

**A04**

**F/TH/20/0384**

PROPOSAL: Erection of 2no. 3-bed two storey dwellings together with double garage, cycle, bin store and associated parking

LOCATION: Land Rear Of Pinks Corner Lodge Bramwell Court Minster RAMSGATE Kent

WARD: Thanet Villages

AGENT: Ms Sarah Lees

APPLICANT: Mr Dennis White

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND;**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 324-002 Rev A and 324-003 received March 2020.

**GROUND;**

To secure the proper development of the area.

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

**GROUND;**

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

4 The windows identified as high level windows on drawing number 324-003 shall be provided and maintained with a cill height of not less than 1.73 metres above the finished internal floor level.

**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.

5 The area shown on the approved plan numbered 324-002 Rev A 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.

6 Prior to the first occupation of the dwelling hereby approved, visibility sight lines as shown on drawing number 324-002 Rev A, shall be provided and thereafter maintained with no obstruction above 1m in height.

**GROUND:**

In the interests of highway safety. Notes:

7 No development shall take place until details of the means of foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, 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.

8 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.

**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

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

It is the responsibility of 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.

For the avoidance of doubt, the provision of contributions to as set out in the unilateral undertaking submitted in association with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

#### SITE, LOCATION AND DESCRIPTION

The application site is non-previously developed land within the countryside, on the eastern side of Laundry Road. The site is to the south of a small group of dwellings which includes Pinks Corner Lodge to its east and Wild Thyme and a row of older terraced dwellings to the north.

#### RELEVANT PLANNING HISTORY

F/TH/17/0257 - Erection of a three storey detached dwelling, together with detached garage. Approved 18th May 2017.

F/TH/13/0859 - Erection of a three storey dwelling, together with detached garage. Approved 17th April 2014.

R/TH/11/0814 - Application for the approval of appearance, layout, landscaping and scale pursuant to outline reference for the erection of a detached house and garage. Approved 5th December 2011.

F/TH/10/0562 - Variation of condition (drainage) attached to planning permission F/TH/08/0577 for the erection of a detached dwelling and garage. Approved 26th August 2010.

F/TH/08/0577 - Erection of a detached dwelling and garage. Approved 20th October 2008.

OL/TH/08/0567 - Outline application for the erection of detached house and garage including access. Approved 20th October 2008.

### PROPOSED DEVELOPMENT

This application seeks full planning permission for the erection of 2 semi detached two storey detached dwellings.

The proposed dwellings are fairly traditional in design and materials with a pitched clay tiled roof, brick, stained/painted weatherboarding and timber windows.

Each dwelling would have an entrance hall, WC, office/snug/boot room, utility room, open plan kitchen and living area and garage at ground floor level with 3 bedrooms (one ensuite), family bathroom, office and an additional WC at first floor level. They would each be served by two vehicle parking spaces and amenity/garden areas.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan 2006**

CC1 - Development within the Countryside;  
CC2 - Landscape Character Areas;  
D1 - Design Principles;  
D2 - Landscaping;  
EP13 - Groundwater Protection Zone;  
H1 - Residential Development Sites;  
H4 - Windfall Sites;  
HE11 - Archaeological Assessment;  
HE12 - Archaeological Sites and Preservations  
SR5 - Playspace  
TR12 - Cycling;  
TR16 - Car Parking Provision;

#### **Thanet Draft Local Plan**

SP11 - Housing Provision;  
SP12 - General Housing Policy;  
SP19 - Type and Size of Dwelling;

SP21 - Development in the Countryside;  
SP22 - Safeguarding the Identity of Thanet's Settlements;  
SP2 - Landscape Character Areas;  
SP34 - Conservation and Enhancement of Thanet's Historic Environment;  
SP35 - Climate Change;  
SP41 - Safe and Sustainable Travel;  
SP42 - Accessible Locations;  
H01 - Housing Development ;  
GI01 - Protection of Nationally Designated Sites (SSSI) and Marine Conservation Zones (MCZ);  
GI06 - Landscaping and Green Infrastructure;  
QD01 - Sustainable Design;  
QD02 - General Design Principles;  
QD03 - Living Conditions;  
QD04 - Technical Standards;  
QD05 - Accessible and Adaptable Accommodation;  
HE01 - Archaeology;  
CC02 - Surface Water Management;  
CC04 - Renewable Energy;  
SE04 - Groundwater Protection;  
TP02 - Walking;  
TP03 - Cycling;  
TP04 - Public Transport; and  
TP06 - Car Parking

## NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice posted close to the site and the application publicised in a local newspaper. No representations have been received.

