

D06

OL/TH/22/0499

PROPOSAL: Outline application for the erection of 4No detached 4 bed dwellings including access, layout and landscaping

LOCATION: Land On The East Side Of Tivoli Park Avenue MARGATE Kent

WARD: Salmestone

AGENT: Ms Clare Wright

APPLICANT: Mssrs. E & D Biela & Watts

RECOMMENDATION: Defer & Delegate

Defer and delegate the application for approval, subject to the submission of a signed legal agreement securing the land transfer to KCC and the highways and SAMM contribution, and the following conditions:

1 Approval of the details of the scale and appearance of any buildings to be erected (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

GROUND;

As no such details have been submitted.

2 Plans and particulars of the reserved matters referred to in Condition 1 above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

GROUND;

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

GROUND;

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4 The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

GROUND;

In accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

5 To assess and mitigate the impacts of development on significant archaeological remains:

A) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.

B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.

C) Any agreed archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

D) Within 6 months of the completion of any agreed archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;

b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;

c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

GROUND:

To ensure that features of archaeological interest are properly examined and recorded in accordance with policies in the Local Plan and the National Planning Policy Framework.

6 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.

7 Intrusive Investigation

a) An intrusive investigation and updated risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

Human health;

Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;

Adjoining land;

Ground waters and surface waters;

Ecological systems;

(iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

b) If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

c) Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme 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. It shall also include details of longer term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

GROUND

To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

8 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, unless otherwise agreed in writing by the Local Planning Authority.

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.

9 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.

10 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.

11 The area shown on the approved plan numbered (2-)02 Rev B for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

GROUND

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

12 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. (2-)02 Rev B 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.

13 Prior to the commencement of any development on site, details to include the precautionary mitigation measures for bats, badgers, hedgehogs, and nesting birds set out in Section 11 of the Ecological Impact Assessment, along with the following, shall be submitted to, and approved in writing 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.

14 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 (2-)02 Rev B should be completed and made operational.

GROUND

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

15 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.

16 Prior to the first occupation of the development hereby approved, visibility splays of 2.4m x 33m to the west, and 2.4m x 30m to the east, shall be provided to the access on to Tivoli Park Avenue as shown on the approved plan no. (2-)02 Rev B, 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.

17 Prior to the first occupation of the development hereby permitted, a pedestrian footway into the site, as shown on the approved plan numbered (2-)02 Rev B, shall be provided and thereafter maintained.

GROUND

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

18 Prior to the commencement 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 SE05 of the Thanet Local Plan and the advice as contained within the NPPF

19 Prior to the commencement of development hereby permitted, a Method Statement for the removal of the existing abutment wall structure and construction of any slope abutting the highway, shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved method statement.

GROUND:

In the interests of highway safety.

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

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted (which shall be based upon the landscape strategy numbered 0132/21/B/1A, and shall include a minimum of 6no. replacement trees);
- the treatment proposed for all hard surfaced areas beyond the limits of the highway (which shall be based upon the landscape strategy numbered 0132/21/B/1A);
- walls, fences, other means of enclosure proposed;
- ecological enhancements to be provided within the site (which shall be based upon the landscape strategy numbered 0132/21/B/1A, and the ecological enhancements set out within section 12 of the Ecological Impact Assessment;

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.

21 All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority.

Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. 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 as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

GROUND

In the interests of the visual amenities of the area, biodiversity enhancement, and to adequately integrate the development into the environment in accordance with Policies QD02, SP30 and GI04 of the Thanet Local Plan

22 A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The amenity areas shall be managed in accordance with the approved landscape management plan in perpetuity.

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 and GI04 of the Thanet Local Plan

23 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2012 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected in the location shown on the submitted tree protection plan numbered L875TPP. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

GROUND

To Protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policy QD02.

24 Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall

- a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
- c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light
- d) Follows the precautionary mitigation measures set out in Section 11 of the Ecological Impact Assessment, and the recommendations within the Bat Conservation Trust's Bats and Lighting in the UK guidance.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

GROUND

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

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

26 The development hereby approved shall be carried out in accordance with the submitted drawings numbered (2-)02 Rev B, received 08 January 2024.

GROUND;

To secure the proper development of the area.

INFORMATIVES

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.

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.

