

A01

R/TH/19/1326

PROPOSAL: Application for the reserved matters of outline permission
OL/TH/16/1473 for the approval of appearance, landscaping,
LOCATION: layout and scale for the erection of up to 24no. dwellings

Land South Of Briary Close MARGATE Kent

WARD: Garlinge

AGENT: Hume Planning Consultancy Ltd

APPLICANT: Strategic Land Planning Solutions

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 200 Rev H, 201 Rev D, 202 Rev A, 300 Rev D, 301 Rev D, 302 Rev c, 303 Rev C, 304 Rev C, 305 Rev C, 306 Rev E, 307 Rev D, 308 Rev E, 309 Rev D, 310 Rev E, 311 Rev D, 312 Rev C and 313 Rev C together with the Written Scheme of Investigation dated January 2019 and document by Herrington Consulting Limited dated 25th June 2020.

GROUND;

To secure the proper development of the area.

2 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

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

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.

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

GROUND;

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

5 All windows serving WC's, bathrooms and ensuites 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.

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

GROUND;

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

7 Prior to the first occupation of any respective dwelling, the following works between that dwelling and the adopted highway shall be completed

- (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.

8 Prior to the first occupation of each dwelling hereby approved 1 Electric Vehicle Charging point per residential property with dedicated parking and 1 in 10 of all non allocated parking shall be provided for each respective dwelling, which shall be installed to the specification within Thanet Air Quality Technical Planning Guidance 2016 and thereafter permanently retained.

GROUND;

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

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

The development is within the Thanet Air Quality Management Area. All gas fired boilers should meet a minimum standard of <40mgNO_x/kWh.

Conditions 13, 14, 15, 16, 19, 20, 22 and 23 of the outline planning permission (OL/TH/16/1473) remain outstanding and require further information to be formally discharged by the Local Authority.

SITE, LOCATION AND DESCRIPTION

The application site is essentially rectangular in site and measures approximately 1 hectare. The site has been periodically maintained and, unlike the surrounding fields has not been utilised for agricultural purposes. The site has a continuous belt of trees to its west and southern boundaries, with the eastern boundary also demarcated by trees and hedges. The site's northern boundary adjoins the end 25m length of Briary Close (with a hedge boundary) with the remaining 70m of the site's northern boundary running along the rear (southern) boundaries of properties served from Canterbury Road. The site is not covered by any specific landscape designations other than being within the countryside and is otherwise free of any other specific designations (such as tree preservation orders, heritage or flood risk).

The site is bounded on three sides by a draft strategic housing site, under Draft Local Plan Policy SP17 - Strategic Housing Site – Westgate-on-Sea.

RELEVANT PLANNING HISTORY

OL/TH/16/1473 - Application for outline planning permission for the erection of up to 24 dwellings including details of access. Refused June 2017. Allowed on appeal December 2017 (Appeal Decision provided as Background paper).

PROPOSED DEVELOPMENT

This application is a reserved matters application following the grant of the 2016 outline application.

The development proposes 24 residential units with associated landscaping and parking. 18 three bed units and 6 two bed units. All of the units, except one plot 22 which is a bungalow, are proposed to be two storey. Each dwelling would be served by private amenity space and parking.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2006 - Saved Policies

TR12 – Cycling
TR16 – Car Parking Provision
D1 – Design Principles
D2 – Landscaping
HE11 – Archaeological Assessment
HE12 – Archaeological Sites and Preservation
SR4 – Provision of New Sports Facilities
SR5 – Play Space
EP9 – Light Pollution
EP13 – Groundwater Protection Zones

Draft Local Plan

Sp11 - Housing Provision
Sp12 - General Housing
SP19 - Type and Size of Dwelling
SP23 - Landscape Character Area
SP31 - Provision of accessible natural and semi natural green space, parks, gardens and recreation grounds
SP33 - Quality Development
SP41 - Safe and Sustainable Travel
QD01 - Sustainable Design
QD02 - General Design Policies
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
HE01 - Archaeology
CC02 - Surface Water Management
TP03 - Cycling
TPo4 - Car Parking

NOTIFICATIONS

Letters were sent to adjoining occupiers and a site notice posted close to the site.

6 representations have been received objecting to the application. They make the following summarised comments.

