

**A03**

**F/TH/20/1508**

PROPOSAL:                      Erection of 3No. 2-bed single storey dwellings with associated access and landscaping

LOCATION:                         Land Rear Of 177 College Road MARGATE Kent

WARD:                            Dane Valley

AGENT:                          Clive Tidmarsh

APPLICANT:                    Mr Craig Provan

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 03/19/2020 Rev B, 04/20/2020 Rev B, T-2020\_077\_03 Rev B, T-2020\_077\_04 Rev B and T-2020\_077\_05 Rev A received on the 8th February 2021 and 02/20/2020 Rev C received on the 23rd March 2021.

**GROUND;**

To secure the proper development of the area.

3       No development approved by this planning permission shall take place until a remediation strategy, that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to, for approval by, the local planning authority:

1. An options appraisal and remediation strategy, based on the site investigation and the detailed risk assessment submitted with the application, giving full details of the remediation measures required and how they are to be undertaken.

2. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

**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 NPPF.

4 Prior to occupation of any part of the development, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

**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 NPPF.

5 If, during development, significant contamination is found or caused at the site, then 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.

**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 NPPF.

6 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The works thereafter shall be carried out in accordance with any approved specification.

**GROUND:** To ensure that features of archaeological interest are properly examined and recorded.

7 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
- (h) Access arrangements

All approved vehicle loading/unloading and turning facilities shall be provided prior to the first use of the site, and permanently retained for the duration of work.

**GROUND:**

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

8 Prior to the first use of the site hereby permitted, the vehicular access and associated vehicle crossing point onto the highway, as shown on the approved plan numbered 01/20/2020 Rev A.NOV.2020 should be completed and made operational.

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the NPPF.

9 The gradient of the access hereby approved shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the NPPF.

10 Prior to the first occupation of the development, the area shown on plan 02/20/2020 Rev B.JAN.2021 for the parking of vehicles shall be operational. The area approved shall thereafter be maintained for that purpose.

**GROUND:**

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF.

11 Prior to the first occupation of the site hereby approved visibility splays of 2m x 2m shall be provided to the access on to the path leading to/from College Road as shown on the approved plan no 02/20/2020 Rev B.JAN.2021 with no obstructions over 0.6m above carriageway level within the splays, which shall thereafter be maintained.

**GROUND:**

In the interest of highway safety in accordance with the advice contained within the NPPF.

12 The development hereby approved shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the NPPF.

13 The development hereby permitted shall incorporate measures to prevent the discharge of surface water onto the highway.

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the NPPF.

14 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 02/20/2021 rev B.JAN.2021 shall be provided and thereafter maintained.

**GROUND:**

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

15 The refuse storage facilities and clothes drying facilities as specified upon the approved drawing numbered 02/20/2020 Rev C.MARCH.2021 and received on 23/03/2021 shall be provided prior to the first occupation of the dwellings hereby approved and shall be kept available for that use at all times.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

16 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. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation. 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 and to adequately integrate the development into the environment in accordance with Policies QD02, SP26, SP30 and GI04 of the Thanet Local Plan.

17 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes.

**GROUND:**

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

18 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

**GROUND:**

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

19 The works hereby approved shall be carried out in accordance with the submitted drainage plans numbered T-2020-077-03 Rev B, T-2020-077-04 Rev B and T-2020-077-05 Rev A, and the submitted drainage report received 08/02/2021.

**GROUND:**

To ensure the development is served by satisfactory arrangements for the disposal of surface water, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within 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

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 and the applicant is advised that the revised access will bring a street light within 1.5 metres of the proposed crossover and this may require its relocation when considering the access design with KCC's Vehicle Crossing Team.

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 S021 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

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

### SITE, LOCATION AND DESCRIPTION

College Road is a long street in the urban area connecting parts of Margate and Cliftonville/St Peters. Along the southern part of the street adjacent to the application site houses are a mix of small terraces and semi-detached pairs (No.s 177-193).