It is the responsibility of developers to have the appropriate waste storage facilities and containers in place prior to the property being occupied. For more information, please contact Waste and Recycling on 01843 577115, or visit our website <http://thanet.gov.uk/your-services/recycling/waste-and-recycling-storage-at-new-developments/new-developments/>

SITE, LOCATION AND DESCRIPTION

The site is located to the north of Tivoli Park Avenue, close to the junction with Tivoli Road. To the west of the site is open amenity land, adjacent to which is Margate Lawn Tennis Club. Opposite the site is a wooded area within Hartsdown Park, and allotment gardens. Within Tivoli Road, properties are predominantly terraced and 2-storey in height, with some evidence of 3-storey properties and detached dwellings further along the road.

The site is undeveloped land, and is occupied by a number of trees, some of which are covered by a Tree Preservation Order (to the front and eastern side boundary of the site). The site has been cleared in the past and a number of trees removed, which were not protected. Adjacent to the site to the west is a footpath that leads through to Tivoli Play Area. To the north of the site is the embankment of the disused railway.

RELEVANT PLANNING HISTORY

No relevant planning history

PROPOSED DEVELOPMENT

The application is in outline form, for the consideration of access, layout, and landscaping only, for 4no. detached 4-bed dwellings. The access is located to the south of the site onto Tivoli Park Avenue. The four detached dwellings are located to the centre of the site. Each dwelling is provided with two parking spaces, and an additional visitor parking space is provided. Landscaping is provided in the form of new tree and hedge planting around the site, and nine of the TPO trees are being retained. Part of the site is being offered to KCC for off site highway improvement works to the Tivoli Park Avenue/Tivoli Road junction, required under the Thanet Transport Strategy.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP45 - Transport Infrastructure
HO1 - Housing Development
GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
HE01 - Archaeology
CC02 - Surface Water Management
SE04 - Groundwater Protection
SE05 - Air Quality
TP01 - Transport Assessments and Travel Plans
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. Six letters of objection have been received raising the following concerns:

- Access will cause highway safety concern,
- Lack of parking,
- Loss of green spaces,
- Loss of trees,
- Impact on wildlife,
- Increased flooding due to history of flooding in the area and increased hard surfacing,
- Doesn't provide affordable housing,

- Ecology report is out of date,
- Impact on foraging bats,
- Very few woodlands remaining in Thanet,
- Restrictive covenant on site when sold stating it should be used for recreational use only,
- No details on how waste water will be dealt with.

CONSULTATIONS

KCC Highways and Transportation -

(Final Comment)

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

Further to my previous comments, a plan has now been submitted demonstrating the extent of the highway boundary, and I am satisfied that the applicants land fully abuts highway land. Our main concern with this application was how the proposed highway improvements on Tivoli Road (a component of the Thanet Transport Strategy) could either be implemented by this application, or how land that falls under the applicants ownership could be safeguarded to ensure the proposed highway improvements can be implemented at a later date. As such the applicant is proposing to safeguard the land required by Kent County Council, so that it will be available at such time the Tivoli Road highway improvements come forward. A plan has been submitted within the Technical Note that demonstrates the land to be offered to KCC.

Should the Local Planning Authority be minded to approve this application, this land will need to be secured via S106 Agreement according to the extents shown on the indicative plans. The costs of drawing up the required S106 would also need to be covered by the applicant.

The applicant will be required to contribute towards the proposed highway works at this junction, which forms part of the Thanet Transport Strategy. We have had an indicative costing from our Highway Improvements team, which estimates the works to be in the region of £7000, which should be secured through a Section 106 Agreement and Index Linked. The indicative road improvements shown on the submitted plans would provide an improvement to the free flow of traffic movements on Tivoli Road and will facilitate the opportunity for the Local Highway Authority to review local traffic routing arrangements in the future, which is a key component of the Thanet Transport Strategy. A pedestrian crossing across Tivoli Park Avenue is also shown, which will improve pedestrian safety close to the nearby primary school.

Prior to any works being undertaken to remove the existing bridge structure, and to ensure that the applicants land that will abut the highway has been constructed to an appropriate standard, the applicant will need to seek Technical Approval from our Structures team. Annotations on the submitted drawing 19/055-134 Rev O indicate that the slope adjacent to highway land will be no higher than 1.44m within 3.66m of the highway, and this is

acceptable. However our Structures team will need to review this and approve a Method Statement prior to any works commencing. I am satisfied that this can be covered by either a condition or planning obligation.

I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority.

(Initial Comment)

Thank you for your consultation in relation to the above planning application. Kent County Council as the local highway authority (LHA) has the following comments to make with respect to highway matters.

This application site has been subject to pre-planning application dialogue with the LHA, however the development proposals subject to this application differs to those considered during the pre-application process.

