryside**

The site falls outside of the village confines and within a Landscape Character Area. Saved Policies CC1 and CC2 of the Thanet Local Plan look to protect the open landscape, and the wide, long views of the Former Wantsum Channel Area and Pegwell Bay.

The site lies outside of the urban confines, within the Former Wantsum North Shore Landscape Character Area and is identified within the Thanet Local Plan as an important gap in the built area of Monkton village which contributes to the character and amenity of the village and as a result is not considered suitable for development. In the draft local plan the site lies within the Chalk Slopes and the Marshes character areas, where the particular characteristics are quite steep hill slopes and the landscape is very open and the latter character area is characterised by a vast, flat, open landscape defined by the presence of an ancient field system.

Paragraphs 78 and 79 of the NPPF promotes sustainable development in rural areas stating that housing should be located where it will enhance or maintain the vitality of rural communities and new isolated homes within the countryside should be avoided. The site is bounded by residential properties to either side and as such the proposed development would not result in isolated dwellings within the countryside but would be seen in the context of residential development. The proposed housing development would be well located within the village and the infant school and recreation ground (community facility) would be accessible by foot.

NPPF paragraph 170 stipulates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes.

The site does not contain any protected trees. The applicant has submitted a full Tree Survey which identifies that two (T1- hawthorn and T3- cherry) will be removed, these however will be replaced. T1 is identified as high quality and value and the cherry as low quality and value. It would of course be desirable if these trees were to be retained but as the trees are not protected this is not considered essential. The report also contains a Tree Protection Plan which identifies the location ground and root protection areas this also identifies the protection measures for trees along the boundary in the neighbouring site, No.164 covered by a Tree Preservation Order (TH/TPO/(1999)).

The application site is private land in use for the keeping of horses, and therefore given that it does not provide any active recreational opportunities, development of the space is permitted by Saved Policy SR11 of the Thanet Local Plan unless the site has intrinsically beneficial qualities and makes a contribution to the character of the area either by itself or by virtue of the longer distance views it affords. Paragraph 170b) of the NPPF protects and recognises the intrinsic character and beauty of the countryside and supports thriving communities within it.

The site is identified within the Local Plan as a village gap (saved policy R2). The pre-amble to the policy describes these sites as road frontage sites which provide outlook into open countryside or onto other open spaces, or form an important break in the built environment of those villages. The site is open to the rear presently and as such long views within the Landscape Character Area are appreciated from within the site. The application proposes native hedge planting along this rear boundary, to provide a soft rural edge to the development.

The layout of the dwellings is formed around a central open space, from Monkton Road it is considered that this space would be perceived as a gap between built development. It is appreciated that it would not extend the full depth of the site, which would allow full interrupted views into open countryside. The proposed two storey development, however, is separated by both visual spaces and single storey development in the form of gardens and garaging to offer more relief. The central area of the site has been kept devoid of built development through the proposed layout, although it is appreciated that built development has been set further back into the site along the rear perimeter. From the public highway the 'gap' would still be appreciated albeit to a lesser degree and would still provide an important break in the built environment, although it is appreciated that there would be some degree of loss of outlook to the wider countryside.

The application site comprises relatively flat land, with existing development to the east and west boundaries, the locality is therefore already partly residential in character. Quite clearly, the proposed development would see a permanent change of land use (and therefore character) to residential use, and would inevitably result in a permanent effect upon the landscape, but views of the development would be localised. In terms of the environmental impacts of the scheme, the proposal seeks to retain a green space within the development and retain trees with the exception of two; additional planting is also proposed within the site and to the perimeter. Due to the location of the site, which is bound to both sides by existing residential development, the proposal would appear as a logical in-fill rather than extending into open countryside. It is considered; on balance the site would retain the sense of openness as a 'gap' in built development from public vantage points. The proposed additional landscaping would reduce the visual impact of the proposed development.

Based on the views of the site from the north, the layout, density and scale of development proposed, it is considered that there would be minimal environmental harm from the development of part of the village gap with loss of the full views to the countryside that the site currently affords, including the Landscape Character Area.

