

# Public Document Pack

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## PLANNING COMMITTEE

18 JANUARY 2017

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 18 January 2017** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### Membership:

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

## A G E N D A

Item  
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

'To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest Form attached at the back of this Agenda. If a Member declares an interest, they should complete that form and hand it to the Officer clerking the meeting and then take the prescribed course of action.'

3. **MINUTES OF PREVIOUS MEETING** (Pages 1 - 18)

To approve the Minutes of the Planning Committee meeting held on 14 December 2016, copy attached.

4. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 19 - 22)

To consider the report of the Director of Community Services, copy attached for Members of the Committee.

***Note: Copies of correspondence relating to applications received will be available for members' perusal in the Members' Room from 5.00pm on the Friday before the meeting until the date of the meeting.***

**For Approval**

Item  
No

Subject

- 4a **A01 - F/TH/16/1232 - MIZURI, NORMAN ROAD, BROADSTAIRS** (Pages 23 - 32)
- 4b **A02 - F/TH/16/1414 - 24 HARBOUR STREET, RAMSGATE** (Pages 33 - 44)
- 4c **A03 - F/TH/16/1109 - LAND ON THE EAST SIDE OF LEICESTER AVENUE, MARGATE** (Pages 45 - 56)
- 4d **A04 - F/TH/16/1114 - YOAKLEY HOUSE, DRAPERS CLOSE, MARGATE** (Pages 57 - 70)
- 4e **A05 - L/TH/16/0979 - MARGATE HARBOUR ARM STONE PIER, MARGATE** (Pages 71 - 76)
- 4f **A06 - F/TH/16/1331 - LAND REAR OF 1 TO 7 CORONATION CLOSE, BROADSTAIRS** (Pages 77 - 84)
- For Deferral**
- 4g **D07 - F/TH/16/1051 - 49 - 51 EDGAR ROAD, MARGATE** (Pages 85 - 92)
- Declaration of Interests Form**



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# Public Document Pack Agenda Item 3

## Planning Committee

### Minutes of the meeting held on 14 December 2016 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillors Grove, Jaye-Jones, Bambridge, Buckley, Connor, Dawson, J Fairbrass, Fenner, K Gregory, Howes, Partington, R Potts, Taylor, Tomlinson and Edwards

**In**

**Attendance:** Councillors Shonk, L. Fairbrass, Rusiecki, Bayford, M. Saunders, D Saunders, Ashbee, Game, Taylor-Smith and Curran

#### 112. APOLOGIES FOR ABSENCE

There were no apologies for absence.

#### 113. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 114. MINUTES OF PREVIOUS MEETING

It was proposed by Councillor Jaye-Jones, seconded by Councillor Buckley and agreed that the minutes of the Planning Committee held on 16 November 2016 be approved and signed by the Chairman.

#### 115. SITE VISITS

#### 116. F/TH/16/1232 - MIZURI, NORMAN ROAD, BROADSTAIRS

The item was withdrawn.

#### 117. SCHEDULE OF PLANNING APPLICATIONS

#### 118. A01 - F/TH/16/0119 - LAND ADJACENT WAYSIDE CARAVAN PARK, WAY HILL, MINSTER

PROPOSAL: Change of use to land as an extension to the existing caravan site.

Speaking raising points of concern was Mr Brown.

Speaking as ward councillor was Councillor Crow-Brown.

It was proposed by the Chairman and seconded by the Vice Chairman:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED subject to the following conditions:

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

GROUND:

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

2 The development hereby approved shall be carried out in accordance with the amended site plan dated 12 October 2016, with no caravans to be sited within the area marked as landscaping (open land with grass and trees).

GROUND:

To secure the proper development of the area, and in the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

3 Prior to the commencement of development hereby approved, full details of both hard and soft landscape works, to include:

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted
  - o the boundary treatment with Rose Cottage, to include a landscape buffer along the north-western boundary of the site with Rose Cottage,
  - o walls, fences, other means of enclosure proposed
- 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 adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

4 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.

5 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: 2005 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 below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority.

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:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policies D1 and D2.

6 The caravans shall be occupied for holiday purposes only and no caravan shall be occupied as a person's sole, or main place of residence.

GROUND:

In the interests of the visual amenities of the area and landscape character of the countryside, in accordance with Policies CC1 and CC2 of the Thanet Local Plan 2006 and National Planning Policy Framework.

7 The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/log cabins/chalets on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

GROUND:

In the interests of the visual amenities of the area and landscape character of the countryside, in accordance with Policies CC1 and CC2 of the Thanet Local Plan 2006 and National Planning Policy Framework.

8 No more than three caravans shall be sited on the land.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan”

Following debate, the motion was put to the vote and declared CARRIED.

119. **A02 - F/TH/16/1255 - 25 WESTBURY ROAD, WESTGATE ON SEA**

PROPOSAL: Retrospective application for the change of use from tool hire business to dance studio

Speaking in favour of the application was Mr Moore.

Speaking raising points of concern was Mrs Ward.

It was proposed by the Chairman and seconded by Councillor J. Fairbrass:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED subject to the following conditions:

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

GROUND:

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

2 The use of the premises hereby approved shall not be used other than between the hours of 1200 hours and 2100 hours Monday to Friday and 900 hours and 1700 hours on Saturday and at no time on Sunday and Bank Holidays.

GROUND:

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy D1 of the Thanet Local Plan.

3 At any time where amplified music is being played in the dance studio area of the premises, all doors and windows associated with the dance studio must remain closed; and the door of the studio leading out onto the alleyway at the rear of the premises shall remain closed at all times (other than for emergency access and egress).

GROUND:

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy D1 of the Thanet Local Plan.

4 Music and associated noise from the application site shall be controlled, with no increase in the difference between LAeq, 1 min and LA90 when the music is on and off, and no increase in the difference between L10, 1 min and L90 when the music is on and off in each 1/3rd octave band between and including 40Hz and 160Hz, with all levels to be taken (with windows and doors open) from inside any neighbouring residential property.

GROUND:

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy D1 of the Thanet Local Plan.”

Following debate, the motion was put to the vote and declared CARRIED.

(a) **A03 - F/TH/16/1357 - Land Adjacent And Rear Of 74 And Rear Of 76 - 84 Northwood Road, Broadstairs**

PROPOSAL: Variation of condition 2 and 5 of planning permission F/TH/14/0709 for erection of two storey dwelling to allow repositioning of dwelling, erection of a single storey porch to the front elevation, alterations to height and alterations to fenestration

It was proposed by Councillor Tomlinson, seconded by Councillor Buckley and RESOLVED:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the 18th December 2014.

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 development hereby approved shall be carried out in accordance with the submitted drawings.  
numbered J001\_8001.sk2, J001\_200.sk2, and J001\_8000.sk2 received 6 October 2016

GROUND:

To secure the proper development of the area.

3 Prior to the commencement of the development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority

GROUND:

To ensure that the archaeological history of the site is recorded in accordance with the National Planning Policy Framework.

4 If, during development, significant contamination is found or caused at the site, then this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters.

GROUND:

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11) and NPPF.

5 Prior to the first use of the development hereby permitted, the existing vehicular access gates shall be setback from the highway by 6m, in accordance with the approved plan numbered J001\_002.sk2 received 29 September 2016, and shall thereafter be maintained.

GROUND:

In the interests of highway safety.

6 Prior to the first occupation or use of the development, the area shown on the deposited plan for the parking and manoeuvring of vehicles shall be operational prior to any

part of the development hereby approved being brought back into use. The area agreed shall thereafter be maintained for that purpose.

GROUND:

in the interests of highway safety.

7 Prior to the commencement of 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
- the treatment proposed for all hard surfaced areas beyond the limits of the highway (which should be a bound, permeable surface)
- walls, fences, other means of enclosure proposed

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 adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan.

8 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.

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

GROUND:

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

10 Prior to the commencement of the development hereby permitted, details of a residential sprinkler system for the dwelling hereby approved shall be submitted to and approved in writing by the local planning authority. The sprinkler system, as agreed, shall be installed and fully operational prior to the first occupation of the approved dwelling.

GROUND:

To ensure a satisfactory standard of accommodation for future occupiers, in accordance with Thanet Local Plan Policy D1.”



(b) **A04 F/TH/16/1354 - 40 Canterbury Road West, Ramsgate**

PROPOSAL: Erection of a two storey 3-bed detached dwelling

It was proposed by Councillor Tomlinson, seconded by Councillor Buckley and RESOLVED:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED subject to the following conditions:

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

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawing numbered 6396/01 Rev P1 and 6396/02 Rev P1 received 24 November 2016.

GROUND:

To secure the proper development of the area.

3 Prior to the first use of the rear balcony hereby permitted, an obscure glazed privacy screen no less than 1.8m shall be erected along the western side of the balcony in accordance with the approved plan numbered 6396/01 Rev P1 and 6396/02 Rev P1 received 24 November 2016. The privacy screen shall thereafter be maintained.

GROUND

To safeguard the privacy and residential amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with Policy D1 of the Thanet Local Plan.

4 Prior to the first occupation of the dwelling hereby approved visibility splays of 2metres by 2metres behind the footway on both sides of the dwelling access with no obstructions over 0.6m above footway level shall be provided and thereafter maintained.

GROUND:

In the interest of highway safety.

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

GROUND:

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

6 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance

with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Ground:

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

7 The building(s) hereby approved shall be so constructed as to provide a minimum sound attenuation of not less than 20db average over the frequency range 100 to 3150Hz against the external noise from aircraft to which they are likely to be exposed.

GROUND:

To protect the residential amenities of the future occupiers of the development, in accordance with Thanet Local Plan Policies EP7 and EP8.

8 Prior to the commencement of development hereby approved, full details of both hard and soft landscape works, to include:

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- o the treatment proposed for all hard surfaced areas beyond the limits of the highway
- o walls, fences, other means of enclosure proposed

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

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

9 The soft landscaping to be provided in pursuant of condition 8 above shall include the planting of a hedgerow along the west, south and eastern boundaries of the site, where it does not interfere with the required visibility splays.

GROUND:

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan.”

**120. A05 - FH/TH/16/1253 - UPDOWN MEWS 274 RAMSGATE ROAD, MARGATE**

PROPOSAL: Erection of single storey extension to rear and alterations to wood store to provide additional accommodation, together with alterations to fenestration to front and rear elevations

It was proposed by Councillor Tomlinson, seconded by Councillor Buckley and RESOLVED:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED subject to the following conditions:

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

GROUND:

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered P-002, P-101, P-102, P-103, P-201, P-301, P-302, received 9 September 2016.

GROUND:

To secure the proper development of the area.

3 The external materials and external finishes to be used in the extension hereby approved shall be of the same colour, finish and texture as those on the existing property.

GROUND:

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

121. **A06 - F/TH/16/1328 - GARAGE BLOCK, PRINCE ANDREW ROAD, BROADSTAIRS**

PROPOSAL: Variation of condition 2 and 4 of planning permission F/TH/14/0244 for erection of two semi-detached two storey dwellings and one detached bungalow, together with associated car parking, following the demolition of existing garages to allow alterations to fenestration and layout and increase in size of dwellings

It was proposed by Councillor Tomlinson, seconded by Councillor Buckley and RESOLVED:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED subject to the following conditions:

1 The development hereby permitted shall be begun before the 23 June 2017.

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 02 bungalow Rev B received 03 October 2016, 01 house Rev C and 03 site plan Rev D received 04 October 2016.

GROUND:

To secure the proper development of the area.

3 The area shown on drawing number 03 site plan, received 04 October 2016, for the parking and manoeuvring of vehicles shall be operational prior to any part of the development hereby approved being brought into use. The area agreed shall thereafter be maintained for that purpose.

GROUND:

In the interests of highway safety.

4 Secure cycle storage facility as confirmed in the details submitted 10 November 2016 shall be provided prior to the first occupation of any of the units and thereafter maintained.

GROUND:

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

5 The driveways hereby permitted shall be constructed from Marshalls Tegula Permeable block paving as confirmed in correspondence dated 10 November 2016.

GROUND:

In the interest of highway safety.

6 The proposed development shall be constructed with Reigate Purple Multi Bricks and Redland 49 Granular Brown roof tiles, in accordance with the approved samples agreed 10 November 2016, and Sand Cement Render colour Oatmeal.

GROUND:

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

**122. A07 F/TH/16/1327 - GARAGES ADJACENT 34 PRINCE ANDREW ROAD, BROADSTAIRS**

PROPOSAL: Variation of condition 2 and 4 of planning permission F/TH/14/0091 for the erection of 2No. two storey semi detached dwellings following demolition of existing garage block to allow alterations to site layout, elevations and fenestration

It was proposed by Councillor Tomlinson, seconded by Councillor Buckley and RESOLVED:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED subject to the following conditions:

1 The development hereby permitted shall be begun before the 24th March 2017.

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 drawing numbered TDC-2817-AB-ZZ-LP-A-8001 Rev P03 received 24 November 2016 and the submitted plans numbered 3 Rev B and 2 Rev C received 3rd October 2016.

GROUND:

To secure the proper development of the area.

3 The development hereby approved shall be constructed of Dorset Multi Red Bricks and Redland 49 Granular Brown Tiles in accordance with the approved samples received 10 November 2016, and Sand Cement Render colour Oatmeal.

GROUND:

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

4 Prior to the first occupation or use of the development, the area shown on drawing number TDC-2817-AB-ZZ-LP-A-8001 Rev P03 received 24 November 2016 for the parking and manoeuvring of vehicles shall be operational prior to any part of the development hereby approved being brought into use. The area agreed shall thereafter be maintained for that purpose.

GROUND:

In the interest of highway safety.

5 The area for the loading and unloading of vehicles, vehicle turning facilities and parking facilities for site personnel and visitors to be used during the construction of the development hereby approved shall be carried out in accordance with the approved details in drawing number 2817C -10 Rev 1 received 7th November 2016.

GROUND:

In the interest of highway safety.

6 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.”

**123. R08 - F/TH/16/1020 - 1 DELLSIDE WAYBOROUGH HILL, MINSTER**

PROPOSAL: Change of use of stable/storage block to 1No dwelling, and erection of single storey extension to front and rear elevation

Speaking in favour of the application was Mr Beasley.

It was proposed by the Chairman and seconded by Councillor J Fairbrass:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be REFUSED for the follow reason:

1 The site is outside the built up area boundary of any settlement and, as such, represents an unsustainable and isolated form of development within the countryside, contrary to Policies H1 and CC1 of the Thanet Local Plan and Paragraph 55 of the National Planning Policy Framework.”

Following debate, the motion was put to the vote and declared LOST.

Then, it was proposed by Councillor K Gregory and seconded by Councillor Tomlinson:

“That Members approve the application subject to the following safeguarding conditions, as it will not have a significantly harmful impact and is in accordance with Paragraph 55 of the NPPF, does not exceed the original footprint and brings into use a building that may otherwise fall into dereliction:

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

GROUND:

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

2. The development hereby approved shall be carried out in accordance with the submitted plans numbered 15.858.DPS.PL03 Rev A and 15.858.DPS.PL04 Rev B, received 25 July 2016.

GROUND:

To secure the proper development of the area.”

Upon the motion being put to the vote, it was declared CARRIED.

124. **D09 - OL/TH/16/0967 - LAND ADJACENT 15 SOUTHALL CLOSE, MINSTER**

PROPOSAL: Outline Application for the erection of 12 detached dwellings, with access via Southall Close including access, layout and scale

Speaking in favour was Mr Brown.

