

# Public Document Pack

Date: 12 September 2016  
Ask For: Emily Kennedy  
Direct Dial: (01843) 577046  
Email: emily.kennedy@thanet.gov.uk



## PLANNING COMMITTEE

**21 SEPTEMBER 2016**

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 21 September 2016** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillor Evans (Chairman); Councillors: Jaye-Jones (Vice-Chairman), Bambridge, J Fairbrass, Fenner, Howes, Partington, Taylor, Tomlinson, K Gregory, Hayton, Buckley, Dawson and R Potts

## SUPPLEMENTARY AGENDA

Item  
No

Subject

4i **R09 - F/TH/16/0640 - 37 SEA ROAD, WESTGATE ON SEA** (Pages 1 - 12)

4n **D14 - F/TH/16/0952 - 131-137 KING STREET, RAMSGATE** (Pages 13 - 28)



Please scan this barcode for an electronic copy of this agenda.

This page is intentionally left blank

**R09**

**F/TH/16/0640**

**PROPOSAL:** Erection of a four storey building comprising 7no. 2-bed self-contained flats together with erection of first and second floor rear extension and front entrance ramp to existing building and creation of new vehicular access onto Sea Road

**LOCATION:** 37 Sea Road Westgate On Sea Kent CT8 8QW

**WARD:** Westgate-on-Sea

**AGENT:** Hume Planning Consultancy Ltd

**APPLICANT:** Royal School For Deaf Children Margate (RSDCM)

**RECOMMENDATION:** Refuse Permission

For the following reasons:

1 The proposed 4 storey block of flats would by virtue of its location directly in front of 'Ellingham', a Grade II listed building cause an obstruction to the open setting between 'Ellingham' and the sea which would diminish the status of 'Ellingham' within the conservation area. This would be further exacerbated by the design, size, mass and bulk of the proposed flat block which would be visually prominent in relation to 'Ellingham' causing significant harm to the 'setting' of the listed building and consequential harm to the character and appearance of the conservation area, contrary to Policy D1 of the Thanet Local Plan and paragraphs 132 and 134 of the National Planning Policy Framework.

## SITE, LOCATION AND DESCRIPTION

The site lies on a prominent sea front location within the Westgate-on-Sea Conservation Area. The site is roughly I-shaped within established vehicular accesses off Sea Road to the north and St Clements Road to the south. The site has a broad frontage onto Sea Road, and enjoys uninterrupted views across the open grassed space towards the sea. The site forms part of a streetscape heavily influenced by traditional villas many of which have been converted and extended over time, there are also a number of more modern flatted developments many of which are located in clustered groups. To the east lies a terrace of 1960's three storey dwellings sited side onto Sea Road with rear facing elevations towards the site. Just beyond the sites rear boundary lies a late 19th century single detached villa called 'Ellingham', this is grade II listed, and one of only a few listed building in Westgate.

The application site comprises Westcliff House built circa 1940; this is an imposing four storey building with features reminiscent of an art deco style. This building was formally occupied by the Royal School for the Deaf, since they vacated some years ago the building has stood empty and is now showing signs of decay. The building is of red brick construction with a flat roof it has a raised level conservatory which runs the full length of the front elevation which was added in the 1950's, and a brick balcony across the front

elevation. To the rear of the building a flat and pitched roof extension has been built, there are also a number of ancillary outbuildings which lie to the rear of the building alongside the St Clements Road boundary of the site. In addition there is a parcel of undeveloped land which lies adjacent to the eastern side of Westcliff House, this land has a frontage onto Sea Road approximately 20 metres wide the sites depth is a minimum of 38 metres.

#### RELEVANT PLANNING HISTORY

F/TH/07/0967 - Erection of three and four storey building to provide 68 sheltered flats, together with house managers accommodation, communal facilities and car parking following demolition of existing building - Refused - 2007

F/TH/07/1660 - Erection of three and four storey building to provide 68 sheltered flats, together with house managers accommodation, communal facilities and car parking following demolition of existing building - Refused 2007

C/TH/09/0528 - Conservation area consent for demolition of link between Westcliff House and Westcliff Villas - Granted 2009

C/TH/11/0984 - Application for conservation area consent for demolition of existing building - Withdrawn 2012

F/TH/11/0967 - Erection of 2no. houses, 1no. 5-storey building containing 25no. 2-bed flats and 1no. 3-storey building containing 10no. 2-bed flats with associated parking following demolition of existing building - Withdrawn 2012

F/TH/14/0879 - Erection of a 4-storey building comprising 7no. 2-bed flats with associated vehicular access off Sea Road, car parking & landscaping and erection of a 3-storey rear extension to Westcliff House, together with external alterations - Withdrawn 2015

F/TH/15/0351 - Erection of a 4-storey building comprising 7no. 2-bed flats with associated vehicular access off Sea Road, car parking & landscaping and erection of a 3-storey rear extension to Westcliff House, together with external alterations - Refused 2015

#### PROPOSED DEVELOPMENT

The application comprises two principles parts, firstly the erection of a 4 storey detached building and secondly a first and second floor rear extension to Westcliff House.

In respect of the new block this comprises a total of 7 no. 2 bed apartments. The building has been designed with a contemporary approach, and would measure 13.8 metres wide by 16.8 metres deep, with 11.2 metres to the top of the flat roof. The block would be accessed by a new independent combined vehicular/pedestrian access off Sea Road; the access would be located to the north eastern corner of the site. The new access would run alongside the eastern boundary adjacent to the new block before returning behind the new building terminating in a car park area comprising a total of 6no. car parking spaces (with a further parking space to the front of the site, along with additional driveway space for visitors). There are some small areas of soft landscaping located to the front of the building and to the south eastern corner of the site.

At Westcliff House it is proposed to erect an extension at first and second floor level to the rear elevation to enclose a proposed new staircase. The extension would be finished in yellow stock brick with aluminium glazing. The purpose of the extension is to facilitate a new access to the first and second floors of the building as part of wider proposals by the applicant to bring the building back into its previous residential institution use (Use class C2). The internal works would not require planning permission but for clarity would involve the provision of 6no apartments over the two upper floors; the apartments would provide supported living for 12 young people, the objective being to enable them to live independently but with domiciliary care support. On the lower ground and upper ground floors a combination of associated educational and office facilities will be provided.

## DEVELOPMENT PLAN POLICIES

### Saved Thanet Local Plan (2006)

H1 - Housing  
H4 - Windfall sites  
D1 - Design  
D2- Landscaping  
SR5 - Doorstep Playspace  
TR16 - Parking  
HE11 - Archaeological assessment

## NOTIFICATIONS

A site notice has been posted on the site, an advert placed in the press and neighbours consulted by letter. One letter of objection has been received raising the following concerns:

- Loss of privacy from windows and balconies,
- Noise disturbance from vehicles using new access road,
- Location of refuse storage.

