

Date: 11 September 2017  
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## PLANNING COMMITTEE

20 SEPTEMBER 2017

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 20 September 2017** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillor Grove (Chairman); Councillors: J Fairbrass (Vice-Chairman), Bambridge, Buckley, K Coleman-Cooke, Connor, Edwards, Fenner, Partington, L Piper, R Potts, Rusiecki, D Saunders, 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 3 - 14)

To approve the Minutes of the Planning Committee meeting held on 16 August 2017, copy attached.

4. **F/TH/17/0592 - 97 KINGSGATE AVENUE, BROADSTAIRS** (Pages 15 - 28)

5. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 29 - 34)

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.***

Item  
No

Subject

**For Approval**

- 5a **A01 - F/TH/17/0770 - LAND WEST OF FARLEY ROAD, MARGATE** (Pages 35 - 42)
- 5b **A02 - F/TH/17/0986 - LAND ADJACENT 1 ALBERT ROAD, BROADSTAIRS** (Pages 43 - 52)
- 5c **A03 - F/TH/17/1138 - LAND REAR OF WALTERS HALL OAST, MONKTON STREET, MONKTON** (Pages 53 - 62)
- 5d **A04 - FH/TH/17/0743 - 30 KENT ROAD, MARGATE** (Pages 63 - 66)
- 5e **A05 - F/TH/17/0780 - LAND ADJACENT TO 2 THE RIDINGS, MARGATE** (Pages 67 - 74)
- 5f **A06 - L/TH/17/1003 - WATERSIDE STABLES, ROWENA ROAD, WESTGATE-ON-SEA** (Pages 75 - 80)
- 5g **A07 - L/TH/17/1033 - EAST CROSSWALL, RAMSGATE** (Pages 81 - 86)
- 5h **A08 - L/TH/17/0836 - DREAMLAND CINEMA, DREAMLAND LEISURE COMPLEX, MARINE TERRACE** (Pages 87 - 94)
- 5i **A09 - L/TH/17/0832 - DREAMLAND CINEMA, DREAMLAND LEISURE COMPLEX, MARINE TERRACE** (Pages 95 - 100)
- 5j **A10 - F/TH/17/0833 - DREAMLAND CINEMA, DREAMLAND LEISURE COMPLEX, MARINE TERRACE, MARGATE** (Pages 101 - 106)

**For Refusal**

- 5k **R11 - F/TH/17/0525 - LAND AND BUILDINGS AT 10 TO 14 BELGRAVE ROAD, MARGATE** (Pages 107 - 114)
- 5l **R12 - F/TH/17/0884 - 55 ATHELSTAN ROAD AND 65 NORTHDOWN ROAD, MARGATE** (Pages 115 - 122)

**For Deferral**

- 5m **D13 - OL/TH/16/1715 - LAND SOUTH OF MANSTON ROAD ADJACENT TO THE BEACON (FORMER CAR STORAGE SITE) MANSTON ROAD, RAMSGATE** (Pages 123 - 144)

**Declaration of Interests Form**



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# Public Document Pack Agenda Item 3

## Planning Committee

**Minutes of the meeting held on 16 August 2017 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.**

**Present:** Councillor Bob Grove (Chairman); Councillors J Fairbrass, Bambridge, K Coleman-Cooke, Connor, Edwards, Partington, L Piper, R Potts, Rusiecki, D Saunders, Tomlinson, Campbell and Dennis

**In**

**Attendance:** Councillors Bayford, Brimm, L Fairbrass and M Saunders

### 217. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Taylor, Councillor Fenner for whom Councillor Campbell was present and Councillor Buckley for whom Councillor Dennis was present.

### 218. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

### 219. **MINUTES OF PREVIOUS MEETING**

It was proposed by Councillor Campbell, seconded by the Vice Chairman and AGREED that the minutes of the Planning Committee held on 19 July 2017 be approved and signed by the Chairman.

### 220. **SCHEDULE OF PLANNING APPLICATIONS**

### 221. **A01 R/TH/15/0250 LAND NORTH OF HAINE ROAD BROADSTAIRS AND WEST OF NASH, ROAD MARGATE KENT**

PROPOSAL: Application for approval of access, appearance, landscaping, layout and scale pursuant to condition 1 of planning permission reference F/TH/12/0964 for the development of phase 5 of a mixed use urban extension comprising residential, community and commercial use, open space, infrastructure and new access.

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

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

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

1 The proposed development shall be carried out in accordance with the submitted drawings as detailed on the Schedule of Drawings received on 27th July 2017.

**GROUND:**

To secure the proper development of the area.

2 The area shown on the submitted plan P690/P5/04 Rev G received on 3rd July as car, cycle, motor cycle and disabled parking spaces and turning areas, vehicle loading/unloading and turning facilities 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 development 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.

3 Prior to the first occupation of dwellings hereby approved, driver visibility splays and envelopes as shown on the approved plans, with no obstructions over 1 metre above carriageway level within the splays and envelopes, shall be provided and thereafter maintained.

**GROUND:**

In the interest of highway safety.

4 Prior to the first occupation of each of the dwellings hereby permitted, cyclist visibility splays of 15 metres x 2 metres x 15 metres at vehicular accesses to all dwellings accessed across a cycleway shall be provided and maintained with no obstructions over 1 metre above cycleway level within the splays.

**GROUND:**

In the interest of highway safety.

5 Prior to the first occupation of each of the dwellings hereby permitted, pedestrian visibility splays of 1 metre x 1 metre behind the footway on both sides of the access to the dwelling, with no obstructions over 0.6m above footway level, shall be provided and thereafter maintained.

**GROUND:**

In the interest of highway safety.

6 Prior to the first occupation of the development hereby permitted, 25 metres x 2 metres x 25 metres visibility splays, at vehicular accesses to all dwellings served off an adoptable shared surface street, shall be provided and thereafter maintained with no obstructions over 1 metre above carriageway level within the splays.

**GROUND:**

In the interest of highway safety.

7 The refuse storage facilities specified upon the submitted drawing numbered P690/P5/01 Rev U received on 27th July 2017 shall be provided for each flat block prior to its first occupation and shall be 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.

8 The communal amenity space serving plots 49-76, 339-357 and 431-453 as specified upon the approved plan numbered P690/05/01 Rev U shall be provided for each flat block prior to the first occupation of the flat block hereby approved and shall be maintained 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.

9 The reveals to all window openings shall not be less than 100mm.

**GROUND:**

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

10. The Local Equipped Area of Play as identified on P690/P5/01 Rev U, shall be constructed and operational prior to the occupation of any of the units within the red line boundary highlighted on Phase 5B LEAP Catchment Plan P690/P5/17 Rev B received on 13th June 2017.

**GROUND:**

In order to provide amenity and play space in accordance with Policy SR5 of the Thanet Local Plan

11 Prior to the installation of the Local Equipped Play Area as identified on P690/P5/01 Rev U, details including a schedule and specification of play equipment, surfacing and fencing, to be provided within the play area shall be submitted to and approved in writing by the Local Planning Authority. The Local Equipped Play Area shall be provided in accordance with the approved details.

**GROUND:**

In order to provide amenity and play space in accordance with Policy SR5 of the Thanet Local Plan.”

**222. A02 F/TH/17/0592 97 KINGSGATE AVENUE BROADSTAIRS KENT CT10 3LH**

PROPOSAL: Change of use of existing single dwellinghouse into 2no. 3 bedroom and 1no. 4 bedroom terrace houses with erection of single storey ground floor extension to side elevation, alterations to fenestration, installation of balcony at second floor level to front elevation, raised rooflights to main roof and new vehicular access onto Kingsgate Avenue

Speaking raising points of concern was Mr Whittaker.

Speaking as ward councillor was Councillor Bayford.

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 proposed development shall be carried out in accordance with the submitted application and the plans numbered 105-100 & 105-101 received by the Local Planning Authority on 20th June 2017, the amended plan numbered 105/02 Rev A received by the Local Planning Authority on 7th July 2017 and the amended plan numbered 105/03 Rev C received by the Local Planning Authority on 1st August 2017.

**GROUND:**

To secure the proper development of the area.

3 Prior to the first occupation of the dwelling the windows to be provided at second floor level in the north west and south west elevations hereby permitted shall be provided and maintained with obscure glass and non-opening below 1.7metres.

**GROUND:**

To safeguard the residential amenities currently enjoyed by neighbouring property occupiers in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

4 Prior to the first occupation of the dwellings obscure glazed privacy screens at a height of 1.8 metres shall be installed to the south west elevations of the balconies at first floor level to the north west elevation and thereafter maintained.

**GROUND:**

To safeguard the residential amenities currently enjoyed by neighbouring property occupiers in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

5 The first 5 metres of the access from the edge of the highway hereby permitted shall be constructed of a bound material.

**GROUND:**

In the interests of highway safety.

6 Prior to the first use of the vehicular access, measures to prevent the discharge of surface water onto the highway shall be provided and thereafter maintained.

**GROUND:**

In the interests of highway safety.

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

**GROUND:**

In the interests of highway safety.

8 Prior to the first occupation of the dwellings hereby approved visibility splays as shown on approved plan numbered 105-100 received by the Local Planning Authority on 20<sup>th</sup> June 2017 at the access with Kingsgate Avenue with no obstructions over 900 mm above carriageway level within the shaded area shall be provided and thereafter maintained.

**GROUND:**

In the interests of highway safety.

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

**GROUND:**

In the interests of highway safety.

10 Prior to the first occupation of the dwelling hereby approved, the cycle parking facilities shown on the approved plans shall be provided and thereafter retained.

**GROUND:**

In the interests of highway safety.

11 Prior to the first occupation of the dwelling hereby approved, the cycle parking facilities shown on the approved plans shall be provided and thereafter retained.

**GROUND:**

In the interests of highway safety.

12 Prior to the first occupation of the houses hereby approved, the bin store shown on the approved plans numbered 105-100 & 105-101 received by the Local Planning Authority on 20<sup>th</sup> June 2017 shall be provided and thereafter maintained.

**GROUND:**

To secure the proper development of the area.

13 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.

14 Prior to the commencement of the development hereby approved the window and door details 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

15 Prior to the first occupation of the dwelling the windows to be provided at first floor level in the south west elevation hereby permitted shall be fixed shut and provided and maintained with obscure glass.

**GROUND:**

To safeguard the residential amenities currently enjoyed by neighbouring property occupiers in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.”

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

Then, it was proposed by the Chairman and seconded by the Vice Chairman:

“That officers bring a report to the next Planning Committee meeting outlining potential reasons for refusal over concerns about overdevelopment within an Area of High Townscape value”.

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

**223. D03 OL/TH/16/1765 LAND ADJACENT TO SALMESTONE GRANGE NASH ROAD MARGATE, KENT**

PROPOSAL: Outline application for residential development of up to 250 dwellings and alterations to the surrounding highway network, including details of Access with all other matters reserved (Appearance, Landscaping, Layout, Scale)

Speaking in favour of the application was Ms Coles.

Speaking raising points of concern was Mrs Miller.

Speaking raising points of concern was Mr Orton.



Also raising points of concern was Mr Baxter.

Speaking under Council procedure rule 20.1 was Councillor Brimm.

It was proposed by the Chairman and seconded by Councillor L Piper:

“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 appearance, layout and scale of any buildings to be erected and the landscaping of the site, (herein called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

GROUND:

As no such details have been submitted.

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

GROUND:

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

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

GROUND:

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

4 The development hereby permitted shall be begun before the expiration of 2 years from the date of the 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 first submission of any reserved matters, a scheme for the protection of the existing dwellings on Manston Road from road traffic noise, including an assessment of that impact, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall specifically be in reference to traffic noise from the new roundabout on Manston Road. Any agreed on-site mitigation should be incorporated into any relevant reserved matters submission.

GROUND:

In the interests of the protection of residential amenity in accordance with Thanet Local Plan Policy D1 and paragraph 17 of the National Planning Policy Framework.

6 Prior to the first submission of any reserved matters application, an Emissions Assessment shall be submitted to, and approved in writing by, the Local Planning Authority. The assessment shall be in accordance with the Thanet Air Quality Technical Planning Guidance and should consider, but not necessarily be limited to, the impacts of transport emissions on new and existing dwellings and also model the crematorium emissions. Any agreed on-site mitigation should be included in any relevant reserved matters submission.

GROUND:

In the interests of the protection of residential amenity in accordance with Thanet Local Plan Policy D1 and paragraph 17 of the National Planning Policy Framework.

7 Prior to the submission of any reserved matters, an updated ecological scoping survey, to include breeding bird survey shall be submitted to, and approved in writing by the Local Planning Authority. The survey(s) shall include detailed mitigation strategies if required and details of how the development will enhance biodiversity, and the agreed details should be included in any relevant reserved matters submission.

GROUND:

To protect and enhance biodiversity in accordance with guidance within the National Planning Policy Framework.

8 Details pursuant to condition 1 shall not show any building exceeding 2 storeys with roof accommodation in height.

GROUND:

In the interests of the amenities of the locality in accordance with Thanet Local Plan Policy D1 and the National Planning Policy Framework.

9 Details pursuant to condition 1 shall include details of the local play space on the site, to be provided at a minimum rate of at least 0.7 hectares per 1000 population (criteria as stated in Thanet Local Plan 2006 Policy SR5) of which at least 36% shall be equipped play area in accordance with the Local Planning Authority's Supplementary Planning Document "Planning Obligations and Developer Contributions - April 2010.