- Affect local ecology;
- Close to adjoining properties;
- Inadequate access;
- Inadequate parking provision;
- Increase danger of flooding;
- Loss of parking;
- Loss of privacy;
- Briary Close is too narrow at the entrance for large vehicles;
- Existing residents should be compensated for having to move their vehicles from the road;
- Congestion from vehicles waiting to enter/exit Briary Close;
- Affect on water/gas supplies;
- Potential for accidents with the large number of additional vehicles in Briary Close;
- Lack of work in the area;
- Strain on existing community facilities;
- Lower level properties could be included in the scheme to allow existing family houses to be free up;
- Density of the development is unacceptable;
- Plots 19 and 20 are too close to nos. 11A and B Canterbury Road;
- Increase light and pollution;
- Loss of outlook and views for existing residents of Briary Close;
- No final decision has been made on the draft Local Plan and the allocation of the site for development.

CONSULTATIONS

Natural England: 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: No comment.

Southern Water: No objection.

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

Thanet and Canterbury SAMMP - 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.

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 and secured with an attached condition with any planning permission. Suggested wording:

"Within three months of 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, and the associated lux levels, 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 maintained thereafter in accordance with the plan".

Ecological Enhancements - In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. Examples include the provision of integrated swift nest boxes and planting of native shrub species. To secure the implementation of mitigation measures, we advise that a condition is attached to planning permission, if granted. Suggested wording:

“Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. The approved details will be implemented and thereafter retained.”

KCC Flood and Waste Management: Have reviewed the information submitted relating to the discharge of conditions 12 and 13 from the outline consent.

Have the following comments in relation to surface water management - condition 13.

Infiltration tests carried out on site concluded that the site has reasonable infiltration rates for the discharge of surface water runoff into the ground. The lowest recorded infiltration rate during the testing was 0.07m/h.

The site drainage strategy includes using a soakaway tank, ring soakaways, trench soakaway and permeable paving for the storage and discharge of surface runoff up to and including 1 in 100 year plus 20% Climate Change storm.

It is noted that crate soakaway does not meet the half drain time for 1 in 100 year plus 20% Climate Change storm. We require that the design should meet half drain time for at least the 1 in 30 year storm event. A calculation should be submitted to confirm the half drain time for crate soakaway to meet this criteria.

Unfortunately would recommend a holding objection on the discharge of condition 13 until further information has been provided.

KCC Archaeology: Initially stated that the submitted scheme of investigation is an appropriate initial state of archaeological investigation but does not satisfy the requirements of condition 5.

Additional information has now been received from the applicant in relation to archaeology and KCC Archaeology now confirmed that this additional information was put together in liaison with them to address their concerns with the information originally submitted. It now covers the several stages of archaeological evaluation, investigation and mitigation and can advise it is an appropriate scheme to address Condition 5 of the appeal decision. Condition 5 can be discharged on the basis of this submission and can confirm progression through the various stages when reached until completion in accordance with condition 6.

KCC Highways: I have the following comments to make with respect to highway matters :-

1) The submitted Swept Path Assessment (Drawing No. 16/029-22) demonstrates that although the internal roads are not being offered for adoption by this authority they do conform to Kent Design guidelines with respect to carriageway and footway widths, tracking for larger vehicles and visibility and it is evident that the layout can safely accommodate a range of service and emergency vehicles.

2) Parking provision is in accordance with the previously prescribed standards for a suburban edge location and where tandem parking has been incorporated into the design, additional on-street visitor parking spaces have been included to offset such. I draw attention

to the spaces labelled P20, which in my view would prove difficult in practice to manoeuvre out from and I advise re-orientating these to allow for easier and safer egress. Additionally, we recommend the provision of passive infrastructure on each plot to allow the installation of electric vehicle charging as required by each occupant.

Pending confirmation of the above, and provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:- submission of a construction management plan, provision and retention of vehicle and cycle parking, completion of works between all dwellings and the adopted highway prior to the first occupation of that dwelling.

Kent Police: Would appreciate a report confirming the measures that minimise the opportunity for crime.

TDC Environmental Health: The development is within the Thanet Air Quality Management Area. All gas fired boilers should meet a minimum standard of <40mgNOx/kWh and 1 electric vehicle charging point per dwelling should be provided for each dedicated parking and 1 charging point per 10 spaces where parking is unallocated.

TDC Housing: Reserved matters application is offering 6 two bed units and 1 three bed unit as affordable. Would expect to see an increase in the number of three bedroom units.

COMMENTS

This application has been called to Planning Committee at the request of Cllr Dennis to allow Members to consider the impact of the detailed development on the residential amenities of existing occupiers.

Principle

The principle of residential development on the site has been agreed on appeal following the refusal by the Council outline application (OL/TH/16/1473) and is identified as a site with consent for 24 dwellings in the Draft Local Plan.

This application is, therefore, to consider the details in terms of the appearance, scale and layout of the proposed dwellings together with the landscaping of the site.