**Westgate Conservation Area Advisory Group** - We note that the applicant has made an effort to minimise the effect of the new build on the setting of the adjacent Grade II Listed building, Ellingham, whose rear aspect is located to the rear of the development site, by siting the new build closer to Westcliff House. We feel the new build and the refurbishment of Westcliff House are inextricably linked and we only support the application if the profits from the new build are used to refurbish Westcliff House concurrently. We have given this application our utmost consideration and are only in favour of this proposal on the strict proviso that the funds released from the sale of the 7 new units on the open market are used towards the full restoration and return to use of Westcliff House. We are mindful that without the contribution from the new build, the refurbishment costs would be prohibitive, and could result in the site being released to the open market with no guarantee that the building of Westcliff House would be retained or have a future, or that the site maybe developed across its entirety, obscuring the setting of the Grade II Listed Building Ellingham completely. As this is a 'facilitating' development we would respectfully suggest that conditions and a firmly binding legal agreement be attached to any consent given, in order to safeguard the future of Westcliff House. Such an agreement should include a clause stipulating at what stage in

the sale of the new flats, that work will commence and the completion timescale on the restoration of Westcliff House. We have taken this view, having due regard to the proximity of the important adjacent Grade II Listed Building Ellingham. There are concerns about this application and we feel, on balance, too secure future for the Westcliff House and retaining some open aspect of the setting of Ellingham outweighs any concerns.

## CONSULTATIONS

**Conservation Officer** - I have noted the applicant's Planning Statement references to policies supporting sustainable development but whilst statutory provisions require that the economic and social needs of local communities should be fostered, primacy is given to the purpose of conserving and enhancing the environment. In accordance with this and the Framework it is also stated that great weight should be given in seeking to conserve designated heritage assets.

I have also noted in the submitted Planning Statement that it omits some relevant parts and does not give enough regard to the relevant policies in the NPPF in particular, limited their assessment on sustainable development and thus failed to consider the contribution made by the setting to the significance of listed building, Ellingham as a heritage asset as stated in the Framework.

In my view there is a misrepresentation by the applicant's statements of the significant view of Ellingham from north as indicated on the diagram on page 20 of the Design and Access Statement and on drawing 50017D\_004 revision D. Ellingham has to be seen in relation to the alignment of the boundary wall with Nos. 69-81 St Mildred's Road and not over the boundary wall in order to fully appreciate it. When viewed within this alignment from Sea Road and beyond there is a clear view of the listed building and it experiences uninterrupted views across the proposed new building site along the sea front. The siting, massing and design of the new development would obstruct that view. The suggested view is in my view a 'sweeping view' and not actual view of the listed building in this location.

The applicant's Planning Statement confirms that it does not dispute that the proposed development will have an impact on the setting of the listed building and acknowledges that there will be erosion to the setting of Ellingham. To respond to this it is proposed to position the new building about 1m to the west from the original position. I am not convinced that by such positioning of the proposed development the impact on the setting of the listed building will be overcome.

The applicant's Planning Statement and Heritage Statement assess the harm to the setting of the listed building as at the level of 'less than substantial harm' to the significance of the heritage asset. The NPPF states that great weight should be given to the asset's conservation and that significance can be harmed or lost through development within its setting and as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

I understand it has been expressed within the application that the new built element of the proposal could partially fund necessary re-investment in the refurbishment and extension of

the existing derelict Westcliff House which could be of public benefit in returning this building into good condition and use. However I am not convinced that this would outweigh the harm to the setting of the listed building and the statutory requirement in determining this application. In addition, the Planning Statement confirms that it is RSDCM's desire not to leave behind a derelict site which is in danger and eyesore, but instead to ensure that it will be able to dispose of the property and itself will not occupy the site. No clear justification has been provided as to how the benefits on the refurbishment of the derelict building would be guaranteed. In my view this does not provide any commitment to the desirability to re-invest in the refurbishment of Westcliff House as there is no guarantee on the proposition or whether any new owner would be prepared to do so.

In considering proposals for this planning permission I am minded to the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard must be had to the desirability of preserving the setting of listed buildings. Also section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of any designated heritage asset, great weight should be given to its conservation. The paragraph goes on to say that significance can be harmed or lost through development within its setting and that any harm should require clear and convincing justification.

Therefore, although the degree of harm caused to the significance of the listed building could be considered to be less than substantial, as set in the applicant's statement however the statutory presumption in favour of preservation means that where any harm, even 'less than substantial' harm, can be shown to occur to the settings of a listed building the default position should be a refusal by the Local Authority. The onus is on the applicant to demonstrate sufficiently powerful material considerations necessary to justify the harm, which I do not consider is clearly justified. Therefore as per my comments on the previous refused application I have the opinion that the new built development proposal would fail to preserve the setting of a listed building and this is a consideration that must carry considerable weight and importance in the overall planning balance.

I recommend refusal  
(No objection to proposed works to the Westcliffe House)

**KCC Highways** - No objection subject to safeguarding conditions, including visibility spays of 43x2x43 metres to the new access which seem to be achievable based upon the submitted drawings.

**KCC Heritage (Archaeology)** - No objection subject to a condition requiring watching brief on the site

**KCC Biodiversity** - No objection the phase 1 habitats survey undertaken by the applicant, who did not uncover any protected species to be present on site

**Southern Water** - No objections, but recommend safeguarding conditions.

## COMMENTS

The application has been brought before committee at the request of Cllr Partington to allow Members to consider the public benefits of the proposal.

## **Principle**

The development would represent development on non previously developed land which would be contrary to Policy H1 of the Thanet Local Plan; however this needs to be considered having regard to the fact that there is a current need for housing in Thanet and, on this basis, the National Planning Policy Framework (NPPF) requires that applications for housing should be considered in the context of the presumption in favour of sustainable development. Furthermore, albeit further to consultation, the emerging Policy H01 of the draft preferred options document states that the Council will grant permission for new housing development on residential gardens where it is judged to not be harmful to the character and amenity of the local area. The site is residential institution garden land and therefore the principle of developing the site is considered to be acceptable and consistent with the principles of the NPPF, subject to the consideration of other material considerations, such as impact on the character and appearance of the Conservation Area, setting of the listed building, living conditions of neighbours and impacts on the highway network, being considered acceptable.

## **Character and appearance**

### *Westcliff House*

The first and second floor rear extension to the Westcliff House is considered to be acceptable, as it would be seen as subservient to the main building with materials to match, and is not considered to cause harm to the character and appearance of the area.