**Minster Parish Council:** No objection

## CONSULTATIONS

**KCC Biodiversity:** No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records), the information submitted with the planning application and photos provided by the planning officer we advise that the proposed development has limited potential to result in ecological impacts and as such we are satisfied that there is no requirement for an ecological survey to be carried out. We have taken this view because the photos submitted by the planning officer indicate that the majority of the site is grassland which is regularly cut/mown which reduces the opportunities for protected species to be present. Therefore we accept that there is no requirement for a preliminary ecological appraisal to be carried out.

**Breeding Birds** - We note that there are small areas of scrub within the site and these areas may be used by breeding birds and all nesting birds and their young are protected under the Wildlife and Countryside Act 1981 (as amended). Therefore we recommend that the following informative is included if planning permission is granted:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub, hedgerows and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Scrub is 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.

**Ecological Enhancements** One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity". We recommend that if planning permission is granted an ecological enhancement plan is submitted as a condition.

Within 6 months of works commencing an ecological enhancement plan must be submitted to the LPA for written approval. The plan must clearly demonstrate what enhancements will be incorporated on the site and where they will be located. The plan must be implemented as approved.

**KCC Archaeology:** No Archaeological measures are required in connection with the proposal.

## COMMENTS

The application is brought before Members as the application site is a departure from saved Policy H1 of the Local Plan.

### **Principle**

The site lies within an area designated as countryside as defined by the Thanet Local Plan and is therefore contrary to Policy H1 of the Adopted Thanet Local Plan, which requires that residential development on non-allocated residential sites is only permitted on previously developed land within existing built-up confines; and Policy H01 of the Draft Thanet Local Plan, which requires that residential development is limited to the confines of the urban area and villages.

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. In determining whether housing on the site would be acceptable, the need for housing in the district will therefore need to be balanced against other issues such as the impact upon the countryside, sustainability of the site, character and appearance of the proposed development and highway safety.

A full allocation of housing for the plan period has been identified within the Draft Local Plan, which in addition to the properties built, granted planning permission, empty properties to be brought back into use, and windfall sites, will exceed the Council's requirement of 17,140 of

residential units during the plan period up until 2031. The Draft Local Plan has been through examination and full consultation, and modified in response to the Inspector's comments. The Council's Cabinet has approved the recommendation to adopt the Local Plan, and has recommended adoption to Full Council, which is currently expected to take place in July. It is therefore considered that the Draft Local Plan can be given substantial weight in decision making.

In terms of housing need, the inspectors have not amended any of the figures put forward by the Council within their report, and therefore based upon the information contained within the Draft Local Plan, and supported by the Inspectors' report (para 160-177), specifically paragraph 174 where the Inspector accepted that 'the number of dwellings expected to come forward in the first five years from adoption (7,015) exceeds the five-year housing requirement (6,084)', it is considered that the Council do have a 5 year housing supply equating to 5.77 years (with a 20% buffer).

Given the substantial weight to be applied to the Draft Local Plan, and the Council's ability to demonstrate a 5 year housing supply, and accommodate housing need within the plan period, it is considered that very limited weight should be applied to the need for the proposed 2 dwellings.

Policy CC1 of the Thanet Local Plan states that 'within the countryside, new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside'. The policy allows for consideration to be given to the balance between the need for development and the need to protect the intrinsic character and beauty of the countryside, in accordance with paragraph 170 of the NPPF. The Council are therefore of the view that this is also a valid policy compliant with the NPPF.

Policy SP24 of the Draft Local Plan considers development within the countryside, and provides a list of development within the countryside that is permitted through the policy. The proposed development does not fall within the development permitted, and as such the proposal is considered to be contrary to Policy SP24 of the Draft Local Plan.

In determining whether the development of the site for housing is acceptable, the need for housing in the district will need to be balanced against its impact upon the countryside and Landscape Character Area, along with the sustainability of the development, impact upon the living conditions of future occupiers of the dwellings, impact on existing neighbouring residential occupiers and impact on the highway network.

