

D10

F/TH/23/0983

PROPOSAL: Erection of 2no. two storey, two bedroom semi detached dwellings with associated parking

LOCATION: Land Between 47 And 49 Rose Gardens Minster RAMSGATE Kent

WARD: Thanet Villages

AGENT: Mr John Payne

APPLICANT: Leigh James

RECOMMENDATION: Defer & Delegate

Defer and delegate for approval subject to the receipt of a satisfactory signed legal agreement to secure the contributions towards the SAMM project within 6 months and the following safeguarding conditions:

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

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 1995/05 Rev F, 1995/06 Rev E, 1995/07 Rev B, 1995/08 Rev A, received 04 October 2023, 1995/02 Rev B, 1995/03 Rev F and, 1995/04 Rev F received 19 October 2023.

GROUND;

To secure the proper development of the area.

3 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 protect the district's groundwater, and to ensure the development is served by satisfactory arrangements for the disposal of surface water ,in accordance with Policies SE04 and CC02 of the Thanet Local Plan and advice contained within the NPPF.

4 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

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.

5 The dwellings hereby permitted shall be constructed using white render, cedar cladding and concrete roof tiles, in accordance with correspondence from the applicants agent received 21 October 2023 unless otherwise agreed in writing by the Local Planning Authority.

GROUND

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

6 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,
- o ecological enhancements to be provided within the site

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

GROUND

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

7 Prior to the first occupation of the development, the area shown on approved plan 1995/02 Rev F for the parking and manoeuvring 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.

8 The refuse storage facilities as specified upon the approved drawing numbered on approved plan 1995/02 Rev F 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.

9 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 1995/02 Rev F 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.

10 Prior to the first occupation of the development hereby permitted, details of the electric vehicle charging points to be provided within the development, including their location and design, shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be in the form of one active charging point per allocated parking space, and one active charging point per ten unallocated parking spaces. The electric vehicle charging points shall be provided prior to the first occupation of the development and thereafter maintained.

GROUND

To protect air quality, in accordance with Policy QD01 of the Thanet Local Plan and the advice as contained within the NPPF

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no windows or other openings shall be inserted in the front elevation of the dwellings hereby approved without the prior written permission of the Local Planning Authority.

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.

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 Prior to the first occupation of the development hereby permitted, the boundary fence adjacent to the footpath as shown on the approved plan numbered 1995/02 Rev F shall be provided and thereafter maintained.

GROUND

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

14 No piling shall be used in the construction of the foundations of the dwellings hereby approved.

GROUND

To protect the district's groundwater, in accordance with policy SE04 of the Thanet Local Plan and advice contained within the NPPF.

INFORMATIVES

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

Thanet District Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband.

Please be aware that your project may also require a separate application for Building Control. Information can be found at: <https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

Please ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:

<https://www.thanet.gov.uk/info-pages/planning-conditions/>

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

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.

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.

SITE, LOCATION AND DESCRIPTION

The site is located at the north western end of Rose Gardens and has an existing vehicular access between 47 and 49 Rose Gardens. The site is currently overgrown and enclosed by temporary fencing. The northern boundary of the site opens onto a parking area that is accessed from Brockmans Close. A footpath runs between Rose Gardens and Brockmans Close. The western end of Rose Gardens immediately surrounding the site is characterised by modest semi-detached bungalows. Due to the position of the site, behind 47 and 49 Rose Gardens, and without a direct frontage to the highway, it would be considered a backland location.

RELEVANT PLANNING HISTORY

There is no planning history for the site.

PROPOSED DEVELOPMENT

The initial application proposed the erection of 2 two storey, two bedroom semi-detached dwellings with associated parking.

Following concerns raised by officers regarding the impact of the development upon the character and appearance of the area, the neighbouring living conditions and highway safety amended plans were submitted. The amended plans have reduced the height of the dwellings, removed the front dormers, altered the proposed materials and amended the parking arrangements for the site.

The amended dwellings would be semi-detached with a barn hipped roof. Rooflights are proposed in the front and side roof slopes and a flat roof dormer is proposed at the rear. The dwellings would be constructed from concrete roof tiles, cedar cladding and white render. The site would be accessed by the existing access between the footpath next to 47 Rose Gardens and 49 Rose Gardens. One parking space would be provided for each

dwelling and a visitor parking space would be provided in the site. Each dwelling would have a garden to the rear and cycle storage and bin storage would be accommodated in the site.