The application site forms a piece of open land to the rear of No. 177 College Road, and generally bounds the rear gardens of the properties identified above. It is accessed by a path immediately to the west of No. 177 and sits within the identified Margate/Broadstairs Green Wedge and the open countryside. To the east and south are protected community allotments and open green space. To the west the site sits in close proximity to a school and the Grade II listed Drapers windmill. It has historically been used by a water utility company but has not been used for a number of years. Land levels rise gently from College Road to the rear of the site.

### RELEVANT PLANNING HISTORY

F/TH/18/0729 - Erection of 2No. single storey 2-bed dwellings and 2No. two storey 4-bed dwellings together with associated access and parking. Refused 27 September 2018. Appealed, and allowed 10 July 2019. (APP/Z2260/W/19/3225218).

F/TH/17/1590 - Erection of 2No. single storey 2-bed dwellings and 2No. two storey 4-bed dwellings together with associated access and parking. Refused 11 January 2018.

TH/80/0010 - Erection of a detached dwelling. Refused 25 March 1980. Appealed and dismissed February 1981.

### PROPOSED DEVELOPMENT

As set out above, planning permission was granted on appeal in July 2019 under APP/Z2260/W/19/3225218 for 2 single storey dwellings and 2 two storey dwellings in this location (albeit on a larger site) of which this application site forms part. This consent allowed for the 2 single storey dwellings located to the front of the site (to the rear of College Road) with the 2 two storey dwellings located to the rear of the site. This application proposes 3 bungalows on the rear part of the application site.

The three new dwellings are proposed as one detached (Plot 5) and a semi-detached pair (Plots 3 and 4). They would be bungalows and have hipped roofs with front gable entrances over bay windows, and a similar overall appearance to Plots 1 and 2 which were the single storey dwellings to the front of the larger site previously granted on appeal. There would be parking to the front of Plots 4 and 5, and to the front/side of Plot 3. Soft landscaping is proposed to the front of the new plots and garden space to the rear. Access would be taken (as in the previously approved application) from College Road running south behind No. 177.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan Policies 2020**

SP01 - Spatial Strategy - Housing  
SP10 - Margate  
SP22 - Type and Size of Dwellings  
SP24 - Development in the Countryside  
SP25 - Safeguarding the Identity of Thanet's Settlements  
SP26 - Landscape Character Areas  
SP28 - Protection of International and European Designated Sites  
SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
SP30 - Biodiversity and Geodiversity Assets  
SP32 - Protection of Open Space and Allotments  
SP35 - Quality Development  
SP36 - Conservation and Enhancement of Thanet's Historic Environment  
SP43 - Safe and Sustainable Travel  
HO1- Housing Development  
GI01 - Protection of Nationally Designated Sites and Marine Conservation Zones  
GI04 - Amenity Green Space and Equipped Play Space  
HE01 - Archaeology  
CC02 - Surface Water Management  
QD01 - Sustainable Development  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and adaptable Accommodation  
SE03 - Land affected by Contamination  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers, a site notice posted close to the site and an advert was posted in the local paper. No representations have been received.

## CONSULTATIONS

**Southern Water:** Southern Water records showing the approximate position of a public water distribution main within access. The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to: [Developer.Services@southernwater.co.uk](mailto:Developer.Services@southernwater.co.uk)

Further, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an

investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

**KCC Highways:** I note that in terms of access to the site, the proposals do not appear to differ materially from those previously approved. Provided this is the case, I would only have the following additional comments to make:

1) I note that one additional dwelling has been included in this proposal, which adds to the need for visitor parking for the wider site, as well as introducing a tandem parking arrangement. In our experience such arrangements are often under-utilised and would need to be offset by additional visitor parking provision. I was satisfied previously that additional space could be found for informal parking in the previous layout, but now due to its more constrained nature I would advise the creation of two formal visitor parking bays, to prevent any inconsiderate parking.