### **Character and Appearance**

The National Planning Policy Framework (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 Former Wantsum North Shore. This area largely comprises the distinctive and often quite steep hill slopes leading down from the Central Chalk Plateau to the former Wantsum Channel. 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.

Policy SP26 of the Draft Local Plan states that development proposals should demonstrate how their location, scale, design and materials will conserve and enhance Thanet's local distinctiveness. The policy further advises that development proposals should demonstrate how they respect and respond to the character, key sensitivities, qualities and guidelines of the relevant landscape character areas, as detailed in the Landscape Character Assessment (LCA). This area largely comprises the distinctive and often quite steep hill slopes leading down from the Central Chalk Plateau to the former Wantsum Channel - B1: Wantsum Northern Slopes. 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.

The Local Plan states that development proposals that conflict with the above principles will only be permitted where it can be demonstrated that they are essential for the economic or social well-being of the area. In such cases, landscape impacts should be minimised and mitigated as far as possible, as the open countryside in Thanet is particularly vulnerable to landscape damage from development due to its openness, with development having the potential to be much more conspicuous in rural areas.

With regards to the proposed development the Design, Access and Planning Statement, submitted with the application, sees the development as a continuation of the existing adjacent housing development and that the development has been designed to minimise its impact on the surrounding countryside.

SP26 of the Draft Thanet Local Plan permits development where it can be demonstrated that the development is essential for the economic or social well-being of the area. Whilst there will be some modest economic and social benefits from the provision of additional 2 dwellings, there is not a current housing need as the Council can demonstrate a 5 years supply of housing, and therefore the economic and social benefits that would result from the proposal should be given very limited weight.

In this instance, it is considered that the proposed development would be shielded from the wider countryside surrounding the site by established trees and vegetation most of which are shown for retention on the submitted drawings. Views of the site from public vantage points would be limited by this vegetation, but it is noted that there would be some glimpsed views potentially of the upper floor and roofs of the proposed dwellings. These would, however, be seen against the backdrop of the existing dwellings surrounding the application site.

Given this, it is considered that the proposed residential development would have a neutral impact on longer views in the landscape character area, when compared to the current development on the site. 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 surrounding area and would be a required condition of any development coming forward on the site. Given this it is considered that the only major visual effects would be in close proximity to the site and from direct views from within Bramwell Court. Generally, the site would have minor and negligible visual effects on the local context (once built out) and the redevelopment of this site is not considered to detrimentally change the fundamental characteristics of the wider landscape.

#### Design and layout

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 proposed dwellings would be of a scale, design and finish commensurate with the size of the existing dwellings within Bramwell Court. Taken together they have a similar footprint to the dwelling granted under the 2017 consent. The development has been designed to reflect the rural barn/agricultural style development that is found in Bramwell Court and the use of materials which are common in the area and nearby villages such as brick, clay tile timber weatherboarding and hanging tiles will also help to ground the development within the surrounding area.

It is, therefore, considered that the proposal would have no adverse effect on the character or appearance of the area.

### **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.

Plot (dwelling) 2 would be the closest to Wild Thyme with a separation distance at the closest point of some 14.5 metres. Given the height of the boundary treatment (2.1m) separating the two properties it is not considered that there would be any issues from ground floor fenestration in terms of overlooking, sense of enclosure from windows in the ground floor of plot 2 facing onto Wild Thyme. Bedroom 2 of plot 2 faces onto Wild Thyme and would have a window facing towards it. It is shown as a high level window to ensure there would be no overlooking and it is considered appropriate that it is built out in that manner and its retention as a high level window ensured via a planning condition. The dwelling on plot 1 would sit some 21.5 metres and given the distances involved, it is not considered that there would be any adverse effect on the residential amenities of the occupiers of Wild

Thyme from that dwelling. Given the above, it is considered that with appropriate safeguarding conditions there would be no adverse impact from the proposed dwellings on the residential amenities of the occupiers of Wild Thyme.

Plot 2 would sit over 24.5 metres away from Pinks Corner Lodge and given the distance involved it is not considered that there would be any adverse effects on the residential amenities of the occupiers of the Pinks Corner Lodge from the development of that dwelling. The flank wall of the dwelling on plot 1 would be approximately 8 metres away from Pinks Corner Lodge at its closest point (its conservatory). There is only 1 high level window proposed to the flank wall facing Pinks Corner Lodge which is identified as high level which as above could be secured by a planning condition. Given the above, it is considered that with appropriate safeguarding conditions there would be no adverse impact from the proposed dwellings on the residential amenities of the occupiers of Pinks Corner Lodge.