DEVELOPMENT PLAN POLICIES

SP01 - Spatial Strategy - Housing
SP13 - Housing Provision
SP14 - General Housing Policy
SP22 - Type and Size of Dwellings
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
SP31 - Biodiversity Opportunity Areas
SP35 - Quality Development
SP37 - Climate Change
SP43 - Safe and Sustainable Travel
SP44 - Accessible Locations
CC01 - Fluvial and Tidal Flooding
CC02 - Surface Water Management
GI04 - Amenity Green Space and Equipped Play Areas
GI06 - Landscaping and Green Infrastructure
HE01 - Archaeology
H01 - Housing Development
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
SE04 - Groundwater Protection
SE05 - Air Quality
SE06 - Noise Pollution
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

Four letters of objection have been received raising the following concerns regarding the initial plans:

- * Design of the dwellings
- * Impact upon the character and appearance of the area
- * Loss of privacy
- * Noise and disturbance
- * Increase in pollution
- * Light pollution
- * Highway Safety

- * Access for emergency vehicles
- * Access to neighbouring properties
- * Loss of outlook
- * Loss of light
- * Overdevelopment
- * Scale of development
- * Contrary to policy
- * Need for development
- * Loss of a view
- * Increase in anti-social behaviour
- * Loss of allotment
- * Alternative development would be more suitable for the site
- * Double yellow lines should be put in place
- * Development is for profit

10 letters of support have been received raising the following points regarding the initial plans:

- * Need for housing in the area
- * Land is an eyesore
- * Use of an empty site
- * No impact upon the area
- * No impact upon neighbouring properties
- * Good access to the site
- * Mix of dwellings in the area
- * Local school is undersubscribed
- * Development would support local shops
- * No increase in noise and disturbance
- * Obscure windows could be used
- * Following the submission of amended plans an additional consultation was completed
- * Seven letters of objection were received raising the following concerns on the amended plans:

- * No significant change to the development
- * Overlooking
- * Loss of privacy
- * Cramped development
- * Inadequate parking
- * Proximity to the footpath
- * Increase in pollution
- * Impact upon the character and appearance of the area
- * Loss of light
- * Overdevelopment
- * Noise and disturbance
- * Access for emergency vehicles
- * Design of the dwellings
- * Impact upon safety
- * Noise and disturbance during construction
- * Impact upon health
- * Highway safety

- * Development is for profit
- * Four letters of support were received raising the following points on the amended plans:
- * No impact upon privacy
- * Developer has south to address
- * Improvement to the character and appearance of the area

Minster Parish Council - Further comments received 18 October 2023

With regard to the above AMENDED planning application, Minster Parish Council have NO OBJECTION to the amendments.

Initial comments received 22 August 2023

Minster parish Council SUPPORT this application, subject to clarification of a suitable construction management plan via Brockmans Close car park and the resolution of the parking issue raised by Kent highways.

CONSULTATIONS

KCC Highways – “ One of the parking spaces has been removed, which equates to 1.5 parking spaces per dwelling, with one space allocated per dwelling. The parking spaces measure 2.5 metres x 5 metres which is acceptable. Tracking has been submitted, to demonstrate that vehicles can enter and exit the site in a forward gear, which is acceptable.

I suggest the following conditions:

Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans 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.

Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (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”

Initial comment

The proposal seeks to provide 2 x 2 bed dwellings with 2 parking space for each dwelling. IGN3 parking standards require 1.5 (1 allocated space) per unit, which would equate to 3 spaces.

That aside, all parking spaces should measure 2.5 metres x 5 metres, with sufficient space to enter and exit in a forward gear. The northern parking space for plot B does not have sufficient turning space available.

I suggest the removal of one of the parking spaces and the submission of tracking to illustrate that vehicles are able to enter and exit the site in a forward gear. The dimensions of all car parking spaces should also be annotated for the avoidance of doubt.

Natural England - No objection subject to securing appropriate mitigation.

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for the following European designated site[s], North Kent Special Protection Area (SPA). It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.

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

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

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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.

TDC Environmental Health - We don't have any comments to offer on this application; SPZ issues should be deferred to the EA as statutory consultee for groundwater contamination; usually as long as the drainage is all mains connected and hard standing for the cars they are unlikely to have concerns.