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 Central Chalk Plateau Character Area. This is described as generally flat or gently undulating landscape with extensive, unenclosed fields under extensive arable cultivation. This open landscape is fragmented by the location of large scale developments such as the airport, Manston business park and a sporadic settlement pattern to the north of the airport. The character of this area is also defined by the proximity of the edges of the urban areas. In the draft Local Plan the site lies within the Undulating Chalk Farmland Character Area (Policy SP23). The draft Local Plan states that this is a particular landscape feature within Thanet and consists of four landscape character areas C1: St Nicholas at Wade Undulating Farmland; C2: Central Thanet Undulating Farmland; C3: St Peters Undulating Farmland; and C4: Newlands Farm. This site lies within C2: Central Thanet Undulating Farmland where it is considered that agricultural land performs a settlement separation function. The openness and undeveloped character of the farmland contributes to the essentially rural character and relatively dark skies.

The site is undeveloped land located to the south of the existing settlement confines of Garlinge/Westgate. To the north of the site is residential development in Briary Close and Canterbury Road with mature landscaping bordering the site from to the south, east and west. In this instance, the site sits at the edge of the settlement and offers the transition between the edge of the developed area of Garlinge/Westgate and the current open countryside and given the low density of the scheme it could be argued that the residential scheme proposed would still provide this transition. However due to screening from the south, east and west the site does not currently provide for longer views that can be considered to be of intrinsic benefit.

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. However, there would only be major visual effects in extreme close proximity to the site. 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 the area as it would appear as a logical expansion of built form.

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 density of the development would be 24 dwellings per hectare. Whilst this would be fairly low density, taking account of its location and the surrounding pattern of development this is considered appropriate and would offer the transition between the currently undeveloped countryside and the urban area. The proposed layout appears spacious with dwellings interspersed with landscaping and views into the countryside retained through parts of the development.

The form and character of development in the locality is a mix of two storey and single storey development on Briary Close, with two storey properties fronting Canterbury Road and nearby roads Michelle Gardens. Given this character it is considered that the scale of the development at predominantly two storey with pitched roofs would not detract from the character or appearance of the area.

Whilst the predominant form of residential development in the locality is linear development fronting the road there are examples of cul-de-sacs and estate type development within the locality including Briary Close itself. No objection is, therefore, raised to this approach.

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 surrounding area such as brick, clay tiles, render and tile hanging and will also help to ground the development within the existing built form. 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. It is noted that condition 19 of the outline consent states that no development above ground level shall commence until details of the materials to be used in the construction of the external surfaces of the proposed dwellings have been submitted to and approved in writing by the local planning authority. The Planning Statement submitted in support of this application states that they are looking to discharge this condition from the outline via this application on the basis that the "material details are annotated on the submitted elevation plans". Officers do not, however, consider that the details shown on the elevation plans are detailed enough to truly understand the exact nature or quality of the proposed materials. As such it is considered appropriate to ensure that further details such as the specific details of the bricks and so forth to come forward as originally intended via the condition on the outline application to give officers certainty that the proposed materials for the development will be high quality and help to integrate it into the surrounding area.

It is also considered appropriate that the boundary planting surrounding the site is retained as far as possible. It is noted that the outline consent included two conditions relating to landscaping (20 and 21). Firstly one requiring a landscaping scheme (including the identification of all existing trees and hedges, those to be retained and measures for their protection during construction) and the second one to ensure that landscaping is carried out in accordance with the details submitted for condition 20 and that if any tree or plant which dies, is removed or becomes seriously damaged or diseased within 5 years from the completion of the development is replaced in the next planting seasons with others of a similar size and species. This will help to ensure that the proposed development is assimilated more easily into the wider area.

Given the above, it is considered that the impact of the proposed development on 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 which are still outstanding on the outline permission.

Living Conditions

The overall impact of the 24 additional units was assessed at the outline stage and found to be acceptable. The detailed impact of the proposed dwelling now proposed does, however, fall to be assessed.

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.

The nearest properties to the application site are those in Briary Close and Canterbury Road to the north, Michelle Gardens to the east and Quex Road to the west.

The rear elevations of the properties in Michelle Gardens and Quex Road would face onto the application site. These properties are located some 90 metres away from the application site across agricultural land. Given the distances involved and the established landscaping to the edges of the application site, it is considered that any views of the proposed development would be glimpses and they would be read in the same way as the existing built form already in the area.

