

**D03**

**F/TH/19/1231**

**PROPOSAL:** Erection of 34No. dwellings, together with associated landscaping, parking and access.

**LOCATION:** Land North East Of The Length St Nicholas At Wade Kent

**WARD:** Thanet Villages

**AGENT:** Hume Planning Consultancy Ltd

**APPLICANT:** Sunningdale House Developments Ltd

**RECOMMENDATION:** Defer & Delegate

Defer and delegate for approval subject to the satisfactory completion of Section 106 agreement within six months of the date of this resolution securing the required planning obligations as set out in the Heads of Terms, and the following safeguarding 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 development hereby approved shall be carried out in accordance with the submitted drawings numbered 0001 Rev P03, 0002 Rev PO3, 0222/19/B/20 Rev B, 0222/19/B/21 Rev C, 010, 011, 016, 017, 020, 025 and 026 received 11th September 2019, 012 Rev A, 013 Rev A, 014 Rev A, 015 Rev A, 018 Rev A, 019 Rev A and 024 Rev A received 29th January 2020, 003 Rev B, 004 Rev B, 005 Rev B, 006 Rev B, 021, 022 Rev B, 0004 Rev PO7, 0005 Rev PO5 received 27th February 2020 and 0003 Rev PO7 received 28th February 2020.

**GROUND;**

To secure the proper development of the area.

3 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.

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

**GROUND;**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants from any identified contamination on site in line with paragraph 170 of the NPPF.

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

**GROUND;**

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

6 No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The detailed drainage scheme shall be based on the Flood Risk and Sustainable Drainage Assessment dated August 2019 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 (with reference to published guidance:

That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risks to receiving waters;

Appropriate operational, maintenance and access requirements for each drainage feature or SUDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

**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.

7 No building or any phase of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to, and approved by the Local Planning Authority. The report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures, landscape plans, full as built drawings, information pertinent to the installation of those items identified on the critical drainage assets drawing and the submission of an operational and maintenance manual for the sustainable drainage scheme as constructed.

**GROUND;**

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the NPPF.

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

(i) archaeological field evaluation works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority;

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

**GROUND;**

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

9 Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries has been 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 badgers and 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.

c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light

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 limit the impact upon protected species that may be present, in accordance with the National Planning Policy Framework.

10 Prior to the first occupation of any dwelling within the development hereby approved, details of the fence holes for hedgehogs shall be submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained.

**GROUND;**

In the interests of nature conservation in accordance with the advice contained within paragraph 170 of the National Planning Policy Framework.

11 From the commencement of works, precautionary mitigation measures and/or works for badgers and other terrestrial mammals will be carried out in accordance with the details contained in sections 10.3 through to 10.5 of the Ecological Impact Assessment (Native Ecology August 2019).

**GROUND;**

In the interests of nature conservation in accordance with the advice contained within paragraph 170 of the National Planning Policy Framework.

12 Prior to occupation, all enhancements for biodiversity will be implemented in accordance with the Biodiversity Enhancement Plan (Native Ecology August 2019).

**GROUND;**

In the interests of nature conservation in accordance with the advice contained within paragraph 170 of the National Planning Policy Framework.

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

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) 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 The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car

parking, street furniture and bus facilities to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

**GROUND;**

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and paragraphs 108, 110 and 127 the National Planning Policy Framework.

15 Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:

(a) Footways and/or footpaths, with the exception of the wearing course; (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

**GROUND;**

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and paragraphs 108, 110 and 127 the National Planning Policy Framework.

16 Provision and maintenance of the visibility splays shown on the submitted plan (drawing ref. 1617 005 Rev B) with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing.

**GROUND;**

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and paragraphs 108 and 127 the National Planning Policy Framework.

17 Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plan (drawing ref. 6100517 Rev P06) prior to the use of the site commencing.

**GROUND;**

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and paragraphs 110 and 127 the National Planning Policy Framework.

18 Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plan (drawing ref. 1617 004 Rev B) prior to the use of the site commencing.

**GROUND;**

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and paragraphs 110 and 127 of the National Planning Policy Framework.

19 The development hereby approved shall incorporate bound surface materials for the first 5 metres of any access from the edge of the highway.

**GROUND;**

In the interests of highway safety in accordance with paragraph 108 of the National Planning Policy Framework.

20 1 Electric Vehicle Charging point per residential property with dedicated parking and 1 in 10 of all non allocated parking, which shall be installed to the specification within Thanet Air Quality Technical Planning Guidance 2016.

**GROUND;**

In the interest of air quality and amenity in accordance with EP5 of the Thanet Local Plan and paragraph 181 of the NPPF.

21 No development shall take place until completion of the highway alterations shown on drawing number 6100517 Rev P05 or amended as agreed with the Local Planning Authority, has been carried out.

**GROUND;**

In the interests of highway safety in accordance with paragraph 108 of the National Planning Policy Framework.

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

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted.
- o the treatment proposed for all hard surfaced areas beyond the limits of the highway.
- o walls, fences, other means of enclosure proposed.

shall be submitted to, and approved in writing by, the Local Planning Authority.

**GROUND;**

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

23 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

24 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 samples.

**GROUND;**

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

25 All windows serving WC's, bathrooms and ensembles in the development hereby approved shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first occupation of each respective dwelling hereby permitted and permanently retained thereafter.

**GROUND:**

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with policy D1 of the Thanet Local Plan.

27 Three dwellings shall be built in compliance with building regulations part M4(2) and 2 in compliance with building regulations part M4(3).

**GROUND:**

To ensure that the type of housing complies with Policy H8 of the Thanet Local Plan 2006 and Policy QD05 of the emerging Thanet Local Plan

**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

Prior to the commencement of the development hereby approved, the developer is required to pursue a stopping of the highway, in accordance with the requirements of Section 247 of the Town and Country Planning Act 1990.

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

The existing public right of way which crosses the site shall be safeguarded and maintained free of obstruction both during the course of development and subsequent to completion.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000418181) in order to obtain the necessary Application Pack.

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).

A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove 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 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/>

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 and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub 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.

The applicant/developer will need to enter into a S278 agreement with KCC Highways to agree the scope and timing of the off site highway works proposed.

Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk)

## SITE, LOCATION AND DESCRIPTION

The application site is approximately 1.25 hectares in area and comprises agricultural land currently used for grazing of horses. It is located immediately to the north of The Length (which forms the southern boundary of the site delineated by a post and wire fence). The western boundary of the site is formed by shrubs and bushes behind which are the grade II listed properties Walmer and Bramble Cottages. The eastern boundary is formed by mature trees and bushes beyond which is the grade II listed Chalk Garden. There are no features on the ground which delineates the site's northern boundary. The site is effectively flat and lies beyond the village boundary and conservation area, although it immediately abuts the latter.

The site is covered by CC2 (Landscape Character Areas) of the saved Local Plan but is otherwise free of Tree Preservation Orders, heritage constraints or flood risk designations.