TDC Waste and Recycling - The waste and recycling would have to be presented at the top of the driveway where it meets Rose Gardens.

COMMENTS

This application has been called to Planning Committee by Cllr Bambridge for Members to consider the impact of the development upon the character and appearance of the area, overdevelopment of the site and the scale of the development.

This application has also been called to committee by Cllr Smith for Members to consider the impact of the development upon the character and appearance of the area, overdevelopment of the site and overlooking to the neighbouring properties.

Principle

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

Policy HO1 of the Thanet Local Plan states that residential development on non-allocated sites within the confines of the urban area can be granted where it meets other relevant Local Plan policies. The application site is located within the urban confines of Minster and would therefore accord with Policy HO1.

The principle of the development is, therefore, considered to be acceptable, subject to the consideration of all other material planning considerations.

Character and Appearance

Paragraph 130 of the 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 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 place that are safe, inclusive and accessible.

Policy QD02 of the Thanet Local Plan states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects.

The site is located within the Wantsum North Slopes Landscape Character Area as defined by policy SP26 of the Thanet Local Plan. This policy states that within the Landscape Character Area development proposals should demonstrate how their location, scale, design and materials will conserve and enhance Thanet's local distinctiveness. The Wantsum North Slopes 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.

The proposed dwellings would be set back from the highway behind the front elevation of 49 Rose Gardens and facing towards the side elevation of 47 Rose Gardens. Due to this position the proposed dwelling would be considered to be situated in a backland location. The site is visible from a number of public viewpoints including the car park to the north, the public footpath that wraps around the front of the site and the existing vehicular entrance to the site from Rose Gardens. The dwellings would be 0.36m higher than 49 Rose Gardens and 0.2m lower than 47 Rose Gardens. The neighbouring dwellings in Rose Gardens have direct street frontage, however there is variation to the building line in Rose Gardens and variation to the pattern of development in the surrounding area.

The agent has confirmed that the dwellings would be constructed from roof tiles to match the neighbouring properties with white render and cedar cladding. The neighbouring properties are similar in design to each other, however there is some variation in materials, with sections of render and cladding visible in the immediate vicinity.

The eastern end of Rose Gardens is characterised by semi-detached bungalows with pitched roofs and none of these neighbouring properties appear to have accommodation in the roof. The roof form of the proposed dwellings would be different to the neighbouring properties due to the barn hipped design, however following the submission of the amended plan, removing the front dormers, altering the roof tiles to match the neighbouring properties and demonstrating the height of the dwellings in relation to the neighbouring properties, the difference is not considered to be so different or prominent to result in significant harm to the character and appearance of the area.

An additional plan has been submitted during the application process confirming the height and design of the proposed boundary treatment. A 2m high timber fence would enclose the rear boundary and the side boundaries finishing level in a similar position to the eastern end of the proposed parking spaces. A 0.9m high timber fence would enclose the remaining part of the site in front of the dwellings and around the access. There are a variety of boundary treatments visible in the street scene. The taller sections of proposed fencing are located away from Rose Gardens and the lower sections, due to their height, would not require planning permission. It is therefore considered that whilst the proposed boundary treatment would be visible, it would not result in significant harm to the character and appearance of the area.

Block paving is proposed to the front of the site and gardens are proposed to the rear of the dwellings. Whilst this development would result in an increase in hard surfacing, driveways and off street parking areas are visible in the immediate area and therefore the proposed arrangement is not considered to be significantly harmful.

Overall it is considered that, whilst the proposed dwellings would have some visual differences to the neighbouring properties and would be visible from the public realm, the amended plans are not considered to be significantly harmful, and the impact of the development upon the character and appearance of the area must be weighed against the benefits of the development.