The Planning Inspector considered in their assessment of the same scheme that whilst there was conflict with policies CC1 and R2 of the Thanet District Local Plan due to its location

within the countryside and designation as a village gap, because of the natural evolution of the wider landscape there would be no conflict with the overall aim of policy CC2 as the development as proposed would not damage the setting of the Wantsum Channel or long views of the adjacent marshes. The Inspector also added that the NPPF provides that development that would support the use of under-utilised land should be supported if it would help to meet identified needs. Therefore the development is not considered to harm the identified landscape character area/s under policy CC2 and emerging policy SP23.

## **Character and Appearance**

Paragraph 170 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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.

Development in Monkton Street is predominantly linear in form, although there are small enclaves of development that extends back in depth into the plot, including Vicarage Garden (opposite the site), Monkton Manor and Parsonage Fields, although the latter is on a more comprehensive scale. The layout would therefore not be dissimilar to other development in the immediate locality.

The density of the scheme equates to 15 dwellings per hectare, which is relatively low, however, given the sensitive nature of the site, being a village gap and its proximity to listed buildings this is considered to be appropriate.

There is no discernible building form or architectural theme along Monkton Street with a mix of ages, scale styles of property creating an interesting and diverse street scene.

### *Scale of development & materials proposed*

Plot 9 (at the western end of the site and fronting Monkton Street) presents its side elevation to the road. The side elevation contains two windows; one at ground and one at first floor level rather than having a blank gable end to the road. The elevation also utilises different materials to add interest. Whilst it normally it would be preferable for the front elevation to front the road, however, there are other examples in the street - corner of Monkton Street and Seamark Close. Therefore the development will not appear out of character in the locality.

Overall it is considered that the scheme would respond positively to local character, provide dwellings which exhibit individual architectural quality and house-types with well-defined public and private spaces. The public realm proposed in the development through additional planting and distinctive features - water feature would also assist in creating a sense of place, and provide space that is overlooked and active, promoting natural surveillance and inclusive access, as well as including parking facilities that are well integrated as part of the overall design. In totality it is considered that the scale, layout, density, height and massing of buildings and overall elevation design would harmonise with the character and appearance of the surrounding area.

## **Impact on listed buildings**

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Framework defines Listed Buildings as a designated heritage asset and defines the setting of a heritage asset as 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.

Paragraph 193 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance and any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 196 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The NPPG also advises that a thorough assessment of the impact on the setting needs to take into account, and be proportionate to the significance of the heritage asset under consideration and the degree to which the proposed changes enhance or detract from that significance and the ability to appreciate it. Whilst setting is often expressed by reference to visual considerations it can include other factors such as the historic relationship between places.

Near to the site is Grade II listed buildings Nos. 163 (Vicarage House), 155, 153a, 153, 148 and 150 (Field Cottages) and 146 (Field House) Monkton Street. In terms of impact to the listed buildings the accompanying Heritage Report (which is identical to the previously submitted report) notes that this section of Monkton has been excluded from the Conservation Area which they consider is due to the modern mix of development. They also consider that the setting of The Vicarage has already been compromised by the development of Vicarage Gardens. In terms of the submitted scheme the report contends:

"The creation of an open space with soft landscape and pond retains the rural feel and the openness that the site currently offers and is considered to improve the current outlook from The Vicarage. This is further enhanced by the use of hedges as boundary treatment and to break up any perceived mass of building elevations."

It is recognised this identified village gap contributes to the general character of this part of the village together with the setting of the listed building particularly Vicarage House.

Vicarage House is a striking two storey dwelling with attic constructed in brown brick with a plain tile roof opposite the site.

The setting of a heritage asset is not a fixed concept; it is concerned with the way the heritage asset is experienced. Vicarage House is viewed with the contact of residential development with pockets of open space along Monkton Street. At the western side of the application site and in a setback position there are utilitarian buildings. It is therefore considered that the setting of the listed building would be semi-rural.

The proposal would introduce built form opposite Vicarage House. The scheme creates an area of open space through the front and mid-section of the site between plots 2 and 9. Given an open space at the front of the site would be maintained albeit at a lesser scale, it is considered that the harm would be 'less than substantial harm' in terms of the NPPF. The cumulative effect of the works would be that the listed building would remain a dominant feature of the street scene. It is considered the area to the front would retain a significant level of openness and would preserve the semi-rural setting of the listed building, thereby resulting in minimal harm to the setting of no. 163.