2) It needs to be understood by the applicant that if the relocation of the existing lighting column is required through the S278 process for the widening of the access, this would need to be done at their expense.

The description of development was amended, new proposed plans submitted and KCC made the following comment:

Further to my previous comments visitor parking has been introduced and I confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no further objection on behalf of the local highway authority:

- \* Submission of a Construction Management Plan before the commencement of any development on site to include the following:
  - \* Routing of construction and delivery vehicles to / from site
  - \* Parking and turning areas for construction and delivery vehicles and site personnel
  - \* Timing of deliveries
  - \* Provision of wheel washing facilities
  - \* Temporary traffic management / signage
  - \* Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development.
  - \* Completion and maintenance of the access road shown on the submitted plans (drawing no. 01/20/2020) prior to the use of the site commencing.
  - \* Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing.
  - \* Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.
  - \* Use of a bound surface for the first 5 metres of the access from the edge of the highway.
  - \* Provision of measures to prevent the discharge of surface water onto the highway.

- \* Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
- \* Provision and permanent retention of the vehicle parking spaces shown on the submitted plans (drawing no. 02/20/2020) prior to the use of the site commencing.
- \* Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- \* Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.

**KCC Archaeology:** I have checked our records and note that the site lies in an area with potential for archaeological remains. Remains of Roman date have been reported close to the site and to the south around St Peter's Footpath. Furthermore the site was the location of a pumping mill (a tower mill used for pumping water) that was constructed c.1874 with the tower being demolished before 1933, though it had fallen out of use by 1894. The location of this can be seen on the early OS mapping.

Following its falling out of use the site has seen some levels of activity as seen on aerial photographs of the 1940s but eventually fell out of use and became overgrown. Given the archaeological potential of the site it is possible that the proposed development may affect archaeological remains including those of industrial interest associated with the mill. I would therefore recommend that in any forthcoming consent provision be made for a programme of archaeological works through the following condition:

AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

**KCC Flood and Waste Water:** The application under the above reference number falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee. Notwithstanding the above, please feel free to contact us again if you consider there to be local flood risk issues on this site that may require further consideration.

**KCC Public Rights of Way:** No comment.

**KCC Ecology and 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) and the information submitted with the planning application, we advise that further information is sought.

Habitats and features (including trees, hedgerow and grassland) are present on and around the site, indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision. As such, a preliminary ecological appraisal (PEA) must be undertaken by a suitably qualified ecologist, in accordance with

good practice guidelines. The PEA will assess the ecological features within and around the site and identify if there is a need for further ecological surveys to be undertaken.

Following the submission of a Preliminary Ecological Appraisal, KCC Ecology commented further.

"We have reviewed the ecological information submitted in respect of this application and advise that additional information is sought prior to determination of the planning application.

#### Reptiles and Biodiversity Loss

As stated within the report, the site's vegetation has recently been cleared. We highlight this is bad practice which could have resulted in a breach of wildlife legislation. The report states that reptiles (all species of which are protected) were present during a 2018 survey so this type/scale of site clearance is unacceptable.

The report also states that Arbtech Consulting Ltd recommended precautionary mitigation work be undertaken to ensure that reptiles are not directly killed or injured by proposed development works. KCC Biodiversity was satisfied with the recommendations made by Arbtech and suggested that there should be a condition to secure the proposed receptor area. The location of the previously proposed receptor area is illustrated in Appendix VIII. During the current assessment, the site had been cleared but there was no evidence of newly constructed hibernacula. The area proposed as a receptor location was partially covered by a spoil heap".

The current proposed development plan does not feature habitat for reptiles and seemingly disregards previous advice. As reptiles are likely to be present in the wider landscape, likely to use the site in its current state to bask and because previous advice was not adhered to, we advise that the design of the development is revised to feature a reptile receptor site, as previously proposed.