Whilst the LHA is satisfied with the principle of the proposals and the proposed development scale is limited, the site is in a traffic sensitive part of the local road network and as such it would not be unreasonable for proportionate highway-based mitigation to be sought either through the provision of highway mitigation works, or land (and associated site accommodation works) to facilitate future highway improvements.

The indicative road improvements shown on the submitted plans would provide an improvement to the free flow of traffic movements on Tivoli Road and will facilitate the opportunity for the LHA to review local traffic routing arrangements in the future, which is a key component of the Thanet Transport Strategy. A pedestrian crossing across Tivoli Park Avenue is also shown, which will improve pedestrian safety close to the nearby primary school.

As stated above, the submitted development proposals differ to those previously discussed with the applicant, as such it is not clear from the documentation whether the geometrical alterations to the surrounding highway actually form part of this application. Whilst the indicated highway geometry is largely consistent with that discussed during pre-application process, the submitted drawings lack the required detail to fully assess what is included within the proposals and the supplementary literature provides no further clarity.

If the highway layout improvements do not form part of the application proposals, then the LHA would require an option agreement on the land that has been identified for the highway alterations, to be included as a prerequisite to any potential planning consent. A revised layout plan would also need to be produced to demonstrate how acceptable access arrangements can be achieved in relation to the existing highway geometry.

It is relevant to note that there appears to be some inconsistency between the proposed highway improvements and the current red line boundary, which indicates that some of the highway improvements would be within the curtilage of No 84 Tivoli Road. Therefore further clarification is required.

Other points the applicant needs to address are as follows:

Visibility splays of 2.4m x 43m would be required for the new access, drawn to the nearside carriageway edge

Plans demonstrating tracking for a 13m long refuse vehicle will need to be submitted to demonstrate that a vehicle of this length can access the site and enter and exit in a forward gear. However, refuse collection details have not been clarified in the submitted documents, and if a roadside collection is preferred then there is a maximum drag distance of 30m for residents and 25m for refuse operatives that the applicant must take into account.

Currently there is an illuminated road sign in the location of the proposed new access, which has not been indicated on the submitted plans. Dependant on clarification of the highway improvements here, this may need to be re-sited, at the applicants expense.

Tracking should also be demonstrated for the most northerly plot, to show that a family size car can access the parking spaces as currently demonstrated.

Bicycle storage would be required for each dwelling, at a ratio of one space per bedroom.

One electric vehicle charging point is required for each dwelling.

The LHA recommends that applicant seeks a Transport Consultancy resource to assist with this application, as further detailed drawings and a short supporting Transport Statement may be required to provide the necessary clarity in relation to highway matters.

The LHA would be grateful to receive any amended plans or additional information for my further consideration.

KCC Biodiversity - We have reviewed the ecological information submitted as part of this planning application and we advise that sufficient information has been provided to determine the application.

Designated Sites

With the exception of recreational pressure, we are satisfied that due to the distance of the proposed development site from the designated sites and the types of habitats within the site we are satisfied that the proposal is unlikely to result in a significant impact on the designated sites.

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

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

Habitat of Principle Importance

Prior to 2019's Preliminary Ecological Assessment (PEA) of the proposed site, some of the broadleaved woodland was cleared, which MAGIC maps search revealed is likely to be a habitat of principle importance. Impacts to habitats of principal importance / BAP priority habitats are: "Capable of being a material consideration in the...making of planning decisions."

(Paragraph 84, Government Circular (ODPM 06/2005)). We advise that the vegetation clearance resulted in a direct loss of priority habitat and could have resulted in a breach of wildlife legislation. We advise that the works should not have taken place in advance of any planning application.

We acknowledge that the current plans show some of the remaining woodland on the red line boundary are to be retained and the embankment in the northern part of the site to be enhanced through additional planting. We recommend that no more trees than necessary for the highway's works be removed from this priority habitat and the retained and enhanced habitat is actively managed.

Under the current designs, the remaining trees on the western red line boundary framing the gardens may create shade, their roots may cause issues with foundations, and a health and safety aspect needs to be considered. These are all potential reasons why future residents may want to have them removed/pruned so these need to consider the presence of the trees in terms of final designs and ensure that there will not be a subsequent removal of whole trees or excessively pruning/pruning of large branches by future residents. Final designs also need to ensure that areas being retained as trees/shrub habitat do not get absorbed into the garden space and that these are managed appropriately and can be accessed for maintenance.