### *Proposed flat block*

The site of the proposed 4 storey block of flats is currently open and undeveloped, and provides a space between Westcliff House and the terrace of houses fronting St.Mildreds Road. To the rear of the site is Ellingham, a Grade II Listed building, which is visible when looking across the site from Sea Road. The main concern is the impact of the proposed development on the setting of Ellingham and the Conservation Area as a whole.

The previous application was refused on the grounds that the 'the proposed 4-storey block of flats would, by virtue of its location directly in front of 'Ellingham', a Grade II Listed building, cause an obstruction to the open setting between 'Ellingham' and the sea, which would diminish the status of 'Ellingham' within the conservation area. This would be further exacerbated by the design, size, mass and bulk of the proposed flat block, which would be visually prominent in relation to 'Ellingham', causing substantial harm to the 'setting' of the listed building and consequential harm to the character and appearance of the conservation area, contrary to Policy D1 of the Thanet Local Plan and paragraphs 132 and 133 of the National Planning Policy Framework'.

This application differs from the previous application in that the siting of the proposed development has been adjusted to be 1m closer to Westcliff House, slightly enlarging the



gap between the proposed development and the dwellings fronting St.Mildreds Road, thereby increasing the gap through which to view Ellington; amendments have been made to the rear elevation, including the omission of the balconies and alterations to the fenestration; and additional supplementary heritage information has been submitted in response to the assessment and reason for refusal of the previous decision.

Under the Planning (listed Building and Conservation Area) Act there is a duty on Local Planning Authorities in considering whether to grant planning permission for a development which affects a listed building or its setting to 'have special regard to the desirability of preserving the building or its setting.....'. The Act also requires that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area'.

Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of any designated heritage asset, great weight should be given to its conservation. The paragraph goes on to say that significance can be harmed or lost through development within its setting and that as heritage assets are irreplaceable, any harm should require clear and convincing justification. Significance is defined in the NPPF as 'the value of a heritage asset to this and future generations because of its heritage interest .....and derives not only from a heritage asset's physical presence, but also from its setting'. The Government's planning policy within the NPPF (paragraph 134) states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..' Significance' includes the setting of a Listed Building as well as the character and appearance of the conservation area.

Paragraph 137 of the NPPF also states that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance.

The proposed new block will be located within existing open space between 'Ellingham' and the sea. The location of 'Ellingham' is quite unique in that it has a design and orientation that allows it to front Sea Road, whilst being set back from the road by some distance. Historic maps submitted by the applicant show that whilst the application site does not form part of the curtilage of Ellingham, there may have originally been a footpath through the site to allow easy access between Ellingham and the sea. There has never been a building on the application site, and therefore historically, views of Ellingham from Sea Road, within its current setting, whether this is fortuitous or by design, have always been maintained. The previous application was refused on the grounds that the proposed development would significantly alter the relationship between 'Ellingham' and the sea front, substantially eroding this open space within the conservation area, and its visual relationship with Ellingham and ultimately severely harming the 'significance' of 'Ellingham's' historic setting. It was further considered that the harm to the setting of 'Ellingham' was exacerbated by the design, height, scale and bulk of the proposed flat block which is very much at odds with the design and appearance of 'Ellingham' and as such would further increase the visual prominence of the proposed building, whilst also diminishing the status of 'Ellingham' within the street scene. The height, scale and bulk of the proposed development has not changed, when compared to the previous scheme, and the only alteration to the design has been the removal of the

balconies to the rear, which whilst simplifying the design of the rear elevation, has not significantly altered the design as a whole, especially when viewed from Sea Road.

The applicant is of the view that the proposed development should be viewed as having less than substantial harm on the setting of Ellingham, and believes that the role of the application site in the setting of the listed building was overemphasised and misjudged when determining the previous application, with the main views of the site being from St.Clements Road to the rear. Within the addendum to the heritage statement it is suggested that the listed building's significance is derived from its role as a detached villa in a Queen Anne style and is not dependent on the view towards the sea, and that the harm should be weighed against the heritage benefits and wider planning benefits. Whilst the Conservation Officer accepts that the degree of harm caused to the setting of the listed building could be considered as being 'less than substantial', there is still a requirement to preserve the setting of the listed building, unless the harm can be outweighed by public benefits.

The heritage benefits the applicant refers to relates to their suggestion that the new building could generate financial returns that could be used towards the renovation works required at Westcliff House. Whilst this may be the intention, the applicant is not willing to enter a legal agreement that would bind them to use the profits from the new flat development to renovate Westcliff House. As such, the proposed flat development cannot be linked to the renovation of Westcliff House, and should not be considered as a clear and convincing justification to outweigh the harm to the listed building, or as a material planning consideration in the determination of this application.

In terms of the wider planning benefits referred to by the applicant, the only benefits would be the provision of 7no. residential units towards the Council's housing need. This benefit needs to be weighed up against the heritage concerns.

In response to the submitted application, the Conservation Officer has queried the applicant's statement on the significant view of Ellingham from the North, as shown within the design and access statement, and instead believes that the main view of Ellingham is directly to the front of the building, rather than over the boundary wall with the neighbouring dwellings as suggested by the applicant. When viewed from this alignment in Sea Road, there are uninterrupted views of the listed building across the application site, which would be significantly obstructed by the new development. Whilst it is accepted that views of Ellingham are achievable from St.Clements Road, this is a very narrow cul-de-sac, and views of the building are confined and not possible unless entering the road. The main public views of the building are therefore considered to be from Sea Road. The Conservation Officer is also not convinced that the repositioning of the building 1m closer to Westcliff House will overcome the impact upon the setting of the listed building, however, it is accepted that the relocation of the building will widen the view towards the listed building by an additional one metre. As a result the Conservation Officer believes that the loss of this important open space would cause severe harm to the character and appearance of the conservation area and as such would fail to meet the legal requirement to "preserve or enhance" the character and appearance of the conservation area. The obstruction of the views of the listed building would also result in significant harm to the setting of the listed building, which is not outweighed by public benefits.

Taking both the addendum and Conservation Comments into account, I believe that whilst the re-siting of the building one metre closer to Westcliff House would result in some widening of the view through to the listed building, it would not overcome the previous concerns, with the proposed building's location continuing to cause significant harm to the setting of the listed building, and the character and appearance of the conservation area. This harm to the setting of the Listing Building and consequential harm to the character and appearance of the conservation would be contrary to guidance contained within the NPPF, and would not comply with the Act which requires considerable weight to be given to the desirability of preserving the setting of all listed buildings. The impact upon the designated heritage asset is therefore considered to be unacceptable.