GROUND:

To ensure the provision of adequate local playspace and equipped play areas in accordance with Thanet Local Plan Policy SR5 and guidance within the National Planning Policy Framework.

10 Details to be submitted in pursuant of Condition 1 above shall include the location and size of the affordable housing units.

GROUND:

To ensure that the required level and type of affordable housing is provided in accordance with Policy H14 of the Thanet Local Plan.

11 Details pursuant of condition 1 above shall include an area of open space adjacent to Salmestone Grange in the same location and no smaller than that shown on the indicative layout plan no.P001B received 23 December 2016.

GROUND:

To safeguard the setting of Salmestone Grange as a Grade II\* Listed Building, and provide open space that offers recreational, community and amenity value in accordance with Policy SR11 of the Thanet Local Plan, and guidance within the National Planning Policy Framework.

12 The landscaping details pursuant of condition 1 shall include vegetation within the area of open space to screen the development in views from Salmestone Grange.

GROUND:

To preserve the setting and significance of Salmestone Grange as a Grade II\* Listed Building, in accordance with guidance within the National Planning Policy Framework.

13 Details pursuant to condition 1 shall show the provision of 1 Electric Vehicle Charging Points per residential property with dedicated parking, and 1 in 10 of all allocated parking, which shall be installed to the specification within Thanet Air Quality Technical Planning Guidance 2016.

GROUND:

To promote sustainable forms of transportation and to protect air quality in accordance with Thanet Local Plan Policy EP5 and guidance within the National Planning Policy Framework.

14 Details pursuant to condition 1 shall identify a minimum of 15% of housing to lifetime home and wheelchair standards and include the specification of such dwellings.

GROUND:

To meet the housing needs of the community in accordance with Policy H8 of the Thanet Local Plan 2006.

15 Details pursuant to condition 1 shall include the final route, specification and geometry of the link road between Manston Road and Nash Road. The link road and associated footway/cycleways and bus stops and shelters (which shall be shown) should be provided to an acceptable local distributor standard in accordance with the most up-to-date revision of the Kent Design Guide.

GROUND:

In the interests of highway safety and traffic flow, in accordance with Thanet Local Plan Policy TR16.

16 Details pursuant to condition 1 shall include details of a new pedestrian access into St Gregory's through the development site.

GROUND: In the interests of highway safety and to facilitate the use of alternative means of transport, in accordance with Thanet Local Plan Policy TR12.

17 Details pursuant to condition 1 shall include internal road layouts, including provision of communal on street parking to accommodate likely demand from school pick up and drop off activity.

GROUND:

In the interests of highway safety and traffic flow, in accordance with Thanet Local Plan Policy TR16.

18 Details pursuant to condition 1 shall include a new access roundabout on Nash Road to the same specification as shown on plan 14-011-002B received 24th May 2017.

GROUND:

To mitigate the additional traffic flows created by the development to maintain the free flow of traffic, in accordance with guidance within the National Planning Policy Framework.

19 Details pursuant to condition 1 shall include full details (in the form of scaled plans and / or written specifications) to illustrate the following: -

- i) Parking provision in accordance with adopted standard.
- ii) Turning areas
- iii) secure, covered cycle parking facilities

The scheme shall be implemented as approved prior to the first occupation of the units hereby approved.

GROUND:

In the interests of highway safety

20 Details pursuant to condition 1 (in the form of scaled plans and / or written specifications) shall include, but not necessarily be limited to, the following; proposed roads, footways, footpaths, verges, junctions, sewers, retaining walls, service routes, vehicle overhang margins, embankments, accesses, carriageway gradients, driveway gradients and street furniture.

The development shall be laid out and constructed in accordance with the approved details prior to the first occupation of the dwellings hereby permitted.

GROUND:

In the interests of highway safety

21 No development shall take place until a highways work phasing plan, outlining the point at which each mitigation element outlined in condition 22 and the new link road through the site and associated access points will be completed and operational, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed phasing plan.”

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

Officers agreed to refer any reserved matters applications linked to the outline application to the Planning Committee.

Meeting concluded : 8.30pm

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**Planning Application F/TH/17/0592 – 97 Kingsgate Avenue,  
Broadstairs**

**Planning Committee – 20<sup>th</sup> September 2017**

Report Author **Helen Johnson, Planning Officer**

Portfolio Holder **Cllr Lin Fairbrass, Community Services**

Status **For Decision**

Classification: Unrestricted

Previously Considered by **Planning Committee 16<sup>th</sup> August 2017**

Ward: **Kingsgate**

**Executive Summary:**

This report results from the deferral by Members of the above application, at 16<sup>th</sup> August 2017 meeting, to consider a potential reason for refusal, following Officer recommendation to approve the application.

The following report puts forward a potential reason for refusal Members may wish to consider.

**Recommendation:**

Members refuse the application for the reason set out in paragraph 2.5.

**CORPORATE IMPLICATIONS**

**Financial and Value for Money**

The Planning Committee is not bound to follow the advice of Officers. However, should Members decide not to accept the advice of Officers it should be mindful of the potential cost implications in doing so.

The advice from Government within the National Planning Practice Guidance sets out the circumstances in which costs may be awarded against either party in planning appeals. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. An authority is considered to have behaved unreasonably if it does not produce evidence to substantiate each reason for refusal.

The advice outlines is that if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be

	awarded against the authority with these costs needing to be found from within Service.
<b>Legal</b>	<p>The Planning Committee is not bound to follow the advice of Officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.</p> <p>The reasons for any decision must be formally recorded in the minutes and a copy placed on file.</p> <p>If members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.</p> <p>The advice from Government within the National Planning Practice Guidance sets out the circumstances in which costs may be awarded against either party in planning appeals. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. An authority is considered to have behaved unreasonably if it does not produce evidence to substantiate each reason for refusal.</p>
<b>Corporate</b>	The delivery of new housing through the Local Plan and planning applications supports the Council's priorities of supporting neighbourhoods ensuring local residents have access to good quality housing, and promoting inward investment through setting planning strategies and policies that support growth of the economy.
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p> <p>In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.</p>

## 1.0 Introduction

- 1.1 At the Planning Committee meeting on 16<sup>th</sup> August 2017, it was resolved that the proposal for the change of use of existing single dwellinghouse into 2no. 3 bedroom and 1no. 4 bedroom terrace houses with erection of single storey ground floor extension to side elevation, alterations to fenestration, installation of balcony at second floor level to front elevation, raised rooflights to main roof and new vehicular access onto Kingsgate Avenue at the above-mentioned site should be brought before Members to be considered for potential reasons for refusal.



## 2.0 The Current Situation

- 2.1 At the previous Planning Committee, Members raised concerns about the creation of 3no. terraced properties at the scale proposed and during discussion placed weight on the harmful impact this would have on the special character of the Area of High Townscape Value.
- 2.2 This application is therefore reported back to Planning Committee for Members to consider a potential reason for refusal, based on the concerns raised during the meeting of 16<sup>th</sup> August 2017.
- 2.3 Whilst there are a mix of properties in this area, with semi-detached properties, detached dwellings and a block flats in the vicinity of the application site there are no terraced dwellings at the scale proposed. The width of the dwellings that would be created through the change of use would be smaller than the semi-detached ones in this area. Whilst the visual changes to the front of the property arising from the development would be minimal, the alterations would result in the creation of additional entrances, visible from the public realm, resulting in the building being read as three dwellings. This could be considered to be out of keeping with the layout and form of individual dwellings that is characteristic of this area. The block of flats adjacent to the application site, whilst comprising a number of units, has a single entrance point. Whilst officers assess that the proposed development would preserve the character and appearance of the building and Area of High Townscape Value, it could be considered that the change of use would have a harmful impact on the streetscene and special character of the Area of High Townscape Value by virtue of the type and size of dwellings.
- 2.4 There are no new build standards of accomodation, it is the Officer's view that the proposed standard of accommodation is acceptable.
- 2.5 Should Members be minded to refuse planning permission, they may wish to consider the following reason for refusal:

'The proposed development, by virtue of the type and size of the dwellings would result in an incongruous development within the street scene, failing to complement and respect the layout and form of individual dwellings in the Area of High Townscape Value, detrimental to the special established local character of Kingsgate Avenue, contrary to saved Thanet Local Plan Policies D1 & D7 and Paragraphs 17, 56, 58 & 64 of the National Planning Policy Framework.'

## 3.0 Options

- 3.1 Members have the option to either refuse the application for the reason set out in paragraph 2.5 above, approve the application in accordance with the report to Planning Committee on 16<sup>th</sup> August 2017 or propose an alternative motion.

## 4.0 Recommendations

- 4.1 Members refuse the application for the reason set out in paragraph 2.5.

Contact Officer:	<i>Helen Johnson, Planning Officer</i>
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# Agenda Item 4

Reporting to:	<i>Iain Livingstone, Planning Applications Manager</i>
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## **Appendix List**

<i>Appendix A</i>	<i>Planning Committee Schedule item 16<sup>th</sup> August 2017</i>
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## **Corporate Consultation**

<b>Finance</b>	Matthew Sanham, 11 <sup>th</sup> September 2017
<b>Legal</b>	Tim Howes, 11 <sup>th</sup> September 2017



# Agenda Item 4

## Annex 1

4 Prior to the first occupation of the dwellings obscure glazed privacy screens at a height of 1.8 metres shall be installed to the south west elevations of the balconies at first floor level to the north west elevation and thereafter maintained.

**GROUND:**

To safeguard the residential amenities currently enjoyed by neighbouring property occupiers in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

5 The first 5 metres of the access from the edge of the highway hereby permitted shall be constructed of a bound material.

**GROUND:**

In the interests of highway safety.

6 Prior to the first use of the vehicular access, measures to prevent the discharge of surface water onto the highway shall be provided and thereafter maintained.

**GROUND:**

In the interests of highway safety.

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

**GROUND:**

In the interests of highway safety.

8 Prior to the first occupation of the dwellings hereby approved visibility splays as shown on approved plan numbered 105-100 received by the Local Planning Authority on 20<sup>th</sup> June 2017 at the access with Kingsgate Avenue with no obstructions over 900 mm above carriageway level within the shaded area shall be provided and thereafter maintained.

**GROUND:**

In the interests of highway safety.

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

**GROUND:**

In the interests of highway safety.

10 Prior to the first occupation of the dwelling hereby approved, the cycle parking facilities shown on the approved plans shall be provided and thereafter retained.

**GROUND:**

In the interests of highway safety.

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11 Prior to the first occupation of the dwelling hereby approved, the cycle parking facilities shown on the approved plans shall be provided and thereafter retained.

**GROUND:**

In the interests of highway safety.

12 Prior to the first occupation of the houses hereby approved, the bin store shown on the approved plans numbered 105-100 & 105-101 received by the Local Planning Authority on 20<sup>th</sup> June 2017 shall be provided and thereafter maintained.

**GROUND:**

To secure the proper development of the area.

13 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.

14 Prior to the commencement of the development hereby approved the window and door details 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:**

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

15 Prior to the first occupation of the dwelling the windows to be provided at first floor level in the south west elevation hereby permitted shall be fixed shut and provided and maintained with obscure glass.

### **GROUND:**

To safeguard the residential amenities currently enjoyed by neighbouring property occupiers in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

### 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

### SITE, LOCATION AND DESCRIPTION

The site is located within the urban confines and comprises a detached three storey property (with basement) set within a spacious plot. The property benefits from balconies at first floor level to the front and rear elevations, an integral garage and vehicular access from Kingsgate Avenue.

### RELEVANT PLANNING HISTORY

The most recent planning site history:

F/TH/03/0503 - Erection of a two storey, four bed detached dwelling house with roof-top balcony following demolition of existing dwellinghouse - granted 23/10/2003.

### PROPOSED DEVELOPMENT

The application proposes the change of use of the existing dwellinghouse into 2no. 3 bedroom and 1no. 4 bedroom terrace houses. The scheme involves the erection of a modest single storey extension to the side of the property, together with alterations to fenestration and the installation of a balcony at second floor level to the front elevation. There are raised roof lights proposed to the main roof. The proposed houses would benefit from private amenity space to the rear and car parking to the front of the property which would be accessed via a new vehicular access from Kingsgate Avenue.

### DEVELOPMENT PLAN POLICIES

Saved Thanet Local Plan Policies

H1 - Housing

H4 - Windfall Sites  
D1 - Design  
D2 - landscaping  
D7 - Area of High Townscape Value  
SR5 - Play Space  
TR12 - Cycling  
TR16 - Car Parking

### NOTIFICATIONS

Neighbour notification letters were sent to properties directly surrounding the site and a site notice was posted near the site.

There have been five objections received to the original plans, raising the following concerns:

- o Overlooking
- o Loss of privacy
- o Overdevelopment
- o Highways impacts
- o Standard of accommodation for future occupiers of the houses
- o Impact on the character and appearance of the area
- o Construction and traffic noise
- o Loss of existing trees

Following receipt of amended plans which: corrected the existing plans, confirmed that existing trees were to be retained, provided further access details, bin store details, confirmed obscure glazing and privacy screening to existing balconies. Three objections have been received, raising the following concerns:

- o Overdevelopment
- o Out of keeping with the surrounding area
- o Environmental health impact due to positioning of waste
- o Traffic access
- o Noise
- o More open space needed

### CONSULTATIONS

**Kent County Council Highways and Transportation** - whilst the proposed development within this application does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current protocol arrangements, due to concerns raised during the consultation period regarding highway safety and amenity, the Highway Authority were consulted.