It was proposed by the Chairman and seconded by the Vice-Chairman:

“THAT the officer’s recommendation be adopted, namely:

“That the application be DEFERRED AND DELEGATED to the Director of Community Services to approve subject to receipt of a legal agreement securing the agreed planning obligations and the following safeguarding conditions:

1 Approval of the details of the scale and appearance of any buildings to be erected, and the landscaping of the site (hereafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced

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 Prior to the commencement of the development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority

GROUND:

To ensure that the archaeological history of the site is recorded in accordance with the advice contained within National Planning Policy Framework.

6 No development shall commence 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:

o A survey of the extent, scale and nature of contamination

o An assessment of the potential risks to:

- Human health
- Property
- Adjoining land
- Groundwaters and surface waters
- Ecological system

o 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 advice contained within the NPPF.

7 No development of the dwellings hereby permitted shall take place until details of the means of foul and surface water disposal, including details of the implementation, management and maintenance of any proposed Sustainable urban Drainage Systems, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

GROUND:

To prevent pollution, in accordance with the advice contained within the National Planning Policy Framework.

8 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

9 Prior to the first occupation of the development, the area shown on the deposited plan for the parking and manoeuvring of vehicles shall be operational prior to any part of the development hereby approved being brought into use. The area agreed shall thereafter be maintained for that purpose.

GROUND:

In the interests of highway safety.

10 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing received 24 November 2016 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 All dwellings hereby permitted shall be provided with Superfast Fibre Optic Broadband 'fibre to the premises', where there is adequate capacity (internal min speed of 100mb to each building).

GROUND:

To serve the future occupants of the development in accordance with Policy D1 of the Thanet Local Plan and the guidance contained within the NPPF.

12 Details to be submitted pursuant to Condition 1 above shall show development not exceeding the building heights indicated within the Design and Access Statement dated August 2015.

GROUND:

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

13 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawing numbered CT/DB/16/6/2a, CT/DB/11/1, 'Plan of Parking and Turning area and dated 24th November 2016

GROUND:

To secure the proper development of the area.

14 Prior to the commencement of work on site, construction vehicle loading/unloading and turning facilities, and parking facilities for site personnel and visitors, shall be provided for the duration of construction.

GROUND:

In the interests of highway safety.”

Following debate, the motion was put to the vote and declared CARRIED.

**125. EXCLUSION OF PUBLIC AND PRESS**

Tim Howes, Director of Corporate Governance and Monitoring Officer outlined the report and recommended:

- a) That the Committee consider the background, history and context of these appeals in public - and to assist, a redacted report will be circulated to the public and those Councillors who are not Members of the Planning Committee.
- b) That the Committee excludes the press and public whilst they are receiving and considering legal advice on the matter
- c) That the Committee then revert back to public session to make their decision.

Speaking under Council Procedure rule 20.1 was Councillor Bayford.

Speaking under Council Procedure rule 20.1 was Councillor Ashbee.

It was proposed by the Chairman and seconded by Councillor Buckley:

“That the officer’s recommendation be adopted, namely:

‘That the public and press be excluded from the meeting for advice from counsel in regard to agenda item 7 as it would contain exempt information as defined in Paragraphs 3 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).”

Following debate, the motion was put to the vote and declared CARRIED.

**126. CHANGE OF USE APPEALS - MANSTON AIRPORT**

Speaking under Council Procedure rule 20.1 was Councillor Bayford.

Also speaking under Council Procedure rule 20.1 was Councillor Ashbee.

Also speaking under Council Procedure rule 20.1 was Councillor Taylor-Smith.

Iain Livingstone, Planning Applications Manager outlined the report.

It was proposed by the Chairman and seconded by the Vice Chairman:

“That the officer’s recommendation be adopted, namely:

'5.1 –Option 1 - Members confirm that the reasons for refusal in relation to the four planning appeals are withdrawn and that the Council raises no opposition to the appeals, subject to the imposition of appropriate safeguarding conditions. The Council will therefore offer no evidence at the Inquiry, other than procedural support and providing input on safeguarding conditions as appropriate.'

Committee Members asked questions of Mr Livingstone.

The Public and Press were excluded from the Chamber.

Paul Shadarevian, Barrister outlined legal advice and Committee Members asked questions.

The Public and Press were invited back into the Chamber.

The Monitoring Officer conducted a recorded vote on the substantive motion as follows:

9 Members voted in favour of the motion: Councillors Jaye-Jones, Buckley, Connor, Edwards, J Fairbrass, Fenner, Howes, Potts, and Taylor.

5 Members voted against the motion: Bambridge, Dawson, K Gregory, Partington and Tomlinson.

1 Member abstained from voting on the motion: Councillor Grove.

The motion was declared CARRIED.

Meeting concluded : 9.40pm

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THANET DISTRICT COUNCIL

PLANNING COMMITTEE

18 January 2017

BACKGROUND PAPERS TO SCHEDULE OF APPLICATIONS

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended)

- (A) Standard Reference Documents - (available for inspection at the Council offices)
1. Thanet District Council Local Plan saved policies
  2. Cliftonville Development Plan Document
  3. Government Circulars and the National Planning Policy Framework issued by the Department of Communities and Local Government.

- (B) Register of Applications for Planning Permission (Article 40 of the Town and Country Planning (Development Management Procedure) (England) Order 2015))

(Copy of applications together with accompanying plans or drawings are available for inspection at the Council offices)

- (C) Background Papers in relation to specific reports in the Schedule of Planning Applications

(Copies of background papers and any appeal decisions referred to are available for inspection at the Council offices and via the Council's website)

I certify that the above items are not exempt information.

- (D) Exempt information in accordance with paragraph of Schedule 12 (A) of the Local Government Act 1972.

N/A

I certify that the above items are exempt information.

Prepared by: IAIN LIVINGSTONE



SIGNED:.

Proper Officer

DATE:07 January 2017

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

PART A

TO: THE PLANNING COMMITTEE

DATE: 18 January 2017

Application Number	Address and Details	Recommendation
A01 F/TH/16/1232	<b>Mizuri Norman Road BROADSTAIRS Kent CT10 3BZ</b>  Erection of two storey dwelling  Ward: Beacon Road	Approve
A02 F/TH/16/1414	<b>24 Harbour Street RAMSGATE Kent CT11 8HA</b>  Retrospective change of use of part of ground floor from retail (Use Class A1) to taxi office (sui generis)  Ward: Eastcliff	Approve
A03 F/TH/16/1109	<b>Land On The East Side Of Leicester Avenue MARGATE Kent</b>  Erection of three storey building containing 5No self-contained flats with associated parking and landscaping  Ward: Cliftonville East	Approve
A04 F/TH/16/1114	<b>Yoakley House Drapers Close MARGATE Kent CT9 4AH</b>  Erection of a 32no. bed annexe to care home together with service road and parking  Ward: Salmestone	Approve

A05 L/TH/16/0979

**Margate Harbour Arm Stone Pier** Approve  
**MARGATE Kent CT9 1AP**

Application for listed building consent for new railings and pedestrian barrier along with new wall mounted lighting to replace existing handrail lighting to Harbour Arm

Ward: Margate Central

A06 F/TH/16/1331

**Land Rear Of 1 To 7 Coronation** Approve  
**Close BROADSTAIRS Kent**

Variation of condition 2 of planning permission F/TH/14/0242 for erection of two semi-detached bungalows and one detached bungalow, together with associated car parking, following demolition of existing garages to allow repositioning of the bungalows, amendments to parking layout and alterations to design of all bungalows

Ward: Beacon Road

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

PART B

TO: THE PLANNING COMMITTEE

DATE: 18 January 2017

Application Number	Address and Details	Recommendation
D07 F/TH/16/1051	<b>49 - 51 Edgar Road MARGATE Kent CT9 2EQ</b>	Defer and Delegate
<b>Major</b>	Change of use from residential care home to 2no 5 bedroom houses and 8no. 2 bedroom flats together with single storey rear extension and alterations to fenestration  Ward: Cliftonville West	





- 5 The area shown on the submitted plans as vehicle parking spaces and turning areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

**GROUND:**

Development without adequate provision for the parking or turning of cars is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of policy D1 of the Thanet Local Plan.

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

**GROUND:**

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

- 7 No further alterations to the building, or the erection of garden buildings or erection of boundary or internal fences or means of enclosure, whether approved by Classes A, B, C, D, or E of Part One or Class A of Part Two of Schedule 2 to the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

**GROUND:**

To ensure a satisfactory external treatment and in the interests of the visual amenities of the locality in accordance with Policy D1 of the Thanet Local Plan.

- 8 Prior to the first occupation of the development hereby permitted, boundary treatment no less than 1.8m in height shall be erected along the south-west boundary of the site, in accordance with the approved plan.

**GROUND:**

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties, and to provide secure doorstep playspace, in accordance with Policies D1 and SR5 of the Thanet Local Plan.

SITE, LOCATION AND DESCRIPTION

The site is presently part of the rear garden of the two storey semi-detached property known as Mizuri. The site itself is relatively flat and defined at present by fencing with a garden shed to the rear.

The surrounding land use is residential with a block of single storey garages to the immediate north east leading into St Peter's recreation ground. Opposite the site on the southern side of Norman Road planning permission was approved for the redevelopment of the garage block opposite the application site (ref: F/TH/14/0093).

### RELEVANT PLANNING HISTORY

This is a revised application following the refusal of an earlier scheme for a two storey dwelling on the basis of the following reason:

1. *The proposed dwelling, by virtue of its design, scale and location would represent a cramped and obtrusive form of development that is out of keeping with the prevailing character and appearance of development within the locality, representing overdevelopment of the site within its backland context, resulting in significant harm to the character and appearance of the area. The proposal is therefore contrary to Policy D1 of the Thanet Local Plan and paragraphs 58, 60, 61 and 64 of the National Planning Policy Framework.*

This application therefore seeks to address the previous reason for refusal

### PROPOSED DEVELOPMENT

The proposed development seeks planning permission for a two storey dwelling with a single storey side addition. The proposed dwelling measures 11.5m wide in total, with 8.3m of the dwelling being 2-storey in height. The dwelling measures 4.5m deep. In terms of its location, the proposed dwelling is 1.5m from the side boundary with the neighbouring property Syringa, 1m from the rear boundary, 20m from the rear elevation of Mizuri, and 23m from the rear elevation of Mizuri at first floor level. Access to the site is proposed between what would be the new boundaries to Mizuri and the proposed development site. This would cross the current pavement area that runs along the southern boundary of the site. The proposed garden measures 7.5m wide by 7m deep.

The application has been amended since it was originally brought before members at the November planning committee, as it was discovered that the depth of the site was one metre less than what was shown on the submitted plans. The proposed development has been amended so that the single storey side extension has been reduced in width by one metre, however, the first floor element of the proposed dwelling remains of the same size, and as such the proposed dwelling is now 1m closer to the rear elevation of Mizuri and the neighboring property at first floor level.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan Policy (2006) Saved Policies**

- D1 - Design principles
- D2 - Landscaping
- H1 - Housing provision
- H4 - Windfall sites
- SR5 - Doorstep and local play space

TR12 - Cycling  
TR16 - Car parking provision

## NOTIFICATIONS

Letters were sent to occupiers of neighbouring premises in Norman Road and Cecilia Grove and a site notice was displayed. 5 letters of objection have been received raising the following matters:

- A large detached house would be out of character and over-bearing, detrimental to immediate neighbours;
- Concerns regarding blocking of access to the garage court;
- Proposal will block open views enjoyed by neighbours;
- Concerns over vehicular access to the site across the pavement area;
- Design would be overbearing, particularly due to no windows on the rear of flank;
- Proposed development has increased in footprint;
- Impacts regarding loss of daylight and sunlight to neighbours

In addition to the objections a single letter of support stating that they consider the proposal as representing positive development in the area next to a row of derelict garages that results in anti-social behaviour.

**Broadstairs & St Peter's Town Council** - The planning committee has considered the application and has resolved to recommend that the application be refused due to the following concerns: Rear garden cramming; overdevelopment; overlooking; detrimental impact on neighbours; loss of amenities; overbearing; too close to boundary fencing; poor elevation design; no provision for vehicle access and loss of pedestrian route through to park.

**Broadstairs Society** - The society has looked at the revised application and are still of the view that despite cosmetic changes it is still overdevelopment. Vistas and views are important in a place like Broadstairs and this application, if approved, would block open views. Furthermore, the hardstanding would be in our opinion, a potential danger.

## CONSULTATIONS

**Southern Water** - Southern water requires a formal application for a connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: "A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW."

## COMMENTS

This application is reported to planning committee as it is considered to be a departure from the saved Local Plan and was also called in by Councillor Matterface. The main considerations with regard to the planning application are the principle of development; the

impact upon the character and appearance of the local area; and the impact upon living conditions of neighbouring property occupiers and future occupiers.

### **Principle**

The proposed dwelling would represent development on non-previously developed land, being private residential garden land, which would be contrary to policy H1 of the Thanet Local Plan. Policy H01 - Housing Development in the Draft Local Plan paragraph 3 states that permission for new housing development will be granted on residential gardens where not judged harmful to the local area in terms of the character and amenity considerations set out in Policy QD01 (Design principles).

The Draft Local Plan has weight in the decision making process following the Cabinet approval of the draft in December 2014. The National Planning Policy Framework (NPPF) states that Council's should set out policies in relation to garden land, and therefore the draft policy is considered relevant and has weight given the guidance in the NPPF. Regard must also be had for the fact that there is a current need for housing in Thanet and, on this basis, the NPPF indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development.

In this case the proposal is for one dwelling, at a site which lies within the urban confines with access to local amenities, and is considered to be sustainably located within the district. The development of this site for housing could therefore be accepted in principle subject to the detailed consideration of all other material considerations including the impact upon the character and appearance of the area.

### **Character and Appearance**

The NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place; respond to local character and history; reflect the identity of local surroundings and materials; and are visually attractive as a result of good architecture and appropriate landscaping (paragraph 58). Policy D1 of the Thanet Local Plan outlines that the design of all new proposals must respect or enhance the character or appearance of the area particularly in scale, massing, rhythm and use of materials.

The proposal seeks consent for a detached dwelling that is predominantly single aspect with windows looking south onto Norman Road. The design of the building has been revised from the previous scheme so that the frontage presents as a traditional two storey dwelling of similar height to neighbouring properties on Norman Road.

Neighbours have raised objection to the proposal on the basis that the design appears out of character with Norman Road due to the width of the dwelling in comparison to the terraced dwellings locally. This in itself is not a reason to determine that the proposal is harmful to the character and appearance. Furthermore, it should be noted that the approved scheme for redevelopment of the neighbouring garages to the south is the subject of an amendment application to alter the fenestration detailing. The relative proportions of those properties,

with the exception of the rear elevation, is broadly similar to that proposed for this scheme and therefore cannot by itself be deemed harmful to the character of the area.

Whilst the size of the site has been found to be one metre shallower than previously shown, which reduces the degree of separation at first floor level between development to 23m, this gap is considered to provide an adequate separation distance between development, and is not considered to significantly detract from the character and appearance of the area.

The rear elevation of the dwelling has a lower eaves level than the previously refused scheme in order to reduce the visual impacts to neighbouring properties. Whilst this is a different approach to the design it is not considered to be an unacceptable solution to address wider potential impacts.

The NPPF is clear in setting out that policies and decisions should not stifle innovation, originality or initiative but should seek to promote or reinforce local distinctiveness (paragraph 61). It goes on to state that permission should be refused for development of poor design where it fails to improve the character and quality of an area and the way in which it functions. The architectural approach to the development clearly seeks to reflect the traditional details within the local area in regards to eaves details and overall roof pitch. Whilst the scale of the building differs to its immediate neighbours by virtue of its width this is not considered to be unacceptable, particularly in light of the only relevant recent approved development to the south.

The impact upon the character and appearance of the area is therefore considered to be acceptable.

### **Living Conditions**

The previous application was not refused on grounds of its impact upon neighbouring living conditions.