The closest properties in Briary Close to the proposed development would sit on the opposite side of the road with those properties fronting on to the application site. These properties would sit some 20m from the front edge of the application site. It is clear that the introduction of built form on the application site would alter the outlook from surrounding properties such as these on the opposite side of Briary Close. There is, however, no right in planning terms to a particular outlook and views cannot be protected. 1a Canterbury Road is situated at the end of Briary Close and would share a boundary with two proposed dwellings (plots 23 and 24). The front elevation of no. faces south towards the site, and their front garden is directly adjacent to the rear gardens of the proposed two-storey dwelling, with approximately 23 metres from the rear first floor windows to the front elevation of the property, Whilst the first floor windows will facing towards the front garden of no.1a, this area is not currently private as it is visible from the public realm on Briary Close, and the distance between windows is sufficient to avoid an unacceptable degree of overlooking and loss of privacy. Overall given the distances involved, the proposed layout of the development and that much of the established landscaping along the site's frontage to Briary Close would be retained, there would be no adverse effect on the residential amenities of the properties on Briary Close.

The proposed development would also have borders with the rear gardens of properties on Canterbury Road, albeit that they do not directly front that road and would essentially be considered as backland development with the closest of these dwellings being just over 13 metres from the application site. Officers initially raised concerns about the relationship between these dwellings and the proposed layout as initially submitted. The application has now been amended to ensure that there would be no adverse impact from overlooking or sense of enclosure to these properties

The side elevation of plot 20 will face the rear elevation of 11a Canterbury Road and would be set approximately 12 metres from the rear wall of 11a. The only wall at first floor level in the flank wall of no. 20 is a bathroom window and the provision and retention of obscure glazing to this window would be secured via a planning condition. It is accepted that there would be change to the outlook from the rear of no. 11a, but it is not considered that given the distances involved and the gable and detailing of plot 20 will ensure that it does not appear unduly dominant or result in a sense of enclosure.

Plot 22 would sit to the rear of no 9 Canterbury Road, with their rear gardens backing on to each other. The scheme as originally submitted had a two storey dwelling in this location which has now been amended to a bungalow. The rear wall of plot 22 would sit some 17 metres away from the site boundary with approximately another 5 metres to the closest part of the rear elevation of no. 9. Given the distances involved and the change from a two storey dwelling to a bungalow, it is not considered that the plot 22 would be unduly prominent or have an unacceptable impact on the residential amenities of the occupiers of no. 9 Canterbury Road, although it is appreciated that their outlook will change as a result of this development.

As with the properties to the opposite side of Briary Close, no.1a, 9, 9a, 11a, 11b will have a different outlook to their rear/front compared to the views of the open countryside that they currently enjoy, however the development would not reduced outlook to such a degree that it would result in significant harm to the living conditions of the occupiers of those properties.

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 a condition is imposed to secure the retention of indicated obscure glazed windows to ensure that the acceptable relationship proposed within the development is maintained.

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 play space. 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.

Highways

The traffic generation from the proposed 24 dwellings was assessed at outline stage and was considered to be unlikely to have a significant impact on the adopted highway network and the proposed access arrangements for the scheme were also considered to be acceptable at that stage.

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.

The proposal shows that most houses would be served by at least two parking spaces with visitor parking (6 spaces) also provided within the development. It is noted that some units would have tandem parking arrangements. Whilst this is not considered ideal given that this might necessitate an additional number of vehicle movement when compared with mutually accessible parking spaces, in this instance it is noted that KCC Highways have not objected to the development. Given the limited number of units affected by this and the cul-de-sac nature of the development, it is not considered that this arrangement would have a serious impact on highway safety by resulting in an increase in on-street parking. The outline permission includes provision for double yellow lines along Briary Close which will also remain in force.

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, with an adequate level and arrangement of parking provided for the proposed development.

Archaeology

Conditions 5 and 6 of the outline consent relate to archaeology and state the following respectively.

“No development shall take place until a Written Scheme of Investigation of site archaeology shall have been submitted to and approved in writing by the local planning authority. The schedule shall include an assessment of significance and research questions - and:

- i) the programme and methodology of site investigation and recording;
- ii) the programme for post investigation assessment;
- iii) the provision to be made for analysis of the site investigation and recording;
- iv) the provision to be made for publication and dissemination of the analysis and records of site investigation;
- v) the provision to be made for achieve deposition of the analysis and records of the site investigation;
- vi) the nomination of a competent person or persons/organisation to undertake the works set out in the Written Scheme of Investigation.”

“ No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 5.”

The applicants are looking to discharge condition 5 of the outline through this reserved matters application and have submitted a Written Scheme of Investigation as required. KCC's Archaeological Team initially reviewed the document and advised that further work be undertaken as it did not allow condition 5 to be discharged. Further work has now been undertaken and a revised Scheme of Investigation submitted. KCC have reviewed the revised document and state that it now covers the several stages of archaeological evaluation, investigation and mitigation and have advised it is an appropriate scheme to address Condition 5 of the outline. On this basis it is considered appropriate to discharge condition 5 of the outline permission, with condition 6 on the outline requiring work to be carried out on site in accordance with the agreed scheme of investigation.