The Highways Officer requested a condition regarding pedestrian visibility splays in addition to the usual conditions relating to parking and vehicle visibility splays.

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**Broadstairs Town Council** - raises an objection, considering that the proposal is out of keeping with the character of the area, overdevelopment, traffic/highways impacts.

### COMMENTS

The application is brought before members at the request of Councillor Bayford, as Ward Councillor, on the grounds of over development, overlooking and being out of keeping with the area.

The main considerations in determining this application are the principle of development, the impact on the character and appearance of the area, the impact on the living conditions of future and neighbouring property occupiers and impact on the local highway network.

### **Principle**

The site lies within the urban confines and the principle of the proposed change of use, is acceptable, subject to the assessment of the material considerations.

### **Character and Appearance**

The site comprises a single, detached dwelling set within a spacious plot, located towards the northern end of Kingsgate Avenue. The existing dwelling lies adjacent to a detached two storey property, and to the other side boundary lies the hardstanding parking area serving a block of flats (Kingsgate Court) set back from the road frontage. Kingsgate Court is predominantly three storey, reducing to a single storey to the rear of the application site.

The site lies within an Area of High Townscape Value and Saved Local Plan Policy D7 states that within such areas, the conservation or enhancement of the local character will be the primary planning aim and development will be allowed only where the design, scale of development, separation between buildings, use of materials and landscaping are commentary to the special character of the area.

This section of Kingsgate Avenue is characterised by dwellings of differing design, material, scale and density, with mature planting. There are examples of detached, semi-detached and flatted development in the immediate area.

The application proposes minor alterations to the existing building to facilitate the change of use, together with a modest single storey side extension and installation of a balcony at second floor level to the front elevation. The addition of doors at ground floor level and alterations to fenestration to the front elevation would not result in a significant change to the appearance of the building or streetscene and would be in keeping with development in the area.

The property currently benefits from hard standing to the front, available for car parking and this area will serve the parking needs of future occupiers, with a revised access from Kingsgate Avenue. The proposed bin store to the front of the property would be constructed in timber, set back from the road frontage and obscured by an existing substation within the site.



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There are protected trees within the site, and there are no works proposed to these trees or any loss of existing trees within the site. It is not considered that works to or the loss of protected trees would be required in order to facilitate the change of use. There will need to be some works undertaken to the existing planting beyond the front boundary of the site in order to secure highway safety.

The proposed single storey extension to the side elevation, providing a porch area, is modest in scale and as such the separation between the existing property and neighbouring properties would be maintained.

Balconies are typical within residential areas that lie in close proximity to the beach. There is an existing balcony to the front elevation of the property, at first floor level, and there are examples of balconies in the vicinity of the site which vary in terms of material and design.

For the reasons outlined above it is considered that the proposed change of use respects the character and appearance of the surrounding area, in terms of scale, massing and rhythm whilst retaining gaps in development and existing mature trees. The proposed development would therefore not cause material harm to the character and appearance of this Area of High Townscape Value and accords with Saved Thanet Local Plan Policies D1 and D7 and the National Planning Policy Framework.

### **Living Conditions**

In terms of living conditions, the proposed change of use would provide 2no. 3 bedroom houses and 1no. 4 bedroom house. The units would each benefit from a living room, kitchen/diner and toilet at ground floor level, with three bedrooms and bathrooms to the first floor. Plot 2 (the middle house) would benefit from a second floor providing a further bedroom and ensuite bathroom, whilst Plots 1 & 2 would have utility areas at basement level. Plot 3 benefits from a larger living space at ground floor level. Plot 1 (3 bed house) would have a total floor area of 100m<sup>2</sup>, Plot 2 (4 bed house) a total floor area of 122m<sup>2</sup> and Plot 3 (3 bed house) a total floor area of 102m<sup>2</sup>. Each house would have a rear garden containing a storage shed and future occupiers would have access to communal refuse storage to the front of the site.

It is considered that the habitable rooms within the proposed houses would benefit from adequate natural light and ventilation and the rear gardens would provide private amenity space at an appropriate scale for clothes drying and the provision of safe doorstep play space for small children in accordance with Saved Thanet Local Plan Policy SR5.

The existing opening at first floor level to the side elevation facing the neighbouring property no. 95 Kingsgate Avenue would be fixed shut and obscure glazed. This would protect the privacy currently enjoyed by this neighbouring property occupier and the bedroom this window would serve also benefits from windows and doors out on to a balcony to the rear elevation, providing natural light and ventilation.

The plans propose the use of the existing room at second floor level as a bedroom with ensuite, to Plot 2. The windows to the rear and side elevation of this bedroom will be

# Agenda Item 4

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obscure glazed. In order to protect neighbouring residential amenity a safeguarding condition would be attached to the consent requiring that these openings at second floor level are obscure glazed and fixed shut below 1.7 metres. This bedroom would benefit from windows and doors out on to a balcony to the front elevation, providing natural light and ventilation.

The existing property benefits from balconies to the rear at first floor level. There are no enlargements proposed to these and an obscure glazed screen is proposed to the left hand side elevation of each of these balconies to safeguard the privacy of future occupiers and the privacy of the neighbouring property no. 95 Kingsgate Avenue. There will be no material change in the impact of the balconies to the neighbouring property occupiers to the rear of the site, above the existing relationship.

The proposed balcony at second floor level to the front elevation would overlook the highway and due to its siting and scale would not result in an unacceptable sense of overlooking or loss of privacy to the private amenity space of neighbouring property occupiers. Concerns have been raised that the proposed balcony would result in a loss of privacy to habitable room windows of neighbouring properties on the opposite side of Kingsgate Avenue. Having regards to the separation distances and relationship with the built form of these neighbouring properties it is not considered that the proposed balcony would result in harm to the living conditions of these neighbouring property occupiers.

The only extension to the proposed building relates to a modest single storey side extension to the elevation facing the parking area of Kingsgate Court. Due to its positioning the proposed extension would have no impact upon neighbouring amenity.

For the reasons outlined above it is considered that the proposal would provide a good standard of accommodation for future occupiers and would not cause material harm to the living conditions of neighbouring property occupiers.

Concern has been raised regarding odour that may result from the location of the proposed bin store. The bins that would be contained within the bin store would be council issue wheelie bins with lids. Having regards to the design of the bins, siting of the bin store and separation distance between the store and nearest neighbouring property occupier, together with the level of demand for refuse storage, it is not considered that this would have a significant material impact.

### **Transportation**

The existing house benefits from an integral garage and hardstanding to the front of the property, together with vehicular access from Kingsgate Avenue. There is currently high level planting within the verge to the front of the property, partially obscuring the front elevation of the property and existing access.

The application proposes 6no. car parking spaces to the front of the property for use by the future occupiers and visitors of the three houses. This is considered an adequate layout and level of provision for residential accommodation in a suburban area. The scheme proposes the re-siting of the existing vehicular access and the submitted plans indicate that adequate

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vehicular visibility splays can be achieved, and this together with lower level planting to the verge to the front of the site would ensure adequate pedestrian visibility splays. These would be secured by condition.

Concern has been raised regarding noise from parking. Having regards to the level of car parking provision and location of the hardstanding to the front of the site, adjacent to the parking area serving Kingsgate Court, it is not considered that the proposal would result in a significant increase in level of noise.

Each of the proposed houses would benefit from a timber shed within the rear garden, providing secure, covered cycle parking.

For these reasons outlined above, it is considered that, subject to the imposition of safeguarding conditions, the proposal is unlikely to result in material harm to highway safety or amenity to warrant refusal of the application.

### **Conclusion**

In conclusion, it is considered that subject to appropriate safeguarding conditions, the proposed change of use would preserve the character and appearance of the building and the Area of High Townscape Value, provide a good standard of accommodation for future occupiers and cause no material harm to the living conditions of neighbouring property occupiers or highway safety and therefore accords with Saved Thanet Local Plan Policies and the National Planning Policy Framework. The application is therefore recommended for approval.

### **Case Officer**

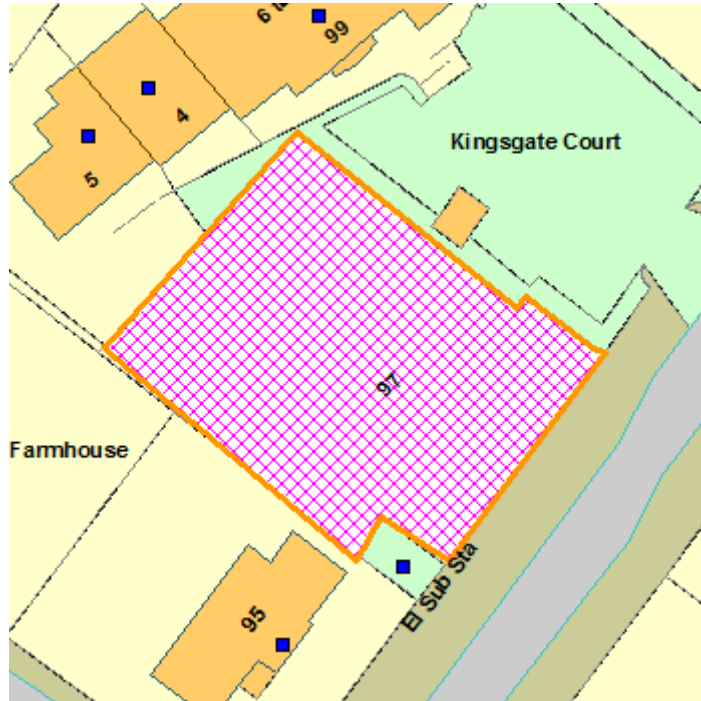
Helen Johnson

# Agenda Item 4 Annex 1

TITLE: F/TH/17/0592

Project 97 Kingsgate Avenue BROADSTAIRS Kent CT10 3LH

Scale:



THANET DISTRICT COUNCIL

PLANNING COMMITTEE

20 September 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:11 September 2017

## THANET DISTRICT COUNCIL

### REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

#### PART A

**TO: THE PLANNING COMMITTEE**

**DATE: 20 September 2017**

Application Number	Address and Details	Recommendation
A01 F/TH/17/0770	<p><b>Land West Of Farley Road MARGATE Kent</b></p> <p>Retrospective application for excavation works to level site and create vehicular access onto Farley Road</p> <p>Ward: Salmestone</p>	Approve
A02 F/TH/17/0986	<p><b>Land Adjacent 1 Albert Road BROADSTAIRS Kent</b></p> <p>Erection of 2No. two storey 4-bed dwellings</p> <p>Ward: Beacon Road</p>	Approve
A03 F/TH/17/1138	<p><b>Land Rear Of Walters Hall Oast Monkton Street Monkton Ramsgate Kent</b></p> <p>Erection of a three storey dwelling and garage with associated parking and access</p> <p>Ward: Thanet Villages</p>	Approve
A04 FH/TH/17/0743	<p><b>30 Kent Road MARGATE Kent CT9 3SN</b></p> <p>Erection of outbuilding</p> <p>Ward: Dane Valley</p>	Approve

A05 F/TH/17/0780	<p><b>Land Adjacent To 2 The Ridings MARGATE Kent</b></p> <p>Variation of condition 2 attached to Planning Permission F/TH/14/0427 for the erection of 1No. two storey detached dwelling with attached garage to allow for a single storey side extension together with alterations to internal layout and front elevation</p> <p>Ward: Cliftonville East</p>	Approve
A06 L/TH/17/1003	<p><b>Waterside Stables Rowena Road Westgate On Sea Kent CT8 8QH</b></p> <p>Application for listed building consent for repair works to roof, chimney and weather vane, together with change of colour to exterior paintwork.</p> <p>Ward: Westgate-on-Sea</p>	Approve
A07 L/TH/17/1033	<p><b>East Crosswall Ramsgate Kent CT11 9LQ</b></p> <p>Application for listed building consent for the erection of 2No. pitched roof plant buildings either side of the dock gate and removal of existing redundant structures</p> <p>Ward: Central Harbour</p>	Approve
A08 L/TH/17/0836	<p><b>Dreamland Cinema Dreamland Leisure Complex Marine Terrace MARGATE Kent</b></p> <p>Application for Listed Building Consent for internal alterations to bingo hall together with refurbishment works</p> <p>Ward: Margate Central</p>	Approve

A09 L/TH/17/0832

**Dreamland Cinema Dreamland  
Leisure Complex Marine Terrace  
MARGATE Kent**

Approve

Application for Listed Building consent for the erection of folding metal gates to cinema main entrance for a temporary period of three years

Ward: Margate Central

A10 F/TH/17/0833

**Dreamland Cinema Dreamland  
Leisure Complex Marine Terrace  
MARGATE Kent**

Approve

Erection of folding gates to main cinema entrance for a temporary period of three years

Ward: Margate Central



## THANET DISTRICT COUNCIL

### REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

#### PART B

TO: THE PLANNING COMMITTEE

DATE: 20 September 2017

Application Number	Address and Details	Recommendation
R11 F/TH/17/0525	<p><b>Land And Buildings At 10 To 14 Belgrave Road MARGATE Kent</b></p> <p>Demolition of buildings 10-14 Belgrave Road and part demolition of building to rear together with the erection of 2m high Palisade fencing</p> <p>Ward: Margate Central</p>	Refuse Permission
R12 F/TH/17/0884	<p><b>55 Athelstan Road And 65 Northdown Road MARGATE Kent</b></p> <p>Retrospective change of use from taxi office (sui generis) and retail (A1) to escape rooms (D2) and retention of external alterations for a temporary period of two and a half years.</p> <p>Ward: Cliftonville West</p>	Refuse Permission

## THANET DISTRICT COUNCIL

### REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

#### PART C

TO: THE PLANNING COMMITTEE

DATE: 20 September 2017

<b>Application Number</b>	<b>Address and Details</b>	<b>Recommendation</b>
D13 OL/TH/16/1715	<b>Land South Of Manston Road Adjacent To The Beacon (Former Car Storage Site) Manston Road RAMSGATE Kent</b>	Defer & Delegate
MAJOR	Outline application for 48 dwellings including access with all other matters reserved  Ward: Newington	

**A01**

**F/TH/17/0770**

PROPOSAL: Retrospective application for excavation works to level site and create vehicular access onto Farley Road

LOCATION: Land West Of Farley Road MARGATE Kent

WARD: Salmestone

AGENT: Mr D Brown

APPLICANT: Mr D Manyweathers

RECOMMENDATION: Approve

Subject to the following conditions:

1 Within six weeks from the date of this decision, the reptile exclusion fencing to the southern boundary of the site shall be replaced or repaired, with details of the repair works or the replacement fence (which shall include height, design, materials and exact location) to be first submitted to and approved in writing by the Local Planning Authority. The repaired/replacement fence shall be installed in accordance with the approved details.