This application is an improvement to the previous application in terms of the impact upon neighbouring living conditions, in that the dwelling has been moved further to the rear of the site, resulting in a greater separation distance between the neighbouring property and the proposed development. Even with the error identified in the site plan, which previously showed the site one metre deeper than the actual size, the separation distance between Mizuri and Syringa, and the proposed development, is 20m, and the separation distance at first floor level is 23m. Such a distance will not significantly impact upon the light to or outlook from the neighbouring property, or Mizuri, and whilst there may be some overshadowing of the garden area of Syringa, the impact would not be significant enough to warrant the refusal of the application. As such the impact upon light and outlook is considered to be acceptable.

The design of the proposed dwelling provides the main habitable windows facing south over the road, with no windows contained within the rear elevation, or at first floor level of the side elevation. As such, the impact upon neighbouring privacy, and the privacy of Mizuri, is considered to be acceptable.

The proposed development seeks to reduce the rear garden of the host property significantly to a depth of 9.5m, in order to provide space for the new dwelling. The resultant garden for the main dwelling would remain of suitable size to be in accordance with the aims of saved policy SR5 regarding doorstep play space.

Regarding the layout of the proposed new dwelling the garden area to the west of the property is accessible from the main living space, with additional space provided around the remaining boundaries of the dwelling and plot albeit that these do not function as usable amenity space. The main amenity space amounts to an area of approximately 52 square metres which would comply with the general requirements for play space. The parking is now located to the far west of the site ensuring that all of the amenity space can be securely fenced off to ensure compliance with the safe doorstep play space.

The impact upon the living conditions of neighbouring occupiers, the occupiers of Mizuri, and the future occupiers of the development, is considered to be acceptable.

### **Transportation**

The wider application site already has hardstanding to the front of the property to provide off road parking for cars, although there is no dropped kerb provided and therefore the issue of parking may not be regularised. In addition there is unrestricted parking on the Norman Road for additional vehicles. The provision of a further single dwelling in this location is unlikely to result in any defensible highway grounds with regards to parking.

Issues have been raised regarding cars crossing the pavement area which is well used by pedestrians to access the neighbouring recreation ground and further afield. The principle of crossing a well-used pavement to access off-street parking is not in itself an uncommon feature within any residential area, indeed in this particular location there are numerous examples of this practice. In this particular location the pavement is wider and affords good visibility to ensure that there are no conflicts with cars entering or exiting the site and pedestrians using the pavement. With regards to impacts on accessing the recreation ground it should be recognised that at present the means of access is through the neighbouring garage block which, if in heavy use, would potentially result in much greater through traffic of cars noting that there are 20 separate garages in the area.

### **Other Matters**

A number of residents and the Broadstairs society have raised objections regarding the impacts on views from this scheme. The planning system does not protect the individual's right to a view and only becomes a matter when a development is considered to result in an overbearing development or a loss of outlook. In this particular instance, due to the separation distances between neighbouring properties and the proposed development the scheme would not result in a detrimental impact on outlook. Furthermore, due to the separation distance and particularly the rear design of the proposed dwelling the scheme would not result in an overbearing impact from the neighbouring properties.

## **Conclusion**

The site is non-previously developed land within the urban area and is therefore considered contrary to the aims of saved Policy H1. This policy constraint, however, needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis the National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development. The site is considered sustainable in its location and it is not considered that there are any detrimental impact of the scheme that need to be overcome in order for it to benefit from the presumption in favour of development.

It is therefore considered that the proposal can be delivered in a manner that is in keeping with the established character and pattern of the neighbouring residential development and will not result in unacceptable impacts. On balance the need for housing in sustainable locations such as this site outweighs the need set out in saved Policy H1 of protecting non previously developed land. It is therefore recommended to Members that this application is approved, subject to safeguarding conditions.

### **Case Officer**

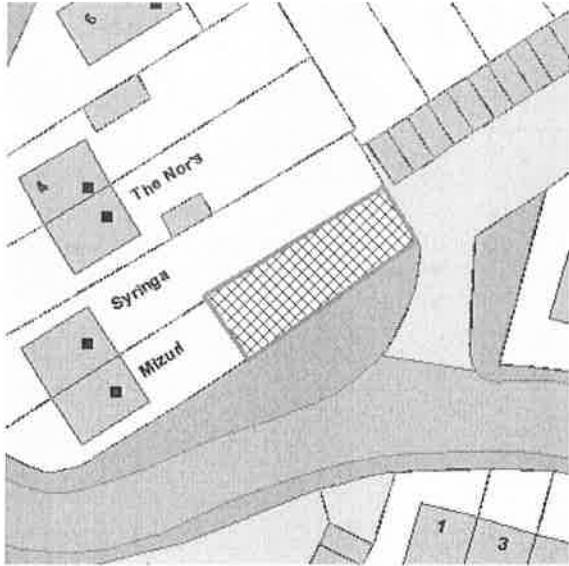
Emma Fibbens



TITLE: F/TH/16/1232

Project Mizuri Norman Road BROADSTAIRS Kent CT10 3BZ

Scale:







- 5 Within one month of the date of this decision, a scheme detailing refuse provision for patrons to be provided within the site, shall be submitted to and approved in writing. The scheme shall be carried out in accordance with the agreed details within one month of approval of the scheme and thereafter maintained.

**GROUND:**

In the interest of visual amenity in accordance with Policy D1 of the Thanet Local Plan and the NPPF.

- 6 Within one month of the date of this decision a scheme for the provision of a Closed Circuit Television System shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the position of cameras and their coverage. The scheme shall be carried out in accordance with the agreed details within one month of approval of the scheme and shall thereafter maintained.

**GROUND:**

In accordance with Policy D1 of the Thanet Local Plan.

SITE, LOCATION AND DESCRIPTION

The application site is located on the north eastern side of Harbour Street, Ramsgate. The building subject of this application is contained over four levels. The entrance to the existing shop, Harbour Street Bazaar, and current taxi entrance is under a canopy area on the ground floor.

Harbour Street is characterised by commercial operations at ground floor including cafes/restaurant/takeaways, public houses, shops and offices and some residential units above.

The site is located within the confines of the Ramsgate Conservation Area.

RELEVANT PLANNING HISTORY

F/TH/99/1076 Change of use and conversion from storage of 1st, 2nd and 3rd floors to hotel accommodation. Withdrawn

PROPOSED DEVELOPMENT

Planning consent is sought for the part retrospective change of use of part of the premises from retail to taxi office (sui generis). The current taxi office operates from a section of the ground floor within the southern corner of the building, adjoining the passageway which leads to the rear of the site. It is understood from the applicant's agent that this use has been operating since 2012 from 10pm Thursday, Fridays and Saturday until 4am the following day.

## DEVELOPMENT PLAN POLICIES

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

D1 - Design Principles

TC7 - Margate, Ramsgate and Broadstairs Town Centres

## NOTIFICATIONS

**Twenty Six** letters of representation have been received. The following concerns have been raised:

- Impact upon residential amenities
- Impact on retail function and regeneration of the core town centre area
- Impact upon the Conservation Area
- Anti-social behaviour
- Wrong location for a taxi office
- Bodily fluids left in Harbour Street evident in the mornings
- Proposed hours of use incompatible with sleep
- Use resulting in emotional and physical illness of residents
- Insufficient space for stopped cars
- Increase in litter

One petition containing 32 signatures submitted by Cllr Beverly Martin. The petition objects to the proposal on the basis of anti-social behaviour, noise, rubbish and traffic problems.

## CONSULTATIONS

**Ramsgate Town Council:** Ramsgate Town Council disagree with this application on the grounds that there is no empirical evidence that the need for taxi offices is not being met with the taxi rank in the harbour area - a currently unused, but still licensed taxi rank in the turning circle at the end of Harbour Parade and a buzzer facility in York Street.

If TDC is minded to grant planning permission, RTC insist on a full Highways Impact Statement.

Policy D1 states that new development should include measures to prevent public disorder. As the build-up of often inebriated and objectionable behaviour is associated with crowds waiting for taxis in this area, RTC insist that marshals be employed to manage the flow of customers and that the pickup point be moved away from Harbour Street to Harbour Parade or Leopold Street to prevent the build-up of crowds in an area that disturbs the sleep of residents.

Ramsgate Town Council recommends that the operational time of the office is reduced to 11.30 pm or 12 midnights to mitigate late night disturbance to residents.

**Additional comments** based on Planning Statement submitted by the applicant can be summarised as follows:

Concern about anti-social behaviour resulting from revellers waiting for a taxi  
Concern about taxis queuing along Harbour Street  
Applicant has not co-operated about on-going issues of noise and anti-social behaviour  
Consider the proposal harmful to the night time economy – investors will not put money into an area where such problems exists  
Office in wrong location  
The current taxi office is not in compliance in design with the TDC objectives for Harbour Street as a conservation area

TDC has an overriding duty under s17 of the Crime and disorder Act 1998

**Conservation Officer:** No objection.

**KCC Highways and Transportation:** No comments

**Environmental Health:** I understand that Community Safety has concerns around the site and antisocial behaviour from customers using the taxi office have offered comments in this regard.

Environmental Health will not be objecting to the application as we do not believe that the office is in an inappropriate location and it serves a wider concern around the night time economy and public nuisance and the dispersal of people from the vicinity.

I would, however, suggest the following conditions are attached to any consent to mitigate potential for nuisance to dwellings above the commercial premises in Harbour Street

Recommended conditions:

- o Bins to be positioned internally and externally and have a trade waste contract
- o Adequate toilet provision for patron use
- o Lobby door and door closures to be installed at the entrance
- o Restricted hours open:  
Sunday to Thursday to 1am  
Friday, Saturday & Bank Holiday Sunday to 3am

I would also welcome consideration of the following matters:

- o Private hire vehicles must not wait outside unless they have a prepaid fair
- o Signage erected at the front of the office requesting customers respect the neighbours and keep noise to a minimum

**Thanet Community Safety Partnership:** The Harbour Street area suffers with complaints of crime and disorder, nuisance behaviour, alcohol related disorder and group congregation. Due to the layout of the property and immediately surrounding location, it is not felt to be conducive with crime prevention or allowing the easy dispersion of potentially intoxicated groups.

Furthermore, alternative nearby locations exist (Turner St offices, Hackney Carriage Rank) that serve to fulfil the safe passage of persons from the night time economy without the need for this office.

It is the view of the Community Safety Unit that to allow this planning application would add to the cumulative impact and have a negative impact upon residents of Ramsgate.

Following consultation with Kent Police, it is felt that to grant this application would be detrimental to Harbour Street and have a negative impact on residential properties in the surrounding area. There is already cumulative impact within Harbour Street and Harbour Parade due to the amount of licensed premises there (11, soon to be 12 with the opening of Wetherspoon's) and the current Harbour Street taxi office acts as a draw after closing time with queues of rowdy people forming, waiting for taxis.

This is contrary to the licensing objectives, as set out in Section 4(2)(a)-(c) Licensing Act 2003, namely the:

- o Prevention of crime and disorder
- o Public safety
- o The prevention of public nuisance

Which has been consistently submitted alongside recent new or amended applications. Whilst it is recognised that the wider impact on residents cannot directly be attributed to one business, but endemic of having a busy Night Time Economy, what can be demonstrated is the cumulative impact of a number of licensed premises and the impact the patrons of these have on residents whilst waiting a considerable time to get a taxi home, especially when there is another taxi office run by United Cars (the applicant) a mere 300 metre walk away.

This report is submitted on consideration of anticipated outcomes. Officers and members have a duty to consider the perception and impact on Thanet residents when making binding decisions such as these.

**Additional comments:** I wish to update you with regards to our current position.

Since receiving a number of initial complaints from residents and the wider community, we have carried out a number of multi-agency operations with partners to conduct visits and inspections in the night time economy in Harbour Parade and Harbour Street, Ramsgate. This has included additional presence in high visibility and plain clothes, outside the taxi office during a peak socialising period -Christmas and New Year.

The Community Safety Unit issued a Community Protection Notice on the 15th of September, which then prompted a meeting with the operators. Following this meeting and in light of the steps now taken and assurances delivered upon, this notice was then subsequently withdrawn due to the operators voluntarily undertaking a number of measures to better safeguard their business premises and immediate neighbouring vicinity.

The following steps have now been completed by the operators:

- \* Signs have been installed asking patrons to keep quiet

- \* The operators have purchased and implemented a body worn camera for the taxi marshal to wear whilst on duty
- \* Footage has been regularly provided to the council and police without request on occurrence of any incident near by
- \* Patrons are regularly being asked to 'move on' if not waiting for a taxi and 'keep quiet' if doing so. (This has also been observed independently by out of hours officers from the Authority on call)
- \* The taxi office are now keeping an incident log and reporting any incidents to us and police as appropriate (although it is worth noting they have had little cause to do so)
- \* Measures have already been taken to expand the internal waiting area to reduce any street congregation when waiting for taxis.
- \* Further evidence has also now been received demonstrating alternative premises as being involved with congregating of groups

Two further actions were also discussed as longer term safety measures to assess the feasibility of implementation at a later date:

- \* Installing fixed CCTV to the premises
- \* Employ a security guard during peak times if required

We understand the fixed CCTV goes live next week (there was a delay due to the Christmas period) but works have been instigated.

With regards to employing a security guard, the operators were willing to finance and have taken steps to fill this post, however have struggled with recruitment. In light of the reduced complaints and effectiveness of the body worn camera, it is now no longer deemed necessary.

Whilst we still hold reservations about the citing of a taxi office, with vehicular collection points, on a narrowing road where vehicular access is restricted and patrons may be potentially under the influence of alcohol. Collecting patrons is not in contravention of any currently enforceable traffic regulations.

We feel that the operator has taken all steps asked to work jointly with the police and council and suitably safeguard the operation of his business to reduce the impact on crime and disorder.

In light of the lack of complaints, calls or incidents reported to the council and police in recent weeks, or absence of any recent incident diary sheets being returned, (there were only 2 calls recorded over the Christmas period which could not be substantiated by officers that were present in the location at that time) it can be assumed there has likely been an improvement in the area, and the CSU no longer has the justification or grounds to make a formal objection to these permissions.

We would still encourage temporary permission to be granted, alongside the conditions set out by the Environmental Health department, in case circumstances change and whilst further intervention in the locality is continued by agencies.



**Kent Police:** This is a change of use from a retail unit to what appears to be an extension to an existing taxi office, in order to provide larger accommodation. I am aware that this premise is at the heart of the most problematic area in the night time economy in Thanet.

Research shows that there is significant increase in activity around this location in the early hours of the morning. This in turn is increasing anti-social behaviour, crime, disorder and noise complaints. The local residents have had to endure these incidents regularly and if this application was approved then the issues that already occur could significantly increase.

The area is a hotspot that many agencies are aware of, the aim is to try to reduce all of the on-going issues. By allowing this proposed application would make this a difficult challenge.

## COMMENTS

This application is reported to planning committee at the request of Councillor Hunter Stummer-Schmertzing. This is on the basis of anti-social behaviour caused late at night in an area of residential use. The main considerations relevant to the determination of this application are the acceptability in principle of change of use, impact upon Conservation Area, impact upon living conditions and crime and disorder.

### **Principle**

A taxi business or a business for the hire of motor vehicles is specifically excluded from any Use Class of the Use Class Order 2015. Such uses are thus sui generis, with no permitted change which allows their impact to be fully assessed through a planning application.

Saved policy TC7 deals with Margate, Ramsgate and Broadstairs Town Centres. This policy states that the main aim is to adopt a stronger role in leisure, culture, heritage and tourism, as part of holistic approach regeneration. Development or change of use that supports this aim will be permitted subject to satisfactory design, access and where appropriate parking and servicing arrangements. The town centre management of public spaces and land use of the town centre management will be supported to create an attractive and vital town-centre environment.