Living Conditions

The proposed dwellings would measure 5.7m high, 11m wide and 10.3m deep. At the closest point there would be a separation distance of 5.4m to the front boundary of the site, 6.4m to the rear boundary of the site, 0.9m to the southern boundary and 1.1m to the northern boundary. There is no direct neighbour to the north as this boundary is shared with a car park. There would be a separation distance of 13.4m to the side elevation of 47 Rose Gardens and there would be 35.2m to the closest rear neighbour, 27 Freemans Road. Given these separation distances the proposed dwellings are not considered to result in any significant loss of light or sense of enclosure to these neighbouring properties. A single storey side and rear extension has been approved to 49 Rose Gardens (Application reference FH/TH/22/1027) and is shown on the proposed plans. This extension is yet to be

built, however the permission is extant and should be given some weight in the determination of this application. Currently there would be a separation distance of 4m to the side elevation of 49 Rose Gardens from the southern side elevation of the proposed dwellings. There is a window in the northern side elevation of 49 serving a bedroom, however due to the angle of this neighbouring property and the setback of the proposed dwellings this window would face across the proposed parking area. The extension approved at this neighbouring property would be set on the boundary of the site and would have no windows in the side elevation on the boundary. The proposed dwellings would extend 2.4m past the rear elevation of the approved extension. The closest opening in the rear elevation of the approved extension is bi-folding doors. It is therefore considered that given the northern orientation of the site, separation distances, and the existing and approved arrangements of 49 Rose Gardens, the proposed dwellings are not considered to result in any significant loss of light or sense of enclosure to this neighbouring dwelling.

The amended plan proposed two windows in the ground floor front elevation and two rooflights in the front roof slope. A window and a door are proposed in each ground floor side elevation and bi-folding doors are proposed in the ground floor rear elevation. One rooflight is proposed in each side roof slope and two windows are proposed in the rear dormer. The proposed ground floor openings, due to their location and the boundary treatment proposed around the site are not considered to result in any significant overlooking. Due to the 35m separation distance to the rear neighbour the windows in the dormer are not considered to result in any significant overlooking to the rear neighbours. Any views from these windows the neighbouring properties on Rose Gardens would be at an obscure angle and are not considered to be significantly harmful. The proposed front and side rooflights would be set with a minimum cill height of 1.7m above the internal floor and are therefore not considered to provide any significant opportunity for overlooking.

There is an existing high level fence around the southern and western boundaries of the site and the proposed 2m high fence along the northern boundary would abut a parking area. Lower fencing extends along the boundary at the front of the site with 49 Rose Gardens. Temporary metal fencing currently separates the site from the footpath and would be replaced with 0.9m high fencing. Given the height and location of the proposed fencing and the existing arrangement, the proposed boundary treatment is not considered to result in any significant loss of light or sense of enclosure to the neighbouring dwellings.

The use of the site for two residential dwellings is not considered to result in a significant increase in noise and disturbance to the existing neighbouring properties.

Noise and disturbance during construction is considered to be temporary in nature and would be covered by other legislation outside of the planning system, however given the proximity to the existing dwellings a construction management plan is considered to be justified in this instance.

The proposed dwellings would meet the space standards set out in policy QD04 of the Thanet Local Plan and all habitable rooms would receive natural light and ventilation. The outlook for the front bedrooms would be restricted due to the height of the front rooflight, however this is a secondary bedroom and would still receive some outlook. All other habitable rooms are considered to receive an acceptable standard of outlook. An amenity

area would be provided at the rear of each dwelling and is considered to be secure doorstep garden space that would comply with policy GI04 of the Thanet Local Plan. The harm to the living conditions through the restricted outlook to the front bedroom must be weighed against the benefits of the development.

Transportation

The site is considered to be positioned in a sustainable location and would be accessed through an existing vehicular access from Rose Gardens. Following concerns raised by KCC Highways regarding the arrangement of the proposed parking area an amended plan was submitted reducing the number of spaces to three and demonstrating that vehicles can enter and exit the site in a forward gear. The amended number of parking spaces would comply with the guidance for this location and cycle storage would be provided in the rear gardens of each dwelling.

A footpath wraps around the front boundary of the site and concern has been raised regarding the potential for conflict between vehicles using the site and pedestrians using the footpath. An updated plan has been submitted during the application process indicating that a 0.9m high fence would separate the parking area from the footpath and 2m high fence would be erected along the northern boundary of the site.

The proposal would not impact on any existing property in regards to access for emergency vehicles, given its location. Fire safety requirements within the new homes will be subject to assessment under building regulations, with the furthest part of the new dwellings within 45metres distance (not a straight line) of the entrance to the site where a fire engine would be able to access.