GROUND:

To safeguard protected species, in accordance with the NPPF.

## **INFORMATIVE**

Please be advised that whilst the creation of an access is being considered through this application, this is solely as a maintenance/monitoring access, and the use of the access for any future alternative use/form of development will require further consideration as part of its respective planning application as to its suitability in respect of highway safety.

## **SITE, LOCATION AND DESCRIPTION**

The site is located on the edge of Margate and constitutes a redundant section of the old Margate Railway line. The site is a strip of land running parallel to Nash Road, and located at the head of Farley Road, and falls adjacent to existing residential properties at the end of Farley Road. The site is outside, but adjacent to, the urban confines, and the site constitutes non-previously developed land.

## RELEVANT PLANNING HISTORY

Since 2004 there have been various planning applications on different parts of the former railway line. For this specific part of the former railway line there has been only one previous application.

F/TH/14/0887 - Engineering operation to reduce level of site and use of excavated material to fill railway cutting - Granted - 22/07/15

## PROPOSED DEVELOPMENT

The application is retrospective, and is for excavation works to level the site, along with creating a vehicular access onto Farley Road. An application has previously been approved for the excavation of part of the site up to 1m. This application is for the increase in the depth of excavation works to be carried out, ranging from the 1m already approved up to a depth of 1.6m, in the area where a new vehicular access into the site is to be created. The vehicular access was required to enable vehicles to enter the site to carry out levelling works, and to gain access to the reptile receptor site.

## DEVELOPMENT PLAN POLICIES

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

D1 - Design

D2 - Landscaping

CC1 - Countryside Development

CC2 - Landscape Character Area

## NOTIFICATIONS

Neighbouring occupiers have been notified. 70 letters of objection have been received. The main concerns are:

- congestion,
- road is narrow and often parked up,
- Water and drainage problems, dropping the land level will result in flooding,
- loss of trees/hedges,
- highway safety, construction vehicles on the road carrying out dangerous manoeuvres,
- work has been carried out during weekends and public holidays, causing dust and a noise disturbance for residents,
- road is being left with dirt and chalk from the application site,
- impact on wildlife,
- work occurred without planning permission.

## CONSULTATIONS

**KCC Highways and Transportation** - Without assuming the future use of the site the highway authority (HA) would not be able to comment on the suitability of the access for housing or any change of use. Based on the information provided by the applicant, the highway authority would be happy for the access to be maintained for ongoing ecological surveys / studies, but any future applications will need to include access matters.

**KCC Biodiversity Officer** - We have reviewed the submitted information and had a discussion with the ecologist and we have the following comment to make.

We accept that sufficient information have been provided for the determination of the planning application.

### Reptiles

The information submitted has confirmed the following :

- o A receptor site for reptiles was established with input by a qualified ecologist and enhanced on the south part of the site area (An updated and attached map submitted by the ecologist on the 21st of June 2017 shows the right location of the receptor site at the south part of Farley Road, outside of the development area).
- o A previous reptile translocation was undertaken in 2016 but was not carried out by an experienced ecologist - instead the applicant carried out the translocation works. This is not acceptable and translocations and subsequent destructive searches should always be carried out by someone with experience to ensure that it is carried out appropriately with minimal stress to individuals.
- o The exclusion fence along the receptor area is in a poor state and a new reptile survey was undertaken by the ecologist in June 2017 which concluded that the development site is considered likely to support a modest number of slow-worms with a peak count of 5 individuals
- o The ecologist confirmed that the receptor area is safe from development and provides a suitable location for translocated slow worms and can support a breeding population.

We are satisfied that the results from the reptile survey are sufficient to inform the submitted Reptile Mitigation and recommend implementing it as a condition of planning permission if granted.

We suggest the following condition wording :

Prior to the commencement of development, including site clearance, the reptiles within the application site shall be captured and relocated to the identified receptor site, by a qualified ecologist, as shown in Fig. 7.1 Proposed Receptor Area, Calumma drawing No 1617/30/2/7.1, June 2017. The translocation shall be carried out in accordance with the mitigation detailed in paragraph 8.2 of the Reptile Survey, Calumma, June 2017.

The reptiles' receptor site shall be prepared and managed appropriately by a qualified ecologist, in accordance with the measures detailed in paragraph 8.3 of the Reptile Survey, Calumma, June 2017.

Reptiles are usually active between April and September (weather dependent) and translocation works have to be carried out as soon as possible to ensure there is sufficient time to complete the translocation this year.

The development works cannot commence until the applicants' ecologist is satisfied that the translocation has been completed. If the translocation works are not completed by September, it will have to stop and re-start during the next season in April 2018.

The results of the monitoring surveys must be submitted to TDC.

It has been noted that the reptile exclusion fencing constructed previously alongside the proposed receptor site requires urgent attention and should be replaced or repaired as soon as possible. In addition, we recommend setting up Heras fencing in front of the exclusion fence to be clearly demarcated and protected from construction traffic during the works - this will ensure that the receptor site is not damaged (and reptiles injured/killed when the works are being carried out.

The fence has to be checked on weekly inspection and must be repaired immediately following any damage.

We advise to include those measures into the Construction Environment Management Plan and secure it as a condition of planning permission if granted.

**Natural England** - No comments

**KCC Archaeology** - I understand that the site has already been subject to excavation works under permission 14/0887 and this application is to regularise the position. If further groundworks are to be undertaken and they extend to beneath the level of the former embankment then provision should be made for an archaeological watching brief. That would be consistent with advice on other sections of this disused railway.

### COMMENTS

The planning application is brought before Planning Committee as it represents a departure from Thanet Local Plan Policy CC1. The main issues for consideration are the principle of development, the visual impact of the proposed engineering operation, highways and environmental matters, and other matters raised by neighbouring property occupiers.

#### **Principle**

The site lies adjacent to but outside of the urban confines, within the countryside where new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside.

It is not evident that there is a need for development that could be weighed against the general need to protect the countryside; therefore the proposal does not accord with Thanet Local Plan Policy CC1.

## **Character and Appearance**

The site forms part of a disused railway line, and currently falls outside of the urban confines. The site is located at the head of Farley Road, and lies adjacent to two existing properties within Farley Road. To the south west of the site is countryside, and to the south of the site is a reptile receptor site, which has been used to accommodate most of the reptiles identified along other parts of the disused railway. To the north of the site the former railway has been split into smaller sites, and excavation works have been carried out, with planning permission granted for both residential development and the extension of gardens to existing properties.

Planning permission has previously been granted in 2014 for the excavation of the site up to one metre. This did not include the provision of an access. Since the 2014 was approved, excavation works have been carried out at the site, but following numerous site visits during the excavation works, it became clear that the excavation works that were being carried out were greater than that previously approved.

As part of this application a level survey has been submitted, including sections, that shows the height of the original level of the land in relation to the existing land level. The area where the greatest excavation works have been carried out are in the area where the access is proposed, with excavation of up to 1.6m having taken place in order to provide a sloping access that connects to the existing road level.

There are no protected trees on the site, and many of the trees along the boundary of the site have been retained.

The reduction in the height of the land by up to 1.6m has integrated the land into the existing street scene, and as such it could not be argued that the reduction has been significantly harmful to the character and appearance of the area, especially given the fall-back position of the previous planning permission that allowed excavation works of up to one metre. Whilst the site is located just outside of the urban boundary, the reduction in land level has not significantly impacted upon views from the countryside and therefore whilst there is not considered to be a need for the proposed works, it is not considered that any wider landscape harm has accrued from the development.

## **Living Conditions**

The reduction in land level has not impacted upon neighbouring light or outlook. If anything the reduction in land level may have improved light and outlook to no. 36 Farley Road, who have side windows facing the site.

Concerns have been raised by residents regarding noise and disturbance and dust from the works, however, these works have already been completed and so there is unlikely to be any further harm to residents. In any event, noise and disturbance and dust during development works is not a refusal reason when considering a planning application.

## **Transportation**

The impact upon highway safety is one of the main concerns raised by residents. The concerns of residents are understood, in that this is a narrow cul-de-sac, and therefore the presence of construction traffic and additional vehicle movements through the road may have resulted in some recent highway safety problems. Unfortunately, it is not possible to refuse a planning application on the basis of the inconvenience caused during the development works process. This application is also retrospective with the levelling works complete.

In terms of the new access, consideration can only be given to the creation of an access to the vacant site, and cannot be assessed as an access to any future potential development of the site. KCC Highways and Transportation have been consulted and have advised that based on the information provided by the applicant, they have no concerns with the access being maintained for ongoing ecological surveys / studies; however, any future applications for new development will need to include access matters. The adequacy of the access for any new uses/development will be assessed in any future applications if they are received.

The access is therefore considered to be acceptable, as the only additional vehicle movements likely to result would be in relation to the reptile receptor site, or to gain maintenance access of adjoining land. The number of trips created is unlikely to result in a severe harm to the highway network. The impact upon highway safety is therefore considered to be acceptable.

## **Biodiversity**

With regards to the reptiles that have previously been identified on the site, a receptor site for the reptiles was established on the southern part of the site. Reptile translocation was undertaken in 2016 but was not carried out by an experienced ecologist - instead the applicant carried out the translocation works himself, and therefore a report was requested by KCC from a qualified Ecologist to advise on the acceptability of the receptor site, and the presence of reptiles within the receptor site. A new reptile report was submitted in June 2017, which confirmed that whilst the fencing of the receptor site was in a poor state, the development site was considered likely to support only a modest number of slow-worms with a peak count of 5 individuals. The ecologist confirmed that the receptor site is safe from development and provides a suitable location for translocated slow worms and can support a breeding population. In response to this report, KCC have advised that they are satisfied with the results from the reptile survey, which are sufficient to inform the submitted Reptile Mitigation.

Whilst a condition requiring the reptiles to be captured and relocated prior to the commencement of works has been recommended by KCC, the application is retrospective, and therefore it is not intended for any further works to be carried out at this stage. It has been noted, however, that the reptile exclusion fencing constructed previously alongside the proposed receptor site requires urgent attention and should be replaced or repaired as soon as possible. The replacement/repair of the fencing is matter that can be covered via condition, as the creation of an access is likely to create the potential for harm to reptiles that



may move onto the application site from the receptor site. Again, Heras fencing is not required as there is no further construction works proposed.

## **Other Matters**

Concerns regarding drainage have been raised by residents. The excavation works have already taken place, and the agent has confirmed that no water mains were found.

In terms of the potential for flooding, the access is not to be re-surfaced as part of this application, and therefore the potential for surface water runoff onto the highway is considered to be no worse than with the previous land level, which also saw a slope towards the road but from a greater height.

## **Conclusion**

The development would be a departure from Local Plan Policy CC1, as there is no need for the development within the countryside. However, notwithstanding this, the excavation has not resulted in any visual or landscape harm to the character or appearance of the countryside or residential area; therefore the development has had a neutral impact on the Countryside. All ecology concerns on the site have previously been dealt with, and no highway safety concerns are raised in relation to the creation of an access for maintenance access and access for the monitoring of the receptor site. The application therefore represents an acceptable departure from Local Plan Policy CC1 and is recommended for approval.

## **Case Officer**

Emma Fibbens

TITLE: F/TH/17/0770

Project Land West Of Farley Road MARGATE Kent

Scale:





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

**GROUND:**

To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.

5 No further roof alterations whether approved by the Town and Country Planning (General Permitted Development) (England) Order 2015 Class B or C of Part 1 Schedule 2 (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.

6 Prior to the first occupation of the 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.

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

**GROUND:**

In the interests of highway safety.

8 No development shall commence on site until full details of the surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.

**GROUND:**

To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

### INFORMATIVES

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the Applicants own expense.

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

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

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).