Bats

Surveys of the remaining trees on the site have low suitability for roosting bats due to thick ivy on the stems. The Bat Conservation Trust's guidance for low roosting suitability has been followed, where no follow up surveys are necessary but precautionary measures when removing trees have been recommended in Section 11 of the Ecological Impact Assessment (EclA). These need to be implemented during tree clearance works and incorporated in the

Construction Management Plan.

We understand that the retention of the wooded embankment and trees along the borders may provide suitable foraging and commuting opportunities if bats are in the area. However, future lighting from the proposed dwellings may impact on bats foraging and commuting. Currently there is no lighting plan or information submitted with the application and therefore if bats are present foraging/commuting within the site there is a risk that any lighting may have a negative impact. However, precautionary mitigation to minimise impacts of external lighting on bats is included in the EclA (Section 11). We recommend that details of the lighting are submitted as a condition of planning permission and are submitted as part of the reserved matters application. They must be designed to follow the precautionary

mitigation set out in the EclA and the recommendations within the Bat Conservation Trust's Bats and Lighting in the UK guidance.

Mammals

The surveys documented in the EclA state that there were no records or signs of badgers on site. Whilst the presence of badgers is unlikely, it cannot be ruled out. The EclA has set out precautionary mitigation for badgers in Section 11 and we recommend that if planning permission is granted measures these precautionary mitigation measures are incorporated in the Construction Management Plan.

Also, hedgehogs may be sheltering and foraging on site due to suitable habitat. We are satisfied that the proposed development will not significantly impact on local hedgehog populations. The EclA has provided precautionary mitigation for hedgehogs and, as with the badger precautionary measures, should planning permission be granted these should be incorporated into the Construction Management Plan.

Nesting birds

It has been identified in the EclA that the trees and shrubs on site offer suitable habitat for breeding birds. All breeding birds and their young are protected under the Wildlife and Countryside Act 1981 (as amended) and therefore we advise that if planning permission is granted, precautionary measures will need to be implemented to avoid impacting nesting birds and their young. The EclA has provided precautionary mitigation for nesting birds and, should planning permission be granted, these should be incorporated into the Construction Management Plan.

Ecological Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity". Many ecological enhancements have been suggested in the EclA and drafted into the Landscaping Detail. These include native tree and shrub planting along borders and wooded embankment, nectar-rich flower planting for invertebrates, log piles for invertebrates, small mammals and birds, integrated bat and bird boxes in buildings and boxes on trees. Suggested wording at the end of the report.

KCC Archaeology -

Archaeological Potential

Thanet is rich in archaeological remains, it's location at the gateway for the movement of peoples to and from the continental mainland has left rich, complex and often unique evidence of our past from prehistoric times to the present. Extensive buried archaeological landscapes can be seen in the fields of Thanet from the evidence of aerial photography and significant archaeological remains are regularly being encountered during investigations across the Isle.

The proposed development site lies in an area with significant archaeological potential. Extensive archaeological remains can be seen as cropmarks in the fields to the south of Hartsdown Academy including a number of ring ditches representing Bronze Age funerary monuments. Excavations at the Hartsdown Football Ground revealed significant Iron Age remains (amongst others) and the camber of a Roman road may cross Tivoli Park to the west of the present site. The remains of a possible Roman villa have been found to the north west on Tivoli Park Avenue.

Potential Impact

The development has been partially developed in the past through the embankment of the former railway that survives in its northern part. The remaining area in the south of the site has been less affected and mostly shown as open space albeit with some degree of landscaping and tree planting. New groundworks associated with development within this area could potentially affect significant archaeological remains given the potential of the area.

Recommendation

Given the above I do not raise an objection to the proposed development but recommend that provision is made in any forthcoming consent for archaeological evaluation to be followed by mitigation and / or further investigation as appropriate.

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

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme. - Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. 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 - Thanks for consulting Environmental Health on the above application and we offer the following comments and recommended conditions. Given the

proximity of the site at the disused railway line and possibility of contamination a contamination assessment is required at outline stage.

COMMENTS

The application is brought before members following a call in by Cllr Farrance (previous ward councillor), and Cllr Garner, to enable members to consider the impact upon ecology, loss of trees and potential for overdevelopment.

Principle

The Council has achieved a measurement of 73% for housing delivery against the identified housing targets in the 2022 Housing Delivery test results, which falls below the requirements set by the government under paragraph 79 and footnote 8 of paragraph 11 of the National Planning Policy Framework (NPPF). On this basis the Council are in presumption under paragraph 11 of the NPPF, which means when considering the planning application, planning permission should be granted "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be refused".