As the proposed has been considered to provide an appropriate level of parking on site, it is not appropriate nor required to mitigate issues along Rose Gardens through conditions for a Traffic Regulation Order (TRO) to be enacted, however the development does not preclude a TRO for yellow lines coming forward in the future.

Given the low speeds vehicles are likely to be moving in the site, the separation between the site and the footpath, and that it has been demonstrated that there is adequate space for vehicles to turn and park in the site, this proposal is not considered to result in significant harm to highway safety in the area.

Biodiversity

The site appears to have been unused for a significant period of time as aerial images indicate the site was previously overgrown, however at the time of the site visit much of the site has been cleared and only low level growth was present. Given that there appears to be some management of the site and that it is located in an area surrounded by residential properties, it is considered to present limited potential for biodiversity. Block paving is proposed to the front of the site and gardens are proposed to the rear of the dwellings. Full details of the proposed landscaping and measures to improve biodiversity. Given the existing condition of the site and subject to conditions detailing the proposed ecological

enhancements, this proposal is not considered to result in significant harm to biodiversity in the area.

Financial Contributions

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified.

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

The applicant has provided a legal agreement securing the SAMM contribution and, therefore, it is considered that the impacts of the development upon the special protection area around the Thanet Coast would be sufficiently mitigated.

Other Matters

The site is located within the Groundwater Protection Zone as defined by policy SE04 of the Thanet Local Plan. This policy states that "Proposals for development within the Groundwater Source Protection Zones identified on the Policies Map will only be permitted if there is no risk of contamination to groundwater sources." The Council's Environmental Health Department have provided no comments as the site is not identified as contaminated and the erection of dwellings does not comprise Potentially contaminating development as defined by the Environment Agency. It is therefore considered that given the scale of the development and subject to a condition securing details of the proposed foul and surface water drainage and preventing piling being used in the construction of the foundations, this proposal is not considered to present a significant risk to protected groundwater.

Concern has been raised regarding the loss of the site as an allotment. The site is not allocated as an allotment in the Thanet Local Plan and therefore there is no policy protection for this use on the site.

Loss of a view is not a material planning consideration.

Concern has been raised regarding the potential increase in pollution as a result of the development. Given the use of the site for residential dwellings and the number of dwellings proposed, this application is not considered to result in any significant increase in pollution in the area.

Concern has been raised regarding the increased light pollution in the area as a result of the development. Given the proposed use of the site as residential dwellings and the location of the site, surrounded by residential properties, this proposal is not considered to result in any significant increase in light pollution.

The erection of two dwellings on the site is not considered to result in any significant increase in anti-social behaviour, harm to the safety of the existing residents or their health.

Comments have been submitted suggesting that alternative developments would be more suitable for the site, however the Council must consider that application and amendments that have been submitted as part of this application and it is not possible to consider alternative proposals as part of this application.

Developers profit is not a material planning consideration.

Conclusion

The Council cannot currently demonstrate a five year housing land supply. In the absence of a five year housing land supply paragraph 11 of the Framework is triggered and there is a presumption in favour of sustainable development. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

This application would provide two new dwellings on the site and provide a use for an empty parcel of land. This is considered to be a limited contribution to the district's housing supply. Following the submission of the amended plans, this application is not considered to result in significant harm to the neighbouring living conditions, highway safety, or biodiversity in the area.

The proposed dwellings would be visible from the public realm and the dwellings would have some visual difference to the neighbouring properties, however following the submission of the amended plan these differences are not considered to be significantly harmful to the character and appearance of the area, given the scale of the proposed dwellings and their location.

In terms of the living conditions for the future occupants, the outlook from the front bedroom would be restricted due to the height of the proposed rooflight, however as this is a secondary bedroom this harm is considered to be limited. The dwellings would be of an acceptable size, all other habitable rooms would receive an acceptable level of natural light, outlook and ventilation and secure doorstep playspace would be provided.

The benefits of providing two dwellings to the district's housing supply and re-using an empty site is considered to outweigh the limited harm to the character and appearance of the area and the living conditions of the future occupants, and therefore it is recommended that this application is deferred and delegated for approval subject to receipt of the legal agreement securing the SAMM contribution.

Case Officer
Duncan Fitt

TITLE:

F/TH/23/0983

Project

Land Between 47 And 49 Rose Gardens Minster RAMSGATE Kent