### SITE, LOCATION AND DESCRIPTION

The application site relates to a regular shaped parcel of land between numbers 1 and 3 Albert Road and 52 Whitfield Road, Broadstairs. The site is enclosed by a wall approximately 1m high to the Albert Road frontage. It is noted that there is a street light in situ on the public footpath in front of the site. The front portion of the site is overgrown in nature and there is a flat garage to the eastern end of the site. The rear portion of the site is associated with number 52, as part of its curtilage.

### RELEVANT PLANNING HISTORY

F/TH/17/0689 Erection of 4No. two storey dwellings. Withdrawn prior to determination 26/06/17, due to officer concerns

F/TH/08/0443 Erection of a single storey dwelling. Refused 28/05/08 Appeal dismissed.

The reason for refusal was:

1. The proposed dwelling, by virtue of its prominent siting and its proximity to and relationship with the adjoining properties in Albert Road, would result in the loss of openness between dwellings, therefore comprising a cramped and congested form of development, that would appear out of character with the pattern of development in the locality and incongruous within the street scene, to the detriment of the visual amenities of the area, contrary to Thanet Local Plan Policies D1 and SR11.

The Inspector considered that the proposed single storey bungalow would infill what is now the only significant gap in the development in the immediate area, and would give a congested appearance to its frontage. In terms of the layout he noted that 'the front wall of the bungalow would be in line with the existing bungalow at 1 Albert Road, and would be forward from the building line of the semi-detached houses to the east. Together with the loss of openness from the site, the proposed bungalow would be out of keeping with the overall character of the surrounding area.' He concluded that the proposal would appear unreasonably congested on its site, and it would be out of keeping with the pattern of development in the surrounding area.

This appeal decision is still considered to be a material consideration in the determination of residential development on the site.

F/TH/04/0804 Erection of a detached, hipped-roofed bungalow, on land to be severed from the existing garden of No. 1 Albert Road. Refused 18/02/05

## PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of two linked detached dwellings fronting Albert Road in Broadstairs. The properties are two storey dwellings with rooms within the roof space. The proposed dwellings would contained four bedrooms. The dwellings are separated by two carports for each dwelling.

The application form details that the proposed roof materials will be plain red concrete tiles, facing brickwork with uPVC windows.

## DEVELOPMENT PLAN POLICIES

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

- Policy D1 - Design
- Policy D2 - Landscaping
- Policy H1 - Residential development sites
- Policy H4 - Windfall Sites
- Policy TR12 - Cycling
- Policy TR16 - Car parking provision
- Policy SR5 - Doorstep and local play space
- Policy SR11 - Private Open Space

## NOTIFICATIONS

**Initial objections** Neighbours were notified and six objections were received, the objections can be summarised as follows:

Plans are inaccurate; missing extension off neighbouring property

Overlook neighbours gardens and result in loss of privacy

The bedroom in the roof would encourage the provision of roof extensions outside of the control of planning; resulting in privacy issues

This scheme is worse than the previous scheme

Gardens are too small

Increase the risk of traffic accidents resulting from additional traffic/parking

Impact of development on objector's health

Development is over-bearing

Development would kill soft landscaping

Loss of light and result in overshadowing

Noise and disturbance

Loss of the look of the road

Raise questions if the dwellings will be rented?

It is noted that some objectors have written in more than once.

**Further objections:**

4 further letters received. The following concerns are raised

Overlooking

Noise and pollution problems

Loss of light and sunlight

Dormer extensions could be incorporated at a later date

Highway safety issues

Development too high

Eyesore

Bike store will be used for motorbikes which will lead to horrendous noise

It is noted that some objectors have written in more than once.

**Final objections:**

6 letters were received in relation to the plans now before the Planning Committee. The following concerns are raised:

Overlooking from roof lights

Bedroom is elevated 3m above the height of property number 54

Better design will be no roof lights at rear and a dormer to the front

Block out sun

Noise from the development

Concern in relation to the size of the smaller bedroom windows for health and safety of occupier

Re-numbering issue for the road

Development will be unsaleable

Plans not accurate; not including the elevated bedroom to the rear of number 56

Impact on objectors garden and wildlife

Planning history

It is noted that some objectors have written in more than once.

Cllr. Matterface has expressed an interest in the development of this site during the previous application and again during the consideration of the current scheme. On the basis of the impact on the residential amenities of neighbours at 54 and 56 Whitfield Avenue, the application is requested to be determined by the Committee.

**CONSULTATIONS**

**Broadstairs Town Council:** Resolved to refuse the application on the basis that the development is too high, overdevelopment, overshadowing, neighbours 'loss of light and privacy, overlooking and the detrimental impact on the residential amenities of nos. 52, 54 and 56 Whitfield Avenue.

**Further comments:** Resolved unanimously to recommend refusal with the following comments - too high, overdevelopment, overshadowing, neighbours' loss of light, neighbours' loss of privacy, overlooking, poor design and the detrimental impact on the residential amenities of nos. 52, 54 and 56 Whitfield Avenue.

**Broadstairs Society:** Objection to the new proposal as it is still out of keeping with the character of the area and overdevelopment. It is also considered to be too high and more open space required.

**Further comments** The Society's objections still stand. It would be an overdevelopment of this site and there are privacy issues with neighbours together with increased traffic usage.

**Southern Water:** Request an informative (connection to public sewerage system) and condition relating to surface water disposal.

## COMMENTS

This application is referred to the Planning Committee at the request of Cllr. Matterface on the basis of the impact on neighbours at number 54 and 56 Whitfield Avenue.

### **Principle**

The 2008 appeal decision, referred to above is still considered to be a material consideration in the determination of residential development on the site.

However, the Council does not currently have a five-year supply of deliverable housing sites, housing applications such as this, should be considered in the context of the National Planning Policy Framework's (NPPF's) presumption in favour of sustainable development.

This is because local policies relating to the supply of housing are no longer considered up-to-date (para 49). Paragraph 14 of the NPPF states that where relevant local policies are out-of-date, planning permission should be granted unless: any adverse impacts of doing so would 'significantly and demonstrably' outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

In this case the application site lies within a residential area of Broadstairs, however, the proposal needs to be assessed in detail to make a full assessment.

### **Character and Appearance**

The Council's general policy for development is that any form of development must respect the character and appearance of the area. Thanet Local Plan policy D1 requires all new development to be of high quality, and to protect or enhance the appearance and character of the area, whilst paragraphs 131-134 of the NPPF advises that good design is a core planning principle, and design proposals should respond and reinforce the local character.



The Inspector's report, made reference to the open space/gap which makes a contribution to the area and the proposal will lead to its loss. It was also highlighted that the erection of the single dwelling on the site would result in a cramped and congested form of development out of keeping with the character with the pattern of the development and that whilst the proposed dwelling would have been in line with the existing bungalow at 1 Albert Road, it would be forward of the semi- detached houses to the east.

The application site is now larger than the site which was considered in 2008 (by some 33 sqm) as it now includes part of the rear garden of no. 52 Whitfield Avenue and allows the proposed dwellings to be set back further within the site and, therefore, to come only marginally forward of the semi-detached properties to the east.

It is acknowledged that the erection of the proposed dwellings would result in some loss of the space that the Inspector considered important, but given the increased size of the application site and the proposed design of the houses (with the single storey carports provided a break between the units), it is considered that this harm would be less than substantial in comparison to the solid block of a building which filled the smaller site in 2008.

Development within the vicinity of the application site, along Albert Road comprises two storey development, with the exception of the bungalow to south-western side of the site. The site appears to have previously residential curtilage for No.1 Whitfield Avenue and has limited depth although the Inspectors view was that that the proposed bungalow would be out of keeping with the overall character of the area. The proposal is now for two semi-detached two storey dwellings with rooms within the roof space. The proposed dwellings are of the same height as other two storey dwellings in the road, although it is noted that their roofs are full hips and half hips, which reduces the verticality. My view is that it is not necessary to replicate this given the plots location to other dwellings in Whitfield Avenue, which have a variety of roof heights and an example of roof conversion; rear dormer in a two storey property. My view is that the proposal would still conform with the character of the area.

The proposal is for two, two storey dwellings with rooms within the roof space to provide four bedrooms per dwelling. The built form would allow a pedestrian access to the rear of each property and a carport for each dwelling separating the residential units from one another. The dwellings would be positioned forward of the two storey dwellings to the east in Albert Road, which they have a close physical affinity to and would be read in conjunction with. The proposed dwellings siting is considered appropriate given the positions of No 1 and 3 Albert Road.

In terms of the overall appearance of the dwellings, the proposed dwellings do not directly replicate other two storey dwellings within Albert Road; however the rhythm in terms of spacing between dwellings is similar with the positioning of the garages. The dwellings also have a reasonable balance in terms of the fenestration arrangement to the front elevation.

The height, mass and detailed design of the dwellings, including the front elevation incorporating projecting side windows is appropriate for this site and provides for an attractive mix of dwelling types within the street scene. The dwellings would retain sufficient

spacing to the side boundaries of their plots as to not appear cramped and to safeguard the suburban character of the locality.

## **Living Conditions**

The proposed dwelling would be two storeys with a room in the roof and therefore has the potential to impact upon the amenities of those residents living nearby.

To the north of the site is no.56 Whitfield Avenue and its associated curtilage, as this is located northwards of the development the impact upon light received by this property would be minimal. In terms of outlook, no.56 has a rear garden from which the development would be visible. However, the distance of separation from the proposal would reduce any impact in this regard.

With regard to No 54 Whitfield Road, this property would share its southern boundary with the site. With regard to overlooking, concerns were previously expressed by officer and subsequently a revised scheme has been submitted which removes first floor windows from the scheme. Roof lights are proposed but these are proposed at 1.5m at cill level. In terms of outlook, no.54 has a rear garden from which the development would be visible and fairly imposing. However, the proposed dwellings gardens would separate the built for from the boundary reducing the impact in this regard.

In terms of overlooking, the front windows face south over the frontage of properties on the opposite side of the road. Therefore views would be limited to public areas only.

To the north side of the proposed dwellings there is their allocated amenity area for each unit, no indication is given of the proposed boundary treatment to enclose these areas and make them private, however this can be controlled by condition.

## **Transportation**

In-front of the dwellings is one off-street parking spaces for each unit, together with the space provided by the carport.

In terms of parking provision, the carport provides space for 1 vehicle per dwelling and there is an additional space to the front of each dwelling. This is sufficient for a four bedroom property and accords with the current parking standards.

In terms of the street light it is recommended that an informative is attached to advise that if street furniture will need to be repositioned at the applicant's own expense.

## **Conclusion**

The application site consists of garden land; non-previously developed land within the urban confines. The proposed housing development would be contrary to Policy H1 of the Thanet Local Plan, however given the current housing need within Thanet and the location of the site could support a housing development, and therefore the principle of housing on this site is considered acceptable. Two dwellings proposed on the site, is considered appropriate to

the sites character and appearance. Whilst it is acknowledged that there would be some loss of openness with the proposed development within the gap, it is considered that given the increased size of the application site and the design of the houses (linked via single storey car ports to help break up their built form), this harm is outweighed by the economic and social benefits from the development of the two houses given the overriding need in the district. There would be no adverse effect on the living conditions of neighbouring residential occupiers and highway safety, therefore, the proposal accords with Thanet Local Plan policies and the NPPF.

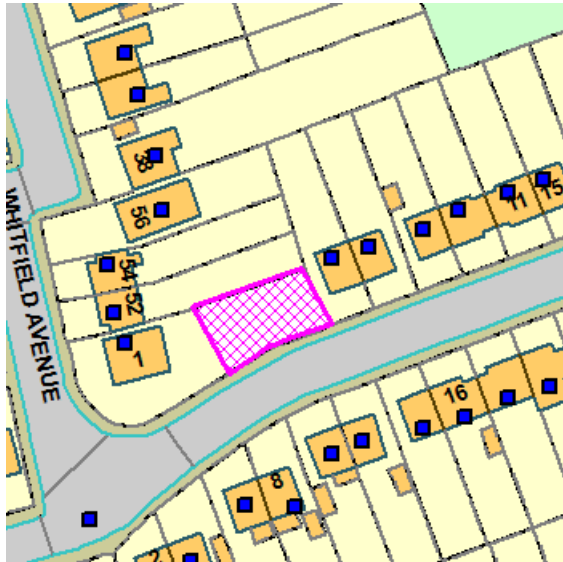
**Case Officer**

Gill Richardson

TITLE: F/TH/17/0986

Project Land Adjacent 1 Albert Road BROADSTAIRS Kent

Scale:





protected in accordance with a scheme that has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained hedge before any equipment, machinery, or materials are brought onto the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition. The hedgerows shall thereafter be maintained at a height of not less than 2m above ground level.

### GROUND:

To ensure that existing hedgerows are properly protected in accordance with the NPPF and policy D2 of the Local Plan.

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

### GROUND:

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties 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

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

### SITE, LOCATION AND DESCRIPTION

The application site is located on the southern side of Monkton Street, Monkton, to the rear of Walters Hall Oast. To the west of Walters Hall Oast is a vehicular access leading to the application site. To the western side of the access lane is sewage pumping station which has a domestic appearance. The front portion of the application site has an area of hardstanding, which a building previously occupied beyond which is garden land, this area has a vegetable/fruit tree area and a number of trees around the perimeter of the site. The site is located within countryside as defined by the Local Plan.