In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. Additionally, local authorities have an obligation to maintain and enhance biodiversity in alignment with section 40 of the NERC Act (2006). This reinforces the need for a suitable area of habitat on-site, which will act to negate the loss caused by the development. Details of any areas of created habitat should feature management prescriptions and disclosure of who will enact future management.

We advise that the above information is provided prior to determination of the application.

Further information was provided and the following comments made:

This receptor site is not only very small and shaded (no good for reptiles, which need sunlight), there is no information on how it would be enhanced, managed, etc. The F/TH/18/0729 receptor site was small but not this small, and at least habitat clearance hadn't happened yet.

There's not a lot that can be done to address this likely breach of wildlife law/loss in biodiversity without either a redesigned development to feature a larger receptor site, management prescriptions, an S106 agreement, etc or simply refusing the application.

**TDC Contamination Officer:** Following review of the Phase 1 & 2 reports submitted in support of the application for the erection of 3No 2-bed single storey dwellings at the above, outstanding risks from elevated TPH concentrations in made ground have been identified in the revised RA.

As such, remedial measures have therefore been proposed to remove fill material and replace with inert cover and a proprietary geo-membrane. As such I would be grateful if the following conditions are added to safeguard the development should planning permission be granted:

Remediation:

No development approved by this planning permission shall take place until a remediation strategy, that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to, for approval by, the local planning authority:

1. An options appraisal and remediation strategy, based on the site investigation and the detailed risk assessment submitted with the application, giving full details of the remediation measures required and how they are to be undertaken.
2. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Verification:

Prior to occupation of any part of the development, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Watching Brief:

If, during development, significant contamination is found or caused at the site, then 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.

REASON: 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 NPPF.

**TDC Conservation Officer:** Following a review of the above application I would like to state that I have no objections and believe there to be a level of less than significant impact to the nearby listed asset.

## COMMENTS

The application is brought before Members as a departure to policy SP25 of the Thanet Local Plan, as the site is located within the green wedge.

### **Principle**

Policies SP01 and HO1 set out that new housing development should be located within the urban confines. Policy SP24 seeks to resist the provision of isolated homes in the countryside. Policy SP25 sets out that within the green wedges, development will only be permitted where it is not detrimental or contrary to the aims of safeguarding areas of open countryside in order to maintain physical separation and avoid coalescence of the towns, conserving and enhancing the essentially rural and unspoilt character and distinctive landscape qualities of the countryside that separates the urban areas, and increasing access without compromising the integrity of the green wedges. Otherwise development in the green wedge should be demonstrated to be essentially located there. It is also noted that the Council has failed the Housing Delivery Test (February 2021) and, as such, is subject to the presumption of sustainable development as set out in paragraph 11 of the National Planning Policy Framework.

The site is located within the green wedge and there would usually be an in-principle objection to the provision of housing/new development in this location. However, in this instance, the previous consent granted on appeal in July 2019 for the 4 dwellings is extant and given this it is considered that the principle of residential development on the site may be acceptable subject to the consideration of the impact of the proposal.

### **Character and Appearance**

Paragraph 127 of the National Planning Policy Framework (NPPF) states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible.

Policy SP25 of the Thanet Local Plan sets out that one of the aims of the green wedge designation is to conserve, protect and enhance the essentially rural and unspoilt character, and distinctive landscape qualities of the countryside that separates the urban areas. Policy

SP26 identifies the site as lying within the St Peters Undulating Chalk Farmland landscape character area, where the area is important for long distance views and settlement separation, providing value for roosting and coastal birds. Development in this area should therefore demonstrate how its location, scale and design will conserve and enhance Thanet's local distinctiveness and respond to the key sensitivities of the site, avoiding skyline intrusion and maintaining the gaps between the towns and villages.

Policy QD02 outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Residential development should not cause harm to the intrinsic value of the site as an open space and proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

Plots 3-5 would see development sit along the southernmost part of the site and maintain a fixed boundary demarcating the open countryside and the urban edge. This would not extend beyond the area of the previous consent and would not result in any further encroachment into the countryside or the green wedge, maintaining the established boundary previously agreed by the Planning Inspectorate and forming a small cul-de-sac.