In terms of the NPPF paragraph 23 details that local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. More generally the Framework states that the purpose of planning system is to contribute to the achievement of sustainable development.

The use of the building would involve the loss of approximately 13 sqm of storage space in association with the shop. In this instance, this small loss is not considered to be so significant as to result in demonstrable harm to the nature and substance of the town centre as a whole. Use of the building as a taxi office is seen as playing a role in the night time economy of Ramsgate. Principle of use in the town centre is acceptable subject to the acceptability of the change of use is therefore dependent upon its impact upon the Conservation Area, neighbouring premises (in particular residential) and crime and anti-social behaviour.

## **Impact upon Conservation Area**

Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990 states that 'In the exercise, with respect to any buildings or other land in a conservation area, of any function under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

This application proposes development which could affect the conservation area.

The application seeks to secure planning approval for change of use only. No external alterations are proposed for the change of use and therefore there will be no impact in this regard. Accordingly no material harm to the designated heritage asset has been identified and having due regard to Section 72 of the Planning (Listed Building and Conservation Area) Act 1990.

If advertisements are erected and displayed these would be subject to the Adverts Regulations.

## **Living Conditions**

At paragraph 17 of the NPPF, under the title of 'core planning principles' the government requires new development to provide 'a good standard of amenity for all existing and future occupiers of land and buildings.'

The key issue raised by objectors is the noise, disturbance, anti-social behaviour, including criminal damage to property that has been experienced.

Within the supporting statement to the application it is detailed that the additional space for the use will allow seating for up to 31 persons and standing space. In terms of operation, it is detailed that the system is operated by a single person, in control of a hand held device, which relays the customer information, along with a unique code number to the main office in Turner Street from where the booking is passed to one of the firm's fleet. When the taxi arrives, it is stated that the operative is able to identify and alert the specific customer and booking with the taxi, which ensures that the taxi driver does not have to park or wait, or attempt to identify the relevant customer. It is put forward that this limits pick-up times and limits potential for confrontation.

The area in which the application is situated is within the town centre of Ramsgate. Adjoining uses at ground floor level are commercial; however, above many of these buildings are residential flats.

In terms of noise generation, this could be generated by noise from the taxi vehicles themselves, in the form of engines idling. Given that vehicles would be stationary for a limited time whilst picking up customers this is not considered to result in material harm.

It is appreciated that noise and disturbance from the use could be generated from within the building and by patrons congregating outside the premises as a result of the change of use.

The impact of this proposal upon those in the adjacent properties is likely to be exacerbated by the fact that other night time uses are in close proximity to the site and also patrons of other establishments will be passing by the premises in the evenings/early hours, which could exacerbate any potential problems and this is reflected in the representations received. The taxi office generates night time noise in a part of Harbour Street that currently has existing uses that also generate such noise/activity. Measures suggested by the Environmental Health including door closures could be controlled by condition. It is however not considered reasonable to attach a condition relating to the provision of adequate toilet provision.

As this is a partly retrospective planning application, it is evident from representations received that there are some issues with the operation of the use in the past and currently, in terms of noise and disturbance. The Council's Environmental Health team have advised that they have no objection to the proposal, as detailed above. I concur with this view that this is a town centre location, with a mix of both commercial and residential uses (upper floor) and such a facility would be compatible within the area concentrated with late night venues, and therefore subject to conditions the impact on residential properties is acceptable.

### **Crime and Disorder**

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. In this particular case Kent Police have fed into the consultation process as well as the Council's Community Safety Team who have been working with the applicant. Formal objections to the application have not been made by Kent Police, although areas of concern have been raised and are noted. The applicant has agreed separately with the Council's Community Safety team and the following measures have been completed by the operator:

- \* Signs have been installed asking patrons to keep quiet
- \* The operators have purchased and implemented a body worn camera for the taxi marshal to wear whilst on duty
- \* Footage has been regularly provided to the council and police without request on occurrence of any incident near by
- \* Patrons are regularly being asked to 'move on' if not waiting for a taxi and 'keep quiet' if doing so.
- \* The taxi office are now keeping an incident log and reporting any incidents to us and police as appropriate
- \* Measures have already been taken to expand the internal waiting area to reduce any street congregation when waiting for taxis.
- \* Further evidence has also now been received demonstrating alternative premises as being involved with congregating of groups

Since the original comments of the Council's Community Safety team it has now been confirmed that the operator has been working with them to resolve issues and a number of measures have now been implemented. The Council's Community Safety team have advised that complaints, calls and incidents have reduced, with only two being logged over the Christmas period. I am of the view that this shows that the introduction of the highlighted

measures have made marked improvements to the situation, as you would expect to see a peak in incidents in the festive period, which is probably one of the busiest times of year.

From representations made by third parties it is clear that there are anti-social behaviour within the Harbour Street area, however, these cannot be solely pin pointed down to the existing taxi office, but is considered to be the cumulative impact of the taxi office, pubs/clubs and late night eating establishments. The proposed provision of a larger area for patrons to wait inside for their transport home will in effect remove some people off the street and could reduce some impacts by providing an increased waiting area. It is considered that a larger waiting area would provide a safe indoor waiting point which would lead to a reduction in people at existing congregation points. Given that the applicant has willingly entered into a dialogue with the Local Authority to improve the proposed operation it is considered prudent in this case to permit a temporary permission for a period of one year and subject to a further condition requiring the installation of CCTV up to an evidential standard. Should problems persist during this year should a further permission be sought it could be legitimately refused.

Separate provisions under different statutory regulations will also work in conjunction with any permission issued.

### **Other material considerations**

The taxi office involves vehicles being parked near to the premises at some time, for pick-ups. The proposed operation is that vehicles visit the site as and when required, so large numbers of vehicles are not lined up. Harbour Street, which is pedestrianised, is subject to a Traffic Regulation Order which prohibits vehicles between 10am-5pm Monday-Saturday. Given the proposed operation hours this is unlikely to be in conflict with the proposal. It is acknowledged that only one vehicle could stop outside the premise at any one time but this is unlikely to result in a conflict with other vehicles as vehicles will only momentarily be stopped whilst picking up and would not be stationary for a long period of time.

The Council's Licencing Officer has confirmed that a separate licence is not required for this site as it would operate as a satellite office for the main premise in Turner Street.

### **Conclusion**

The proposed use would bring an additional night-time use into Harbour Street. Whilst Kent Police do not object to the proposal, concerns are raised by residents, the town council and Community Safety Team. However during the course of the application discussions have taken place with Kent Police and the Council's Community Safety team and measures have been suggested to improve the current operation. Also the additional floor space proposed for customers to wait has the potential to remove people from existing congregation points and aid dispersal of people in the early hours.

Given the site's town centre location, it is considered that any noise generated is compatible with the location of the premises. No outstanding issues remain in terms of noise. The proposal is also deemed acceptable in terms of highway safety and impact upon the Conservation Area. On the basis of the above it is recommended that Members approve the

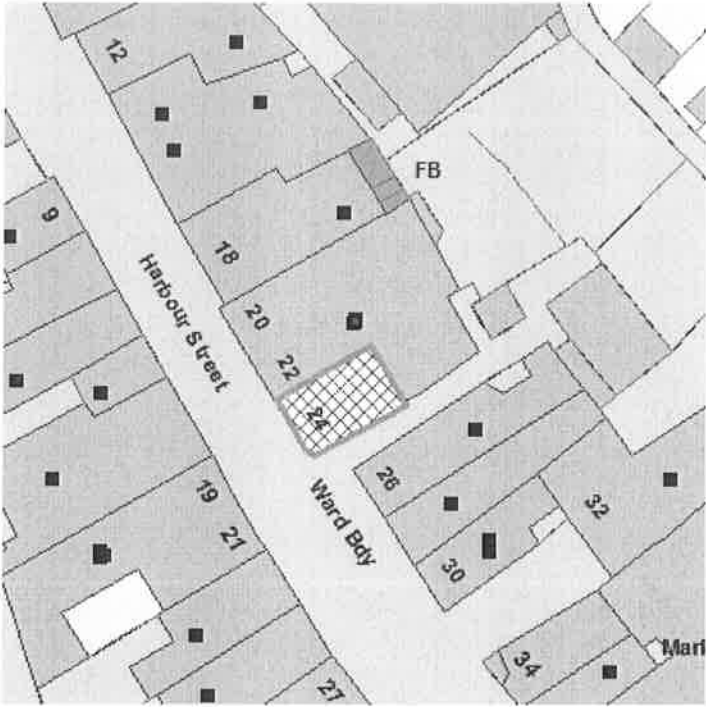
application for a temporary period of one year with safeguarding conditions being imposed including opening hours, installation of CCTV and provision of bins. The operation can then be reviewed to see if these mitigation measures are sufficient to enable no material harm to occur in terms of anti-social behaviour. Should significant concerns remain the application could be refused at this point.

**Case Officer**  
Gill Richardson

TITLE: F/TH/16/1414

Project 24 Harbour Street RAMSGATE Kent CT11 8HA

Scale:



<b>A03</b>	<b>F/TH/16/1109</b>
PROPOSAL:	Erection of three storey building containing 5No self contained flats with associated parking and landscaping
LOCATION:	Land On The East Side Of Leicester Avenue MARGATE Kent
WARD:	Cliftonville East
AGENT:	Mr Mike Hooper
APPLICANT:	Chaucer Builders Ltd.
RECOMMENDATION:	Approve

Subject to the following conditions:

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

**GROUND:**

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

- 2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 883/01 C, 883/02 C, 883/03 B, 883/04 D, 883/05 E received 24 October 2016.

**GROUND:**

To secure the proper development of the area.

- 3 Prior to the first use of the car parking area to the rear of the development hereby approved, a 2 metre high acoustic fence shall be erected along the northern, southern and eastern boundary of the site where adjacent to the parking area as shown on drawing 883/01 C received 24 October 2016 and as agreed in the Agent's correspondence received 20 December 2016. In addition, laurel hedging shall be provided at a maximum height of 2.5 metres along the rear boundary. The acoustic fencing and hedging shall thereafter be maintained.

**GROUND:**

To ensure that the development does not cause an unacceptable impact on the neighbouring property in terms of noise and disturbance, in accordance with Thanet Local Plan Policy D1 and the National Planning Policy Framework.

- 4 Prior to the first occupation of the flats hereby approved 1.8 metre high obscure glazed privacy screens shall be provided to the balcony side returns as shown on

drawings numbered 883/04 D and 883/05 E received 24 October 2016. The privacy screening shall be thereafter maintained.

**GROUND:**

To safeguard the living conditions of the occupiers of adjacent properties, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

- 5 Prior to any works commencing on site (including vegetation clearance) a precautionary reptile mitigation strategy shall be submitted to Thanet District Council for approval. The strategy must be written by an experienced ecologist and provide details on the following:
- o vegetation clearance methodology
  - o Time of year the works will be carried out
  - o Details of where any reptiles will be translocated
  - o Details of how the retained habitat will be managed

The works must be implemented as detailed within the precautionary mitigation strategy as approved.

**GROUND:**

In order to safeguard protected species that may be present.

- 6 Prior to the commencement of the development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority

**GROUND:**

To ensure that the archaeological history of the site is recorded in accordance with the advice contained within National Planning Policy Framework.

- 7 Prior to the first occupation of the flats hereby approved the vehicle parking spaces shown on the approved plans shall be provided and thereafter retained.

**GROUND:**

In the interests of highway safety.

- 8 Prior to the first occupation of the flats hereby approved, the cycle parking facilities and external amenity areas to the rear, as shown on the approved plans shall be provided and thereafter maintained.

**GROUND:**

In the interests of highway safety.

- 9 Prior to the first occupation of the flats hereby approved, full details of both hard and soft landscape works, to include:



- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- o the treatment proposed for all hard surfaced areas beyond the limits of the highway
- o walls, fences, other means of enclosure proposed (to include boundary treatment to a minimum height of 1 metre to be erected around the communal amenity areas to the rear)

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 adequately integrate the development into the environment in accordance with Policies D1, D2 and SR5 of the Thanet Local Plan

- 10 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 first occupation of the flats 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

- 11 Prior to the first occupation of the flats hereby approved the refuse storage facilities and clothes drying facilities as specified upon the approved drawing numbered 883/01 C and dated 24 October 2016 shall be provided and kept available for that use at all times.

**GROUND:**

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

INFORMATIVES

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations.

The applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [ww.southernwater.co.uk](http://ww.southernwater.co.uk) with regards to diverting the water main and combined sewer.

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

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

#### SITE, LOCATION AND DESCRIPTION

The site lies within the urban confines and is a non-previously developed plot of land situated between Nos 70 and 76 Leicester Avenue. The site fronts Leicester Avenue and has a common boundary to the rear with Nos 69 and 71 Gloucester Avenue. The site is located in a wholly residential area characterised by large dwelling set in large plots of land.

#### RELEVANT PLANNING HISTORY

There is no previous history.

#### PROPOSED DEVELOPMENT

The proposal is to erect a three storey building comprising 5no. self-contained flats; 1 x 1 bed and 1 x 2 bed flat at ground floor, 1 x 1 bed and 1 x 2 bed flat at first floor and 1 x 2 bed flat with a study on the second floor. The building is to be finished in brickwork and monocouche render, cement slate roof tiles and grey powder coated aluminium framed windows. Eight parking spaces are provided to the rear.

#### DEVELOPMENT PLAN POLICIES

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

H1- Housing

H4 - Windfall Sites

TR12 - Cycling

TR16 - Car Parking Provision

D1 - Design Principles

D2 - Landscaping  
SR5 - Play space

## NOTIFICATIONS

Neighbour notification letters were sent to properties directly surrounding the site, a site notice was posted near the site and a site notice posted and an advert placed in the newspaper.

Ten letters of objection have been received raising the following concerns:

- Traffic concerns
- Parking disturbance
- The design would give thieves immediate, unobstructed access to the rear of the property, whereby it will be easy to steal any cycles stored there. There will be access to the rear gardens of the residents of Gloucester Avenue with the car park providing cover to scale the fence unobserved.
- Concerns of anti-social behaviour from the overcrowding, multiple balconies giving rise to noise nuisance, and parking disputes.
- Noise and light pollution from vehicles parking to the rear.
- The building is out of character for the area and should be one large house or two semi-detached houses.
- 8 parking spaces is insufficient and will increase on-road parking.
- Would there be any guarantees in place that the properties are for owner occupancy only and are not rented out.
- The building is higher than neighbouring buildings - dwarfing those on either side.
- Balconies are out of keeping with the area.
- Balconies to the rear would cause overlooking and noise disturbance to neighbouring dwellings.
- Mature trees have been cut down.
- Contrary to Draft Local Plan Housing Strategy which supports increase in family homes (non-flatted homes), affordable homes and safeguards and enhances the character and amenity of existing residential neighbourhoods.
- Departure from Policy D7.
- Overbearing in comparison to neighbouring properties.
- Residential amenities of neighbouring properties will be adversely impacted in relation to privacy and outlook, daylight and sunlight and safety and security through access to the rear gardens of adjoining properties.
- Should be one large dwelling or two smaller dwellings to fit in with the character of the Avenue.
- The building extends beyond No.70 by approximately 1.3 metres and will restrict light into the kitchen window.
- Side window on north side of No.70 is to a reception room and not a garage and there would be loss of natural daylight to the room.
- The building and balcony will be substantially higher and further out than my property (No.70) will result in loss of daylight and sunlight to the kitchen and rear windows and create overshadowing to the patio from the first floor terrace.

- There is a covenant on the land protecting the characteristics of building on the site - a dwelling house being a house designed for use as a dwelling for a single family.