### **Living conditions**

The proposed extension to Westcliff House would not give rise to any adverse impacts upon neighbouring residential amenity. The extension is sited on the rear elevation where there are already a number of windows at higher level. The extension is a considerable distance from neighbouring properties and no overlooking or sense of enclosure would be created.

In relation to the new block there are a variety of windows and balconies which have the potential to obtain views towards Ellingham, and also the terrace of residential properties whose rear gardens adjoin the site. Consideration also needs to be given to the new dwelling attached to the end of this terrace, which is currently under construction.

The closest point of the new block to Ellingham is 21.6m away. Within the new block, first and second floor rear windows look towards the side garden of Ellingham. There is no direct overlooking of the house itself. Although this is slightly less distance than would generally be desirable, given the size of the garden and the fact that there are many parts of the garden that would remain private, and that the loss of privacy to the occupants of Ellingham is likely to be no worse than that which already exists from properties that overlook the garden from St.Clements Road, I consider the impact upon the privacy of the occupants of Ellingham to be acceptable.

In relation to the impact upon properties along St Mildred's Road, including the new dwelling located at the end of the terrace, there is not considered to be any significant loss of light or outlook given the distance of 8m between the proposed building and the rear boundary of the dwellings. With regards to privacy, given the distance and orientation of the building (which is 1m further away from the neighbouring properties than the previous scheme), and the design, which provides for only small secondary windows within the side elevation of the building, the impact upon neighbouring privacy is considered to be acceptable. Furthermore, the previous scheme was not refused on grounds relating to living conditions, and the proposed development is considered to be an improvement to the previous scheme through the omission of the rear balconies.

Concern has been raised on grounds of noise and disturbance relating to the proposed access road. The proposed access road is 2m from the boundary with neighbouring properties in St Mildreds Road, and will serve 7no. parking spaces. The parking area itself is located away from the neighbouring gardens, so any noise impact is likely to be from the access road itself. The access road is curved, with landscaping provided to either side. As a result there would be limited visibility along the access road, which will restrict speed limits

and limit any noise disturbance. Furthermore, the soft landscaping either side will help to screen the access road and reduce noise disturbance. The noise impact resulting from the access road is not considered to be significant given the number of cars using it, their speed, and the presence of soft landscaping, and as such the impact upon neighbouring living conditions is considered to be acceptable and in accordance with the guidance contained within the NPPF.

### **Highways and Parking**

The current proposal shows a new vehicular entrance off Sea Road to serve the new flat block. This entrance is located approximately 30 metres from the junction with St Mildred's Road. KCC Highways have confirmed that the access would be acceptable and would be capable of achieving adequate sight lines in accordance with their guidance. The car parking arrangements would allow one space per unit plus one visitor space on the driveway to the front of the sits. This would accord with guidance for 2 bed flats. It should also be noted that the previous application was not refused on highway grounds. As such the impact upon highway safety is considered to be acceptable, and in accordance with guidance contained within the NPPF.

### **Ecology**

The site does not lie within a designated area, however given the undeveloped and overgrown nature of the space; a phase 1 habitats survey has been undertaken by the applicants to assess if any protected species inhabit the site. The findings indicate that there are no protected species on the site. KCC Biodiversity have considered the report and are satisfied with the methodology and the findings and confirm that there is no further work required to inform the application in respect of ecology.

### **Conclusion**

The proposed new flat block, by virtue of the fact that it removes the open space to the front of 'Ellingham' and obstructs views of Ellingham, a Grade II Listed building, is considered to result in significant harm to designated heritage assets, which is not outweighed by the benefit of housing provision. Whilst the impact upon neighbouring living conditions and highway safety is considered to be acceptable, it is not considered that the proposed scheme overcomes the issue raised by the previous reason for refusal, and as such it is recommended that members refuse the application.

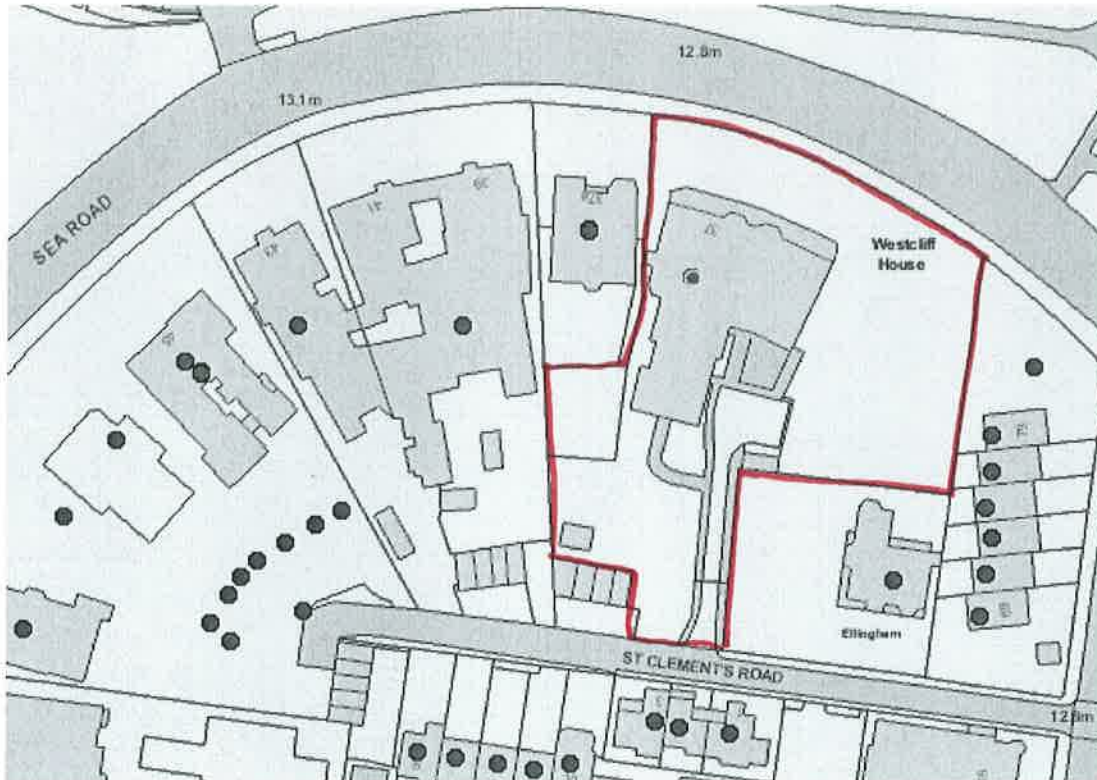
### **Case Officer**

Emma Fibbens

TITLE: F/TH/16/0640

Project 37 Sea Road Westgate On Sea Kent CT8 8QW

Scale:





**D14**

**F/TH/16/0952**

**PROPOSAL:** Erection of a 4 storey building comprising 14No. flats and 4No. 2-bed dwellings following demolition of existing garage/storage

**LOCATION:** unit

131 - 137 King Street RAMSGATE Kent CT11 8PN

**WARD:** Eastcliff

**AGENT:** Miss Claire Langridge

**APPLICANT:** Thanet District Council

**RECOMMENDATION:** Defer & Delegate

Subject to the following conditions:

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

**GROUND:**

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 203 Rev B, 204 Rev B, 205 Rev C, 206 Rev C, 207 Rev C, and 208, received 02 September 2016.