The proposed dwellings across these plots would be smaller in scale than those previously approved, being bungalows rather than two storey dwellings, and would offer an improved overall relationship with the countryside location and ensure compliance with the broad aims of policy SP26. The design and material finish of the properties, along with the reduced scale, would assimilate with the approved designs of dwellings granted on appeal and would create a sense of place and certain amount of uniformity between the buildings.

Although Plots 3 and 4 would have a different overall feel, being semi-detached they would be located to the rear of the site and in line with Plot 5. The five properties overall would, therefore, be read together and this pattern is not materially different to semi-detached pairs seen to the north on College Road. The change from two 2 storey dwellings to three bungalows in this location would offer more visual consistency across the development and would not be likely to have a significant adverse impact on the character or appearance of the surrounding area.

Although some views may be possible from the public right of way to the south, this would be more than 100m from the area and there would be planting and natural vegetation as part of the scheme across the rear, creating a soft edge. Broad details of the landscaping arrangements have been provided, however to ensure that the development is appropriately landscaped and assimilates with its sensitive location, a condition for planting and landscaping should be imposed on any grant of consent.

Overall, it is noted that the proposed development would have a similar footprint as that of the previous approved development of 4 units, but would comprise all bungalows instead of the mix of bungalows and houses from the previous scheme. The introduction of bungalows to the southern boundary of the site is welcomed as it would help to minimise the impact of

built form on the surrounding countryside and green wedge. As such, it is considered likely that the impact of the development on the surrounding area and green wedge would be the same, or indeed no worse than that from the extant scheme granted on appeal.

## 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 of the NPPF requires that developments should ensure a high standard of amenity for existing and future users and indicates the importance of using the nationally described space standards to assess this in the context of new dwellings. These have been incorporated into policy QD04 of the Council's Draft Local Plan.

Policy QD02 outlines that new development should be compatible with neighbouring buildings and spaces, and should be inclusive in its design for all users. It should improve people's quality of life by creating safe and accessible environments and promote public safety and security. Policy QD03 outlines that new development must not lead to unacceptable living conditions through overlooking, noise, vibrations, light pollution, overshadowing, loss of natural light or a sense of enclosure, and that new development should be of an appropriate size, layout and incorporate clothes drying and bin storage facilities as well as play space. Policy GI04 sets out that new family dwellings will be expected to incorporate garden space in order to provide a safe "doorstep" play area. Policy QD04 states that all new development should meet the Nationally Described Space Standards (March 2015).

The Nationally Described Space Standards break down the technical requirements that must be met for new dwellings. They require that a 2 bed 3 person dwelling (Plots 3 and 4) have an internal floor area of no less than 61 sq.m. Single rooms must have a floor area of at least 7.5 sq.m with a minimum width of 2.15m. Double rooms are required to have a minimum floor area of 11.5 sq.m and a minimum width of 2.75m. The overall internal floorspace for these two units is annotated on the plans to be 61.7 sq.m each, however when scaled it appears these are 59.95sq.m, very marginally under that expected. The difference here is very modest and is not considered to result in harm to the living conditions of future occupiers. All bedrooms would be of a good size, above that required, and they would have an appropriate layout. All habitable spaces would benefit from light, outlook, and ventilation, and each unit would have some private outdoor amenity space. The arrangement of spaces between the two properties would be mirrored, ensuring compatible uses along the party wall.

For a 2 bed 4 person dwelling (Plot 5), the property is required to have an internal floor area of no less than 70 sq.m. Double rooms are required to have a minimum floor area of 11.5 sq.m and a minimum width of 2.75m. The overall floor area for this unit would be met at just over 70 sq. m, the front bedroom would be undersized at around 9.4 sq. m. This is considered to be a small amount and would be suitable as a larger single room or a smaller double. All habitable rooms would benefit from light, outlook, and ventilation and would provide a suitable standard of accommodation for future users. This plot, like the others,

would have some private rear amenity space, parking and cycle storage. Space for clothes drying would also be available within the rear curtilages.