### Surrounding area

To the immediate south of the site is the existing housing development fronting The Length. To the south of these properties are the residential properties in Bedford Way. To the east of the site is Canterbury Road with open countryside beyond that. To the west of the site is the historic centre of St Nicholas at Wade, whilst to the north is agricultural land.

## RELEVANT PLANNING HISTORY

OL/TH/17/1342 - Outline planning application for the erection of up to 25 houses with all matters reserved. Approved 16th May 2018.

F/TH/14/0045 - Retrospective application for change of use of agricultural land to land for the keeping of horses. Approved 23rd April 2014

## PROPOSED DEVELOPMENT

The application is for the erection of 34 dwellings with associated landscaping and parking.

The proposed dwellings would be a mix of one and half and two storeys in height and would all be served by private amenity/garden areas and vehicle parking spaces. A landscaped green space would also be provided within the development as well as enhanced planting to the boundaries of the application site. Vehicular access to the site would be taken from two access points from The Length and the proposal also includes highway works to The Length. These will be considered in more detail in the Highway section of the report.

## DEVELOPMENT PLAN POLICIES

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

H1 - Residential Development Sites

H4 - Windfall Sites  
H8 - Size and Type of Housing  
H14 - Affordable Housing  
H15 - Rural Local Needs Housing  
D1 - Design Principles  
D2 - Landscaping  
HE11 - Archaeological Assessment  
HE12 - Archaeological Sites and Preservation  
SR5 - Playspace  
R1 - General Levels of Development  
R2 - Village Gaps  
CF2 - Development Contributions  
CC1 - Development in the countryside  
CC2 - Landscape Character Areas  
TR4 - New Road and Highway Improvements  
TR12 - Cycling  
TR16 - Car Parking Provision

### **Draft Local Plan (2020)**

SP11 - Housing Provision  
SP12 - General Housing Policy  
SP19 - Type and Size of Dwelling  
SP20 - Affordable Housing  
SP21 - Development in the Countryside  
SP23 - Landscape Character Areas  
SP24 - Green Infrastructure  
SP25 - Protection of International and European Designated Sites  
SP26 - Strategic Access and Management and Monitoring Plan (SAMM)  
SP30 - Local Green Space  
SP33 - Quality Development  
SP34 - Conservation and enhancement of Thanet's Historic Environment  
SP35 - Climate Change  
SP41 - Safe and Sustainable Transport  
SP42 - Accessible Locations  
H01 - Housing Development  
H011 - Housing at Rural Settlements  
GI01 - Protection of Nationally Designated Sites (SSSI) and Marine Conservation Zones (MCZ)  
GI04 - Amenity Space and Equipped Play  
QD01 - Sustainable Development  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable Accommodation  
HE01 - Archaeology  
CC01 - Fluvial and Tidal Flooding  
CC02 - Surface Water Management

SE03 - Contaminated Land  
SE04 - Groundwater Protection  
SE05 - Air Quality  
SE06 - Noise Pollution  
SE08 - Light Pollution  
TP02 - Walking  
TP03 - Cycling  
TP04 - Public Transport  
TP06 - Car Parking

## NOTIFICATIONS

Neighbouring occupiers have been notified, a site notice displayed near the site and the application publicised in a local newspaper.

13 representations have been received objecting to the application with some people writing more than once. Their comments are summarised below.

- Close to adjoining properties;
- Development too high;
- General dislike of the proposal;
- Increased danger of flooding;
- Increase of traffic;
- Information missing from plans;
- Loss of privacy;
- Out of keeping with the character of the area;
- Overdevelopment;
- Previous application avoided siting dwellings in close proximity to Chalk Gardens;
- This proposal is a 36% increase on the previous outline application;
- Concerns about safety of vulnerable fostered children due to reduce privacy from the development;
- Submitted traffic surveys inaccurate and misleading;
- Has the increased number of dwellings been factored in to foul and surface water drainage considerations;
- Concerns about the impact of groundworks for the development on existing adjoining dwellings;
- Will landscaping only be in the gardens of new dwellings or along the boundaries of the application site;
- No need for this development;
- Affect local ecology;
- Strain on existing community facilities;
- There are sufficient plans for houses elsewhere in the Thanet;
- Increase in pollution;
- Noise nuisance;
- Roads in the village are not suitable for construction traffic;
- Some of the houses already built have not yet been sold;
- The two properties on either side of the site are listed;
- Who will manage the landscaped areas within the site?
- Materials like white weatherboarding are not in keeping with the village;

- As with all new development, parking is not sufficiently provided;
- Adequate provision for waste collection is required;
- Conflict with the local plan;
- Roads in the village are already busy and this development could bring issues of highway safety;
- This scheme pushes development further into the countryside than the previous scheme;
- Sites should not be considered in isolation;
- Developers are looking to make profit from the development;
- Opportunity to insist on good design;
- More modern architecture could be used for this site;
- Concerns about on street parking along The Length;
- There has never been a footpath along the entire north side of The Length and the village has survived without it;
- There will be noise and disturbance to the occupants of the proposed development if the applicant comes back into use;
- Agricultural land should be protected;
- More open space needed on the development; and
- Proposed crossing points and bus stop will exacerbate current traffic jams especially in peak school drop off and pick up times.

## CONSULTATIONS

**Natural England:** Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below. Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on coastal European Sites from increased recreational pressure should be applied to this proposed development at appropriate assessment. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development. Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

**Environment Agency:** Planning permission could be granted for the proposed development if conditions relating to unexpected contamination, surface water infiltration, foul surface water drainage are attached to any grant of consent. Without these conditions, the proposed development would pose an unacceptable risk to the environment and would raise an objection to the application.

**Southern Water:** Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. Request that should this application receive planning approval an informative to that effect is attached to the consent.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Request that should this application receive planning approval, a condition is attached to this grant of consent to require the submission and approval of details the proposed means of foul and surface water sewerage disposal.

Please note there is a communication pipe within the site.

Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer.

**KCC Flood and Waste Water Management:** Initially raised concerns that no infiltration test results had been submitted within the Flood Risk and Sustainable Drainage Assessment.

Following the submission of additional information (infiltration results and borehole log data), can now confirm that no objection is raised to the application, subject to conditions relating to submission and approval of a detailed sustainable surface water drainage scheme and the management of surface water infiltration are attached to any grant of planning consent.

**KCC Public Rights of Way:** Public Right of Way TE4 runs adjacent to the development site. Have no objection to the proposed development and welcome the fact that the applicant has designs to reinstate the Public Right of Way.

**KCC Archaeology:** Archaeology can be dealt with by condition - archaeological evaluation and subsequent mitigation. The Desk Based Assessment correctly identifies the potential for pre-historic and Second World War remains in the area. In particular a defensive trench

is thought to cross the east end of the site and may be affected by development proposals. Would advise that a condition securing the implementation of archaeological evaluation works and mitigation is attached to any grant of planning permission. This would allow the archaeological potential to be more fully evaluated before the detailed design stage and enable any appropriate preservation measures to be implemented which may include ways to avoid impact on the defensive trenches as appropriate.