**GROUND:**

To secure the proper development of the area.

3 No development shall commence (excluding demolition) until a site characterisation and remediation scheme has been submitted to and approved in writing by the Local Planning Authority and the remediation scheme has been implemented in accordance with the approved details. The site characterisation, remediation scheme and implementation of the approved remediation scheme shall be carried out in accordance with the following criteria:

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and 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, and shall include:

A survey of the extent, scale and nature of contamination

An assessment of the potential risks to:

Human health

Property

Adjoining land

Groundwaters and surface waters

Ecological system

An appraisal of remedial options and a recommendation of the preferred options

The site characterisation report shall be conducted in accordance with British Standards and current DEFRA and Environment Agency best practice.

(b) Submission of remediation scheme

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 must be prepared, and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of the development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in Planning Policy Statement 23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by 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 the National Planning Policy Framework.

4 In the event that contamination is found that was not previously identified at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken at that time in accordance with a site characterisation report that shall be submitted to and approved in writing by the Local Planning Authority and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the approved development and following completion of



measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

**GROUND:**

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with the National Planning Policy Framework.

5 Prior to the occupation of the development hereby approved, the redundant vehicle crossing to King Street shall be removed and the footway reinstated in accordance with the specifications set out in the Kent Design Guide.

**GROUND:**

In the interests of highway safety.

6 No development shall take place (excluding demolition) until samples of the materials shown on the approved plan numbered 206 Rev C for the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**GROUND:**

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

7 No meter boxes or satellite equipment shall be attached to the front elevation of the building.

**GROUND:**

To safeguard the special character and appearance of the area as a Conservation Area in accordance with the National Planning Policy Framework.

8 No development shall take place (excluding demolition) until full details of both hard and soft landscape works have been submitted to, and approved in writing by, the Local Planning Authority and these works shall be carried out as approved.

These details shall include:-

(1) details of new trees, shrubs, hedges and grassed areas to be planted, together with details of the species and method of planting to be adopted.

(2) details of the treatment proposed for all hard surfaced areas beyond the limits of the highway.

(3) details of walls, fences, other means of enclosure proposed, together with details of materials and construction and details of other minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.)

**GROUND:**

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

9 The refuse storage facilities as specified upon the approved plans numbered 203 Rev B and 205 Rev C shall be provided prior to the first occupation of any of the flats/dwellings hereby permitted and shall be kept available for that use at all times, and at no time shall dustbins be stored other than in the approved location.

**GROUND:**

To secure a satisfactory standard of development and in the interests of the visual amenities of the locality, in accordance with Policy D1 of the Thanet Local Plan.

10 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing numbered 205 Rev C shall be provided and thereafter maintained.

**GROUND:**

In the interests of promoting increased cycling in accordance with Policy TR12 of the Thanet Local Plan

11 Prior to the commencement of the development hereby approved (excluding demolition) joinery details including sections through glazing bars, frames and mouldings at a scale of 1:5 of all new external windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be carried out concurrently with the development and fully implemented prior to the first occupation of any part of the approved development.

**GROUND:**

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

12 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. 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, unless the Local Planning Authority gives any written consent to any variation.

**GROUND:**

In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan

13 The reveals to all new window and door openings shall not be less than 100mm

**GROUND:**

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

14 No development shall take place (excluding demolition) until details of the means of foul disposal, have been submitted to and agreed in writing by the Local Planning Authority.

The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

**GROUND:**

To prevent pollution in accordance with guidance contained within the NPPF.

15 (i) No development shall commence (excluding demolition) until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed without increase to on site or off site flood risk. Any discharge to the public sewer network shall be agreed in advance in writing with the local planning authority and Southern Water.

(ii) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

**GROUND:**

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions.

16 Prior to the commencement of development hereby permitted (excluding demolition), details of the railings shall be submitted to and approved in writing by the Local Planning Authority. The railings shall be installed in accordance with the approved details.

**GROUND:**

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

17 Prior to the first occupation of the self-contained flats hereby permitted, the play space and associated boundary treatment as shown on the approved plan numbered 203 Rev B shall be provided and thereafter maintained.

**GROUND:**

To provide doorstep playspace in accordance with Policy SR5 of the Thanet Local Plan.

18 Prior to the commencement of development hereby permitted (excluding demolition), details of a construction management plan shall be submitted to and approved in writing by

the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND:**

In the interests of highway safety.

19 The proposed pedestrian gates adjacent to King Street shall not open over the highway.

**GROUND:**

In the interests of highway safety.

20 Prior to the commencement of development hereby permitted (excluding demolition) the design of the means of access shall be submitted to, and agreed in writing by, the Local Planning Authority

**GROUND:**

In the interests of highway safety.

21 Prior to the first occupation of the development hereby permitted, the retractable bollards as shown on the approved plan numbered 203 Rev B, shall be provided and thereafter maintained.

**GROUND:**

In the interests of highway safety.

22 The 3m high boundary wall between the application site and no. 145 King Street shall be retained, unless otherwise agreed in writing by the Local Planning Authority.

**GROUND:**

In the interests of neighbouring privacy, in accordance with Policy D1 of the Thanet Local Plan.

### SITE, LOCATION AND DESCRIPTION

The site is located within King Street, just outside of Ramsgate Town Centre, and forms part of the Ramsgate Conservation Area and an area designated as being 'in need of special action'. This part of King Street contains pre-dominantly 3-storey terraced residential development, although the odd retail unit is present. The site was previously used as a MOT testing station, but has more recently been used for informal storage and parking. Upon the site is a single storey office and garage building, with a forecourt to the front. Either side of the application site fronting King Street are 3-storey residential development.