## CONSULTATIONS

**Environmental Health** comment that for the parking areas the applicant needs to include 2 metre (or whatever the highest they can get) close boarded fencing all the way round that section (apart from the entrance obviously) and maintain it for the life of the development. This will protect against most noise from the cars and light from headlights. They could also consider foliage screening at the end of the garden area before the car park.

For the balcony areas on the 1st floors slow closers (or something like it) should be provided so that they can't bang and specific testing on impact noise via the building regulations to ensure when they are used there is no downward noise transfer to the bedroom below.

**Biodiversity Officer, Kent County Council** raise no objection subject to a precautionary mitigation strategy being submitted as a condition of planning permission.

**Archaeological Officer** comments that the area is generally of archaeological potential with prehistoric and Roman remains having been found on the coastal area. Roman cremations are recorded a couple of roads to the west. The site was formerly the girl's school playing fields and then avoided the post war development along the road so any archaeology present may be relatively intact. I would recommend that in any forthcoming consent provision is made for a programme of archaeological works.

**Southern Water** – No comment to date.

## COMMENTS

This application is brought before the Planning Committee as the proposal represents a departure from Thanet Local Plan Policy H1 as the land is not previously developed.

The main issues raised by this proposal are the effect of the proposals upon the character and appearance of the surrounding area, the impact upon the living conditions of the occupiers of nearby residential properties and the effect upon Highway safety.

### **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. In this case the site lies within the urban confines and forms part of an established residential street frontage with access to local amenities.

The plot does not provide a significant contribution to the amenity or character of the area, therefore the development of the site is not considered to be detrimental in principle and

would be consistent with the principles of the NPPF, and subject to consideration of other material considerations such as impact on the character and appearance of an area, the living conditions of neighbours and impacts on the highway network, the proposal could in principle represent an acceptable departure from Policy H1 of the Thanet Local Plan.

### **Character and Appearance**

National and Local Planning Policy requires all new development to provide a high quality design, that respects the character and appearance of the surrounding area within which it would be located.

The site does not fall within an area designated in the Thanet Local Plan as an area of High Townscape Value (Policy D7) and there are no policy objections restricting the development of flats in this location.

The proposal comprises 5 No. flats and has the appearance of a large dwelling. A central underpass (3.7m wide and 2.4m) high has been incorporated to allow occupants to reach the rear car parking area and communal amenity space. The building fronts the road, and is slightly further forward than the building line of adjacent properties and is a three storey building, with the third floor being within the roof space. Bay windows are provided on the front elevation, at ground level, with balconies at second floor. Flats 3 and 4 at first floor level have balconies to the rear.

Within Leicester Avenue there are a variety of architectural styles and on the corner of Leicester Avenue and Palm Bay Avenue is the large three storey block of flats, Goodwin Court and the three storey Leicester Court on the opposite corner. There are large buildings within Leicester Avenue with No.57 directly opposite being a substantial sized building. The proposed building would not therefore appear out of keeping with other buildings in this location.

The materials to be used comprise brickwork and monocouche render with windows and doors being grey powder coated aluminum, the roof to be fibre cement slate interlocking tiles. The guard rails to the front balconies are to be timber. Precise details of the materials to be used will be required prior to development to ensure the development sits well within the street.

The proposed development would infill a gap within the street scene which currently does not contribute to the setting of nearby properties, and this space is not an essential open space within the street scene, which has a clear pattern of street frontage development formed by large detached properties, with generally a few metres gap between properties (this does vary for each property). It is therefore considered that the loss of the space would not be detrimental to the character and appearance of the area and the development would complete the street scene with development that would be in keeping with the character and appearance of the area. The proposal therefore accords with Thanet Local Plan policy D1.

## Living Conditions

The proposed building comprises 5 flats; 1 x 1 bed and 1 x 2 bed flat at ground floor, 1 x 1 bed and 1 x 2 bed flat at first floor and 1 x 2 bed flat with a study on the second floor. The primary windows are shown to the front and rear of the building, with secondary oriel or bathroom windows contained within the side elevation facing the side blank wall with No.76. There are no side windows within the proposed development facing the rear amenity space with No.76 and whilst a first floor balcony is proposed within the rear elevation a 1.8 metre high privacy screen is proposed to the side of the balcony and therefore the impact on the privacy of No.76 is considered acceptable.

Within the side elevation facing No.70 are 2No. secondary windows and 2No. oriel windows. No.70 has a single storey side extension directly on the boundary with the application site, which contains a side window. The applicant confirms that the window in this side elevation provides the sole source of natural daylight to a reception room. Whilst the proposed development would reduce the amount of light and outlook to this window, a 1.3 metre gap will be retained, and the neighbouring window is located on the boundary and therefore a realistic fallback position is that a 2 metre high fence could be erected alongside the window without the need for planning consent which could significantly erode the light and outlook to that window. Given this fallback position the impact of the development on this ground floor side window is considered on balance to be acceptable.

There are further windows within the northern side elevation of No.70 at first and second floor level but these do not directly face the windows contained within the proposed development so there would be no loss of privacy to these rooms. In terms of the impact on light and outlook the distance at first floor level from the proposed development is approximately 4 metres, and therefore given this distance, the orientation of the proposed building due north, and the secondary/non-habitable nature of the rooms served by these windows it is not considered that the impact on light and outlook to these windows would be unacceptable.

The balconies on the front elevation, at first floor, look onto the public highway and would not lead to loss of privacy or cause overlooking.

The balconies to the rear, serving Flats 3 and 4 include 1.8 metre high obscure glazed privacy screens to the balcony side returns. These balcony areas extend approximately 2 metres beyond the rear elevations of neighbouring dwellings (Nos 70 and 76) but together with the separation distance of over 1 metre either side and the addition of privacy screening there is unlikely to be significant overlooking or loss of privacy to neighbouring properties.

The distance from the rear elevation of the proposed dwelling and the rear boundary is approximately 35 metres and properties in Gloucester Avenue are a further 18 metres from the rear boundary. The proposed development would not result in unacceptable overlooking or loss of privacy to neighbours in Gloucester Avenue.

The room sizes offer a reasonable standard of accommodation with good overall sizes for each flat. The ground floor flats have private amenity space with all flats having access to a communal area for clothes drying, bin storage and cycle storage.

Local Plan policy SR5 requires new dwellings with two bedrooms or more to provide safe doorstep play space for young children. The rear amenity area will provide a safe play space and space for clothes drying, refuse storage and storage facilities.

The vehicle parking to the rear would result in traffic movements and potential noise disturbance to occupiers of the flats, particularly at ground floor, however the level of movements would be limited by the number of units in the property. Environmental Health request an acoustic fence be provided to minimise noise disturbance to neighbouring residential occupiers. Amended drawings show a 2 metre high acoustic fencing to the eastern boundary with Laurel hedging maintained at a 2.5 metre maximum height. Following feedback from Environmental Health the applicant further confirms that acoustic fencing would be provided to the 3 sides of the parking area and this can be conditioned.

The living conditions for future occupiers and surrounding neighbours accords with the aims of Thanet Local Plan Policy D1 and SR5 and the NPPF.

### **Highway Safety**

Concern has been expressed that the proposal would result in more vehicle parking on the highway, particularly during the summer months. Kent County Council Highway standards require one vehicle parking space per unit. Eight parking spaces have been provided within the site, which exceeds the minimum parking requirements, and is therefore considered to be acceptable.

Cycle storage is shown provided within the site which accords with Thanet Local Plan Policy TR12 and the vehicle parking accords with KCC Highway standards and the proposal is not therefore considered detrimental to highway safety and accords with the aims of Thanet Local Plan Policy TR16.

### **Biodiversity**

The site is undeveloped and Kent County Council's Biodiversity Officer advised that there is some potential for the presence of protected species and advised that a scoping survey be carried out. As a result the applicant has undertaken an ecological assessment which has been reviewed by KCC who concluded that a precautionary mitigation approach should be implemented when clearing the area.

With regard to trees previously on the site that have recently been removed I can confirm that there are no protected trees within the site, however, there are several protected trees within the rear garden of the adjacent site, No.76 (TH/TPO/7(2005)). The nearest protected trees within the adjacent property is adjacent to the area marked out as communal seating area on the drawing and therefore unlikely to be adversely affected by this proposal.

## **Archaeology**

The Kent County Archaeological Officer comments that the site has the potential for undisturbed archaeology and recommends the implementation of a programme of archaeological work in accordance with a written specification and timetable which is to be submitted to and approved by the Local Planning Authority. It is considered that the proposed safeguarding condition would be acceptable to address any archaeological concerns.

## **Other Matters**

Residents have raised concerns regarding covenants on the site. Covenants are civil matters and are not considered within a planning application.

## **Conclusion**

Whilst the site is non-previously developed land, it is within the urban confines, and there is a need for housing within Thanet. The dwelling would not result in any substantial harm to the character and appearance of the area or to the living conditions of neighbouring residential occupiers and is in line with Local Plan policies and the aims of the NPPF. It is therefore recommended that Members approve the proposal as an acceptable departure to Policy H1, subject to safeguarding planning conditions.

## **Case Officer**

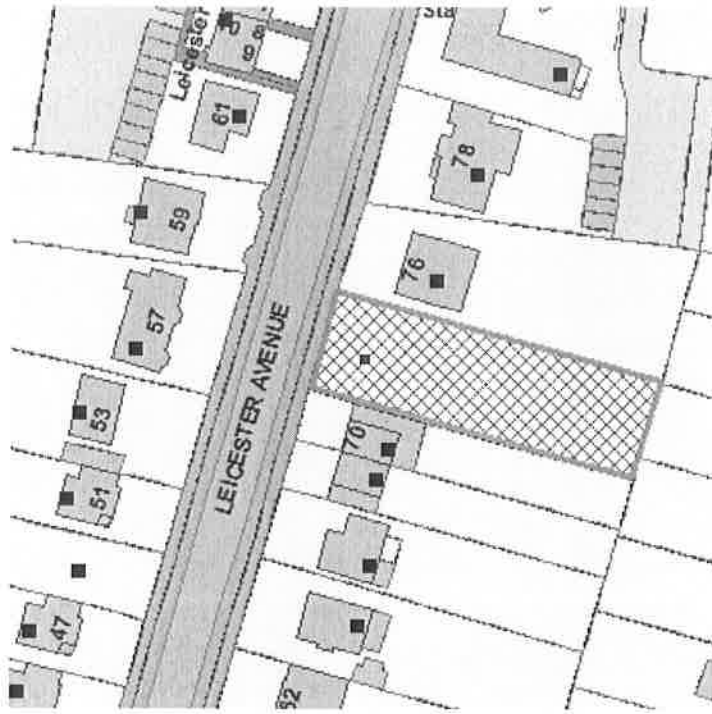
Rosemary Bullivant



TITLE: F/TH/16/1109

Project Land On The East Side Of Leicester Avenue MARGATE Kent

Scale:







**GROUND:**

To ensure that features of archaeological interest are properly examined and recorded in accordance with the advice contained within the National Planning Policy Framework.

- 4 Prior to the first occupation or use of the development, the area shown on the deposited plan for the parking, loading/unloading and manoeuvring of vehicles shall be operational prior to any part of the development hereby approved being brought into use. The area agreed shall thereafter be maintained for that purpose.

**GROUND:**

In the interests of highway safety

- 5 Prior to the first use of the development hereby permitted, the vehicular access and 2m wide footpath and footpath link into Drapers Close, as shown on the approved plans numbered 1841 022 Rev P2, and 1841 020 Rev P2, shall be completed and thereafter maintained (this must include the cutting back of the existing hedges as shown on the approved plan).

**GROUND:**

In the interests of highway safety and sustainability.

- 6 Prior to the first use of development hereby permitted, details of secure cycle parking facilities, to include a minimum of 6no. cycle parking spaces, shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking spaces shall be provided in accordance with the approved plans and thereafter maintained.

**GROUND:**

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

- 7 Prior to the commencement of development hereby permitted, construction vehicle loading/unloading and turning facilities, and parking facilities for site personnel and visitors, shall be provided on site and for the duration of construction.

**GROUND:**

In the interests of highway safety.

- 8 No development shall take place until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and timetable and thereafter maintained.

**GROUND:**

To prevent pollution in accordance with the National Planning Policy Framework.

- 9 Prior to the first use of the development hereby approved, full details of both hard and soft landscape works, to include:
- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted
  - o the treatment proposed for all hard surfaced areas beyond the limits of the highway, which shall be permeable, and shall be a material other than tarmac for the internal footpaths within the site
  - o walls, fences, other means of enclosure proposed
  - o the ecological enhancement measures as shown within the indicative Proposed Landscape Strategy

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 adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

- 10 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 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

- 11 (i) Development shall not begin 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 within the curtilage of the site through appropriately designed and constructed sustainable drainage features.

(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, to reduce the risk of on/off site flooding and to ensure ongoing efficiency of the drainage provisions, in accordance with the NPPF.

- 12 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

**GROUND:**

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

INFORMATIVES

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents here required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) in order to progress the required infrastructure.

A formal application to requisition water infrastructure is required in order to service this development. Please contact Southern Water's Network Development Team (Wastewater) based at Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel 01962 858688) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

## SITE, LOCATION AND DESCRIPTION

The site lies to the south of Yoakley House, which is a care home for short and long term care, and to the east of the QEQM Hospital. To the north of Yoakley House are Grade II listed almshouses, and part of the listed wall also extends along the rear boundary of Yoakley House, which forms the northern boundary of the application site. The site is accessed from Drapers Close, and there is a public footpath running along the western boundary of the application site and the hospital carpark. The application site itself is currently open and comprises scrubland.

The site lies within an area designated within the Thanet Local Plan as a hospital expansion site. Part of the site also falls within the Green Wedge.

## PLANNING HISTORY

L/TH/16/1115 - Application for listed building consent for insertion of gate into boundary wall  
- Granted - 17 November 2016

## PROPOSED DEVELOPMENT

The application is for a single storey rear extension to the existing care home to provide an additional 32no. bedrooms, which would be used to provide short-term care with nursing. The annex would also include ancillary facilities and services associated with the proposed use, such as offices, storage area, lounge, laundry, kitchen and staff room. It is also proposed to extend the access road and provide an additional carpark accommodating 21no. staff car parking spaces and 2no. disabled parking spaces, along with a drop off and turning area for emergency vehicles. Extensive soft landscaping is also proposed.

## PLANNING POLICIES

D1 - Design  
CC5 - Green Wedges  
TR12 - Cycling  
TR16 - Car Parking provision  
CF4 - QEQM Hospital, Margate

## NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. No letters have been received.

## CONSULTATIONS

**KCC Highways and Transportation** - I confirm that subject to safeguarding conditions I would raise no objection on behalf of the local highway authority.

## Initial comments

I refer to the above planning application and in order that I may fully assess the highway

implications I shall require further information in respect of:-

1. Currently it appears pedestrians are required to access the site via the 4 metre wide access road, sharing with motor vehicles. I cannot see any alternative pedestrian access routes, although there is an existing public right of way (PROW) running along the western boundary of the site. An access may be possible to connect into the existing PROW, and we would suggest that the applicant contacts our PROW team to discuss a new connection into the site.

2. The width of the access road is very limited and does not allow sufficient space for 2 vehicles to pass safely, with the exception of the additional width proposed in front of the new parking bays. When manoeuvring out of the proposed parking spaces along the access road visibility is very limited, which could lead to possible collisions with vehicles entering the access road. The issues above could be resolved if the existing wall and hedge could be taken back by approximately 2 metres on the eastern side of the access, near the proposed new parking bays and perhaps install a new footway link into the site to connect into existing facilities in Drapers Close via new pedestrian dropped kerbs. This would provide a safe pedestrian facility, and improve visibility at the junction with Drapers Close. Due to the narrow width of the access road a footway along the length of the road to the proposed annexe would also be positively viewed.