Bin storage would be to the rear of each plot and capable of accommodating the required amount of refuse facilities. Although Officers recognise that the collection point is some distance from Plots 3-5, this location has, however, previously been considered and approved by the Planning Inspectorate as acceptable.

Overall the proposed works would allow for a sufficient and suitable level of amenity for future occupiers, in accordance with the Nationally Described Space Standards and policies QD02, QD03 and QD04 of the Thanet Local Plan.

In terms of the impact upon neighbouring amenity, the reduced scale from two storey dwellings to single storey bungalows would be likely to reduce any likely impact on neighbouring amenity. The new dwellings would be more than 30m from the rear of properties to the north on College Road, and would not be expected to result in any overbearing, sense of enclosure, loss of light or overlooking as a result. Some outlook may be changed in this location, however the single storey nature of the proposed dwellings would prevent any real harm or material change given that properties along this part of College Road are generally two storey.

Whilst there may be some additional noise and disturbance generated on the site from the presence of three independently occupied dwellings, this is not considered to have a materially different impact to the approved two larger properties, as to warrant refusal of this application. The residential use of this site has already been approved and some level of noise and comings and goings would therefore be expected.

The new units proposed would be located between 17m and 21m from the rear walls of Plots 1 and 2, which are part of the extant consent granted on appeal, which would be set behind established boundary treatments (the subject of a condition). As a result the works are not likely to result in any new harm in this location or cause harm to the living conditions of future occupiers across these plots.

In terms of the relationship between the three units proposed, the semi-detached pair would have a slight variance in the building line, with the unit on Plot 3 set forward of Plot 4. This would be by a small amount (at around 0.7m) and is not considered to result in any loss of light or overbearing given the relationship between the two, the intended layout, and orientation of sunlight.

A window would be inserted into the eastern flank of the unit on Plot 5, adjacent to the side wall of the unit at Plot 4. This would serve a bathroom and is likely to be obscurely glazed. However, if it were not, there is no opening proposed in the west facing flank of unit 4 that would be affected.

Finally, the provision of additional accommodation is likely to create pressure on the environment and on the provision of water supply. The Council is committed to tackling the climate emergency and addressing the identified water stress across the district, and therefore conditions should be placed on the application requiring the construction of the

development in accordance with a high standard of energy efficiency, and to meet the required technical standards for water efficiency, in accordance with policies QD01 and QD04 of the Thanet Local Plan.

Overall the works are unlikely to result in harm to neighbouring occupiers to the north. There are no habitable spaces to the east, south or west. The proposed units would all be of a sufficient size and layout as to provide a suitable standard of accommodation for future occupiers and would provide outdoor amenity space, cycle storage, bin storage, and space for clothes drying facilities. The development would therefore be in accordance with the aims of policies SP22, QD02, QD03 and QD04 of the Thanet Local Plan and the guidance of the NPPF.

### **Drainage and Flood Risk**

Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from those areas at highest risk (whether existing or future). Policy CC02 of the Thanet Local Plan requires that new development manage surface water using sustainable drainage systems wherever possible.

The site is located within flood zone 1 (land having a less than 1 in 1,000 annual probability of river or sea flooding) as shown on the Environment Agency's Flood Risk Maps and given that the site is less than a hectare in size there is no requirement for the applicants to submit a Flood risk Assessment. The proposed dwellings would occupy a relatively small part of the application site leaving the area around the site free to absorb water. Given the above, it is not considered that the proposed development would cause flooding on site or in the surrounding area.

Full drainage details have been provided during the consideration of the application. Southern Water has been consulted on the application and raises no objection to the proposal and it is, therefore, appropriate to condition that the development is carried out in accordance with the submitted drainage details.