**KCC Biodiversity:** We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided.

Bats and Lighting

Lighting can be detrimental to commuting and foraging bats so we advise that the external lighting of the development should be designed in a way that negates the impact on bat activity.

To mitigate against potential adverse effects on bats, and in accordance with paragraph 180 of the National Planning Policy Framework 2019, we suggest that the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority, as recommended in the ecology report, and secured with an attached condition with any planning permission. Suggested wording:

"Within six months of development works commencing, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter in accordance with the plan."

Thanet and Canterbury SAMM The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Therefore, Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A recent decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMP there is a need for an appropriate assessment to be carried out as part of this application.

Breeding Bird Informative Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced

ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged. We suggest the following informative is included with any planning consent:

"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 and scrub are present on the application site and are to be assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present."

**Hedgehogs** The ecology report notes that hedgehogs could be present in the area. As Hedgehogs are a priority species under the NERC Act 2006, we advise there is a need to ensure hedgehog movement is permitted through the site by creating gaps within fencing regarding the curtilages of the development. To secure this measure for the movement of hedgehogs, we advise that a condition is attached to planning permission, if granted. Suggested wording:

"Prior to the use of the first building, details of the fence holes for hedgehogs shall be submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained."

#### **Badgers**

The ecology report notes that there is potential for badgers to utilise the site and, as badgers are a protected species, there is a need to implement safeguarding measures during the construction phase. To ensure that badgers (and other terrestrial mammals like hedgehogs) are protected during the construction phase, the report recommends measures such as covering excavations and providing escape routes. As such we advise : "From the commencement of works, precautionary mitigation measures and/or works for badgers and other terrestrial mammals will be carried out in accordance with the details contained in sections 10.3 through to 10.5 of the Ecological Impact Assessment (Native Ecology August 2019)."

**Ecological Enhancements** In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. A Biodiversity Enhancement Plan has been submitted which we advise features suitable enhancements for the development. To ensure the implementation of the enhancements, we recommend the following condition

"Prior to occupation, all enhancements for biodiversity will be implemented in accordance with the Biodiversity Enhancement Plan (Native Ecology August 2019)."

**KCC Highways:** Initially raised concerns about the proposed access arrangements to the development from The Length, the layout of the proposed access road and footway to The Length, accessibility for refuse and other large vehicles, the location of some of the proposed parking spaces in relation to the dwellings they would serve and clarification on how electric vehicles would be accommodated within the scheme.

Following the submission of further information and plans from the applicants, KCC Highways now raise no objection to the proposed development subject to the imposition of conditions relating to the submission and agreement of a construction management plan, the submission and agreement of the layout of proposed roads, footways and other features, completion of works between any dwelling and the adopted highway to be completed prior to the first occupation of that dwelling, provision and retention of visibility splays, vehicle and cycle and electric vehicle charging points.

**KCC Economic Development:** KCC have assessed the implications of this proposal in terms of the delivery of its community services and it is considered that it will have an additional impact on the delivery of its services, which will require mitigation either through direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements

Primary Education - £4535 per applicable dwelling. Total £154,190. Towards Manston Green Primary School.

Secondary Education - £4115 per applicable dwelling. Total £139,910. Towards expansion of Thanet Secondary Schools.

Community Learning - £20.63 per applicable dwelling. Total £701.32. Towards additional equipment and resources at the Margate Adult Education Centre.

Youth Service - £65.50 per applicable dwelling. Total £2227. Towards additional equipment and resources for the youth service in Thanet.

Libraries - £55.45 per applicable dwelling. Total £1885.30. Towards additional stock and services at Minster Library.

Social Care - £146.88 per applicable dwelling. Total £4993.92. Towards specialist accommodation in Thanet. All homes built as Wheelchair Accessible and Adaptable Dwellings in accordance with Building Regulations Part M 4 (2).

Waste - £237.54 per applicable dwelling. Total. £8076.36. Towards improvements at Margate HWRC

KCC recommends that all developers work with a telecommunications partner or subcontractor in the early stages of planning for any new development to ensure that gigabit capable fibre to the premise Broadband connections.

**Thanet Clinical Commissioning Group:** Confirm the specific requirements for this application. £27,300 towards the reconfiguration of the Minter Practice to provide additional clinical space.

**Kent Police:** Having reviewed the application, some issues need to be addressed in relation to the proposed boundary treatments of some plots, surveillance of some areas, lack of clear lighting details for the scheme and the standard of door and window security particularly at ground floor level. The applicants/agents should contact the local designing out crime officers to consider Crime Prevention Through Environmental Design.

**TDC Environmental Health:** No objection subject to the imposition of a condition to require the submission and agreement of a Construction Environmental Management Plan on any grant of planning permission.

**TDC Contamination Officer:** Have reviewed the submitted Site Investigation Report which does not recommend any remediation requirements based on the samples taken not identifying significant levels of contaminants. Would suggest that a condition related to unexpected contamination is attached to any grant of consent.

**TDC Housing Officer:** The Design and Access Statement advises that the development will provide 32% affordable units on site. Would support this, but would like a four bed unit included as affordable.

**TDC Conservation Officer:** The land to the North East of the site, known as The Length, is adjacent to the neighbouring St Nicholas at Wade Conservation Area as well as three prominent Grade II listed properties, Bramble Cottage, Walmer Cottage and Chalk Garden. Previously an outline application was approved for this site, OL/TH/17/1342, but due to an increase in properties and a large amount of alterations a new full application has now been submitted for review.

Within The NPPF (National Planning Policy Framework) Section 16, paragraph 192 it states the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. It also states under paragraph 194 that 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.

The NPPF glossary does define 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. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

Additionally under the Listed Buildings and Conservation Areas Act 1990, Section 66 Paragraph 1 it states when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall 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.

Currently The Length is a large undeveloped site consisting of open agricultural space that contributes greatly to the character and 'countryside appeal' of the surrounding area. Proposed within this application is to construct a large amount of built form, 34 properties, to this undeveloped land of which inevitably some harm, whatever the circumstances or design, is going to be perceived to the surrounding environment. The filling of this open space removes this contribution and connects the two previously separate sites of the previously mentioned listed properties.

An attempt has been made to retain elements of openness, via the layout of the site, which allows brief glimpse views through the site to the landscaping behind. However this still partially removes the element of isolation and adapts their perceived setting to feel much more incorporated into the built form of the towns development, rather than the feeling of being on the outskirts of St Nicholas at Wade. To affect the setting of listed properties would be considered to contribute to resulting harm this proposed development results in causing and therefore should be taken into consideration.