## RELEVANT PLANNING HISTORY

RN/TH/97/0248 Renewal of consent for conversion and change of use of the oast building into two dwellings and the erection of a pair of double garages. Granted 29/05/97

F/TH/96/0090 Removal of condition 10 of planning approval F/TH/95/0583 to allow separate occupation of dwellinghouse and light industrial workshop approved under TH/95/0583  
Granted 03/05/96

F/TH/95/0583 Change of use and conversion from agricultural buildings to a dwelling house and a light industrial workshop with external alterations and car parking area. Granted 19/10/95

F/TH/92/0629 Conversion and change of use of oast building into two dwellings and erection of a pair of double garage. Granted 29/09/92

TH/88/1180 Conversion of oast to dwellings and erection of 2 garages. Granted 11/11/88

## PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of one detached three storey dwelling. The application site is accessed via access that is part surfaced leading to an area to the rear of Walters Hall Oast that is currently part used as garden land and also an area of hardstanding, that previously had a building positioned up it.

The proposed dwelling has its ridge parallel to the access road, there is an area of flat roof behind which the plans annotate will be utilised for the installation of photo voltaic panels. The main entrance door is centrally placed within the front elevation, with an area of glazing to one side and the projecting garage to the other side.

In terms of accommodation, the proposed dwelling at ground floor has an open plan lounge and kitchen area which leads into a utility room; in addition there is a W.C. and storage area. At first floor there is a double bedroom, family bathroom, study above the garage master bedroom with en-suite and dressing room, this bedroom has access to a balcony area overlooking farmland to the south. Within the roof is a shower room, snug and games/cinema room.

A garage is located to the front of the dwelling which is physically linked at first floor level.

The submitted application forms indicate that the proposed external materials would be horizontal boarding and stock faced bricks with a slate roof, the proposed windows would be timber.

## DEVELOPMENT PLAN POLICIES

H1 - Residential Development Sites

H4 - Windfall Sites

TR12 - Cycling

TR16 - Car Parking Provision  
D1 - Design Principles  
D2 - Landscaping  
HE11 - Archaeological Assessment  
HE12 - Archaeological Sites and Preservation  
SR5 - Play Space  
CC1 - Development in the Countryside  
CC2 - Landscape Character Areas

## NOTIFICATIONS

No third party representations received.

## CONSULTATIONS

**Monkton Parish Council:** No comments received at time of writing.

**Environmental Protection Officer:** No comments

**Conservation Officer:** No comments

**KCC Archaeology:** No comments received at time of writing

**Southern Water:** No development or tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public sewer.

Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of an existing pumping station site.

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

SUDS rely upon facilities which are not adoptable by sewerage undertakers. The applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

**Natural England:** No objection in terms of designated nature conservation sites.

The application sites are in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore have the potential to affect their interest



features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application sites are in close proximity to:

. Thanet Coast & Sandwich Bay Special Protection Area (SPA) and Ramsar site<sup>2</sup>, part of which is also designated as the Tankerton Slopes and Swalecliffe Special Area of Conservation (SAC).

The above site is also designated at a national level as the Thanet Coast Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a scheme may have.

The consultation documents do not include information to demonstrate the requirements of Regulations 61 and 62 of the Habitat Regulations have been considered by the LPA. When recording your Habitat Regulation Assessment we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects:

Appropriate financial contributions being made to strategic mitigation, the proposal are unlikely to have a significant effect on these sites, and can therefore be screened out from any requirement for further assessment. This strategic mitigation will need to be in place before the dwellings area occupied.

NE is satisfied that the proposed development being carried out in strict accordance with the details of the applications, as submitted will not damage or destroy the interest features for which the SSSI have been notified.

We would expect the LPA to assess and consider other possible impacts resulting from this proposal on the following when determining these applications:

Local sites (biodiversity and geodiversity)

Local landscape character

Local or nation biodiversity priority habitats and species

Natural England have not assessed the impact on protected species

The proposal may provide opportunities to provide biodiversity enhancements.

### COMMENTS

The application is referred to the Planning Committee as the proposal represents a departure from the Local Plan and the recommendation is of approval.

### **Principle**

The application site lies to the east of the defined village boundary of Monkton; the boundary runs down the side of number 46. Accordingly the application site lies within an area designated as countryside. Policy CC1, covers this issue; development in the countryside. This policy states that within the countryside new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside.

However it has been determined that the Council does not currently have a 5 year supply of deliverable housing sites as required by paragraph 49 of the NPPF. For residential development, this means that planning applications for housing should be considered in the context of the National Planning Policy Framework's presumption in favour of sustainable development (paragraph 14). This is because local policies (including defined development boundaries) relating to the supply of housing are no longer considered up to date (paragraph 49). Paragraph 14 of the NPPF states that where relevant local policies are out-of-date, planning permission should be granted unless; any adverse impacts of doing so would "significantly and demonstrably" outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

In this case the site is on the edge of the village of Monkton. Monkton has a village hall, church, primary school and recreation ground. The village in itself is therefore considered to be sustainable as its facilities could support an additional dwelling and their occupants. Paragraph 14 of the NPPF refers to there being a need for significant and demonstrable harm that would outweigh a planning permission from being granted. In light of the 5 year deliverable housing supply site issue and the sites close physical affinity and easy access to services within the village, it is considered that the proposal could comply with the NPPF's presumption in favour of sustainable development, subject to there being no demonstrable harm being demonstrated.

Members' attention is drawn to a recent appeal decision at Land adjacent 151 Monkton Road for a two storey dwelling (planning reference number F/TH/16/0788). This site is located between the villages of Monkton and Minster. The Inspector noted that both of these villages have a good range of facilities and was not in his opinion an isolated location. Furthermore he considered that the site is in a relatively sustainable location. With regard to the layout proposed the Inspector stated:

"...the new house would be seen in the context of the pair of recent semi-detached houses just to the east. The three houses would share the existing access drive leading to the parking spaces and garages serving all three properties to the rear. The houses would therefore be seen together as a single, integrated scheme...

The proposal would therefore be seen as rounding off the existing group of properties rather than an encroachment into the remaining open countryside between the two villages. The site is unique in this respect along Monkton Road and its development would not therefore set a precedent for other similar cases."

On the basis of the above I considered that the principle of development on this site is acceptable, given its proximity to the edge of the defined boundary to Monkton village.

### **Character and Appearance**

The site is within designated countryside and furthermore the local plan identifies this as a landscape character area- Wantsum North Shore, accordingly saved policy CC2 is therefore relevant. This policy states:

“...3) In the Wantsum Channel north shore area, development will only be permitted that would not damage the setting of the Wantsum Channel, and long views of Pegwell Bay, the Wantsum Channel, the adjacent marshes and the sea...

Development proposal that conflict with the above principles will only be permitted where it can be demonstrated that they are essential for the economic or social well-being of the area.”

In this case the site is an enclosed site; largely by existing soft landscaping to the southern and eastern boundaries, which currently form the boundary to the two residential properties. I also note that there was previously a building on this site, albeit at a lesser scale. In addition my view is that the site would also be seen in context with other residential development. I am therefore of the opinion that the site would not conflict with saved policy CC2.

The converted oast to the front of the application site is three storey and has a double pitched roof with valley. The window openings to the road have timber shutters to the side and the larger roof projection has black horizontal boarding. Number 47 Monkton Street (listed); opposite the site has a Flemish gable fronting to the road, however the principle elevation faces west rather than south. Numbers 46 & 48 Monkton Street to the west of the application site has a hipped roof with flat roof dormer windows on the north and west elevations. In my view there is a variety of dwellings within the vicinity in terms of design and positioning to the road.

The proposed dwelling does not seek to replicate any adjacent buildings. In my opinion however, it does not take reference from its countryside location in general. The dwelling has been designed to reflect barn qualities, in terms of fenestration design and the use of timber boarding which is evident in all elevations. The use of these materials would also in my opinion given some visual continuity between the converted oast.

The proposed dwelling has a garage located in-front of it, but connected at first floor level, I considered that the existing boundary treatment on conifer hedge would largely screen this element, with only the roof being seen above. In addition I note that the front facing elevation does not have a garage appearance; incorporating an attractive feature window and would therefore appear as one with the house.

Taking into account the above I am satisfied that the proposal is compliant with saved policies CC2 and D1 of the Local Plan.

### **Living Conditions**

The proposed dwelling is located to the rear of Walters Hall Oast and Walters Hall Barn; both residential dwellings within the converted oast. These two dwellings are to the north of the application site. The proposed dwelling has a number of side windows within the north east elevation; at ground floor a utility and W.C. at first floor a hallway and in the roof a shower room. A section through has been provided that illustrates that the high level windows will be a minimum of 1.6m at first floor and 1.8m at second floor, on this basis I consider the relationship to be acceptable.

I am satisfied that there is sufficient distance between the existing properties and the proposal not to result in harm through loss of light or out-look.

To the east and south of the site is open countryside. To the west of the site separated by the access is a sewage pumping station. On this basis the window openings and balcony would therefore not result in harm.

In terms of saved policy SR5 there is sufficient garden associated with the dwelling for this size of property and to provide play space.

## **Transportation**

The proposed dwelling would be accessed of an existing vehicular access. For a two bedroomed house in this location require 1.5 spaces. The garage is of a suitable width and depth to accommodate a car, however KCC do not include this as a space as garages are often utilised for storage. There is however adequate space in front of the dwelling to accommodate and turn at least two vehicles. There is also sufficient space with the site to accommodate cycle storage.

## **Other matters**

No. 47 Monkton Street is a listed building; the Conservation Officer has confirmed that there is not harm to the listed building.

The Environmental Protection Officer has confirmed that he has no comment to make on this proposal.

With regard to the comments from Southern Water whilst they have not raised an objection to the proposal, they do express concern in relation to potential, vibration, noise and odour. Following further discussions with the Environmental Protection Officer, it is confirmed that the Environmental Health team do not have any records or history of complaints concerning the pumping station. Furthermore the Officer noted that during his inspection of the site, no noise was heard from the pumping station. It is also noted that the pumping station already has two properties in close proximity to it at a distance of approximately 21 and 27 metres. The planned development would be around 15-20 metres. On this basis it is considered that any noise from the pumping station would already be affecting the current premises and we would have likely received those complaints, on this basis it is not considered that an objection could be sustained.

Southern Water have also referred to SUDS within their consultation response, based on the fact that this is for a single dwelling, this is not considered to be a requirement.

In terms of ecology it is confirmed that for single dwelling the LPA do not request a SAMM contribution.

## **Conclusion**

The NPPF states that in the absence of a 5 year housing land supply, that permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is considered that this is an acceptable extension to the village. The proposal does not raise any issues relating to neighbour amenity or highway safety. There are no other outstanding issues.

In light of the above, it is considered that the proposal complies with the provisions of the NPPF; therefore it is recommended that planning permission be approved.

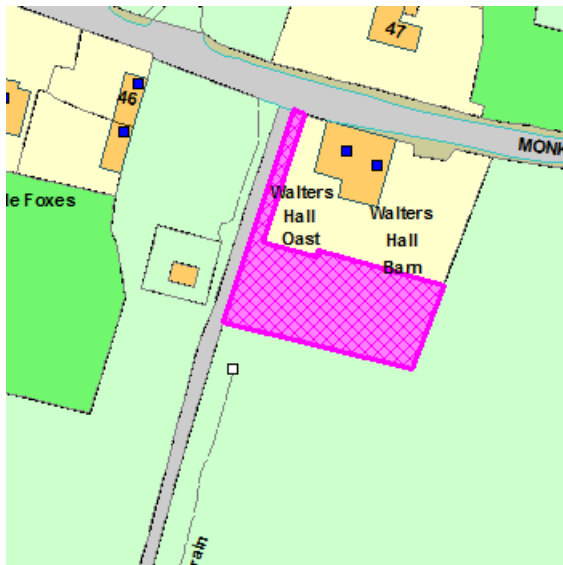
## **Case Officer**

Gill Richardson

TITLE: F/TH/17/1138

Project Land Rear Of Walters Hall Oast Monkton Street Monkton Ramsgate Kent

Scale:





## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan Policies**

D1 - Design

## NOTIFICATIONS

Neighbouring notification letters were sent to the properties directly surrounding the site and a site notice was posted near the site. Four letters of objection have been received from one person raising the following concerns:

- o Outstanding enforcement complaint regarding the rear garden land levels
- o Loss of light and outlook
- o Noise disturbance
- o Light pollution
- o Erection of an annex
- o Appearance of the proposed outbuilding
- o Damage to boundary fence
- o Height of the proposed boundary fence

## CONSULTATIONS

None received.

## COMMENTS

This application is brought before members by Cllr Gary Hillman to consider the impact of the development upon the residential amenities of the adjoining occupiers.