### **Contamination**

The site lies within an area of contaminated land. Policy SE03 of the Thanet Local Plan sets out that proposals that would enable contaminated sites to be brought back into beneficial use will normally be permitted so long as the site can be rendered suitable for the proposed end use in terms of the impact on human health, public safety and the environment.

The Council's Contamination Officer has reviewed the submitted reports pertaining to contamination and requests that conditions relating to site remediation, verification and a watching brief for the disturbance of any contaminated parts are attached to any grant of planning consent.

These conditions are considered reasonable and meet the tests for conditions. Subject to these safeguards, the works are considered to be acceptable and to accord with the aims of policy SE03 of the Thanet Local Plan.

### **Archaeology**

Thanet is an area rich in archeology, with a long history of trade, settlers and invasion and defence given its former island status and proximity to Europe. Paragraph 190 of the NPPF sets out that LPAs should avoid or minimise any conflict between a heritage asset's conservation and any aspect of a proposal. Policy SP36 of the Thanet Local Plan sets out that the Council will support, value and have regard to the archaeological significance of heritage assets by protecting the historic environment from inappropriate development. Policy HE01 sets out that the Council will promote the identification, recording, protection and enhancement of archaeological sites, monuments and historic landscape features and that development proposals adversely affecting the integrity or setting of Scheduled Monuments or other heritage assets will normally be refused. Where development would be likely to affect a site of archaeological importance, preservation in situ will be sought. If this is not possible or justified appropriate investigation and recording will be required.

KCC have commented on the application and advised that remains of Roman date have been reported close to the site and to the south around St Peter's Footpath. Furthermore the site was the location of a pumping mill (a tower mill used for pumping water) that was constructed c.1874 with the tower being demolished before 1933.

Having regard to the potential for remains across the site and within the surrounding areas, it is recommended that if permission is granted for the works that a condition be imposed for a programme of archaeological works.

It is considered that the proposed safeguarding conditions would allow any impact from the proposed development on archaeology to be appropriately managed and mitigated in accordance with Policy HE01 of the Thanet Local Plan.

### **Ecology and Biodiversity**

Paragraph 175 of the NPPF sets out that when determining planning applications, LPAs should apply the following principles:

- a) if significant harm to biodiversity resulting from a 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;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Policy SP30 of the Thanet Local Plan sets out that development proposals will be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets through the restoration / enhancement of existing habitats, the creation of wildlife habitats, the creation of linkages between sites to create local and regional ecological networks, the enhancement of significant features of nature conservation value, the protection and enhancement of valued soils, and by providing mitigating against the loss of farmland bird habitats. It goes on to set out that for sites where important biodiversity assets, including protected species and habitats including SPA functional land, or other notable species, may be affected, an ecological assessment will be required to assess the impact of the proposed development on the relevant species or habitats. Planning permission will not be granted for development if it results in significant harm to biodiversity and geodiversity assets, which cannot be adequately mitigated or as a last resort compensated for, to the satisfaction of the appropriate authority.

An ecological appraisal was undertaken for this site in August 2018 and reviewed by KCC Ecology, who were happy to support the ecological mitigation and enhancements proposed at that time. Since then an up to date survey has been requested which sets out findings that the site has already been cleared and has open excavations and spoil heaps. KCC Ecology have raised concerns that they consider the newly proposed receptor site to be inadequate in terms of its location, size, potential for shading, and lack of management plan.

The proposed location for the site remains as previously proposed, and agreed by the Planning Inspectorate. This has not changed and the Council would not be reasonable in seeking to resist the development on the basis of a receptor site in the same location as previously considered suitable.