The proposal is for the erection of 4no. dwellings on land within the urban confines. Policy HO1 of the Thanet Local Plan permits new housing on non-allocated sites within the urban confines, and Policy SP01 states that the primary focus for new housing is the district's urban area. The site is not covered by any allocation policies. The principle of development is therefore considered to be acceptable, subject to other material considerations.

Character and Appearance

Policy QD02 of the Local Plan outlines that the primary planning 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. 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.

The application is in outline form only, with consideration of the access, layout, and landscaping. The matters of scale and external appearance have been reserved for future consideration, although a section plan has been submitted showing the potential scale of the proposed dwellings, but the agent has confirmed that this plan is not for consideration.

The proposed layout plan shows a new vehicular access provided onto Tivoli Park Avenue, with the provision of four detached dwellings. Each dwelling is provided with a rear garden and two off street car parking spaces, with one additional space provided for visitors.

The site is currently open space. It was originally council owned, but has since been sold at auction. The site has no allocation within the Thanet Local Plan, so whilst it constitutes open green space it is not allocated as 'open space' or 'local green space' within the Thanet Local Plan, and therefore there is no formal protection of this space. The loss of the open space can therefore only be considered under Policy QD02 in terms of the impact it would have upon the character and appearance of the area.

Protected Trees

The site was originally covered by a number of trees, but these were not covered by a Tree Preservation Order (TPO). A number of trees have been removed from the site, which did not require permission. The remaining trees have been assessed by the Council's Arboricultural Officer, and a TPO was placed on a number of trees along the southern and eastern boundary of the site in Tivoli Park Avenue and Tivoli Road.

An Arboricultural Assessment has been submitted with the application that considers the condition of the remaining trees on the site. No category 'A' trees are identified and only 5no. category 'B' trees are identified. The remaining trees are either category 'C' or unclassified.

The proposal provides a new vehicular access into the site from Tivoli Park Avenue, which affects the trees on the southern boundary, requiring removal of trees in the location of the access, and works to the trees where they fall within the visibility splays to the access. In addition, KCC requires part of the site for off-site highway improvement works, which will impact upon the TPO trees located closest to the highway. The Arboricultural Assessment takes into account both the proposed development and the required highway works, and identifies the trees that would need to be removed as a result. Of the five category 'B' trees only one tree would need to be removed, which is in the location of the proposed highway improvement works, which would need to take place whether or not this application were approved. Of the 15no. trees covered by a TPO, nine of the trees would be retained. Six trees would need to be removed as a result of the proposed access and highway improvement works.

The Council's Arboricultural Officer has been consulted, whose advised that whilst collectively the trees make a significant contribution to the character of the immediate area and local visual amenity, from previous site visits he knows that as individuals, many of the trees are in poor condition, and most have grown up in close proximity with each other (particularly along the Tivoli Park Avenue boundary) resulting in suppressed and unbalanced canopies, structurally reliant on the shelter of their neighbours. He advises that selecting individual trees for retention from within such tight groups is rarely successful, and therefore some of those currently proposed for retention is optimistic (e.g. two mature Sycamore trees, T's 15 & 16, from the line along the front boundary, and Sycamore T25 - all have unbalanced canopies).

The Arboricultural Officer advises that if the principle of development is acceptable for this site, at the density proposed, significant numbers of trees will need to be removed, both to facilitate construction and to provide acceptable conditions (light, proximity and as a result of increased site occupation or "target"), and the tree report represents a reasonable assessment and proposal. He states that there would be scope for new/replacement planting

as suggested by the Landscape Strategy plan, but it is difficult to get new planting established beneath existing trees (shade/root competition), which could result in further justification for extensive removals.

The removal of the trees will result in environmental harm, but this needs to be balanced against any benefits of the proposed scheme.