Looking at the proposed layout of the site some mitigation measures have been undertaken to the west side of the site in order to reduce the impact of the listed properties, Bramble and Walmer Cottages. A largely landscaped area has been proposed which creates a buffer zone between the built elements of the site and the existing listed properties, which also adds some character and uniqueness to the site. This proposed buffer also helps diffuse the impact of the development to the nearby conservation area as it creates a clear line of visual separation.

That being said, it was previously encouraged that the scale of properties proposed for the plots closest to the listed property be kept at a maximum storey level of 1.5 floors. Upon looking at the plans, specifically Street Scene 03, it would appear that the properties proposed for closest to the cottages are in fact 2.5 storeys high and appear quite overbearing. This causes the proposed design to dominate over the street scene, unbalancing the hierarchy of property and creating a sense that this new scheme is more established and significant than the protected heritage assets.

To the west of the site some distance has also been left between the proposed development and the listed Chalk Gardens. Less impact could be perceived to this historic asset as it is set back from the boundary with a large garage present between the sites. It is also quite considerably lower than the nearby proposed development at The Length, which gives the appearance of displacement and a clear separate identity to the listed property. This somewhat negates the need for a more substantial 'buffer' to this end of the site and therefore I would deem the proposed landscaping sufficient.

The design of the proposed properties are somewhat traditional with gabled roof structures and properties showing a variety of different materials which can be linked to the nearby conservation area. Influences have also been taken from the vernacular style of building that can be found locally. Overall the design of the buildings would appear appropriate to the surrounding historic environment and would be deemed somewhat sympathetic in style when compared to the surrounding material palette.

The applicant has included some justification within their design, access and heritage statement that acknowledges the nearby listed properties and recognises a level of harm will be caused to the listed properties.

Overall, it is apparent that some perceivable harm is going to be caused by the development proposed within this application and that an effect will be had on the nearby listed properties. I believe that this harm is currently at an increased level due to the height of the properties located in closest proximity to the listed buildings. If these buildings were reduced in height

to a more sympathetic 1.5 storeys then my concerns for this application would have been managed and I would have no further objections.

## COMMENTS

This application is reported to Planning Committee as a departure to saved Local Plan Policy H1.

The considerations with regard to the planning application are the principle of development, quality of land, countryside impact, character and appearance of the area, living conditions, affordable housing, size and type of units, play provision, highways, archaeology, ecology and biodiversity, habitat regulations, drainage, contamination and flood risk.

### **Principle**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The application site is non previously developed land, outside of any defined settlement and considered to be in the countryside for planning purposes. Saved Policy H1 of the Local Plan requires that residential development on non allocated sites will only be permitted within existing built up confines unless specifically permitted by other local plan policies. Saved Policy CC1 of the 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. It is also noted that the application site is identified in the Local Plan as a village gap which is an important gap in the built area of the village which contributes to the character and amenity of the village and as such would not be considered suitable for development.

However, Government policy in the National Planning Policy Framework (NPPF) states where relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the NPPF indicate development should be restricted. Government policy in the NPPF states that where a Council cannot currently demonstrate a 5 year supply of housing sites to meet their objectively assessed need, decisions on proposals for new housing development should be made in accordance with the NPPF's presumption in favour of sustainable development.

The application site is allocated for residential development under policy H01 of the draft Local Plan with a notional minimum figure of 25 dwellings. It is, however, noted that the plan states that the appropriate dwelling capacity for each site will be considered in the light of planning policy and development management considerations.

Paragraph 48 of the NPPF states that Local Planning Authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved

objections, the greater the weight that may be given) and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). The draft Local Plan has now been through examination and modification stage and is moving towards adoption. It is considered that these policies are consistent with the NPPF and therefore, considered that the draft plan, and allocation of this site for residential development has significant weight for the purposes of decision making

All other material planning considerations will now be considered.

## **Character and Appearance**

The NPPF states that planning decisions should aim to ensure that development should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place; respond to local character and history; reflect the identity of local surroundings and materials; and are visually attractive as a result of good architecture and appropriate landscaping (paragraph 127). Saved policy D1 of the Local Plan outlines that the design of all new proposals must respect or enhance the character and appearance of the area particularly in scale, massing, rhythm and use of materials.

### *Landscape impact*

Paragraph 170 of the NPPF 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 Planning Practice Guidance (PPG) states where appropriate, Landscape Character Assessments should be prepared to complement Natural England's National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place.

Adopted Thanet Local Plan Saved Policy CC2 (Landscape Character Area) identifies that the application site lies within the Wantsum North Shore Character Area. The landscape is very open with few features and the former shoreline is more distinct in some places than in others, with the variation in the contour pattern. From the upper slopes it affords extensive views across the whole of the former Wantsum Channel to the slopes on the opposite banks and in many places to the sea. The former shoreline is more distinct in some places than in others, with the variation in the contour pattern. However, it also provides the unique setting of the former channel-side villages of Minster, Monkton, Sarre and St Nicholas, and the smaller, originally farm-based, settlements of Shuart, Gore Street and Potten Street. These elements provide important visual evidence of the growth of human settlement, agriculture and commerce in the area. The openness of this landscape provides wide and long views of the former Wantsum Channel area and Pegwell Bay. The area also possesses a large number of archaeological sites (including scheduled ancient monuments); numerous listed buildings (including Minster Abbey, the churches at Minster, Monkton and St Nicholas, and Sarre Mill); and the historical landing sites of St Augustine and the Saxons, Hengist and Horsa. In the draft Local Plan the site lies within the Undulating Chalk Farmland Character Area (Policy SP23). The draft Local Plan states that the undulating chalk farmland is a particular landscape feature in Thanet and consists of four landscape character areas: C1:

St Nicholas-at-Wade Undulating Farmland, C2: Central Thanet Undulating Farmland; C3: St Peter's Undulating Farmland; and C4: Newlands Farm. Some of these character areas are important for their long distant views to the marshes and sea while in others the agricultural land performs a settlement separation function. These areas of high quality agricultural land are of value for farmland and roosting coastal birds. The openness and undeveloped character of the farmland contributes to the essentially rural character and relatively dark skies.

In this case the application site is open and relatively flat in level, currently being used as equestrian land. The application has been supported by a Landscape and Visual Assessment. A number of viewpoints were assessed which were accessible by public roads or footpaths and landscape mitigation is recommended to reduce the visibility of the development, where possible retaining and strengthening existing planting (trees and hedgerows) to its boundaries with native species. The assessment concludes that the development of the site would have a negative impact during construction, moderate to low impact once built and a positive impact and a positive impact in 5 to 10 years once the mitigation planting has matured.