### **Character and Appearance**

The proposed outbuilding is located in the rear garden of the property adjacent to the boundary with number 32 and set back from the main rear elevation of the property by 15.5m and the existing rear extension by 12.5m. The outbuilding will be constructed from a glazed UPVC frame with concrete blocks on the south-western side adjacent to the boundary with number 30 Kent Road. Due to the rear garden location and the setback from the main property it is considered that the proposed outbuilding will have no significant impact upon the character and appearance of the area in line with policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

The proposed outbuilding has a hipped roof and will measure 4.1m wide, 5.3m deep, 2.2m to the eaves and 3.7m in total height. On the south-western side the outbuilding will have a wall constructed from concrete blocks which measures 6.2m deep and 2.5m high. The submitted block plan shows that the proposed outbuilding will be situated on the boundary with number 32 Kent Road and 12.5m from the rear elevation of number 30. At the closes



point there is a separation distance of 13.5m to the rear elevation of number 32. The proposed outbuilding will have glazed doors and windows on the north-western elevation facing towards the rear elevation of number 30. The applicant has stated that a 2m fence will be erected along the boundary between number 30 and 32 from the front elevation of the outbuilding towards the rear elevation of the property. As this fence is located in the rear garden it can be completed under permitted development, however a condition has been recommended to ensure that this fence is completed prior to the first use of the outbuilding to avoid any overlooking of the neighbouring property.

Concern has been raised regarding potential noise and disturbance and light pollution from the outbuilding. However due to its modest size and location it is considered that the outbuilding will not result in a significant increase of noise disturbance or light pollution to the neighbouring properties to warrant refusal of the application.

Given the significant separation distance to the neighbouring properties and the erection of a 2m fence it is considered that the proposed development will result in no significant overlooking, loss of light or sense of enclosure to the neighbouring properties, in line with policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

### **Transportation**

The outbuilding is not considered to be a habitable room and does not increase the number of bedrooms at the property, therefore it is considered that there will be no significant change in highway safety or parking.

### **Other Matters**

In regard to the concerns raised about the alterations to the land levels in the rear garden, these alterations have not been included in this application and this application has been assessed on the existing levels of the site.

Concern has been raised about damage to the neighbouring property and fence however this would be a civil matter and is not a material planning consideration.

Concern has also been raised about the erection of an annexe in the rear garden. A separate application for planning permission may be required if an additional outbuilding to be used as an annexe is to be erected. The use of the proposed outbuilding is ancillary to the main dwelling, any other use may require an application for the change of use.

### **Conclusion**

In conclusion it is considered that the proposed development would not have a significant impact on its surroundings or residential amenity and accords with Local Plan Policy D1 and the National Planning Policy Framework. It is therefore recommended that members approve the application, subject to safeguarding conditions.

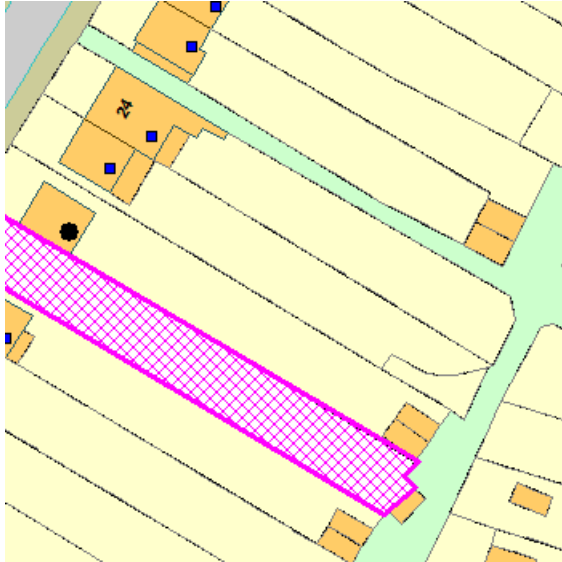
### **Case Officer**

Duncan Fitt

TITLE: FH/TH/17/0743

Project 30 Kent Road MARGATE Kent CT9 3SN

Scale:





GROUND:

In the interests of highway safety and in pursuance of policy D1 of the Thanet Local Plan.

5 The reveals to the window and door openings in the dwelling hereby approved shall not be less than 100mm within the front elevation.

GROUND:

To secure a satisfactory external treatment in accordance with advice contained within the NPPF.

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

GROUND:

In the interests of highway safety.

7 Prior to the first occupation of the dwelling hereby approved, the soakaways identified on the site plan submitted to the Local Planning Authority on 16th October 2014 and linear drainage to the paved driveway area shall be installed and thereafter maintained.

GROUND:

To prevent pollution and surface water discharge onto the highway, in accordance with the advice contained within the NPPF.

8 The development hereby approved shall be constructed in Selbourne Multi Mixture stock bricks and Redland 50 Double Roman Breckland Brown 52 roof tiles in accordance with the details submitted to and approved in writing by the Local Planning Authority on 17th November 2014.

GROUND:

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

9 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:-

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.

10 All hard and soft landscape works shall be carried out in accordance with the approved details, namely the Landscaping Plan submitted on 16th October 2014 and paving type Brett Radial Autumn Mix. 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

#### INFORMATIVE

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

#### SITE, LOCATION AND DESCRIPTION

The site is located within the urban confines at the junction of The Ridings and Princess Margaret Avenue. The application site is bounded by single storey residential development in the form of detached dwellings to the east and south, and located opposite an area of public open space comprising the cliff top with Palm Bay beach (designated as a Site of Special Scientific Interest and Ramsar site) beyond.

#### RELEVANT PLANNING HISTORY

Planning permission was refused in 1998 (ref F/TH/97/0800) for the erection of a detached three bedroom bungalow on the grounds that the development would adversely affect the

character of the street scene, would result in the loss of an area of mature landscaping and the design fails to reflect the visual prominence of the corner location of the site.

Planning permission was granted, reference F/TH/14/0427, for the erection of 1no. two storey detached dwelling with attached garage on 22/08/2014. A non-material amendment application, reference NM/TH/14/1074 was subsequently submitted and approved on 17/12/2014 to allow the erection of chimney and alterations to fenestration at ground floor level to side elevation.

The current application seeks to vary planning permission, reference F/TH/14/0427 for the erection of 1no. two storey detached dwelling with attached garage, granted on 22/08/2014. This permission has been implemented and the proposed dwelling is currently under construction.

## PROPOSED DEVELOPMENT

The application proposes the variation of Condition 2 attached to planning permission F/TH/14/0427 for the erection of 1no. two storey detached dwelling with attached garage.

This variation of condition application proposes a single storey side extension to the north east facing elevation. The original plans proposed an attached garage and the current scheme seeks to omit the garage and use this space as a bedroom, which together with the proposed single storey side extension would provide living accommodation for use as an annex to the main dwelling. The proposed alterations to the front elevation comprise the insertion of a window in place of the previously approved garage door.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan Policies**

H1 - Housing  
H4 - Windfall Sites  
SR11 - Private Open Space  
D1 - Design  
D2 - landscaping  
SR5 - Play Space

## NOTIFICATIONS

Neighbour notification letters were sent to properties directly surrounding the site and a site notice was posted near the site. No representations have been received in response.

## COMMENTS

The application is brought before members as the site was non previously developed land; the development of which would be a departure to Saved Thanet Local Plan Policy H1.

The main issues for members to consider are the impact of the proposed alterations on the character and appearance of the area, the amenities of neighbouring property occupiers and highway safety.

## **Principle**

The principle of the development has been established by the previous approval, planning application reference F/TH/14/0427 that the current application is seeking to vary.

The principle of the proposed alterations to the previously approved dwelling are therefore considered acceptable.

## **Character and Appearance**

The proposed single storey extension, due to its siting, would not be highly visible from public vantage points. The previous approval noted that the layout, form and character of the proposed development would respond positively to the local character and appearance of the area, in keeping with existing building styles and materials. The proposal would respect both the existing building line in The Ridings and the degree of separation to properties to the rear in Springfield Road. There is adequate space around the proposed dwelling to allow for the retention of existing landscaping which will preserve the local character and identity of the area.

The proposed single storey extension would sit in line with the previously approved rear building line of the dwelling and therefore would not impact on the degree of separation with properties to the rear of the site, previously considered to be acceptable. The scheme proposes materials to match those previously approved and it is considered that the design of the extension and proposed alterations are complementary to the approved dwelling. For these reasons it is considered that the proposed development from the previous approval would have no greater impact on the character or appearance of the area.

## **Living Conditions**

In terms of residential amenity, 3no. high level windows are proposed at ground floor level within the north east facing elevation. The proposed single storey extension would have a depth of 4.9 metres and height of approximately 2.7 metres to a flat roof. Having regards to the scale and design of the proposed addition and a minimum separation distance of 2 metres with the built form of the adjacent property no. 2 The Ridings; it is not considered that the proposed extension and alterations would cause material harm to the residential amenities of these neighbouring property occupiers.

The separation distance of approximately 20 metres with properties to the rear of the site, previously considered to be acceptable would be maintained.

It is therefore considered that the proposed alterations to the previously approved scheme would have no further impact on the residential amenities of neighbouring property occupiers and therefore accord with Thanet Local Plan Policy D1 and the National Planning Policy Framework.

## **Transportation**

The previous approval noted that the access and parking area to serve the proposed dwelling are considered to be acceptable, subject to conditions regarding visibility splays; the provision and maintenance of the parking area; the use of a bound surface for the first five metres of the access, and surface water drainage details. KCC Highways and Transportation confirmed that they had no evidence of any crash records at the junction and raised no objections to the proposed development.

The current application does not seek any alterations to the previously approved access and parking area. The previously approved dwelling had four bedrooms and the amended scheme would provide three bedrooms within the main dwelling and one bedroom serving the annex. It is therefore considered that no material increase in demand for car parking would result from the proposed alterations and subject to safeguarding conditions it is considered that the proposed development would be of no further detriment to highway safety or the local highway network.

## **Conclusion**

I am of the opinion that the proposed variation of Condition 2 attached to planning permission F/TH/14/0427 for the erection of 1 no. two storey detached dwelling with attached garage to allow for a single storey side extension together with alterations to internal layout and front elevation would cause no material harm to the character or appearance of the area, the residential amenities of neighbouring property occupiers or the local highway network and accords with Saved Thanet Local Plan Policies and the National Planning Policy Framework. The application is therefore recommended for approval.

## **Case Officer**

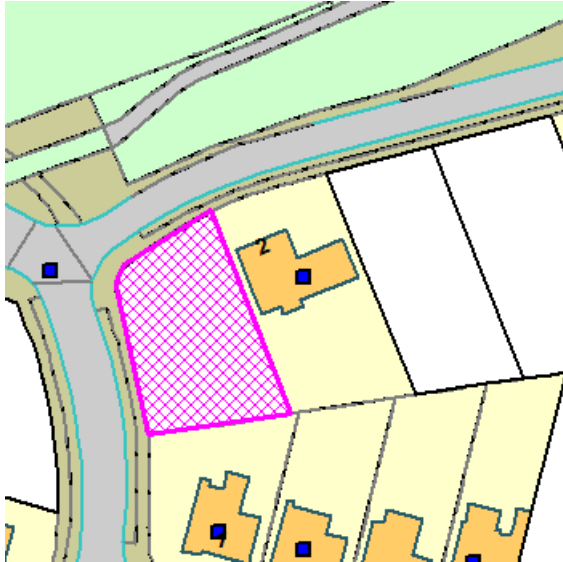
Helen Johnson



TITLE: F/TH/17/0780

Project Land Adjacent To 2 The Ridings MARGATE Kent

Scale:



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**A06**

**L/TH/17/1003**

**PROPOSAL:** Application for listed building consent for repair works to roof, chimney and weather vane, together with change of colour to exterior paintwork.

**LOCATION:** Waterside Stables Rowena Road Westgate On Sea Kent CT8 8QH

**WARD:** Westgate-on-Sea

**AGENT:** No agent

**APPLICANT:** Mr James Gray

**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 schedule of work as identified within the heritage, design and access statement received 12 July 2017.

**GROUND:**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the property as a Listed Building in accordance with advice contained within the NPPF

3 Any missing tiles to the south roof slope shall be replaced with reclaimed tiles to match the existing property, in accordance with the sample roof tile received 12 July 2017.

**GROUND:**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the property as a Listed Building in accordance with advice contained within the National Planning Policy Framework.

4 The chimney shall be repointed in lime mortar, with no addition of Portland cement, in accordance with the submitted Heritage, Design and Access Statement, received 12 July 2017.

## GROUND:

To secure a satisfactory external treatment and to safeguard the special character and appearance of the property as a Listed Building in accordance with advice contained within the National Planning Policy Framework.

5 The application of colour to the Dovecote, window frames and surrounds shall be Farrow and Ball Dix Blue Full Gloss, in accordance with the submitted Heritage, Design and Access Statement received 12 July 2017.

## GROUND:

To secure a satisfactory external treatment and to safeguard the special character and appearance of the property as a Listed Building in accordance with advice contained within the NPPF

## SITE, LOCATION AND DESCRIPTION

Waterside Stables is a Grade II Listed detached former stable block, located to the rear of the Grade II Listed Waterside Hotel, which the property formerly served. Waterside Stables is arts and crafts style two storey former stables and coach house with hayloft and grooms accommodation, built approx. 1880. The property is constructed of red brick at ground floor level and alternate courses of plain and curved tiles at first floor, with a hipped roof with a tall brick chimney stack and two tier ornamental dovecote to the rear.

The site is located within a wholly residential area, and is set considerably back from Rowena Road, surrounded by modern two and three storey blocks of flats and terraced dwellings to the north fronting Rowena Road and to the east fronting Wellington Close. The adjacent grade II Listed Waterside Hotel, which is a three storey substantial Victorian building, is located to the west of the site, fronting Sea Road.