3. The swept path analysis submitted within the transport assessment demonstrates that a refuse vehicle can safely enter, and turn on site. It is not clear what size refuse vehicle has been used for the swept path analysis. For a development of this size we would expect a swept path analysis to be carried out using an 11.2 metre long refuse vehicle. This will allow me to determine if the site is accessible for the largest size refuse collection vehicle used in Kent.

**KCC Sustainable Urban Drainage** - The application form states that the surface water generated by these proposals will be disposed of via soakaway. The application is also accompanied by a 'drainage layout' drawing that depicts a network that discharges to a series of attenuated soakaways within the site's boundaries. Although this preliminary design is based on assumed infiltration rates, we acknowledge that the underlying geology is likely to be of sufficient permeability for infiltration to be used and that the presented strategy is therefore likely to be feasible.

At the detailed design stage we would expect the applicant to submit a more detailed drainage statement along with a detailed design that demonstrates that this development's surface water runoff can be accommodated and disposed of within the site's boundaries. The design of the SuDS scheme should be based upon the results of site-specific permeability testing and it should be capable of accommodating the critical, climate change adjusted 100yr rainfall event without flooding. The half-drain time of the system should also be less-than 24 hours (to ensure subsequent rainfall events can be accommodated).

The ongoing maintenance of the system should also be considered at the detailed design stage, with the responsibilities for each part of the system clearly identified. Safeguarding conditions are recommended.



**Southern Water** - The results of an initial desk top study indicates that Southern Water cannot currently accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Should the Local Planning Authority be minded to approve the application, Southern Water would like a safeguarding condition to be attached to any permission.

**KCC Biodiversity** - We have reviewed the updated information in support of this application and we advise that sufficient information has been provided to determine the planning application. Therefore, we require no additional information.

A reptile survey has been undertaken with no reptiles being found. Therefore, no further actions are necessary. As ground nesting birds may use the site, a safeguarding condition and informative are suggested.

**KCC Accommodation** - Commissioning Officer -We don't have a need for additional residential care in the area and are unable to provide block contracts for short term care so we cannot guarantee use of the service. However, we recognise that this type of service is available in other areas and is used by the CCG and acute service to help with discharge from hospital and clearing blocked beds prior to appropriate assessment.

We would not be able to contract directly for the service but feel that it would be a benefit to the area if the Thanet Clinical Commissioning Group and acute trust are in agreement. We believe it would free up other provision in the area for KCC use. We can support the provision if it is used as set out for short term integrated care.

**KCC Archaeology** - The area is rich in archaeology and important remains were found in development to the south. The potential for prehistoric, Roman and Saxon remains is particularly high. We have advised conditions with respect to development on adjacent sites and possibly this one in the past and I would recommend that the following for evaluation to be followed by further mitigation in the form of preservation and/or investigation be attached to any forthcoming consent. It would be preferable for the evaluation to take place as far in advance of building as possible in order that any preservation or investigation measures can be fully taken into account as design progresses.

**Conservation Officer** - No objections

## COMMENTS

This application is brought before members as a departure to Policy CF4 of the Thanet Local Plan.

## **Principle of Development**

The application site is located within an area allocated in the Thanet Local Plan for the expansion of the hospital (Policy CF4). The policy states that no development, other than that for the expansion of the hospital, will be permitted.

Part of the application site also falls within the green wedge (Policy CC5). Within the green wedge new development is not permitted unless it can be demonstrated that the development is not detrimental or contrary to the stated aims of the policy, which include serving as a barrier to the further outward growth and coalescence of Thanet's urban areas, preventing the consolidation of development on the boundaries between the built-up areas of the towns and open countryside of the wedges, to conserve and protect the essentially rural and unspoilt character and distinctive qualities of the countryside that separates the urban areas, and to prohibit all but essential development and other development which does not detract from the character and appearance of the area.

## **Loss of hospital expansion site**

The site has been allocated for the expansion of the hospital on the basis of evidence that was previously submitted by the hospital as part of the 2006 Local Plan stating that land for future expansion was required.

The East Kent Hospitals University NHS Foundation Trust have recently been in contact with the Council's Strategic Planning team and have advised that they have sold 1 acre of their land to Yoakley House for them to use for the extension of the care home, and that they no longer require this part of the land (application site) for hospital expansion use, as any reconfigurations will happen within the site itself (alongside the remaining allocated CF4 land). On this basis the Local Plans team are considering whether to remove the application site from the allocation within the emerging new local plan.

In terms of the proposed use, the intention of the applicant is to provide short term care that can help to support the hospital by offering rehabilitation facilities and respite care for patients who would otherwise require hospital care. This will help to reduce the demand for bed space within the hospital.

Supporting letters have been submitted as part of the application submission from East Kent Hospital and the Thanet Clinical Commissioning Group. The letter from the CCG generally supports the proposed development, which provides a move to integrated community care. The letter from the Chief Executive of the East Kent Hospitals University NHS Foundation Trust, which is dated 26 May 2016, comments that the 'proposed facility unequivocally supports the strategic aims of the wider local health economy and the national Department of Health policies to improve integration of health and social care service provision. Such a facility would greatly enhance the integrated provision of health and social care services and would provide additional, much needed intermediate care and rehabilitation beds for the people of Thanet'. The letter further confirms that 'the sale of this piece of land (to Yoakley House) in no way hampers planned growth for the QEQM hospital site as the Trust has enough additional land adjacent to the rear of Yoakley Care and the staff residences to accommodate future development'.

As part of this application the Commissioning Officer at KCC has commented that whilst they don't have a need for additional residential care in the area, they recognise that this type of service is available in other areas and is used by the CCG and acute service to help with discharge from hospital and clearing blocked beds prior to appropriate assessment. As such they consider that the proposed use would be a benefit to the area if the CCG and acute trust are in agreement, as it could help to free up other provision in the area for KCC use. The agent has confirmed that the annexe would be for short-term stays of no longer than 6 weeks, and that nursing care as well as residential care will be provided, with placement by the CCG welcomed.

On the basis that the hospital no longer requires the application site for expansion, and the hospital, KCC and the CCG are in support of the application, it is considered that the principle of development is acceptable as a departure to Thanet Local Plan Policy CF4.

### **Impact on green wedge**

No part of the new annexe building falls within the green wedge area. The only part of the application site falling within the green wedge is the new staff parking area, and turning area for emergency vehicles, and the external amenity/landscaped space. It is therefore considered that the proposed development would not conflict with aims 1 and 2 of Policy CC5, which seeks to prevent any further outward growth, however, consideration needs to be given as to whether the proposed works would impact upon the character and appearance of the area.

### **Character and Appearance**

The proposed extension is located to the rear of the existing care home. The development will be connected to the existing care home via a link corridor, but it will also be possible to be independently accessed from the east from the proposed car park.

The extension is single storey in height, with the design including 5no. pitched roof buildings, and a further monopitch building that are staggered in their layout, but which are internally linked via a corridor, namely the circulation spine. Four of the pitched roof buildings accommodate 8no. bedrooms each, with the fifth pitched roof building and monopitch building closest to the car park accommodating the offices, kitchen and communal space. The buildings have been designed so that at each of their ends are brick gable parapet walls, which responds to the 'dutch' gable design and chimneys on the existing listed almshouses. The design of the extension, and its relationship with the existing building and nearby listed buildings is considered to be acceptable.

The staggered layout allows for courtyard gardens to be provided between each of the blocks, providing amenity space for residents, but also visual relief in the scale of the development. The closest building to the hospital carpark is set 6m from the boundary, with the second building set away from the boundary by a minimum of 22m. Whilst each of the buildings is quite deep at approximately 21m, they have eaves of only 2.8m, rising to a ridge height of 7m, and therefore given the hedging and other landscaping proposed along the boundary, the distance between the development and the boundary, and the low eaves

height, it is mainly only the pitched roofs of the buildings that will be visible from the surrounding area. The only exception is the monopitch roof extension, which accommodates the lounge. This part of the extension is closest to the green wedge, and will be the only likely visible part of the extension from St.Peters Road. The original plans showed the outward facing wall constructed of brick, with 4no. first floor windows. Amended plans have since been submitted showing the first floor element of the extension constructed using tile hanging, and 2no. windows much smaller than those within the original plans. Given these alterations, which minimise the impact of the extension by reducing the dominance of the first floor element of the building, the impact upon the character and appearance of the surrounding area is considered to be acceptable.

The proposed extension is located south of the listed wall, however no alterations are proposed to the wall other than the insertion of a gate to provide access between the existing courtyard garden associated with the existing care home and the proposed courtyard garden associated with the proposed extension. The Conservation Officer has raised no objections to these works, and listed building consent has been granted. The impact upon the designated heritage asset is therefore considered to be acceptable and in accordance with the NPPF.

The main parking area and landscaping fall within the area designated as green wedge. These areas will remain open in character, and will therefore not significantly detract from the open rural character of the green wedge. An illustrative landscape strategy plan has been submitted, which indicates where landscaping is proposed within the site, although not to a detailed degree. New trees are proposed within the amenity space along with a new native hedge around the boundary of the site, which will help to soften the appearance of the development. A condition requiring a detailed landscaping plan to be submitted prior to occupation is recommended, however, the principle of the landscaping strategy as illustrated is considered to be acceptable.

An additional parking area is proposed opposite the existing car park, on an existing grassed area. This area is often used as an overflow carpark, as viewed when visiting the site, and therefore the formalisation of this area as designated parking is considered to be acceptable, especially given the partial retention of the hedge around the proposed parking area.

It is therefore considered that the buildings are of good design, well related to the design of the existing buildings, and their layout and landscaping will result in a development of an acceptable scale and appearance that is not considered to detract from the character and appearance of the area, or conflict with the objectives of the green wedge policy.

### **Living Conditions**

There are no nearby existing residential properties, so the impact upon neighbouring living conditions is acceptable. With regards to the future residents of the facility, 13m is proposed between bedroom windows, along with areas of external amenity space that could be used by the occupants. Given that the proposal is for short term care only, there will be no long term impact on living conditions. As such the impact on living conditions is likely to be considered acceptable.

## **Highway Safety**

The proposal involves the provision of a new staff parking area containing 21no. parking spaces and 2no. disabled parking spaces, a separate parking area containing 9no. visitor parking spaces, and a drop-off and turning area for emergency vehicles.

**KCC Highways and Transportation** advised that the pedestrian routes into the site needed improvement, the access road need widening in order for the two cars to pass safely, and evidence needed to be submitted to prove that a refuse/emergency vehicle could turn within the site.

Amended plans have been submitted showing the widening of the access and the provision of a new footpath around the existing car park and extending down towards the access contained within the proposed extension. A vehicle tracking plan has also been submitted. KCC have considered the amended plans and raise no objections subject to safeguarding conditions. The impact upon highway safety is therefore considered to be acceptable.

## **Ecology**

In support of the application a preliminary ecological appraisal was submitted, which recommended that a further reptile survey be carried out. A reptile survey was then submitted with no reptiles reported to be found. The Biodiversity Officer at KCC has reviewed the reports and advises that sufficient information has been provided to determine the planning application, and therefore no additional information is required. The impact upon biodiversity is therefore considered to be acceptable subject to safeguarding conditions.

## **Drainage**

Southern Water have commented that the results of an initial desk top study indicate that Southern Water cannot currently accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework. Southern Water raise no objections subject to safeguarding conditions requiring details of the proposed drainage system. If additional infrastructure is required to serve the development, the developer will be required to enter into a formal agreement with Southern Water to provide the infrastructure.

A drainage layout plan has been submitted in support of the application, which shows a number of soakaways within the site and the use of permeable paving for the carpark. KCC SUDs have commented that the presented strategy is likely to be feasible as the underlying geology is likely to be of sufficient permeability for infiltration via a soakaway to be used. They have advised that they would expect a more detailed drainage statement to be submitted at the detailed design stage, along with a detailed design, that demonstrates that this development's surface water runoff can be accommodated and disposed of within the site's boundaries. Details of the ongoing maintenance of the system will also need to be submitted. KCC therefore raise no objections to the principle of the proposed drainage

system, and it is considered that safeguarding conditions are appropriate regarding the detailed drainage design for surface water runoff and ongoing maintenance.

### **Archaeology**

The area is rich in archaeology and important remains were found in development to the south. The potential for prehistoric, Roman and Saxon remains is particularly high. KCC Archaeology have advised that conditions have been recommended with respect to development on adjacent sites and possibly this one in the past and they therefore recommend a condition for evaluation to be followed by further mitigation in the form of preservation and/or investigation be attached to any forthcoming consent. Subject to this safeguarding condition it is considered that the proposed scheme is acceptable on archaeology grounds.

### **Conclusion**

The proposed extension is on land allocated for the expansion of the hospital, however the land has been sold to the care home by the hospital as they no longer require the land for expansion; and the hospital, KCC and CCG are supportive of the proposed application, which will provide short term nursing and residential care that could help to relieve pressure on bed space within the hospital, which is adjacent to the application site.

The proposed extension is of a good quality design, which relates well to the existing building and does not significantly impact upon the character and appearance of the area of the adjoining green wedge. The associated car parking area and communal amenity space is located within the green wedge, however the open character of the site will be maintained and sufficient landscaping is proposed within the site and on the boundaries in order to soften the appearance of the proposed development, and enhance the open space.

KCC Highways have raised no objections to the proposed scheme and there are also no significant concerns regarding neighbouring living conditions, drainage or archaeology.

It is therefore recommended that members approve the application as an acceptable departure to Thanet Local Plan Policy CF4 representing sustainable development, subject to safeguarding conditions.

### **Case Officer**

Emma Fibbens

TITLE: F/TH/16/1114

Project Yoakley House Drapers Close MARGATE Kent CT9 4AH

Scale:







**A05**

**L/TH/16/0979**

**PROPOSAL:** Application for listed building consent for new railings and pedestrian barrier along with new wall mounted lighting to replace existing handrail lighting to Harbour Arm

**LOCATION:** Margate Harbour Arm Stone Pier MARGATE Kent CT9 1AP

**WARD:** Margate Central

**AGENT:** No agent

**APPLICANT:** Mr Luke Glover

**RECOMMENDATION:** Approve

Subject to the following conditions:

- 1 The works to which this consent relates shall be begun not later than the expiration date of three years beginning with the date on which this permission is granted.

**GROUND:**

In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby approved shall be carried out in accordance with the submitted drawings including Site Plan Dwg No. 3596\_502 Submitted on 18th October 2016, Sections and Details 3596\_503 Submitted on 18th October 2016

**GROUND:**

To secure the proper development of the area.

## SITE, LOCATION AND DESCRIPTION

The Grade II listed Harbour Arm in Margate is situated to the east of Margate Main Sands. It was constructed in 1815 and is a 220 metre long stone structure. The Harbour Arm was constructed as a safe haven and harbour for fishing and commercial shipping. After redevelopment over the last decade the Harbour Arm now offers a mixture of businesses including art studios, retail, cafes and licensed premises. The Harbour Arm is a popular public area and the proposals are being made in order to maintain public safety.