Impact on visual amenity of the area

The site is not allocated for housing, but there is a need for housing within the district, and therefore the provision of new housing on the site will result in social and economic benefits for the area. The applicant has previously sought pre-application advice for a much higher number of units, including flat development, but following planning officer advice in which they were advised about the concerns regarding tree loss and the character of the area, this application has been submitted which is in low density form for the provision of only 4no. detached dwellings. Given the location of trees on the boundary of the site, the layout of the proposed development provides for housing to the centre of the site, which prevents street frontage development. The surrounding area is predominantly characterised by 2-3 storey terraced units, with a few detached units also identified. The proposed development would not comply with this surrounding pattern of development, but this is not a concern as the site is unique in its character, being located adjacent to open amenity space and Margate Lawn Tennis Club, and opposite a wooded area within Hartsdown Park and allotment gardens. Therefore any development on the site would need to be low density to act as a transition site from the higher density terraces within Tivoli Road to the open space surrounding the site. The loss of the space itself is not considered to be detrimental to the character of the area, given the extent of open space remaining adjacent to and opposite the site, but the retention of trees and the soft landscaped appearance of the site is considered to be an important characteristic of the site, which should remain. The provision of only four detached units within the site, where there is spacing between the units, and opportunity for new landscaping to enhance and reinforce the existing landscape, is considered to be an acceptable approach for the site.

The proposed footprint of the dwellings are modest in size, and are expected to be 2-3 storey in height, subject to their design, which has been reserved. They are each provided with garden space to the rear, and space to the front for refuse/cycle storage. In terms of parking, a parking court is located opposite the proposed dwellings, served from the internal access road. Further information has been sought regarding the hard surfacing material within the site and proposed landscaping, and a revised landscaping plan has been submitted. The plan shows that the access road will be constructed using grasscrete. The parking areas and footpath are not clear at this stage, but based upon the key within the plan are expected to be paving. The soft landscaping includes new tree and hedge planting along the southern and western boundary of the site, which includes native and flower rich species; ornamental shrubs and bulbs to amenity areas; new tree planting on the corner of the site to create a 'wooded feel' within a dense landscape buffer at a depth of 6-10m, with a double mixed row of mixed native hedge. The new planting will enhance the site and enable its character as a previously wooded site similar to that opposite to be maintained alongside the new housing proposed. The planting is therefore considered to help mitigate the harm

resulting from the loss of TPO trees and integrate the housing development into the visual context of the site.

The proposed layout and landscaping is therefore considered to be acceptable, and in accordance with Policy QD02 of the Thanet Local Plan.

Living Conditions

Policy QD03 of the Thanet Local Plan states that 'all new development should be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure; be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04; include the provision of private or shared external amenity space/play space, where possible; provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass'.

The site is located a minimum of 30m from the nearest neighbouring residential property, and as such there is not considered to be any impact upon neighbouring light, outlook or privacy, or any noise disturbance.

In terms of the future occupiers of the development, the units are stated on the plan as measuring 120sqm each, which would meet the nationally described space standard for a 4-bed 7-person 2-storey dwelling, or a 4-bed 6-person 3-storey dwelling. The proposal for 4-bed units would therefore comply with Policy SP29 of the Thanet Local Plan.

Each property is provided with a garden measuring 9-10m in depth, which achieves acceptable doorstep playspace, in accordance with Policies QD03 and G104 of the Thanet Local Plan. The gardens are not in overly close proximity to existing or proposed trees, and therefore significant shadowing of the gardens is not considered likely to result in unacceptable living conditions being created.

In terms of waste collection, each property would be provided with space to the front for refuse storage, which will be collected by a private waste company.

The impact upon existing and future residents is therefore considered to be acceptable, and in accordance with Policy QD03 of the Thanet Local Plan.

Transportation

The application proposes a new vehicular access into the site from Tivoli Park Avenue, and parking in the form of 2no. spaces per dwelling, with an additional visitor parking space.

KCC Highways originally raised concerns that visibility splays for the access of 2.4m x 43m had not been evidenced, along with tracking for a 13m long refuse vehicle, showing that it could turn within the site and exit in a forward gear. Other issues included the need for

electric vehicle charging, cycle storage and tracking for the parking serving the unit to the north.

A transport technical note has been submitted in response, along with associated plans and a road safety audit. In terms of the access and visibility splays, the transport note states that a visibility splay of 2.4m x 30m can be achieved to the south east, and the north west a visibility splay of 2.4m x 33m can be achieved. Whilst this falls below the requested requirement of 2.4m x 43m by KCC, this reduction is justified given the location of the access in relation to the junction with Tivoli Road, which will mean that car speeds will be lower in this location due to slowing down for the junction and turning into the road from the junction. KCC has raised no concerns with the proposed visibility splays provided, subject to a safeguarding condition securing them.

A pedestrian crossing has been proposed at the access into the site, with dropped kerbs and tactile paving, which will continue to support pedestrian movement along Tivoli Park Avenue. A pedestrian crossing across Tivoli Park Avenue is also shown as part of the off site highway improvement works, which will improve pedestrian safety close to the nearby primary school.