It is appreciated that the site provides opportunity for landscape planting within the proposed development and to fill in gaps in existing boundary landscaping together with the provision of new soft landscaping. These will help assimilate the development into the village and surrounding area. The site is currently screened in views from the open land to the north of the site by some existing planting to that boundary which it is proposed to be enhanced via the application. It is also proposed to enhance the planting to the eastern boundary of the site. The approach to the western boundary is slightly different as an open space is proposed to the south western corner of the site adjacent to the footpath which separates the application site from the adjoining listed buildings (Bramble and Walmer Cottages) to the west. Landscaping would then be proposed along the boundary with the footpath as it runs from The Length to the north. It is acknowledged that there would be an inevitable change in the land use of the application site as a result of the proposed comprehensive residential development being in place, with the removal of the current equestrian land use. However, there would only be major visual effects in extreme close proximity to the site and from direct views when in The Length. Generally, the site would have minor and negligible visual effects on the local context (once built out) and the development has already been accepted in the previous outline application as one that would not materially change the fundamental characteristics of the wider landscape or character of St Nicholas at Wade as it would appear as a logical expansion of the village.

#### *Design, layout and density*

Paragraph 122 of the NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; b) local market conditions and viability; c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the

importance of securing well-designed, attractive and healthy places. Paragraph 123 states where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

The previous application (OL/TH/17/1342) was an outline application for the erection of up to 25 houses with all matters (layout, scale, appearance, access and landscaping) reserved for future consideration. 25 units on the application site gave a density of 20 dwellings per hectare. The illustrative masterplan shows the site accessed from various points along The Length and that the proposed units were likely to be a mix of terraced, semi-detached and detached. A parameter plan was also submitted which set the maximum height of the proposed residential units closest to the eastern and western boundaries to 1.5 storeys in height with the maximum height of the units set at 2 storeys. A condition was imposed on the approval that any reserved matters application should be in accordance with this parameter plan.

This application would see the number of units on the site increase by 9 dwellings from that previously approved (from 25 to 34). Thirty four units on the site would give a density of 31 dwellings per hectare which is considered to be in keeping with other development in the village. The proposal is for a mix of terraced, semi-detached dwellings between 1.5 and 2 storey in height which is in keeping with the general pattern of development within the area. The proposed layout appears spacious with dwellings interspersed with landscaping and views into the countryside to the north of the site retained through parts of the development. The houses are fairly traditional in design and, whilst varied house styles are proposed, they would appear as a cohesive small development. The use of materials which are common in the village such as brick, clay tile timber weatherboarding and hanging tiles will also help to ground the development within the village. This approach is considered acceptable in this location, especially given the guidance within the NPPF that Local Planning Authorities should not stifle design or seek to impose a particular architectural style on proposed developments.

A Landscape Management Plan has been submitted in support of the application has been submitted which sets out that a Landscape Management Company would be set up to manage both the hard and soft landscaping within the site - this would also include the provision and planting of proposed landscaping for the scheme as well as its long term maintenance. This approach is welcomed and would ensure the long term maintenance of the open spaces and landscaping with the site, and this would be secured within any Section 106 agreement.

On the basis of the information submitted, the impact of the upon the character and appearance of the surrounding area is considered to be acceptable, subject to safeguarding conditions relating to issues such as materials and landscaping.

### *Heritage Impact*

The National Planning Policy Framework (NPPF) 2018 states 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 193). The NPPF goes on to state in paragraph 196 states that where a development proposal would 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.

Concerns have been raised by local residents and the Council's Conservation Officer about the potential impact of the development on the site on the Grade II listed buildings adjoining the site (particularly Bramble and Walmer Cottages to the west). Whilst the Conservation Officer did not raise an in-principle objection to the residential development of the site, concerns were raised that there was the potential for the proposed residential development to dilute the space which currently forms the setting of the listed buildings.

The previous application contained a parameter plan for building heights with a condition in the decision that any reserved matters application would have to comply with the parameter plan. The plan showed the retention of the public footpath crossing the site and indicates that the development closest to the eastern and western boundaries of the site would be a maximum of 1.5 storeys with the rest of the development identified as a maximum height of 2 storeys.

Chalk Gardens is grade II listed and is sited to the east of the application site which is set down in a former chalk pit so that only some of its roof are visible from the Length. It is, however, separated from the application site by a single storey garage/outbuilding which is located on land level with the application site. Plots 34 and 33 are situated along the frontage of the application site adjacent to the garage and although described on the submitted building heights plan as 1.5 storeys, they have a ridge height of 8 metres and appear to provide 2 floors of accommodation. It is noted that their ridge height is 0.5m lower than the gable of plot 32 which is shown on the submitted building heights plan as being two storey. It is, however, noted that the closest dwelling to Chalk Gardens (plot 34) is set in from the boundary of the application site by some 4 metres and some 7 metres from the very closest point of the Chalk Gardens itself (which is set further forward than the proposed dwellings on plots 34 and 33) with the garage/outbuilding between the two. Given the distance and the changes in level involved, and the design of the nearest buildings, it is considered that the level of harm to Chalk Cottage from the proposed development would be less than substantial.

The west side of the application site abuts St Nicholas at Wade's Conservation Area and the Grade II listed Walmer and Bramble Cottages which sit at right angles to The Length. This proposal includes a green space/square at the south west corner of the application site which essentially runs nearly the length of the frontage of Bramble and Walmer cottages and be separated from them by the existing public footpath. It is considered that this helps to preserve the space around these listed dwellings together with the views to them from The Length albeit in a more formalised manner. Plot 1 and part of plot 2 of the proposed development would, however, sit opposite part of Walmer Cottage. The rear elevations of these properties would sit some 20m away from the Walmer Cottage with their rear gardens and the footpath separating them from Walmer Cottage. Plot 1 would essentially be single storey at the rear with plot 2 showing as 1.5 storeys on the submitted building heights plan, but appearing as 2 storey in terms of its ridge height. Given the distances and the fact that

plots 1 to 5 start to angle away from the listed buildings, it is considered that the proposed development would not have a significant harmful effect on the architectural or historic significance of Walmer or Bramble Cottages, or existing views of the designated heritage assets.

Given the design, scale and type of materials to be used on the proposed development it is not considered that there would be an adverse effect on the character and appearance of the adjoining conservation area, subject to submissions of the materials to be used in the construction of external surfaces in the development.

As such, it is considered that the proposed development would not have a significantly harmful effect on nearby heritage assets.

### **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. Paragraph 127 states that planning decisions should ensure that all developments (a) function well and add to the overall quality of the area for the lifetime of the development; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, (c) are sympathetic to local character and history including the surrounding built environment and landscape setting, (d) establish or maintain a strong sense of place, (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and (f) create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

Saved policy D1 of the Local Plan seeks to provide development which allows for a good standard of accommodation for its future occupiers/users. This aim is taken forward in the draft Local Plan in its Quality of Development chapter.

Concerns have been raised by local residents about the impact of the development on the residential amenities of adjoining occupiers. The nearest properties to the site are located on the southern side of The Length (approximately 7m from the southern boundary of the site to the northern boundary of those properties), Walmer and Bramble Cottages to the west (9m from the site) and the Chalk Garden to the east (with a garage/outbuilding at a raised level to Chalk Gardens adjacent to the site boundary).