## RELEVANT PLANNING HISTORY

L/TH/13/0954 - Application for listed building consent for the installation of binoculars and associated stand (Granted - 20/01/2014)

L/TH/12/0391 - Application for Listed Building consent for the installation of 1No parking meter. (Granted - 08/08/2012)

F/TH/11/0220 Construction of sheet piling with concrete cap and resurfacing of Harbour Arm (Granted - 5 August 2011)

L/TH/11/0221 - Application for Listed Building consent for the construction of sheet piling with concrete cap, resurfacing of Harbour Arm and injection of cement grout into Harbour Arm. (Granted 7 - October 2011)

F/TH/10/0032 - Erection of a K6 type telephone box, together with advertisements, and a parking meter (Granted - 17 March 2010)

L/TH/10/0049 - Application for Listed Building consent for the erection of a K6 type telephone box, together with advertisements and a parking meter (Granted - 17 March 2010)

F/TH/07/0936 - Change of use to café, restaurant, artists' studios, art gallery and retail units, together with the erection of staircase and external alterations. (Granted 03/10/2007)

## PROPOSED DEVELOPMENT

The alterations to the Harbour Arm consist of the provision of 8 new round stainless steel bulkhead wall mounted lights along the raised walkway section of the harbour arm adjacent to the vehicle parking spaces, which measure 250mm in diameter. Also the provision of new railings along the full length of the Harbour Arm from in front of The Droit House round the perimeter to the units on the end of the harbour arm, these are proposed to be 1218mm in height and a Marshalls Ferrocast 3 bar railing system made of Polyurethane in a black gloss finish, designed to imitate traditional painted cast iron and a barrier/gate at the bottom of the dumphead steps at the end of the harbour arm with signage.

The proposals are made in the interests of public safety and will remove the hazard of falling from the currently unprotected edge, eliminating the need for signage and additional life rings along the edge of the harbour arm. The Harbour Arm was risk assessed by Thanet District Council' Health and Safety advisor and Engineers. The advice given was that there is no way of mitigating the risk of falling from the unprotected edge of the harbour arm, especially at low tide when the chance of survival is minimal. The insertion of railings will remove the hazard of falling from the unprotected edge, the wall mounted lighting will increase visibility for both pedestrians and vehicles and the barrier at the bottom of the steps at the end of the harbour arm will create a physical barrier, which can be opened as a safety feature if required.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2006 – saved policies**

EC10 - Margate Old Town and Harbour

## NOTIFICATIONS

Letters were sent to neighbouring properties and a site notice has been posted. No representations have been received.

## CONSULTATIONS

**Conservation Officer** - No objection to the application.

**Historic England** - Originally the application included lamp columns and Historic England advised the applicant to reconsider this element of the application because the silhouette of the harbour arm is such a key part of its significance. The applicant then submitted amended plans to include wall mounted lighting instead of the columns, to which Historic England advised this application should be determined in accordance with national and local policy guidance, and on the basis of our expert conservation advice.

**Kent Police Crime Prevention** - No concerns raised and fully support the application in the interests of public safety.

## COMMENT

This application is brought before planning committee as Thanet District Council are the applicant.

### **Impact on Designated Heritage Asset**

The Harbour arm is Grade II listed and situated within the Margate Conservation Area and Margate Old Town. The main consideration as a result of the application is the visual impact of the designated heritage asset balanced against the public safety improvements of the development.

Of the proposed development for new railings, pedestrian barrier and wall mounted lighting, the insertion of the railings to the harbour arm will result in the greatest change to the character and appearance of the listed structure. This visual impact will be both in terms of long distance views of the harbour arm when viewed across from Marine Terrace and Marine Drive as well as the impact of the presence of railings for users of the harbour arm. The photo montage included with the application shows that the railings will likely be visible from long distances. This in itself is not considered to be harmful as there are railings along most parts of the seafront and railings are a common feature at seafront locations. Meetings were held with the applicant to discuss railing styles and the Conservation Officer advised that these railings should be traditional in style and of a heritage appearance in order to complement the listed structure. A material sample was provided and the Marshalls

Ferrocast Hartlepool Railing System in a black gloss finish was considered to be in keeping with the character and appearance of the Harbour Arm. This material imitates traditional cast iron designs and has been used in other conservation areas across the country. The benefits of the material are that it is heavy and robust with a high gloss finish like a traditional painted cast iron railing, but with very low maintenance costs. There is no need for re-painting due to corrosion, which ensures a consistently good appearance of the railings, with no longer term detrimental visual impact due to corrosion. The historic photo of the Harbour Arm, taken circa 1890, details that there were previously railings along the length of the Harbour Arm. It is believed these were removed when a new crane system was introduced utilising the rail, which meant the railings hindered the operation.

Paragraph 132 of the National Planning Policy Framework states that significance can be harmed or lost through alteration or destruction of a heritage asset and substantial harm or loss should require clear and convincing justification. In this instance, the alteration to the listed structure will have a visual impact, but it is not considered that this will be a harmful impact on the listed structure, because the materials and railings proposed are in keeping with the character and appearance of the area and there have historically been railings present before.

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, including securing its optimum viable use. The use of the Harbour Arm has changed from a working harbour, to a more recreational usage. The art studios, retail, cafes and licensed premises draw in tourism and a higher level of activity to the harbour arm. It is for this reason that the safe use of the harbour arm must be balanced against the level of harm created to the designated heritage asset. The physical joining of the railings to the listed structure will be by inserting anchor bolts into the granite slabs. It is considered that this will cause less than substantial harm to the harbour arm and the public safety benefits of these additions outweighs any harm as they will help to secure the continued use of the harbour arm. It is therefore considered that the proposals will not be harmful to the listed structure and will ensure safe and continued use of the designated heritage asset.

The application originally included lighting columns, but advice from Historic England was that low level lighting would be preferable given the silhouette of the Harbour Arm being a key part of its significance, which lighting columns would impact upon. The applicant amended the proposals to include low level lighting, which Historic England raised no objection to. The lighting is proposed to be affixed to the stone wall with dowel bars drilled and set into the concrete. Whilst this will require physical works to the listed structure, the wall mounted lighting will improve lighting to the harbour arm which will create improvements to pedestrian visibility and highway safety, as cars are parked and manoeuvre on a section of the harbour arm. The railings will also create improvements to highway and public safety by providing a physical barrier to the edge of the harbour arm, where previously there has been none. It is considered on balance that the physical works to the harbour are not considered harmful when weighed against the public benefit of improving visibility and protecting public safety.

It is therefore recommended that members approve the application.

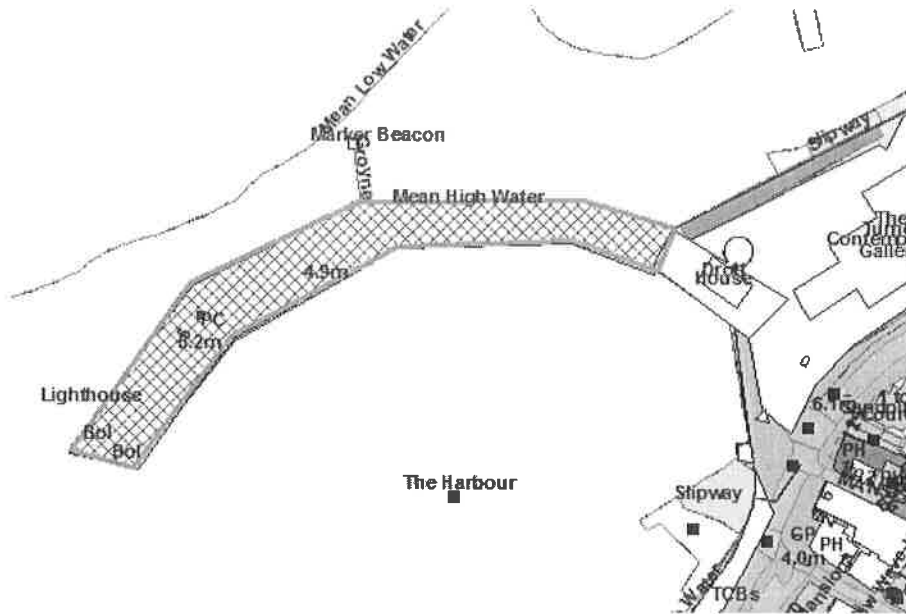
**Case Officer**

Lauren Hemsley

TITLE: L/TH/16/0979

Project Margate Harbour Arm Stone Pier MARGATE Kent CT9 1AP

Scale:



**A06** **F/TH/16/1331**

**PROPOSAL:** Variation of condition 2 of planning permission F/TH/14/0242 for erection of two semi-detached bungalows and one detached bungalow, together with associated car parking, following demolition of existing garages to allow repositioning of the bungalows, amendments to parking layout and alterations to design of all bungalows

**LOCATION:**

Land Rear Of 1 To 7 Coronation Close BROADSTAIRS Kent

**WARD:** Beacon Road

**AGENT:** Mr Adrian Baker

**APPLICANT:** Ms Annette Claudel

**RECOMMENDATION:** Approve

Subject to the following conditions:

- 1 The development hereby permitted shall be begun before the 15th May 2017.

**GROUND:**

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

- 2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 2817 2 Rev C, , 2817 3 Rev A and 2817 4 Rev B received 20th October 2016.

**GROUND:**

To secure the proper development of the area.

- 3 The area shown on drawing number 2817 4 Rev B, received on the 20th October 2016, for the parking and manoeuvring of vehicles shall be operational prior to any part of the development hereby approved being brought into use. The area agreed shall thereafter be maintained for that purpose.

**GROUND:**

In the interests of highway safety.

- 4 Cycle storage shall be provided in accordance with the details approved by the Local Planning Authority on the 21st November 2016. The storage should be provided prior

to the first occupation of any of the units hereby approved and shall, thereafter, be maintained for that purpose.

**GROUND:**

To promote the opportunities for cycling to residents in accordance with saved policy TR12 of the Thanet Local Plan.

- 5 The development hereby approved shall be constructed of Reigate Purple Multi Stock bricks and Redland 49 Granular Brown concrete roof tiles as agreed on the 21st November 2016 by the Local Planning Authority.

**GROUND:**

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

- 6 Each dwelling shall be fitted with a RAD fire Spinkler System as approved on the 21st November 2016 unless otherwise agreed in writing by the Local Planning Authority.

**GROUND:**

To ensure a satisfactory standard of accommodation for future occupiers in accordance with saved policy D1 of the Thanet Local Plan.

SITE, LOCATION AND DESCRIPTION

The site is within a wholly residential area, characterised by a mixture of semi-detached and terraced dwellings, of varying proportions and designs. The dwellings in the area are predominantly two storeys in height, although there are also some bungalows in the area, including to the western side of the access to the site. The area has a spacious character with dwellings set well back from the road with large front gardens. The buildings are typically constructed of red brick work, with some buildings rendered, under concrete tile roofs.

RELEVANT PLANNING HISTORY

Planning permission was granted in May 2015 for the erection of two semi-detached bungalows and detached bungalow together with associated car parking, following demolition of existing garages under F/TH/14/0242.

PROPOSED DEVELOPMENT

The 2014 consent was for the erection of a pair of semi-detached bungalows, each providing 1 bedroom, and a detached two bedroom bungalow together with associated parking (one space for each of the bungalows with 5 additional spaces for communal use). Manoeuvring areas were proposed accessed via the existing vehicular access to Coronation Crescent. The dwellings would be finished in brick work under a concrete tile roof and the Design and



Access statement for that application confirms that the dwellings were intended to provide affordable housing.

This application is for the variation of condition 2 of the 2014 consent to allow the repositioning of the detached bungalow, amendments to the parking layout and alterations to the design of all the bungalows.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2006**

H1 - New Residential Development

H4 - Windfall Sites

TR12 - Cycling

TR16 - Car Parking Provision

D1 - Design Principles

D2 - Landscaping

SR5 - Doorstep Play Space

## NOTIFICATIONS

**Broadstairs and St Peters Town Council** - No comment

Letters have been sent to neighbouring properties and a site notice has been posted. No responses have been received.

## CONSULTATIONS

Kent County Council Highways and Transportation and Southern Water both commented on the 2014 application. Their comments are set out below:

**Kent County Council Highways and Transportation** - Raise no objection, subject to any grant of permission having conditions attached requiring measures that the car parking and manoeuvring areas shown on the drawings are provided and maintained and securing cycle parking facilities.

**Southern Water** - Raise no objection, but have requested that an informative is attached to any grant of permission.

## COMMENTS

This application is reported to Planning Committee as the applicant is Thanet District Council.

## **Principle**

Thanet Local Plan policy H1, states that on non-allocated sites, such as is the subject of this application, residential development will only be permitted on previously developed land within the built up confines.

The land was recently occupied by numerous garage buildings, whilst the associated hard standing is still present. I am satisfied that the land is therefore previously developed. The site also lies within the built-up confines of Broadstairs, as shown on the Local Plan Proposals Map. The principle of the proposal is therefore acceptable.

This application is for the variation of condition 2 of the 2014 consent to allow the repositioning of the bungalows together with amendments to the parking layout and alterations to the design of all the bungalows.

## **Character and Appearance**

The site lies within an existing parking court which did until recently include garages to the north and south of the site. The site is served by an access onto Coronation Crescent, which is itself bounded along its southern side by a row of terraced bungalows. The appearance of the existing site is not considered to respond positively to the character of the area, although public views of the site are limited.

The area generally has a character of street frontage development, with properties set back from the road, producing a spacious character. However, the existing bungalows which front the access into the site provide a divergence from this character, which is not considered to detract from the visual amenity of the area. The proposed dwellings would front onto an extended access road in a manner not dissimilar to the existing bungalows. Having regard for the existing pattern of development, it is not considered that the location of the proposed dwellings would harm the character or appearance of the area.

Whilst the development within the wider area, has degree of uniformity there is variation to the scale, layout and design. Given this mixed character, together with the presence of bungalows directly adjacent to the site, it is considered that the scale of the dwellings is compatible with the character of the area. The dwellings are single storey and would not therefore be highly visible from public areas.

The buildings approved in 2014 were uncomplicated in terms of design. The proposed alterations are minor in nature, including the erection of porches, alterations to fenestration (windows and doors) and the provision of car ports. It is not considered that the proposed alterations would have an adverse effect on the design of the proposed buildings or the character and appearance of the surrounding area.

Condition 5 of the 2014 consent required samples of the external materials to be submitted to, and approved in writing by the local planning authority. In November 2016, Reigate Purple Multi stock bricks and Redland 49 granular brown concrete tiles were approved. Given this recent approval of materials, it is considered that dwellings as amended would be constructed of these materials although no information has been submitted with the current

application to this effect. It is considered appropriate that a condition is attached requiring the use of these materials unless otherwise agreed in writing.

For the reasons outlined above, it is considered that the proposed dwellings as amended would sit comfortably within the area, causing no harm to the character or appearance of the area.

### **Living Conditions**

The proposed dwellings would be located to the rear of properties on Beacon Road, Grafton Road, Mockett Drive and Coronation Close. The majority of the properties neighbouring the site are separated by a significant distance from the site. The closest properties are those at 55 to 61 Linley Road, to the south of the site. These properties would be located approximately 9m from the rear elevation of the semi-detached bungalows under the 2014 application.

The positions of the proposed dwellings are amended under this current application. The alterations to the position (particularly for the pair of semi-detached bungalows) are very minor in nature and it is not considered that the repositioning of the units would have any adverse effect on the residential amenities of surrounding occupiers.

Amendments to the current layout of the dwellings are also proposed under this application. The proposed dwellings would provide an acceptable layout, with rooms which would benefit from natural light. The development would include a garden area for each property which would provide general amenity space and adequate door step play space for the two bedroom dwelling.

It is, therefore, not considered that the modest repositioning of the proposed dwellings, the alteration to the fenestration (windows and doors) or the changes in the internal layout of the building would adversely affect the living conditions of the future occupiers of the bungalows or those of the occupiers of surrounding dwellings.

### **Transportation**

The proposal development would still utilise the existing access onto Coronation Crescent. This access does not meet current highway standards, it is not considered that the proposal would be likely to significantly increase the potential number of vehicle movements relying on it. This access is therefore not considered to be unacceptable.