A road safety audit has been submitted, which has considered the potential impact from vehicles turning into Tivoli Park Avenue from Tivoli Road, and the impact should a car be waiting to turn into the application site. The audit has identified forward visibility of 25m from the junction, which they consider to be adequate to prevent an impact, and as such they advise no mitigation is required. KCC have raised no objections with the safety audit.

In terms of the vehicle tracking, tracking plans have been provided for a 8m long Box Van, a 7.7m long Fire Tender, and a 4.7m long estate car, showing that they can all enter and exit the site in a forward gear. Tracking has not been provided for a 13m long refuse vehicle, as there is not the space available for turning for this length vehicle; but the transport note confirms that the intention is to provide a refuse collection through a private company, which would use the smaller Box Vans that have been demonstrated as able to turn within the site. A condition securing the refuse collection in this form will be required in order to prevent future issues with the Council's Waste and Recycling team. KCC has raised no concerns with the tracking proposed on the basis that a private collection service will be provided.

In terms of other issues, the transport note confirms that each house will be provided with cycle storage and an electric vehicle charging point, in accordance with KCCs requirements.

The proposed access and layout is therefore considered to have an acceptable impact upon highway safety, in accordance with the NPPF.

Highway Improvement Works

The Thanet District Transport Strategy 2015-2031 includes land within the application site as necessary for highway improvement works. Figure 28 within section 9.6.10 identifies the junction of Tivoli Park Avenue and Tivoli Road for improvements in order to reintroduce two-way traffic flow on Tivoli Road. This improvement would help to reduce traffic queuing on Tivoli Road by providing a second lane that would allow vehicles heading towards Margate

Town Centre rather than Victoria traffic lights to gain access rather than queuing in a single lane of traffic with vehicles heading for the traffic lights.

In order to secure these junction improvements, part of the application site to the south and east is required to enable the road widening to take place. The applicant has agreed to offer the land to KCC for this purpose upon commencement of development.

In addition to this, KCC has requested a proportionate financial contribution of £7,000 towards the junction improvement works, which the applicant has also agreed to. This contribution will be secured prior to the first occupation of the development.

Both of these obligations will be secured within the required legal agreement prior to any permission being issued.

In order to secure the road widening, the existing abutment wall, which historically supported the bridge for the railway crossing, will need to be removed. KCC has requested a safeguarding condition requiring the submission of a method statement for its removal and any necessary mitigation for the land behind.

In considering the impact of the proposed development following the highway improvement works, the same visibility splays to the proposed access on Tivoli Park Avenue can be achieved, and therefore the highway improvement works do not impact upon highway safety for the proposed development.

Biodiversity

An Ecological Impact Assessment has been submitted with the application. The assessment has considered the potential for protected species within the site. In terms of bats, no potential roost features were visible, and due to the thick ivy on stems on some of the mature trees, roosting opportunities were considered to be of low suitability. The site is also considered to have moderate suitability habitat for foraging and commuting bats.

Within the assessment the site is considered to have a small amount of suitable habitat for dormice, unsuitable habitat for otters, brown hare, harvest mouse and reptiles, and no signs of badger.

Precautionary mitigation is recommended to avoid the risk of injury to roosting bats within the site, including trees being cut in sections and works to trees ceasing if any evidence of bats are found. Precautionary mitigation is also required for badgers, hedgehogs and nesting birds when clearing vegetation and during construction works.

Enhancement measures are also proposed within the assessment, and subsequent landscaping plan, including the planting of trees and hedgerow, native, flower rich plant species, creation of log piles within the planting areas, and the use of integrated bat and bird boxes.

KCC Biodiversity has been consulted, and advise that sufficient information has been submitted, but they recommend that no more trees than necessary for the highway's works

be removed from this priority habitat and the retained and enhanced habitat be actively managed. They accept the recommendations identified within the assessment, and advise that the precautionary measures recommended be included within a construction management plan condition. They further recommend an external lighting condition.

Subject to these safeguarding conditions the impact upon biodiversity is considered to be acceptable, and in accordance with Policy SP30 of the Thanet Local Plan.

Archaeology

No archaeological assessment has been submitted with the application. KCC Archaeology has been consulted, and advises that the proposed development site lies in an area with significant archaeological potential. Extensive archaeological remains can be seen as cropmarks in the fields to the south of Hartsdown Academy including a number of ring ditches representing Bronze Age funerary monuments. Excavations at the Hartsdown Football Ground revealed significant Iron Age remains (amongst others) and the camber of a roman road may cross Tivoli Park to the west of the present site. The remains of a possible Roman villa have been found to the north west on Tivoli Park Avenue.