To the rear of the site is an area that previously contained garages, but is now unused land, other than a small substation located to the corner of the site. The land is at a higher ground

level to the land fronting King Street, and the site backs onto 2-storey semi-detached residential development in Brights Place. Adjacent to the site is 3-4 story terraced residential development, which fronts Artillery Road. Between the rear gardens of the Artillery Road dwellings and the application site is a public right of way, which connects Brights Place and King Street. There is an existing narrow vehicular access off Brights Place to the north, which extends through the application site to the sub-station in the south, and connects onto the public right of way.

### RELEVANT PLANNING HISTORY

F/TH/05/1232 - Erection of a 3 and 4-storey pitched roof building to provide 18no. 2-bedroom flats following demolition of existing buildings - Granted 24/07/06

F/TH/07/0006 - Erection of 3 and 4 storey building to provide 14no. 2-bedroom flats, following demolition of existing buildings - Granted - 30/03/07

F/TH/11/0141 - Erection of part three, part four storey building to provide 12no. 2-bedroom flats and 2no. 3-bedroom flats, following demolition of existing buildings - Refused - 09/06/11

C/TH/13/0231 - Application for conservation area consent for the demolition of existing building - Granted - 12/07/13

F/TH/13/0230 - Erection of 4-storey building to accommodate 12no. 2-bed and 2no. 3-bed self-contained flat, following demolition of existing building - Granted - 24/06/13

### PROPOSED DEVELOPMENT

The application is for the erection of a 4-storey building to accommodate 2no. 3-bedroom self-contained flats and 12no. 2-bedroom self-contained flats. The building is of a traditional design, and has two mansard roofs with a flat section in between. The windows to be inserted within the front and side elevation of the building are timber sliding sash design, with the windows in the rear elevation UPVC sliding sash design. A vehicular access is provided along the side of the building to the rear, to allow for emergency access and deliveries etc, but no off-street parking is provided. There is a communal enclosed play area for the flats provided to the rear of the site. An internal refuse store is provided for the flats.

To the rear of the communal play area, 4no. 2-storey terraced 2-bedroom dwellings are proposed, each with a rear garden, and space to the front of the building for refuse storage. The dwellings are of simple design, with UPVC casement windows to the front and rear elevations.

This application has been submitted as part of the TDC & HCA new build programme. All the units will be let as affordable rent units.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan (2006)**

H1 - Housing  
H4 - Windfall sites  
H8 - Size and type of housing  
H10 - Areas in need of special action  
H14 - Affordable housing  
D1 - Design  
TR12 - Cycling  
TR16 - Car parking provision  
CF2 - Development contributions

## NOTIFICATIONS

A site notice has been posted and neighbouring occupiers notified. Three letters of objection have been received, with the following concerns:

- lack of parking,
- overlooking,
- contamination,
- loss of amenity within garden,
- future maintenance of property.

**Ramsgate Town Council** - Considers this to be an appropriate development and strongly supports it.

## CONSULTATIONS

**KCC Highways and Transportation** - Whilst there is no on-site car parking proposed, the site is in a sustainable location and there are parking restrictions in place as necessary. There are also public parking spaces available within a reasonable distance of the site and I understand yearly permits are available for these. I also understand TDC may consider some form of permit system for the on-street parking that is available. I note the comments by the objectors over available parking, however the availability or otherwise of on-street parking right outside the front door of an associated property is an amenity issue rather than a highway issue.

The parking controls and bollards within the site are necessary to ensure cars are not parked obstructing the existing highway footway running north-south through the site. These should be secured by condition, as should provision of a Construction Management Plan, the cycle parking and the required amendments to the existing access (including alterations to the existing highway to provide a vehicle crossing and reinstate the footway).

The plans appear to show gates opening over the highway in King Street which would not be acceptable and should be prevented (by condition).

**Conservation Officer** - Following discussions on the proposal and the amendments to the drawings in my view the design improvements has created a more convincing scheme. I therefore consider the scheme would have an acceptable impact on the character and appearance of the conservation area.

**Southern Water** - No objections, but recommend condition

**KCC SUDs** - Following our recent discussion, we are now aware that the applicant is pursuing a connection to the Southern Water sewer network as the preferred means of disposing of the runoff from this site. Accordingly we would now be willing to recommend approval, with the detail of the surface water management subject to condition.

Given that this site is 'brownfield', we would assume that it is positively drained already. If there is an existing connection to the sewer network, it is likely that there will be an associated ongoing right to connect.

Prior to the commencement of any redevelopment, we would therefore expect to see an investigation of the existing drainage regime, with an assessment of the post-development runoff rates/volumes. If there is an increase in impermeable area, attenuation should be provided to ensure the receiving network is placed under no greater strain than that from the existing development. The applicant should also seek Southern Water's confirmation to demonstrate that they are capable and willing to accept the surface water, as proposed. If they require a reduced rate of discharge, attenuation should be provided on-site to ensure there is no exacerbation to the on/off site flood risk as a result of this development.

Should the Local Planning Authority be minded to grant permission to this development, we would recommend that the suggested safeguarding condition is attached.

**Environmental Health** - This application will require a standard contaminated land condition (from intrusive investigation onwards) at this stage.

## COMMENTS

This application is brought before members because Thanet District Council is the applicant.

### **Principle**

The site is previously developed land within the urban confines. The proposal for residential development therefore complies with Policy H1 of the Thanet Local Plan. The site is also sustainably located on the edge of Ramsgate Town Centre, and has good access to public transport, and facilities and services. The proposed development is therefore considered to be acceptable in principle, subject to other material considerations such as the impact upon the character and appearance of the conservation area, neighbouring living conditions and highway safety being acceptable.

### **Character and Appearance**

The site falls within the Ramsgate Conservation Area, and an area designated under Policy H10 as in need of special action

The proposed flat development fronting King Street has the appearance of 2no. traditional semi-detached dwellings. They are symmetrical in design, with the front elevation incorporating large timber sliding sash windows, a 3-storey flat roof front projecting element that helps to break up the elevation, and doors to each of the buildings at ground floor level. The eaves height of the building is in keeping with the eaves line of other buildings within the street, and railings are proposed at the front between the projecting elements, again in keeping with the street scene, including the adjacent dwellings. A mansard is set behind the parapet wall, with 6no. flat roof dormer windows proposed. Whilst a mansard is not particularly characteristic of buildings within King Street, given the scale and design of the building, and the shallow pitch of the proposed roof, visibility of the mansard roof would be limited. A number of the surrounding residential dwellings also have pitched roofs set behind parapet walls, which are not too dissimilar to either the design or overall ridge height of the proposed development. It is therefore not considered that the proposed mansard roof would be significantly harmful to the character and appearance of the surrounding area.