The Conservation Officer has fully considered the scheme and has confirmed that the harm is less than substantial and is outweighed by the introduction of a new residential development, of appropriate number, designed with consideration to the existing character and surroundings taking into account the Council's current lack of a five year housing supply.

Due regard must be had to the recent Inspector's decision that considered this scheme in the context of the Listed buildings. The Inspector held that whilst there was some harm to the setting of Vicarage House, this harm would be less than substantial and the public benefits would outweigh this (as detailed earlier in the planning history section) in accordance with Paragraph 196 of the NPPF .

Officers therefore consider that whilst the proposed development will affect the setting of the designated heritage assets, the layout, height and siting of the dwellings proposed would minimise the harm caused and not dominate the listed buildings. Having special regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 a balancing exercise needs to be carried out against the harm identified against the public benefits (as required by NPPF para 196). This will be considered in the conclusion of the report.

### **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 distances between the new dwellings fronting Monkton Road and those boundaries behind are approximately 11m. There would be no overbearing or overshadowing issues experienced by virtue of the ability to achieve a separation distance

With regard to adjoining existing development, I do not consider that harm will occur to dwellings to the east of the application site from plot 1 as the proposal is separated by a field access and garden in terms of overbearing or overshadowing (the distance is a minimum of 15.6 metres. A first floor window is proposed to a bedroom to plot 1. It is recommended that this is fitted with obscure glazing to safeguard residential amenity.

Plot 3 has first floor windows/French doors with the east (rear) elevation. These openings serve bedroom 1 and bedroom 2, there is a distance of approximately 10 metres to the plots boundary to the access track and approximately 14 metres to the boundary with 150 Field Cottage. These bedroom windows would look onto the very rear section of 150 Field Cottage. It is therefore considered that this relationship is acceptable.

No. 164 Monkton Street is located approximately 14m from the application site boundary. This property has a first floor window within the side elevation and the proposed dwelling is approximately a distance of 10 metres to the boundary of the development site (a total separation of approximately 24 metres). Given the distance I do not consider material harm will occur to the outlook of occupiers of that property nor in terms of any sense of enclosure or loss of light occurring from the proposed development. In terms of overlooking plot 8 and 9 would overlook into the front garden area; given that it is the front garden which is not private; this is considered to be an acceptable relationship. Plot 7 faces the side elevation of no. 164 but also has views into their rear garden, as previously mentioned there is a 10 metre distance between the rear of plot 7 and the site boundary. In addition there is an existing tree (within the curtilage of no. 164 and hedge planting which would limit views, particularly during the summer months. The first rear French doors/window serving bedroom 4 has the potential for views out across no. 164. Given the existing vegetation coverage along this boundary and the distance of separation it is considered that harm would not result.

The proposed dwellings should provide a high standard of accommodation to meet the expectations of future occupiers, including the provision of safe doorstep play space, and good sized rooms with outlook and ventilation which are fit for purpose.

Officers consider that the layout and dwellings has been designed in a manner which achieves an appropriate relationship with the existing dwellings whilst being sympathetic to the character of the surrounding area and the wider landscape. All in all, it is considered that the living conditions of existing and future residents would be protected from any materially detrimental impacts.

## **Transportation**

Where concerning the promotion of sustainable transport, the NPPF in para. 103 states that the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

Paragraph 102 of the NPPF requires Councils, when making decision should ensure:

a) Appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;

- b) Safe and suitable access to the site can be achieved for all users; and
- c) Any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree.

In its capacity as the Local Highways Authority, Kent County Council has considered the proposal and concluded that it would be acceptable from a highways perspective subject to a number of conditions including visibility splays and completion of footpath improvements.

The Council's adopted parking standards state that a maximum of two independently accessible spaces per unit should be provided for four bedroom dwellings. Also 0.2 space per dwelling is required for visitor parking. Parking spaces in front of garages should measure 5.5 metres by 2.5 metres and open sided spaces should measure 5 metres x 2.5 metres. The proposed development has been laid out in a manner that adheres to these standards and pays regard to the need to plan for sustainable access for all.