Whilst the site has been partially developed in the past through the embankment of the former railway that survives in its northern part. The remaining area in the south of the site has been less affected and mostly shown as open space albeit with some degree of landscaping and tree planting. The proposed groundworks associated with the development within this area could therefore potentially affect significant archaeological remains given the potential of the area. A condition requiring an archaeological evaluation to be carried out, followed by mitigation and/or further investigation as appropriate is therefore recommended. Subject to this safeguarding condition the impact upon archaeology is considered to be acceptable, and in accordance with Policy HE01 of the Thanet Local Plan.

Special Protection Area Mitigation and Appropriate Assessment

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.

Thanet District Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM)', which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. 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) an appropriate assessment for every application proposing an increase in residential units must be undertaken and a financial contribution is required for all additional residential development to contribute to the district wide mitigation strategy. This approach is set out in the Local Plan under Policy SP29 (Strategic Access Management and Monitoring Plan (SAMM)).

The tariff for this contribution is provided in the SAMM report, and Policy SP29 of the Thanet Local Plan, and consists of £530 per 4-bed unit, resulting in a total of £2,120. The applicant has agreed to this contribution. As the applicant is the Council, a unilateral undertaking to secure this contribution cannot be submitted, but the contribution can be transferred to the planning department from the housing department prior to the issuing of any planning permission. Subject to this financial contribution being secured, the impact upon the Special Protection Area will have been appropriately mitigated, with the application complying with the habitat regulations. An appropriate assessment has been carried out on this basis.

Other Issues

Drainage

The applicant has advised on the application form that proposed drainage to serve the dwellings will be via a sustainable drainage system using a proposed soakaway. No details of proposed foul drainage have been provided.

Southern Water has been consulted and raise no objections, but advise that a formal application for connection to the public foul sewer should be made.

The impact upon groundwater and flood risk is therefore considered to be acceptable subject to the standard drainage condition.

Contamination

Environmental Health has advised that given the proximity of the site to the disused railway line, and therefore the possibility of contamination, a contamination assessment is required at outline stage.

Covenant

Concerns have been received from neighbouring residents that the principle of developing the land should not be allowed, as there was a covenant attached to the land that prevented future development.

This query has been reviewed by the Council's legal team, who have confirmed that the land was not sold subject to any restrictive covenants.

They've advised that the original conveyance contained a restrictive covenant restricting the use of the land as a public park garden, recreation ground or for allotments; but following investigation it was determined that the covenant was unenforceable, as the covenant appeared to be personal to the original covenantees, who had more than likely ceased to exist due the original covenant being made in 1923.

Furthermore, disposal of the land (application site) was advertised under Section 123 of the Local Government Act 1972, and no representations or objections to the disposal were received at the time. As such, it has been considered that the statutory function under the Act released the Council from its obligations to hold the land as public open space.

Given the above, it is the Council's view that the land has not been sold subject to any restrictive covenants.

In any case, there is case law that shows the presence of a problematic easement would not prevent a planning permission from being issued on the same site, as it is not a material planning consideration.

Conclusion

The site is located within the urban confines, and therefore the principle of development complies with Policy HO1 of the Thanet Local Plan.

The site is not protected open space or local green space, and the proposal retains a number of protected trees along the southern and eastern boundary of the site. The proposal is for a low density scheme of only four detached dwellings, of a scale and size that is likely to appear in keeping with the character and appearance of the area. Substantial landscaping is proposed within the site that will provide ecological enhancements and visual benefit. There are considered to be no impact upon neighbouring amenity or highway safety, and land and a financial contribution of £7,000 is being offered through the application, which will secure necessary off site highway improvements that are sought through the Council's Transport Strategy 2015-2031.

Whilst the proposal will result in the loss of open space and 6no. protected trees on the site, resulting in some environmental harm, the proposal will provide four family dwellings for which there is a need within the district, highway improvements necessary to the Council's transport strategy, and landscape and biodiversity enhancements within the remaining site.

On balance, the proposal is considered to provide a sustainable form of development, and it is therefore recommended that members defer the application for approval, subject to the submission of a signed legal agreement securing the land transfer to KCC, and the highway/SPA contribution.

Case Officer

Emma Fibbens

TITLE:

OL/TH/22/0499

Project

Land On The East Side Of Tivoli Park Avenue MARGATE Kent