To the side of the building a setback 3-storey element (with the second floor within the roof space) is proposed, along with a single storey flat roof element with parapet wall to provide the internal refuse storage area for the development. Given the setback location and reduced height of this element, it is not considered to compete with the main elevation, and helps to limit the overall scale of the building whilst attempting to provide as much street frontage development as possible to be in keeping with this high density area.

There would be limited views of both the side and rear elevations of the proposed development, and as such the use of UPVC windows within the rear elevation of the proposed development is considered to be acceptable on this occasion. The main access to the units is provided to the side and rear of the building, with the doors to the front elevation being false doors. Whilst such an arrangement is not normally encouraged, as it limits the activity to the front of the building, the applicant has advised that the layout of the building, along with advice from the refuse department that refuse storage would be required to the front of the building if accesses are provided, has prevented the doors from being used as accesses to the flats. Whilst there is some concern with this arrangement, it does not result in an objection, as the access to the side and rear is considered to be suitable for the future occupiers of the development, and the presence of doors will still give the appearance of a front access.

Whilst the building is quite deep, the northern side elevation is broken up with a number of different projecting elements, and two separate mansard roofs help to limit the height of the building and the extent of flat roof, whilst also again helping to break up the depth of the building by giving the appearance of two separate attached buildings. There is less interest to the southern side elevation, although part of the elevation is set away from the side boundary, which again reduces the visual depth of the building. From the south there are limited views of the building, with 121 King Street obscuring the majority of the side elevation, restricting views of the side elevation to the public right of way only, and not the surrounding streets. The design, height and scale of the proposed flat development is not considered to detract from the character and appearance of the area, and is considered to be an enhancement when compared to the appearance of the existing site.



To the rear of the site, 4no. 2-storey terraced dwellings are proposed on land that previously occupied garages, but is now unused other than for flytipping. The dwellings have a staggered layout, and a simple cottage design. The height is in keeping with the 2-storey height of development within Brights Place, and the limited size of the dwellings allows for adequate space around the buildings to be maintained (with a minimum distance of 13m between the front elevation and proposed flat development and 21m between the proposed rear elevation and the nearest dwelling in Brights Place). The ground level is higher than the flat development, but lower than the existing dwellings in Brights Place, and the proposed terraced units are in keeping with the terraced dwellings adjacent to the site in Artillery Road. Overall, given the modest size of the proposed dwellings, and the retention of space around the site, along with the improvements of developing this sustainably located previously developed land, the impact upon the character and appearance of the area is considered to be acceptable.

A vehicular access is provided to the side of the flat development, which will allow for emergency and delivery access to the rear of the site. The access is to be block paved. Some soft landscaping is also proposed to the front and rear of the site around the building. This is considered to be a visual improvement to the existing vehicular access, which is almost half of the width of the site, and leads to a tarmac parking area.

The development is to be constructed using sage green and cream render, yellow brick, grey slate roof tiles, lead cheeks to the dormer, and stone cills. The cream render and yellow brick is characteristic of the surrounding area, and the sage green render, which is limited to the upper levels of the front projection, will add interest to the overall design of the building.

### **Living Conditions**

The proposed development will be located 5m from the nearest side elevation of no.145 King Street. The existing garage/office building is currently located adjacent to the boundary, however, whilst the proposed development will be further from the neighbouring property, it will also be higher and deeper. There are no windows in the existing side elevation of no.145. To the rear there are windows in the rear elevation of no.145, and windows in the side elevation of a further block to the rear. There is a high boundary wall between the application site and no.145 of approximately 3m. The applicant hopes that this could be retained, or if not a new wall could be constructed of a similar height. Given the distance to the proposed development, and the presence of the boundary wall, it is not considered that the increased height and depth of the proposed development will significantly impact upon the light and outlook to no.145 or the block to the rear.

The proposed development will be attached to no. 127 King Street, with the proposed development extending 2.4m beyond the rear elevation of no. 127. The proposed development will not extend into the 45 degree line from the centre of the nearest neighbouring window, and as such the impact on their light and outlook is considered to be acceptable. No. 125 King Street backs onto the side boundary of the application site, and will be 7.5m from the side elevation of the proposed development. Within the rear elevation of no. 125 there are 2no. windows at first floor level, one of which appears to be obscure glazed. The wall of the existing garage is currently on the rear boundary, and already extends to almost 2-storey in height. At ground floor level the neighbouring dwelling appears

to have windows set behind a canopy, which would already limit views out. Therefore, whilst the proposed development will result in some loss of light and outlook to the rear garden of the property through the increased height of the building, the impact is not considered to be significantly worse than that existing.

At the rear the proposed dwellings are located a minimum of 21m from the rear elevation of the dwellings in Brights Place, with the application site being on a lower ground level. The impact on their light and outlook is therefore considered acceptable.

The proposed dwellings will be a minimum of 7.6m from the nearest property in Artillery Road. Within the rear elevation of the dwellings there are a few windows which appear to serve either bathrooms or stairwells. Given the orientation and 2-storey height of the proposed dwellings, the distance, and the reduced ground level, along with the fact that most of the neighbouring windows do not appear to serve habitable rooms, the impact upon light and outlook to these windows is considered to be acceptable. Whilst the neighbour's gardens are quite shallow, the location of the proposed buildings north of their gardens means that sunlight to their gardens should not be affected.

Concern has been raised by neighbours in relation to overlooking. To the rear there is a minimum distance of 21m between the rear elevation of the proposed dwellings and the rear elevation of the neighbouring dwellings in Brights Place. There is also a drop in ground level, meaning that the first floor windows of the proposed dwellings would be level with the ground floor windows of the neighbouring property. Whilst boundary treatment would normally prevent overlooking of ground floor windows, the gardens of the neighbouring properties significantly drop in level, meaning that the ground floor windows of the neighbouring properties can be seen from the application site. However, given the minimum distance of 21m, along with the orientation of the properties that prevents any direct window to window overlooking, along with the potential for landscaping along the rear boundary of the proposed dwellings, the impact upon neighbouring privacy is considered to be acceptable.

For neighbouring properties in King Street there are no significant overlooking concerns. A side window is proposed in the elevation to the rear of no.125 King Street, but has an oriel design preventing any direct overlooking of gardens or windows.

Whilst some upper level windows are again proposed in the side elevation facing no.145 King Street, there is a 3m high boundary wall between the site, which will prevent overlooking of amenity space and lower level windows. The closest windows in the proposed development to the neighbouring site are secondary small windows, and will not result in significant overlooking in any case.

The impact upon the living conditions of neighbouring occupiers is therefore considered to be acceptable.