KCC Ecology's comment on potential for shading are noted, however, the proposal has gone from 2 two storey dwellings to three single storey, with lower heights and therefore, on balance, there is likely to be less shading in this location. It is appreciated that there is some reduced size proposed as a result of changes to the scheme when compared with the last, however the Inspector did not comment on the need for a particular size previously, nor condition specifics in relation to size or management. If the site has already been cleared then a large receptor site is unlikely to now be required and the proposed provision is not likely to be problematic enough as to warrant refusal of the current application. Some mitigation has been provided and this is considered, on balance and having regard to all the facts of the matter, sufficient at this time.

## **Highways**

Paragraph 102 of the NPPF requires that transport issues be considered at the earliest stages of plan-making and development proposals. Paragraph 110 states that development should give priority to pedestrian and cycle movements, facilitate access to public transport, address the needs of people with disabilities and allow for efficient delivery of goods or access by service and emergency vehicles.

Policies SP43, QD02, TP02, and TP03 of the Thanet Local Plan set out an expectation that developments will facilitate and promote safe walking, cycling, and use of sustainable transport methods in ensuring that proposals incorporate a high degree of permeability. Policy TP06 outlines that proposals will be expected to make satisfactory provision for the parking of vehicles.

The proposal would include access off of College Road, a total of 6 private parking spaces and one visitor space, along with turning circles, and cycle storage for each unit. Pedestrian paths and access points are provided and subject to safeguarding conditions suggested by the Highway Authority in relation to a construction management plan, the provision of appropriate access, visibility splays and a bound surface for the first 5m of development, measures to prevent the discharge of surface water onto the highway, limitations on the gradient of the access and the provision and retention of all parking and cycle storage facilities, the works are considered to be acceptable and in accordance with the aims of policies SP43, QD02, TP02, TP03 and TP06 of the Thanet Local Plan, and the guidance of the NPPF.

### **Planning Obligations**

European sites are afforded protection under the Conservation and Habitats and Species regulations 2010 (as amended the Habitat Regulations) and there is a duty placed upon the competent authority (in this case TDC) to have regard to the potential impact that any project may have on those sites. Projects (therefore planning applications and prior approval) can only be permitted having ascertained that there will be no adverse effect on integrity of the protected area, either alone or in combination with other projects or plans.

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified. Thanet District Council has produced 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 Council has carried out an appropriate assessment on the development in accordance with the Conservation of protected species and Habitat Regulations.

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 recreational activities) policy SP29 of the Thanet Local Plan requires a financial contribution for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations. This is in the form of a financial contribution of £960.

This application includes a Unilateral Undertaking (UU) which provides the required financial contribution to mitigate the additional recreational pressure on the SPA area, in accordance with the tariff set out in Table 8 of the Local Plan, and the overall mitigation strategy required by policy SP29 of the Thanet Local Plan.

## **Conclusion**

Overall the principle of the works has already been accepted and an extant consent exists for the development of the site. Although the works would involve one additional dwelling, the proposed design, scale, and finish are all considered to offer a better scheme than previously approved, and to assimilate better with the site's countryside location. It is considered that the current scheme has the same, if not less of an impact on the green wedge that the extant scheme allowed on appeal. Subject to the additional landscaping details the works are considered to be acceptable in relation to their character and appearance. It is also noted that the additional residential unit would make a contribution to the district's housing supply, albeit limited given that it is only 1 unit above that previously approved, when the Council is currently in presumption in favour of sustainable development as the Housing delivery test 2020 has not been met.

Given their location the proposed new dwellings are not considered likely to result in any harm to neighbouring living conditions and would provide a suitable level of accommodation for future occupiers, incorporating appropriate bin, cycle, and parking facilities into the scheme. A number of safeguarding conditions surrounding contamination, archaeology and ecology are all required to ensure the development does not cause harm to the environment or the public, and subject to these, the works are considered by Officers to be acceptable. In view of the above, this application is recommended for approval.

## **Case Officer**

Vicky Kendell

## **Background Papers**

Annex 1 – Planning Appeal Decision F/TH/18/0729

TITLE:

F/TH/20/1508

Project

Land Rear Of 177 College Road MARGATE Kent