The transport impacts of the development are not considered to be severe and, from this perspective, refusal of planning permission on such grounds would not be justified. Therefore it is considered that the proposal, during either construction or when developed would not have a detrimental effect upon the highway network or the general accessibility of the surrounding area.

## **Ecology**

One aim of sustainable development should be to conserve and enhance the habitats and species on site. This is reflected in NPPF paragraph 170 which recognises that the planning system should contribute to and enhance the natural and local environment by, amongst other things: protecting and enhancing sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the wider benefits of the best and most versatile agricultural land, and of trees and woodland; and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

By way of mitigation the submitted report recommends any trenches be covered over with wooden sheeting at night and fencing off the demolition and construction zone and associated compounds would be advisable during the construction/demolition phase, the grass paddock is maintained and grazed up until the point of construction, low level lighting scheme, if works to buildings/vegetation are proposed during the bird breeding season (March-September) a check should be made for nests prior to works commencing, if nests are present, they should be left intact and undisturbed until the young fledge, bird boxes installed, habitat box on tree and boundaries remain relatively open, such that wildlife can continue to radiate in the area.

A number of reasonable and necessary conditions are recommended to ensure that any ecological harm from the development is mitigated. It is also confirmed that KCC Ecological Advice Service have confirmed that they have no objection to the scheme subject to conditions securing a biodiversity Method Statement and ecological enhancements.

Therefore in conclusion on this issue, it is considered that the proposal would not give rise to significant adverse effects upon ecology and nature conservation subject to mitigation measures proposed which can be secured by condition.

### **Trees**

No. 164 Monkton Street, to the east of the site has two trees covered by a Tree Preservation Order (TH/TPO/10(1999), with the trees closely located to the application site boundary. It is confirmed that the proposed dwellings are outside the root protection area of these trees with rear and side walls of the dwellings approximately a minimum of 2 metres away. The proposed dwellings are therefore located a sufficient distance away not to result in undue pressure for their removal.

### **Archaeology**

Paragraph 184 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. In determining planning applications, NPPF paragraph 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Furthermore, para 192 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness

Although the site is not identified as an area of Archaeological importance, Thanet District as a whole is rich in archaeological potential. As the site comprises mainly non previously developed land, it is considered appropriate, to condition that the development is subject to the submission for a programme of archaeological work, with a specification to be agreed by the Council prior to the commencement of development. Subject to this safeguarding condition the impact upon archaeology is considered to be acceptable.

### **Flood Risk and Drainage**

Part 14 of the NPPF sets out the Government's stance on climate change, flooding and coastal changes, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided.

The site is currently undeveloped with only low level buildings in situ and is located in Flood Zone 1; it is therefore at low risk from tidal/fluviial flooding.

Southern Water does not raise any concerns regarding the proposal. The Environment Agency also do not raise an objection to the proposal but seek a number of safeguarding conditions to protect the Source Protection Zone 3, Principal aquifer and shallow surface drainage adjacent.

Concerns have been raised about the potential flooding of adjacent sites resulting from the creation of hardsurfaced areas and from the presence of dwellings on the site. The surface water drainage strategy outlines a series of potential measures to reduce run off from the site through water butts within the proposed gardens, permeable paving/surfacing across all hardstanding surfaces stored within the sub-base and then discharged to the ground via infiltration. The report details that due to the relatively steep gradient across the site, it will be necessary to install check dams into the sub-base of the permeable paving system. Check dams interrupt the flow of water and flattens the gradient of the channel, thereby reducing the velocity of water run-off.

KCC Flood and Water Management have confirmed that they have no objection to the scheme and are satisfied that a scheme will work based on these measures, although they have sought a condition for a detailed sustainable surface water drainage scheme to demonstrate that surface water generated by this development for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated and disposed of within the site without increasing flood risk on or off the site.