For the future occupiers of the development, the flats are all of good size, and an internal refuse store and cycle store will be provided to serve the occupants. Access is to the rear of the development where there is some lighting, and space for additional lighting and a large play area is provided to the rear of the site to serve the flats. The play area measures approximately 80sqm, and is enclosed partly by 1.8m high fencing and partly by 1.5m high

railings. The space is therefore considered to be safe doorstep play space in accordance with Policy SR5 of the Thanet Local Plan. The impact on the future occupiers of the development is considered to be acceptable.

## **Transportation**

The proposal is provided with no off-street parking, only an emergency/delivery access to the rear of the site, which is controlled via retractable bollards.

KCC Highways and Transportation have been consulted and advised that whilst there is no on-site car parking proposed, the site is in a sustainable location and there are parking restrictions in place as necessary. There are also public parking spaces available within a reasonable distance of the site, for which yearly permits are available.

In response to the comments by the objectors over available parking, KCC have advised that the availability or otherwise of on-street parking right outside the front door of an associated property is an amenity issue rather than a highway issue, which could not be supported through a refusal reason.

KCC have further commented that the parking controls and bollards within the site are necessary to ensure cars are not parked obstructing the existing highway footway running north-south through the site, and that these should be secured by condition, as should the provision of a Construction Management Plan, cycle parking and the required amendments to the existing access (including alterations to the existing highway to provide a vehicle crossing and reinstate the footway). The plans appear to show gates opening over the highway in King Street which would not be acceptable and should be prevented (by condition).

The Council are currently considering a permit system for the on-street parking that is available, particularly in Brights Place, and comments from residents appear to support this approach, although this is a separate matter, and not a material consideration for the planning application.

The site is sustainably located, within walking distance of the town centre and public transport, and a cycle storage area is provided internally to be used by the occupants of the development. No objections have been raised by KCC Highways and Transportation to the lack of on-street parking provision, and as such, the impact on highway safety is considered to be acceptable.

## **Size and Type of Housing**

The proposal includes the provision of 12no. 2-bed flats, 4no. 2-bed dwellings, and 2no. 3-bed flats. As such, a mix of building sizes and types are proposed, however, they do not proportionately accord with the type of need as identified within the latest housing needs study. The applicant has justified the size of accommodation proposed on the limitations of the site, including the size of the area to the rear of the site, where large dwellings would appear out of character, and the size of the flat block, which comfortably accommodates 3-4

flats per floor. The 2-bed flats are all large in size, exceeding 62sqm, and the applicant has advised that the size of units proposed would result in the optimum use of the land, and addresses the Council's housing register need, where the greatest demand is for 1-bed and 2-bed units. It is therefore considered that given a mix of housing size and types are proposed, along with a clear justification for the need, the proposal will accord with Policy H8 of the Thanet Local Plan.

### **Affordable Housing**

Policy H14 of the Thanet Local Plan requires that for development of more than 14 units, 30% affordable housing be provided. This application has been submitted by the Housing Department of the Council, as part of the TDC and HCA new build programme. As such it is intended for all units to be provided as affordable housing for social rent, to accommodate those on the local housing register. The proposed development is therefore considered to comply with Policy H14 of the Thanet Local Plan.

### **Drainage**

KCC SUDs have raised no objections to the proposed scheme on the basis that the applicant is pursuing a connection to the Southern Water sewer network for disposing of runoff from the site. Details requested through condition include the existing drainage regime, with an assessment of the post-development runoff rates/volumes. If there is an increase in impermeable area, attenuation should be provided to ensure that the receiving network is placed under no greater strain than from the existing development.

Southern Water have raised no objections to the proposed scheme subject to a condition requiring details of the foul and surface water sewerage disposal to be submitted. Whilst Southern Water have not commented specifically on whether there is spare capacity within the surrounding area for surface water runoff, this would have been raised as a concern if use of the existing sewer network were not achievable. It is therefore considered that there is adequate drainage facilities for the proposed development.

### **Contamination**

A phase 1 contamination assessment has been completed, with the results confirming the possibility of 4no. underground petrol tanks. Phase 2 of the site investigation, which includes the drilling of boreholes, has commenced on site, however the full extent of contamination will not be known until the existing buildings have been demolished and further testing can take place to the rear of the site. Environmental Health have been consulted and have advised that a standard contaminated land condition requiring intrusive investigation of the site, and details of any mitigation, is required.

### **Financial Contributions**

KCC have requested financial contributions towards primary education, secondary education, and libraries, which totals £48,571.48. The applicant has advised that they cannot agree to the submission of these financial contributions, as the site is not viable.

Information on the viability of the development has been provided, on the basis that the development is not for profit and is to provide affordable housing. This viability information shows that the development will be provided at cost to the Local Authority, with no financial return for at least 27 years, following which any money will go back into the Housing Revenue Account to support future developments. Government advice is that, where a development does not comply with planning policy for reasons of non-viability, the local planning authority is entitled to take a view on whether there are benefits from the scheme that justify flexibility. It is considered that given the significant regeneration benefits associated with the proposal in the area of special action, and the provision of much needed affordable housing under the control of the Local Authority, that in this specific instance contributions for education and libraries has not been secured.

The applicant has agreed to pay the contribution of £9,756 towards the full time cost of a year round warden (£542 per dwelling) to offset the potential impact on protected birds at European designated sites from increased visitors from the district to these areas. This approach has been considered by the Council and Natural England as acceptable in housing developments of 10 or more dwellings, as necessary to deal with the potential effects of increased disturbance to both summer and winter birds, in accordance with the Habitats Regulations. Should members decide to grant planning permission for the proposed development, this contribution is to be secured prior to the determination of the application.

## **Conclusion**

The proposed development would result in the re-use of brownfield land, the regeneration of a site within an allocated 'area in need of special action', and the provision of housing, for which there is a need. The principle of development is therefore considered to be acceptable and in accordance with Policy H1 of the Thanet Local Plan and the guidance contained within the NPPF. In addition, the development will provide 100% affordable social housing to accommodate local people on the housing register. The impact upon the character and appearance of the surrounding Conservation Area, neighbouring living conditions and highway safety is considered to be acceptable; however, the applicant is unable to comply with Policy CF2, (which requires financial contributions to offset the impact of the proposed development) as the proposed scheme is not viable. On balance, the benefits of regenerating the site for affordable housing is considered to outweigh the concern regarding the lack of financial contribution. The proposed development is therefore considered to be in accordance with the guidance contained within the NPPF, and as such it is recommended that members defer and delegate the application to enable the financial contribution towards the Special Protection Area to be secured.

## **Case Officer**

Emma Fibbens

Site Plan for F/TH/16/0952, 131 - 137 King Street RAMSGATE Kent  
CT11 8PN