It is noted that the proposed dwellings have been designed to avoid any adverse effect from the occupation on the amenities of the future occupants of the other.

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 in accordance with Draft Local Plan Policy QD04. The proposed units would meet the respective standards for a 3 bed, 6 person two storey dwelling in size. Given the above, the dwellings are considered to provide a good standard of accommodation for future occupiers.

## **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.

It is noted that by the nature of the application site would be likely to be reliant on the use of private vehicles to gain access to most services and facilities, although it is considered that some facilities would be within walking and cycling distances, along rural and unlit roads. The previous series of consents for residential development of the site are noted, whilst

these were for a single dwelling, it is considered that there is a level of acceptance of this from the previous consent. The level of traffic generation from the two dwellings are unlikely to be seen as significant, when considered with the traffic movements already associated with the dwellings in Bramwell Court.

The proposed dwellings would be served by two off road car parking spaces and would be served by an access onto Laundry Road. This access and level of car parking is considered acceptable and similar to the level established by previous permissions for residential development on the site. Furthermore it is considered that the turning areas would be sufficient to allow vehicles to enter and leave the site in a forward gear, whilst the access incorporates appropriate sight lines. For these reasons, it is considered that the proposal would be of no detriment to highway safety, the free flow of traffic or highway amenity.

### **Drainage and Flooding**

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.

The site lies within Flood Zone 1 according to the Environment Agency's flood maps - land with the lowest risk of flooding - and given the size of the application site no Flood Risk Assessment is required.

Details provided with the applicant advises that the foul water would be likely to go to the public foul sewer in Manston Road and surface water being delta with via measures such as permeable materials and soakaways.

It is considered appropriate to secure full details of the proposed means of foul and surface water drainage for the proposed development via a condition. With these details conditioned it is considered that the impact upon flooding and drainage from the proposed development can be safely managed.

### **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 £848 (2 x £424).

The applicants have agreed to pay this contribution and have submitted an undertaking for this payment. It is, therefore, considered that an appropriate mechanism for securing the mitigation against the impact on the Special Protection Area has been submitted.

## **Ecology**

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.

No ecological information has been submitted to support the application in relation to ecology. The site appears to have been fairly maintained as amenity/garden land and, as such, it is considered that the biodiversity potential of the site is low.

KCC's Biodiversity Team have reviewed the application and advise that they concur with the view that given that the site is maintained grassland that there is limited potential for the development of the site to result in ecological impacts and that they do not require any ecological surveys to be carried out to support the proposal.

It is considered, however, that there are opportunities for the biodiversity enhancements from the development by including such elements as bird boxes with the scheme. It is considered appropriate that these enhancements are secured by condition.

It is considered that with the proposed safeguarding condition that the proposal would have no adverse impact on ecology.

## **Archaeology**

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

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

c) The desirability of new development making a positive contribution to local character and distinctiveness

Thanet as a district is rich in archaeology and it is noted that the previous planning permission for the erection of a dwelling contained a condition requiring a programme of archaeological work.

KCC's Archaeological Team were consulted on the application and have advised that no archaeological measures are required in connection with this application.

Given the above, it is not considered that there would be any adverse impact on archaeology from the proposed development.

### **Other Matters**

Having regard to the previous use of the site (light industrial) and the location within a groundwater source protection zone, it is considered that it would be reasonable to include a condition to ensure that any contamination is assessed and dealt with should it be encountered during the course of development, as well as the need for details of the foul and surface water drainage for the dwellings to be submitted for approval.

### **Conclusion**

Whilst the proposed development is located within the countryside, contrary to the provisions of the NPPF, it is considered that, on balance and given the history of planning permissions for residential development on the site, it would be unreasonable to refuse permission on this basis. Furthermore given that the details of the proposal have been assessed and found not to be detrimental (subject to the imposition of safeguarding conditions), it is recommended that the application be granted.

### **Case Officer**

Annabel Hemmings

TITLE:

F/TH/20/0384

Project

Land Rear Of Pinks Corner Lodge Bramwell Court Minster RAMSGATE Kent