Drainage

Conditions 12 and 13 of the outline consent for this site relate to drainage. They state respectively that:

“ None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.”

“No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall have first been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra’s non statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage system is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and
- iii) provide a management and maintenance plan for the lifetime of the development which shall 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.”

The applicants are seeking to discharge these conditions through this reserved matters application and have submitted a document setting out the proposed arrangements for the management of surface water runoff and the disposal of foul effluent from the proposed development.

KCC’s Flood and Waste Management Team have reviewed the submitted documentation and raised no objection to the discharge of condition 12. They do however recommend that a holding objection is placed on the discharge of condition 13 to allow additional testing work to be carried out in relation to the half drain time for the proposed crate soakaway to meet the required criteria. Therefore this testing will still have to occur with subsequent submission to the local authority required, through the condition discharge process.

Affordable Housing

The applicants’ originally sought to agree the units that would form the affordable provision within this development. This has now been removed from this application and will be resolved as part of the affordable housing scheme via the undertaking associated with the outline consent.

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 1 detached dwelling, 20 semi-detached 3 terraced dwellings with the detached dwelling being a bungalow and the rest of the units 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 the defined settlement location of the application site, it is considered appropriate that the development is low density within fairly spacious plots and no more than two storeys. This application would provide 6 two bed units, 18 three 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 24 residential units, it is considered that 3 units should meet Part M4(2) of the building regulations and 1 unit meet Part M4(3). The applicants are proposing that plots 1, 20 and 24 would meet the criteria as M4(2) units with the bungalow (plot 22) being the M4(3) unit. These units are considered to meet the requirements of the relevant parts of the building regulations.

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.

Other Matters

Both Natural England and KCC's Biodiversity Team have raised the fact that the proposed development has the potential to increase recreational pressure on the Special Protection area which would require mitigation under the Council's SAMM scheme. This matter was dealt with in the outline application with mitigation being agreed and a commitment secured to pay the required mitigation through the undertaking provided at that stage. With this obligation secured the development will not have a likely significant impact on the protected sites.

KCC Biodiversity also raised concerns about the impact of external lighting associated with the proposed development particularly in relation to its impact on bats and also a requirement scheme for Ecological Enhancements. Condition 15 of the outline consent requires a programme and timetable for the enhancement of protected species and their habitat to be submitted and agreed by the Local Planning Authority with condition 16 requiring the submission and agreement of details of external lighting. As such, these matters will be dealt with at the discharge of condition stage.

Kent Police state that they would appreciate a report confirming the measures that minimise the opportunity for crime. Condition 23 of the outline consent requires that no development commences until details of measures to minimise the risk of crime to be submitted to and agreed by the Local Planning Authority. This will, therefore, be dealt with via a discharge of condition and no further information is required at this stage.

TDC's Environmental Health Team state that a minimum standard for any gas boilers proposed within the development and that electric vehicle charging points should be provided (1 charging point per dwelling and 1 charging point per 10 non allocated spaces). It is considered appropriate that an informative relating to the required boiler standard is attached to any grant of consent. Policy SP14 of the Draft Local Plan states that, amongst other things, proposals for residential development allocated in the plan should provide 1 electric charging point per 10 communal spaces and 1 charging point for all new dwellings with parking within the curtilage. Given that this site has an outline planning consent, it has been counted in the Council's Housing target and is considered as an allocated site. Given this it is considered that the policy should be applied for this site. This would mean that a charging point should be applied for each dwelling and one of the visitor parking spaces should be provided with a charging point, and this will be secured via condition.

Conclusion

This application is a reserved matters application for the erection of 24 dwellings following the grant of an outline consent on appeal agreeing the principle and number of units for the site as well as the access to the proposed development from Briary Close.

The proposed development would take the form of a cul-de-sac which is not uncommon in the surrounding area and would be located off Briary Close, which is itself a cul-de-sac. The proposed dwellings are traditional in design and at one and two storey's reflect the character and scale of surrounding residential development. The properties have been designed to avoid any impact on the residential amenities of the occupiers of adjoining properties and would provide a good standard of accommodation for future residents.

It is, therefore, recommended that the application is approved.

Case Officer

Annabel Hemmings

Background Papers – Appeal Decision OL/TH/16/1473

TITLE: R/TH/19/1326

Project Land South Of Briary Close MARGATE Kent