Plots 12, 13, 14, 15, 24, 25, 26, 27, 28, 29, 32, 33 and 34 are all proposed to front on to The Length. Given the distances between these properties and the existing properties on the southern side of The Length it is not considered that there would be any adverse effect on the residential amenities of the occupiers of these existing properties.

In terms of the Chalk Gardens, plot 34 fronts The Length with its flank elevation facing Chalk Gardens' existing garage/outbuilding. There are two windows in this flank elevation, one at ground floor serving a WC and one at first floor serving a bathroom. It would be expected that these windows would be obscured glazed given the nature of the rooms they serve and it is considered appropriate that a condition is attached to any grant of planning consent to

secure that this is the case and that obscure glazing is retained. Plots 30 and 31 would face into the application site with their rear gardens facing east onto the rear garden of Chalk Gardens. These properties would have patio doors from their living dining area to the rear at ground floor and two bedroom windows each serving a bedroom at first floor. Their rear elevations would be some 10 metres from the eastern boundary of the site and would sit well beyond the first 5 metres to rear of Chalk Gardens (which is normally considered to be the most private space associated with a dwelling). Given this and the orientation between the proposed dwellings and Chalk Gardens and the level changes involved, it is not considered that there would be an adverse effect from these dwellings on the residential amenities of the occupiers of Chalk Gardens in terms of a loss of privacy to existing occupiers. The distance between the new dwellings adjacent to the boundary with Chalk Gardens is considered sufficient to avoid a significant loss of light or creation of an unacceptable sense of enclosure to the occupiers of Chalk Gardens.

To the west of the application site, sit Bramble and Walmer Cottages. Plots 1 and 2 would be the closest dwellings to these properties. These properties face into the site with their rear elevations and gardens facing Walmer Cottage and separated from it by the existing footpath. Plot 1 would have only have ground floor fenestration to its rear whilst plot 2 would have openings at both ground and first floor levels. It is noted that plot 2 sits opposite the end of the main body of Walmer Cottage with its rear elevation some 21 metres from its frontage. Given this distance, the separation given by the existing footpath and the landscaping proposed it is not considered that there would be an adverse impact on the residential amenities for the occupiers of Walmer Cottage from the proposed development. Plots 3 to 5 sit adjacent to plots 1 and 2 running towards the north of the application site. Again these properties have their rear gardens facing onto the footpath. Given the distance and angled relationship between these dwellings and Walmer Cottage, it is not considered that there would be any potential for overlooking from the first floor windows in the rear elevations of these properties to Walmer Cottage.

The development has been designed and laid out to ensure that there is no direct overlooking or other adverse effect on residential amenities for future occupiers between proposed dwellings, although it is considered appropriate to ensure that conditions are imposed to secure the obscure glazing and retention of WC and bathroom windows.

In terms of the living conditions for the future occupiers of the development, it is considered that each unit would be provided with adequate levels of light and ventilation and be served by a vehicle parking space as well as each having an area of amenity space which would provide space for bin storage, clothes drying and doorstep playspace. All new residential development is required to meet the Nationally Described Space Standards to ensure a good standard of accommodation for future occupiers. The proposed units would meet the respective standards and given the above they are considered to provide a good standard of accommodation for future occupiers.

### **Affordable Housing**

Paragraph 60 of the NPPF says that local planning authorities should use their evidence base to ensure that their local plans meet the full, objectively assessed needs for housing in the housing market area, as far as is consistent with the policies set out in this Framework.

This is reinforced by the guidance at paragraph 61 which states that the size, type and tenure of housing needed for different groups should be assessed and reflected in planning policies (including, but not limited to, those who need affordable housing and the needs of different groups in the community. Where planning authorities have identified that affordable housing is needed paragraph 62 says that they should set policies for meeting this need on site, unless off-site provision or financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies, the NPPF says, should be sufficiently flexible to take account of changing market conditions over time. Therefore it is for planning authorities to determine whether affordable housing is required and, in the absence of a national threshold within the NPPF, to set their own thresholds for provision.

Affordable Housing is dealt with through Policy H14 of the Thanet Local Plan setting out 30% as the starting point for negotiations on all qualifying developments of more than 15 dwellings or sites of more than 0.5 hectares. Due to the number of dwellings proposed there is a requirement for affordable housing. The Housing Officer confirms that there is a housing need in St Nicholas at Wade and confirms that they would expect to see a 30% affordable which all sizes of proposed units for the development reflected in that offer - i.e a mix of 2,3 and 4 bed units.

Based on the provision of 34 units in total on the site the affordable housing requirement would be to provide 10 (10.2) units. In this instance, the applicants are offering a total of 11 affordable units (6 x 2 bed units and 5 x 3 bed units). They advise that they have had discussions with registered providers who have advised that a 4 bed unit would not best address the need for affordable units in this area. It is noted that this offer does not reflect that requested by the Housing Officer, but it is noted that the applicants' offer would give an additional unit of affordable housing and also reflects the fact that the majority of the proposed dwellings (31) would be 2 or 3 bed units. On balance, it is considered that the affordable provision offered is acceptable and would comply with saved policy H14 of the Local Plan.

The provision of the affordable housing would be secured through a legal agreement which also secure a requirement for 100% nomination rights for potential occupants to be controlled by TDC to ensure that people on the local housing register are housed in the affordable housing units.

### **Size and Type of Units**

Policy H8 of the Thanet Local Plan requires that for development of 10 units or more there should be a mix in the size and type of housing. The proposal is for the provision of 5 detached, 8 semi-detached and 21 terraced dwellings ranging between one and a half and two storeys in height

The Strategic Housing Market Assessment confirms that there is a need for 2, 3 and 4 bed units as well as detached, semi-detached and terraced units. Given the edge of village location, it is considered appropriate that the development is low density within fairly spacious plots and no more than two storeys in height is considered acceptable. This

application would provide 12 two bed units, 19 three bed units and 3 four bed units and this mix is considered acceptable.

Policy H8 also requires that 15% of the development is provided as lifetime homes. The lifetime homes standard no longer exists and standards relating to accessible and adaptable homes are now covered by Part M4(2) and M4(3) of the Building Regulations. Government guidance advises that Local Planning Authorities can set out a policy in their Local Plans to secure enhanced accessibility or adaptability by reference to Part M4(2) and/or M4(3) of the Building Regulations. Policy QD05 of the draft Local Plan sets out the Council's policy in this regard - Accessibility provision in new developments as required by Building Regulations Part M4 shall be provided as follows: 1) 10% of new build developments will be expected to be built in compliance with building regulation part M4(2) (accessible and adaptable); 2) 5% of the affordable housing units on housing developments will be expected to be built in compliance with building regulations part M4(3) wheelchair user dwellings.