The proposal still includes the provision of one car parking space per dwelling (although these are now provided as car ports, together with five additional spaces which could be used for visitors or neighbours. It is considered that this provision is sufficient to meet the needs of the dwellings. It is considered that the manoeuvring space proposed is sufficient to ensure that vehicles would be able to enter and exit the site in a forward gear. It is therefore considered that the development would cause no harm to highway safety or the free-flow of traffic. It is considered appropriate to impose a condition requiring the provision and retention of the parking and manoeuvring area.

Specific areas for cycle storage sheds have been identified in the current application and it is considered that they are appropriately located and large enough to provide adequate cycle storage provision to meet the needs of the development. Condition 4 of the 2014 consent required details of the provision of safe and secure cycle storage to be submitted and approved. The details of the storage sheds, shown on the current plans, were submitted in November 2016 and the condition was formally discharged on the 21st November 2016. It is considered appropriate to secure this cycle storage provision by condition.

### **Other Matters**

Condition 6 of the 2014 consent required details of a residential sprinkler system for each dwelling to be submitted and agreed. Details were submitted in November 2016 and a RAD fire sprinkler system was considered acceptable and the condition discharged on the 21st November 2016. There is nothing to indicate that sprinkler systems are no longer required for the dwelling and it is, therefore, considered appropriate to secure the use of the approved RAD system.

### **Conclusion**

The 2014 (F/TH/14/0242) consent for the erection of the three bungalows with associated parking is extant and can therefore still be implemented. It is considered that modest repositioning of the proposed dwellings, the alteration to the fenestration (windows and doors) or the changes in the internal layout of the building will have no significant impact upon the character or appearance of the area, the living conditions of the future occupiers of the proposed dwellings or those of surrounding occupiers. It is therefore recommended that this variation of condition application is approved.

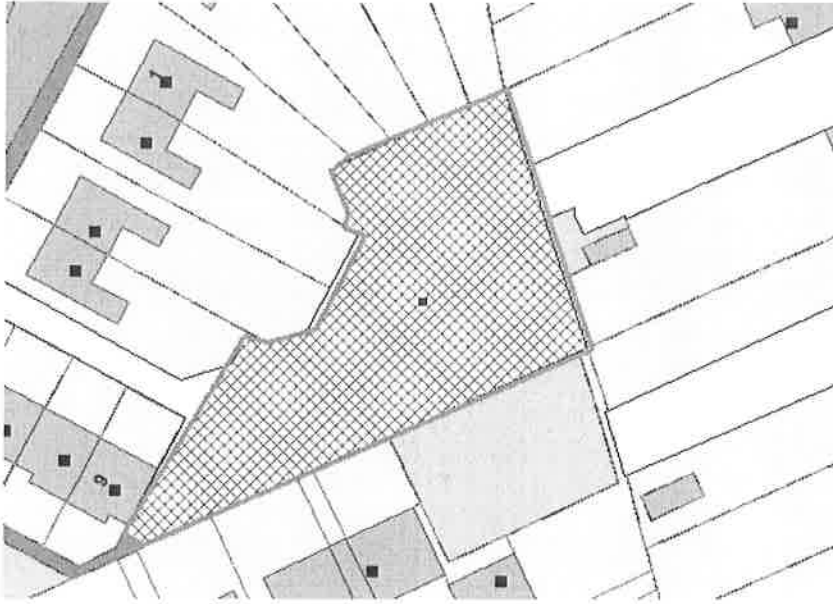
### **Case Officer**

Annabel Hemmings

TITLE: F/TH/16/1331

Project Land Rear Of 1 To 7 Coronation Close BROADSTAIRS Kent

Scale:





**D07** **F/TH/16/1051**

**PROPOSAL:** Change of use from residential care home to 2no 5 bedroom houses and 8no. 2 bedroom flats together with single storey rear extension and alterations to fenestration

**LOCATION:**

49 - 51 Edgar Road MARGATE Kent CT9 2EQ

**WARD:** Cliftonville West

**AGENT:** Mr Philip Graham

**APPLICANT:** Mr K Awosanya

**RECOMMENDATION:** Approve

Subject to the following conditions:

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

**GROUND:**

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

- 2 The development hereby approved shall be carried out in accordance with the submitted drawings.  
Floor Plans 16.007 Dwg No 01 Rev A, Proposed Elevations Dwg No 07

**GROUND:**

To secure the proper development of the area.

- 3 Prior to the first occupation of the self contained flats hereby permitted, covered cycle parking facilities shall be provided within the garden area at a ratio of 1 cycle parking space per flat. The cycle parking facilities shall thereafter be maintained.

**GROUND:**

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

- 4 Prior to the first occupation of the development hereby permitted, the refuse storage facilities as specified upon the approved drawing numbered 04 Rev A shall be provided and thereafter maintained.

**GROUND:**

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

**SITE, LOCATION AND DESCRIPTION**

The site is situated on the west side of Edgar Road in Cliftonville. The property is currently in use as a residential care home with 33 bedrooms in total and associated communal living space and restaurant area on the ground floor. The property is a 3-storey terraced building.

The site is located within an Area in Need of Special Action (Policy H10) and within the Cliftonville West Renewal Area. The Cliftonville Development Plan Document also applies to the site.

**RELEVANT PLANNING HISTORY**

F/TH/15/0930 - Change of use from residential care home to hotel  
(Withdrawn - 05/11/2015)

F/TH/06/0467 - Erection of a single storey rear extension  
(Granted - 05/06/2006)

F/TH/04/0444 - Erection of third floor pitched roof extension to rear elevation  
(Granted 06/07/2004)

**PROPOSED DEVELOPMENT**

The proposal to be considered is the change of use of the building from a care home to 2no. 5 bedroom houses and 8no. 2 bedroom flats with a single storey rear extension and alterations to the fenestration. Initially the applicant sought pre-application advice to which they refer to in the Design and Access Statement, for 14no. 2 bedroom flats. This was deemed to be too many units for the site and the applicant was advised to reduce the density of the overall development, and to create single family houses where possible.

In addition to the change of use, minimal alterations are proposed with some minor demolition works to be carried out to the current large dining room of the care home to provide additional external play space and window openings to existing rooms. A window will be changed to a door and a more recent extension will be reduced in size to allow access into the rear garden for all of the flats.

**DEVELOPMENT PLAN POLICIES****Thanet Local Plan 2006 – saved policies**

D1 - Design

H10 - Area in Need of Special Action



TR12 - Cycle parking

TR16 - Car parking

## NOTIFICATIONS

Letters were sent to neighbouring properties and a site notice has been posted.

Three objections have been received raising the following concerns:

Inadequate parking provision

Loss of parking

Strain on existing community facilities

Conflict with the Local Plan

## CONSULTATIONS

**Kent Highways Services** - I note that no parking allocation currently exists for the properties included within this proposal, and no additional parking is proposed. The conversion of this building from a residential institution (care home) to private residential dwellings is highly unlikely to lead to a material increase in on street parking when measured against the existing use. The site is situated in an extremely sustainable location, as such I am satisfied that there are no adverse impacts in relation to the public highway.

No objection raised subject to safeguarding conditions relating to provision and permanent retention of cycle parking and the provision and permanent retention of bin storage facilities.

## COMMENTS

This application is called to planning committee by Cllr Potts and Cllr Dellar so that members can consider whether the proposal would result in the overdevelopment of the site.

## Principle

Residential development on the site is in accordance with Policy H1 of the Thanet Local Plan, subject to conformity with other material considerations and the National Planning Policy Framework (NPPF). The National Planning Policy Framework states in paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. In determining whether the development of the site would be acceptable, the need for housing in the district therefore needs to be balanced against other issues such as the impact on the character and appearance of the area, living conditions, highway safety and other material considerations.

The site is located within an Area in Need of Special Action (Policy H10) and within the Cliftonville West Renewal Area. Local Plan Policy H10 states that the council will permit appropriate redevelopment to accommodate residential and other appropriate uses and support refurbishment of property together with environmental improvements. There are no policies preventing the loss of care home use. It is therefore considered that the change of use of the care home to residential is appropriate in this location.

The site is located within an area where the Cliftonville Development Plan Document applies. Policy CV1 of the DPD states that proposals to provide single bedroom flatted accommodation, bed-sits and non self-contained accommodation (Houses in Multiple Occupation) within the DPD Plan will not be permitted. The flats proposed in this application are all 2 bedroom flats, and therefore do not conflict with the Cliftonville Development Plan Document.

Policy CV2 seeks the retention of family housing and sets out that planning permission will not be granted for the subdivision of properties currently or last lawfully used as single family accommodation. The last use of the property was a care home and not family accommodation, so the proposal does not conflict with this policy. The application seeks to create two large single family dwellings within the three storey element of the building.

Policy CV3 sets out in new development or redevelopment, flats of any size will not be permitted unless it can be clearly demonstrated that there are overriding design or townscape reasons. The supporting text para. 5.13 states that "...The provision of high quality housing would help redress the balance of accommodation mix and reduce the current transient trend of residents that develops from a high number of flats. There will still be many properties brought forward for conversion rather than redevelopment. Therefore it is appropriate to introduce a policy that requires consideration in the first instance to new development or redevelopment sites providing only family housing and precluding flats and apartments." The application is proposing to provide two large 5 bedroom houses in the three storey part of the building, with private rear gardens. The four storey element of the building has a different layout to the adjacent three storey part of the site. With one single entrance door onto Edgar Road, it looks to have previously been built as a guest house or hotel. I do not consider it would be possible to create single family houses from this part of the building without significant alterations to the property, which would be detrimental to the design and townscape of the street. The properties would be in excess of 6 or 7 bedrooms which would be too large for single family dwellings.

The ethos of the Cliftonville DPD is to reduce the density of dwellings in the area and improve the overall type of accommodation and promote family homes. This application seeks to do this by providing 2 large family homes on the part of the building where it is possible to do so. On the four storey element, 8 flats are provided all with access to the front and rear garden area. It is, therefore, considered that the application seeks to adhere to the overall ethos of the Cliftonville DPD and would not be detrimental to the regeneration aspirations for Cliftonville. The principle of the development is therefore considered to be acceptable.

### **Character and Appearance**

The building is not listed or within a conservation area. The only alteration to the front of the property will be to insert a door to replace a window to facilitate the creation of a second entrance on the three storey part of the building to enable two single family houses to be created. It is considered this will enhance the character and appearance of the area by defining the three storey element as two separate houses. The other alterations to the property are at the rear on the ground floor level and will not be visible from Edgar Road and

therefore the proposed works are not considered to negatively impact upon the character and appearance of the area.

### **Living Conditions**

There are not considered to be any impacts on neighbouring properties from the change of use of the property from a care home to a residential use. There are minimal external alterations which do not create any new overlooking or loss of light issues to neighbouring properties.

#### *Houses*

The two houses each have 5 bedrooms and provide large living spaces with lounges of 34sqm and one with a 24.7sqm bedroom. These properties are large in size because they are set over three storeys. Each has its own private garden area with sufficient clothes drying facilities and bin storage located in the front gardens screened with closed boarded timber fencing. The houses are therefore in accordance with Policy D1 and SR5 of the Thanet Local Plan.

#### *Flats*

The 8no 2 bedroom flats all differ in size due to the current layout of the building. The largest flat is 76.1sqm and the smallest is 54.6sqm. The flats are overall above the minimum room sizes as set out in the Flat Conversion Guidelines except for one kitchen which is 5.8sqm in Flat 6, 0.2sqm below the minimum requirement. The other room sizes for flat 6 are all well above the minimum size requirement and it is considered that the living conditions are acceptable in this flat and that due to the layout of the property, it would not be possible to enlarge the kitchen without significant internal alterations. There is a rear shared garden area which every flat has access to. Bin storage is to the front of the property and has been screened behind closed boarded timber fence enclosures. It is, therefore, considered that the flats accord with Policy D1 and Policy SR5 of the Thanet Local Plan.

The impact upon the living conditions of neighbouring occupiers, and that of the future occupiers of the development, is therefore considered to be acceptable.

### **Highway Safety**

Given the size of the site, no off-street parking is available for the proposed use. The Highways Officer has raised no objection to the proposal on the basis that the existing use when compared to the proposed use is unlikely to result in a material increase in on-street parking in the surrounding area, given the number of visitor and staff parking movements that would have been associated with the care home use. The site is also considered to be extremely sustainable in its location, within close proximity of facilities and services, and public transport. The impact upon highway safety is therefore considered to be acceptable, subject to safeguarding conditions requiring the provision of cycle parking, and the provision and retention of the refuse storage areas, to discourage the storage of refuse on the highway.

## **Conclusion**

The change of use of the existing care home to a residential use is considered to be acceptable in principle, and the proposed plans are not considered to conflict with the Cliftonville Development Plan, because part of the proposed development provides family houses, and there are design and townscape reasons for why 2-bed flats in the remaining part of the building are considered acceptable. There are considered to be no harmful impacts on the character and appearance of the area, or the living conditions of either neighbouring or future occupiers, and the impact upon highway safety is considered to be acceptable. The proposed development is therefore considered to be in accordance with Policies D1 and SR5 of the Thanet Local Plan, the Cliftonville Development Plan, and the National Planning Policy Framework.

In light of the above it is recommended that Members approve the application subject to safeguarding conditions.

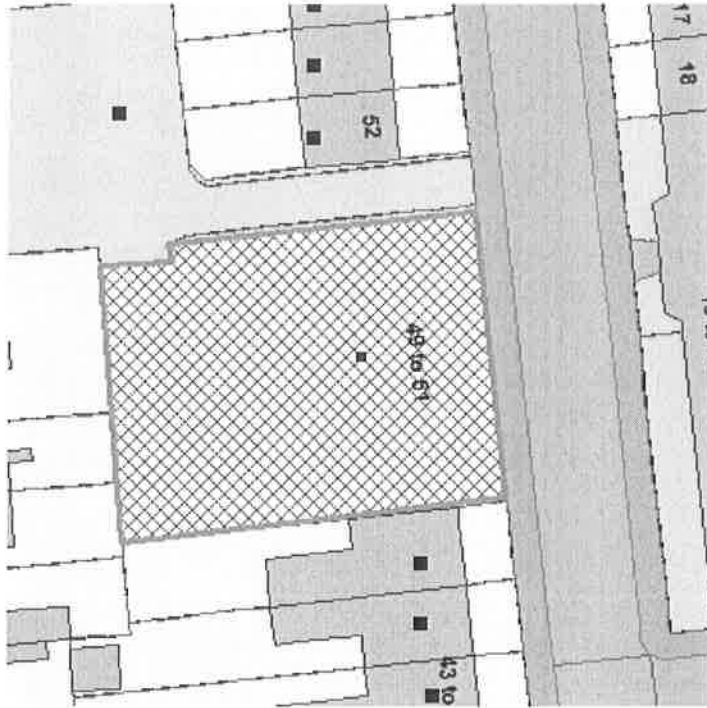
## **Case Officer**

Lauren Hemsley

TITLE: F/TH/16/1051

Project 49 - 51 Edgar Road MARGATE Kent CT9 2EQ

Scale:





## THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

### Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

### Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
  - exercises functions of a public nature; or
  - is directed to charitable purposes; or
  - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

### **Gifts, Benefits and Hospitality**

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

### **What if I am unsure?**

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services and Scrutiny Manager well in advance of the meeting.

## **DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS, SIGNIFICANT INTERESTS AND GIFTS, BENEFITS AND HOSPITALITY**

**MEETING** .....

**DATE**..... **AGENDA ITEM** .....

**DISCRETIONARY PECUNIARY INTEREST**

**SIGNIFICANT INTEREST**

**GIFTS, BENEFITS AND HOSPITALITY**

**THE NATURE OF THE INTEREST, GIFT, BENEFITS OR HOSPITALITY:**

.....  
.....  
.....

**NAME (PRINT):** .....

**SIGNATURE:** .....

Please detach and hand this form to the Democratic Services Officer when you are asked to declare any interests.