The Environment Agency have not objected to the scheme subject to safeguarding conditions, however they have stated that the use of infiltration from sustainable drainage systems may not be appropriate due to the site being in a groundwater source protection area. This has been taken into account in the submitted Flood Risk Assessment and drainage assessment. It is considered that by attaching the recommended conditions, a detailed scheme would be required to achieve the aims of the drainage strategy and if/where infiltration is proposed this would need to be agreed in consultation with the Environment Agency prior to the development commenced. Therefore subject to the safeguarding conditions, the development would not result in an increased flood risk and will incorporate sustainable drainage systems, in accordance with paragraph 165 of the NPPF.

## **Contributions**

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 and an appropriate assessment has been undertaken.

This application includes a draft Unilateral Undertaking (UU) which provides the required financial contribution for the 9no. 4 bed residential units to mitigate the additional recreational pressure on the SPA area. This draft matches the Council's published draft on our website, which is available for applicants to use. Subject to the completion of the UU through signatory and ownership checks, this UU provides sufficient mitigation to avoid a significant effect on the protected sites.

## **Conclusion**

This is an application for full planning permission for 9 dwellings on Monkton Street.

NPPF paragraph 10 stipulates that at its heart is a presumption in favour of sustainable development. For decision-taking (NPPF para 11) this means approving development proposals that accord with the development plan without delay; but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

It has been acknowledged that the site is currently situated outside a defined settlement boundary, and therefore for all intents and purposes rural policies of restraint apply. The site, however in officers opinion represents a logical in-fill development within the village, despite being allocated as a village gap that would not compromise the established form and character of the locality.

In terms of the economic dimension of sustainable development, the provision of 9 dwellings would give rise to employment during the construction phase of the development, and is likely to result in an increase in the use of local services and facilities, both of which will be of benefit, albeit modest, to the local economy.

In terms of the social dimension to sustainable development, Paragraph 59 of the NPPF 2018 refers to 'the Government's objective of significantly boosting the supply of homes'. The NPPF points out that 'small and medium sized sites can make an important contribution to meeting the housing requirement of an area , and are often built-out relatively quickly' and that 'development in one village may support services in a village nearby'

The scheme brings forward modest benefits with 9 additional market dwellings, a small contribution to market housing in the area, it is likely to support shops and services in Monkton and further afield and it would allow increased social interaction between residents existing and new, and employment personnel albeit in a modest way. The scheme is considered to be well designed and safe as sought by paragraph 8.b) of the NPPF.

In terms of the environmental dimension of sustainable development, the environmental issues are assessed in earlier sections of this report but to summarise, the proposal would result in some harm to the setting of adjacent listed buildings and would result in a loss of outlook to the countryside and a reduction in the size of the village gap, however, these harms are minimised by the gaps between the proposal and the listed buildings, the scale and layout of the development.

In determining the previous application, Members raised strong concerns about the impact of the scheme upon the character and appearance and loss of the village gap and the impact upon designated heritage assets. Members resolved to refuse the application. The decision was appealed and the Inspector considered that these matters were not so harmful to warrant refusal with the previous concerns of the Committee dismissed by the Inspector. This decision has significantly weight in the determination of the current application, as the proposals are identical. The Inspector, however considered that the site impacted upon European sites and there was no mitigation in place to offset this impact. The current scheme includes a draft Unilateral Undertaking as required by Thanet District Council to secure the mitigation. The draft follows the requirement of the Council's template Unilateral Undertaking and accords with the monetary value required. Officers consider the proposal now addresses the concerns expressed by the Planning Inspector on appeal.

The development of nine dwellings, in a sustainable location is considered to satisfy economic and social objectives as required by the NPPF, with harm to the environmental objectives alleviated through the design and layout of the scheme. Therefore the adverse effects of the proposed development on this site in the countryside and the harm to the significance of designated heritage assets are not considered to significantly and demonstrably outweigh the public benefits from the development.

All outstanding matters of planning importance would be addressed by safeguarding conditions and the proposed development would go towards meeting the shortfall of housing within the District. It is therefore recommended to Members that this application is deferred and delegated to officer to approve, subject to safeguarding conditions and the completion of the unilateral undertaking to secure the identified mitigation for the protected sites.

**Case Officer**

Gill Richardson

TITLE: F/TH/19/1026

Project Land Adjacent 150 Monkton Street Monkton Ramsgate Kent