It is considered that this policy has weight given the stage the draft Local Plan has reached. Applied to this application for 34 residential units, it is considered that 3 units should meet Part M4(2) of the building regulations and 2 (1.7) units meet Part M4(3). This has been provided by the development.

It is therefore considered that the proposal complies with Policy H8 of the Thanet Local Plan in achieving an appropriate mix in the size and type of housing.

### **Play Provision**

The Council's Planning Obligations and Developer Contributions Supplementary Planning Document (SPD) (adopted in April 2010) states that for new residential developments of 10 to 49 units a developer will be expected to make a contribution payment for the maintenance and upgrade of play facilities within 0.87km of the site.

There is an existing play area within the village close to the application site in Bell Meadow which would be used by the future residents of the proposed development.

The contribution from the proposed development has been calculated at £29,750 in accordance with the above mentioned SPD.

The financial contribution has been agreed by the agent and will be included within the legal agreement.

### **Highways**

Paragraph 108 of the NPPF states that in assessing applications for development it should be ensured that adequate opportunities to promote sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all users and 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. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual

cumulative impacts on the road network would be severe (paragraph 109). Applications for development should give priority to pedestrian and cycle movements and secondly (as far as possible) facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility, create places that are safe, secure and attractive, allow for the efficient delivery of goods and access by service and emergency vehicles and be designed to enable charging of plug in and other ultra low emission vehicles (paragraph 110). These aims are reflected in the Council's Local Plan policies.

A Transport Statement has been submitted to support the application. The statement concludes that the site is well located to existing amenities and services which would meet the day to day needs of future residents accessible by sustainable modes of transport (including walking and cycling), the area has good pedestrian infrastructure, footpath networks and cycle linkages, there is good access to bus stops and frequency of buses and numerous routes, the traffic generated from the development will not be significant and can be adequately accommodated and whilst there would be no highway safety impact from the development a number of highway improvements from the scheme are proposed - the creation of a 1.8 m footway along the frontage of the application site on the northern edge of The Length, the relocation and upgraded to provide an area of hardstanding for passengers to disembark a shelter with seats and bus cage markings for the highway, and two uncontrolled crossing points on The Length at either end of the application site with dropped kerbs and tactile paving. The proposed works have all been tested through a safety audit. KCC Highways were satisfied that the traffic generation from the scheme would be unlikely to have a significant impact on the wider highway network, but whilst they raised no objection in principle to the highway works proposed by the applicant, they had some concerns initially with the detailing of the scheme. Further work has been undertaken by the applicant to look at the detailing of the proposed highway works and KCC Highways have now removed their objection.

KCC Highways have therefore recommended that a number of safeguarding conditions are attached to any permission, relating to the submission and agreement of a construction management plan, the submission and agreement of the layout of proposed roads, footways and other features, completion of works between any dwelling and the adopted highway to be completed prior to the first occupation of that dwelling, provision and retention of visibility splays, vehicle and cycle and electric vehicle charging points. Given that the proposed development relies providing crossing points at two points on the public highway and best endeavours to institute a Traffic Regulation order for restricting parking on the north side of the highway, outside the site not under the applicants control, provisions within a Section 106 agreement would require the work to the public highway to be completed prior to the occupation of any unit on development, which the applicant has agreed to.

It is not considered that the traffic generated from the proposed development would have a significant adverse impact on the wider highway network and it is considered that the proposed accesses would allow for appropriate visibility splays to be provided. The creation of an additional footway, informal crossing points and upgraded bus stop would benefit not only the future residents of the application site, but also existing residents of the village.

Given the above, subject to the imposition of safeguarding conditions, it is not considered that there would be an adverse effect from the proposed development on highway safety or parking in the surrounding area.

## **Archaeology**

Thanet is rich in archaeology and saved policies HE11 and HE12 relate to archaeological assessments and preservation.

The Archaeological Officer at KCC has been consulted on the application and advises that they agree with the findings of the submitted Archaeological Assessment which identifies that the potential for prehistoric and Second World War remains in the area - in particular a defensive trench is thought to cross the east end of the site and may be affected by the development proposals. They recommend that a condition for an archaeological evaluation of the site (including mitigation measures) to be attached to any grant of planning permission. This will allow the archaeological potential of the site to be fully evaluated before the detailed design for the site is worked up and any preservation measures to be assessed and implemented as appropriate.

The impact upon archaeology is, therefore, considered to be acceptable subject to the imposition of the recommended safeguarding condition.

## **Ecology and Biodiversity**

The NPPF states at paragraph 170 states that the "planning system should contribute to and enhance the natural and local environment by ... minimising impacts on biodiversity and providing net gains in biodiversity where possible ..." The NPPF continues at paragraph 175 that "if significant harm resulting from the development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

An Ecological Impact Appraisal was submitted with the planning application outlining the details of a phase 1 habitat survey carried out on the site. Following the initial survey, a detailed survey for reptiles was undertaken which found that reptiles were likely to be absent from the application site and measures are proposed to discourage reptiles from entering the site from surrounding habitats. Whilst the assessment concluded that the site is of low intrinsic ecological importance; however, it is located within close proximity to a number of statutory and non statutory designated sites. It is, therefore, considered appropriate that a contribution should be made towards the Special protection Area under The Strategic Access management and Monitoring Plan to mitigate against any impact of increased residential pressure on these areas. The assessment also suggests biodiversity enhancement measures for the site that could be incorporated into the design of the site.

KCC Ecology have reviewed the assessment and raise no objection subject to the imposition of conditions. The recommended conditions are considered reasonable and necessary to ensure that any ecological harm from the development is mitigated with enhancement measures included.

The impact upon ecology is, therefore, considered to be acceptable subject to the imposition of the recommended safeguarding conditions.

### **Habitat Regulations**

Thanet District Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. The proposed development is 1km from the Thanet Coast and Sandwich Bay SPA, Ramsar and SSSI. Therefore, to enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required to contribute to the district wide mitigation strategy. This has been accepted as an appropriate approach by Natural England.

It is considered that the SAMM request meets the test for inclusion within a S106 agreement. The contribution required in this instance would be £13,486 for the 34 units proposed (£320 per 2 bed dwelling, £424 per 3 bed dwelling and £530 per 4 bed dwelling). The applicants have agreed to pay this contribution and this would be secured through the legal agreement.

### **Drainage and Flood Risk**

Paragraph 155 of the NPPF refers that inappropriate development in areas at risk of flooding should be avoided. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). The application site is not within an area prone to flooding and is designated as being of low risk; accordingly the development would not pose a flood risk issue to the wider environment.

A Flood Risk Assessment and Drainage Strategy was submitted in support of the application. It concluded that the risk of flooding to the proposed development is low and that surface water from the development could be managed by Sustainable Urban Drainage systems within the site (which would store water on site and maximise water infiltration into the ground) to avoid the risk of flooding elsewhere from the proposed scheme. Foul water from the development would be discharged to the public combined sewer located along The Length.

Southern Water, the Environment Agency and KCC (Flood and Water Management) were consulted on the application and confirm that they have no objection to the application subject to the imposition of safeguarding conditions including the submission and approval of details relating to foul and surface water disposal, including the use of SUDs and restricting surface water drainage into the ground. The requested conditions are considered to be both reasonable and necessary.

The impact upon flooding and drainage from the proposed development is, therefore, considered to be acceptable subject to the imposition of the recommended safeguarding conditions.

### **Contamination**

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

A Contamination Desktop Study and Site Investigation Report has been submitted in support of this application. It concluded that there was generally a low risk of encountering contamination across the proposed development areas which would represent a risk to human health and no contamination measures were required to make the suitable for the proposed development.

The Environment Agency raised no objection to the principle of residential development on the site subject to the imposition of conditions relating to unexpected contamination, infiltration of surface water drainage into the ground and foul drainage on any grant of planning permission.

TDC's Contamination Officer has reviewed the submitted information and raises no objection to the works subject to a condition relating to unexpected contamination being attached to any grant of planning permission.

With the imposition of the requested safeguarding conditions, it is considered that there would be no adverse effect from contamination on the surrounding area/existing residents nor for future occupants of the proposed development.

### **Planning Obligations**

Policy CF2 of the Thanet Local Plan requires that where a proposed development would directly result in the need to provide new or upgraded community facilities (including transport infrastructure educational, recreational facilities or affordable housing) the Local Planning Authority will negotiate with the applicant for a contribution towards the cost of such provision, which is fairly related in scale and kind to the proposed development.

Such financial contributions would need to be secured via a S106 agreement or unilateral undertaking. The test for such contributions is that they must be fairly and reasonably related in scale and kind to the development proposed.

KCC have been consulted and have advised that there is a need for financial contributions towards primary, secondary schools, community learning, youth service, libraries, social care and waste.

The primary education contribution would be £154,190 towards Manston Green Primary School and the secondary education contribution £139,910 towards expansion of Thanet Secondary Schools. The community learning, youth service, libraries and social care contributions would be £701.32 towards additional equipment and resources at the Margate Adult Education Centre, £2227 towards additional equipment and resources for the youth service in Thanet, £1885.30 towards additional stock and services at Minster Library and

£4993.92 towards specialist accommodation in Thanet respectively. A contribution of £8076.36 is also requested towards improvements at Margate House Waste Recycling Centre. It is considered by officers that the requests for contributions towards primary, secondary schools, community learning, youth service, libraries and social care meet the tests for inclusion in a S106 agreement/undertaking. Following the receipt of additional information from KCC about the proposed project to increase the capacity of Margate Household Waste Recycling Centre and recycling facilities as a result of increased housing numbers in the district, including how the figure of £92.72 per dwelling is calculated in relation to the cost of the project, it is considered that this contribution would meet the test of Regulation 122 of the Community Infrastructure Levy Regulations as an appropriate planning obligation reasonably related to the proposed development.

Contributions of £27,300 have been requested for the internal reconfiguration of the Minster Practice to provide additional clinical space and £29,750 for the maintenance and upgrade of play facilities within 0.87km of the site. It is considered that these requests meet the tests for inclusion in a S106 agreement/undertaking.

### **Heads of Terms**

The legal agreement to be submitted in support of this application will contain the following commitments:

- 11 units of affordable housing
- including 3 dwellings which meet Building regulations part M4(2) and 2 which meet Building regulations part M4(3)
- £154,190 towards primary school (Manston Green Primary School),
- £139,910 towards secondary education (expansion of Thanet secondary schools),
- £701.32 towards community learning (additional equipment and resources at the Margate Adult Education Centre),
- £2,227 towards youth services (additional equipment and resources for the youth service in Thanet),
- £1,885.30 towards additional stock and services at Minster Library,
- £4,993.92 towards social care (specialist accommodation in Thanet)
- £13,486 towards the Special Protection Area (SAMM)
- £29,750 towards the maintenance and upgrade of the play area in Bell Meadow, St Nicholas at Wade
- £27,300 CCG contribution for the internal reconfiguration of the Minster Practice to provide additional clinical space.
- £8076.36 towards improvements at Margate House Waste Recycling Centre. It is considered by officers that the requests for contributions towards primary,
- Off-site highways works and best endeavours to implement a Traffic Regulation Order.
- Landscape Management Scheme

### **Other Matters**

Comments have been made in relation to other housing sites in the village and preference for them to be developed. Each planning application should, however, be assessed on its own merits, and the impacts of this development have been assessed in this report.

## **Conclusion**

Whilst the site lies within the countryside as identified by the Local Plan, the authority does not have a 5 year supply of deliverable housing sites. Accordingly the proposed housing development must be viewed in the context of the presumption in favour of sustainable development and the tests of paragraph 14 of the NPPF, with any adverse impacts of granting permission having to significantly and demonstrably outweigh the benefits from the scheme to withhold planning permission. It should also be noted that the site is allocated for 25 dwellings in the Council's Draft Local Plan which has been through examination and modification.

The provision of 34 dwellings would make efficient use of the site and make a significant contribution to the District's housing supply, supporting economic and social dimensions of sustainable development, with employment provided through construction. All requests for contributions towards education, social, leisure and health care, have been agreed by the applicant, and 30% on-site affordable housing is provided, a new footpath along the site's boundary with The Length, as well as uncontrolled crossing points to The Length and an upgraded bus stop will also be provided via this development. Significant weight can, therefore, be attached to this application due to these social and economic benefits.

In terms of the environmental dimension, the proposal would result in the loss of countryside, but would appear as a natural expansion of St Nicholas at Wade with limited impact upon the wider landscape area. The density of the proposed development would be 31 dwellings per hectare, thus in keeping with the rural character of the area, and landscape enhancements are proposed including hedgerows and trees along the boundaries of the site. Kent Highways raise no objection in principle to the proposal, and the proposed access is considered to be both safe and suitable. Therefore overall limited environmental harm would result from the proposal.

It is considered that, with safeguarding conditions and appropriate contributions and items secured via a S106 legal agreement, that there would be no adverse impact of the development on ecology, archaeology, flooding, drainage or contamination. There would be no impact on the significant adverse impact on heritage assets (adjacent listed buildings or the Conservation Area) or the residential amenities of adjoining occupiers and a good standard of accommodation would be provided for future residents.

Therefore when considering the framework as a whole, the proposal constitutes sustainable development, as any harm is outweighed by the significant economic and social benefits from the proposal, and the development supports the direction of the draft Thanet Local Plan. Therefore it is recommended that Members defer and delegate the application to officers for approval subject to the receipt of a satisfactory legal agreement to secure financial contributions, affordable housing and the highway works.

### **Case Officer**

Annabel Hemmings