## RELEVANT PLANNING HISTORY

F/TH/05/1260 - Change of use and conversion from stable to single dwellinghouse, with external alterations - Granted 29/11/05

L/TH/05/1261 - Conversion of stable to single dwellinghouse, with external alterations - Granted 29/11/05

## PROPOSED DEVELOPMENT

The application seeks to repair the south facing roof of the Listed Building, replacing any missing tiles with reclaimed tiles to match the original tiles of the building. The weathervane is proposed to be repaired and reinstated, and the chimney will be repointed in lime mortar, following the removal of the hard cement pointing. Finally the application proposes to repaint the dovecote and windows and window frames in Farrow & Ball Dix Blue Full Gloss.

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted near the site. No letters of objection have been received.

## CONSULTATIONS

Conservation Officer - No objection. Proposed works will not harm the special interest of the Listed Building.

## COMMENTS

The application is brought to Planning Committee, as an employee of Thanet District Council is the applicant. The main consideration with regard to the Listed Building consent is to consider the effect of the proposals on the special historic and architectural interest of the Listed Building.

### **Impact to the Listed Building**

The consideration of the acceptability of the proposal must take into account Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that when 'considering whether to grant listed building consent for any works the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Paragraph 131 of the National Planning Policy Framework requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of the heritage asset, and the desirability of new development making a positive contribution to local character and distinctiveness.

The proposed repair works incorporating the repointing, repair and replacement of missing tiles to the south roof slope and repair of the weathervane will utilise traditional and appropriate methods and materials, which will serve to restore and preserve the historic fabric and significance of the Listed Building. The application will be conditioned accordingly to ensure the proposed materials and methods are utilised.

The proposed Dix Blue Farrow & Ball paint is an appropriate colour for this type and style of building, which is often applied to Arts and Craft style buildings, such as Waterside Stables. This colour will be applied to a limited extent to the property, encompassing the windows and dovecote and will contrast with the red bricks and tiles to the elevations and roof. As such this element is not considered to result in harm to the historical and architectural interest of the Listed Building.

The Conservation Officer has no objection to the proposal, and the proposed works are considered to preserve and enhance the significance of the Heritage Asset, in accordance with the National Planning Policy Framework.

## CONCLUSION

The application proposes minor restoration and repair works, which will utilise traditional and appropriate materials and methods for a heritage asset, and the proposed colour to be applied to the windows and dovecote is a traditional colour for this style and type of building. The proposal is therefore considered to preserve the special character of the Listed Building, in accordance with the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990. It is therefore recommended that members approve the application, subject to safeguarding conditions.

### **Case Officer**

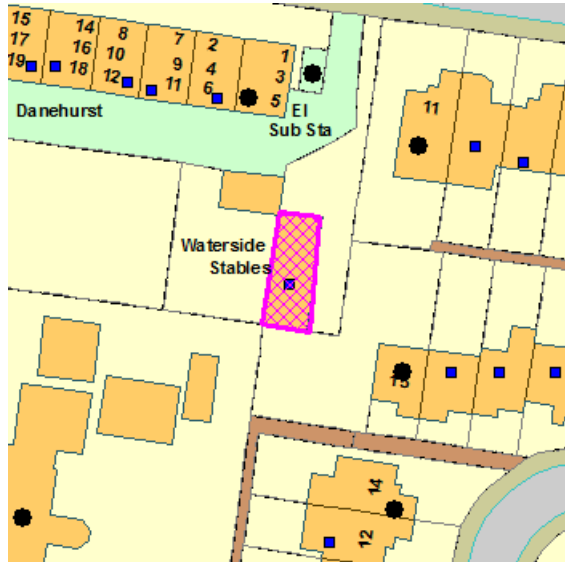
Jenny Suttle

# Agenda Item 5f

TITLE: L/TH/17/1003

Project Waterside Stables Rowena Road Westgate On Sea Kent CT8 8QH

Scale:



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## SITE, LOCATION AND DESCRIPTION

This application relates to the west entrance to the outer harbour of the Grade II\* Listed Harbour Cross Wall, located to the centre of the Ramsgate Royal Harbour.

The application relates to the existing 6no. electromechanical control and hydraulic power pack structures which service the flap gate, mitre gates and lifting bridge. These structures are located to each side of the west entrance and are modest in scale, with a commercial, utilitarian appearance.

The Harbour Crosswall is open in appearance, with a number of single storey commercial/service structures sited upon it, necessary for the operation of the Harbour.

## RELEVANT PLANNING HISTORY

No relevant planning history.

## PROPOSED DEVELOPMENT

The existing 6no. electromechanical control and hydraulic power pack structures for the mitre gates, flap gate and lifting bridge are nearing the end of their service life. This application proposes to replace and rationalise these 6no. separate structures into 2no. plant buildings which will provide these services. A building will be located to each side of the Crosswall entrance.

The proposed plant buildings will be modest in scale and ancillary in appearance, measuring 6.65m in width, 2.4m in depth, and will have a ridge height of 3.8m, set under a hipped pitched roof. The buildings will be clad in vertical cedar cladding, with a slate grey metal standing seam roof.

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted near the site. No letters of objection have been received.

## CONSULTATIONS

**Conservation Officer** - No objection.

**Historic England** - On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

## COMMENTS

The application is brought to Planning Committee, as Thanet District Council is the applicant. The main consideration with regard to the Listed Building consent is to consider the effect of the proposals on the special historic and architectural interest of the Listed Building.

## **Impact on the Listed Building**

The consideration of the acceptability of the proposal must take into account Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires when 'considering whether to grant listed building consent for any works the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Paragraph 131 of the National Planning Policy Framework requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage asset, and the desirability of new development making a positive contribution to local character and distinctiveness.

The existing 6no. service structures are modern additions, which are not original features to the Grade II\* Listed Crosswall, and therefore no historic fabric will be lost as a result of the proposed development.

The proposed plant buildings are modest in scale, albeit slightly larger than any of the individual existing 6no. structures they will replace, and will consolidate the appearance and siting of the existing buildings and structures. The plant buildings by virtue of their simple design and modest scale will appear clearly subservient to the adjacent Harbour Office building to the south, and will be constructed of appropriate, traditional materials which will aid their ancillary appearance. The applicant has confirmed the roof will be finished in slate grey metal standing seam, to match the colour and appearance of the existing Harbour Office, and the proposal will therefore appear in keeping with the design and appearance of single storey service/equipment buildings within the vicinity.

The proposed 2no. plant buildings are therefore considered to be an acceptable scale and design appropriate to their location, and will not appear out of character with the existing single storey service structures sited on the Crosswall. As such the proposed buildings are not considered to result in harm to the special architectural and historic interest of the Grade II\* Listed Royal Harbour Crosswall.

Furthermore the proposal shall enable the continued use of the existing maritime infrastructure, which will facilitate the continued operation of the Harbour, thereby providing wider public benefits.

The proposal is therefore considered to preserve the significance of the Heritage Asset, in accordance with the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **CONCLUSION**

Overall the proposed plant buildings are considered to be an acceptable scale and design appropriate to their location, which will consolidate the existing 6no. structures and provide wider public benefits through facilitating the continued operation of the harbour. The proposal is therefore considered to preserve the significance of the Listed Crosswall, in accordance with the National Planning Policy Framework and the Planning (Listed Buildings

and Conservation Areas) Act 1990. It is therefore recommended that members approve the application, subject to safeguarding conditions.

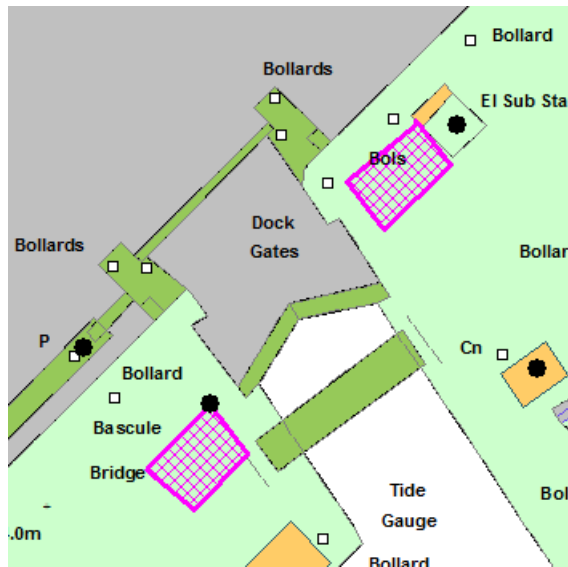
**Case Officer**

Jenny Suttle

TITLE: L/TH/17/1033

Project East Crosswall Ramsgate Kent CT11 9LQ

Scale:



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**A08**

**L/TH/17/0836**

**PROPOSAL:** Application for Listed Building Consent for internal alterations to bingo hall together with refurbishment works

**LOCATION:** Dreamland Cinema Dreamland Leisure Complex Marine Terrace MARGATE Kent

**WARD:** Margate Central

**AGENT:** Mr Nick Dermott

**APPLICANT:** Thanet District Council

**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 17.01.03 Rev P0 and 17.01.04 Rev P0 received 7 June 2017.

**GROUND:**

To secure the proper development of the area.

## SITE, LOCATION AND DESCRIPTION

Dreamland Cinema is sited on Marine Terrace Margate and fronts the famous Margate Sands. Dreamland Cinema was built in two stages. The construction of the more northerly part, comprising the entrance hall, saloon and public bars and the Sunshine Café, commenced in autumn 1933 with the Café opening at Whitsun (late May) 1934. Work on the auditorium commenced in autumn 1934 and the completed building finally opened on March 22nd 1935.

The structure might be more properly described as an Entertainments Complex since it contained a variety of spaces - a 2,200 seat cinema with back stage facilities to enable live performances, three bars, two restaurants and seven shops. It also served to advertise the entire Dreamland site and acted as the entrance to both the Amusement Park and to the long-established Dreamland Ballroom at the back of the site.

The structure was listed Grade II on 11.8.1992 and the entry was upgraded to II\* on 25.4.2008. It sits within the Margate Seafront conservation area which was designated on 29.1.1997.

The Lord George Sanger 'Hall-by-the-Sea' site was bought by John Henry Iles in 1919 and renamed 'Dreamland'. JH Iles invested heavily in Thanet throughout the 1920s; at the Cliftonville Lido and the Dumpton Park Greyhound Track as well as at Dreamland itself. The 1930s were one of Margate's boom periods and, however the frontage to the former Hall by the Sea was dressed its diminutive form did little to advertise the Dreamland Park hidden behind Marine Terrace. In addition two super cinemas were planned for Margate in the early 1930s. Both of these, the Astoria (1305 seats) and the Regal (1795 seats), were to open in 1934. Dreamland was constantly striving to upgrade its facilities and its cinema and attendant bars - the converted Hall by the Sea - must have seemed hopelessly out-of-date and constricted.

Iles' aspirations for the new Dreamland Cinema were high. At his speech at the opening of the Cinema in 1935 Iles was to say "...we have tried to produce for the public something elegant and full of refinement. Personally, I have always thought that nothing is too good for Margate and the Isle of Thanet. The better the places of entertainment are, the greater the success of Margate will be".

The brief for the new cinema was complex and difficult. High land values along Marine Terrace had always restricted the street frontage of Dreamland to some 30m width. The new development had to retain and build up against the existing Ballroom and the Garden Café, and provide grand entrances to both. It also had to form the entrance to the Park and provide the 'masthead' for the entire site - all within the narrow confines of the seafront land owned by Dreamland. Part of the brief was no doubt to also create a bigger, more luxurious and more sensational cinema auditorium than at other Margate places of entertainment.

Choosing the architectural critic and innovator Julian Leathart as Architect for the project was a radical choice by Iles. Leathart and his partner WF Granger had designed four influential cinemas in the London area between 1926 and 1930, a time when cinema design was evolving rapidly. The practice pioneered the use of the building being an advertisement in itself, rather than the prolific use of signage - a solution which relied on the quality of the architecture to draw in the public. Leathart and Granger also developed the use of concealed and neon tube lighting to highlight massing and specific decorative details. Architectural lighting was to be used extensively and strikingly on the Margate project. Dreamland was the last Cinema to be designed by the practice, which was dissolved in 1937. However, the Margate design was to prove highly influential on the evolution of Cinemas in the pre WW2 period.

Leathart and Granger were assisted on the project by JH Iles' son John Bird Iles, who at the time was an Associate Member of the RIBA. JB Iles had responsibility for the interior of the building including carpets, textiles and furniture. The sculptures in the auditorium were by Eric Aumonier and those elsewhere in the building by Lawrence Bradshaw (who designed the bust of Karl Marx at Highgate). The wall paintings in the entrance corridor and the Sunshine Café were by Walpole Champneys, as were some of the fabrics. Another of Iles' sons, Gordon, was responsible for installing the theatre organ - an innovative Compton



which utilised some of the pipe ranks from the Noterman organ which had been installed in the Dreamland Cinema of 1923.

The majority of the interior was in a refined Art Deco style. There were exceptions. The public house fronting Marine Terrace was in the Modern Tudor style with oak wainscoting, wrought iron light fittings and a coffered ceiling decorated with vine leaves formed of fibrous plaster. The ceiling survives. Surviving almost in its entirety is the Directors' Bar, at the top of the stairs to the Ballroom, which is fitted out in fibrous plaster as the stern of a galleon with moveable flaps painted as waves behind leaded light windows.

The contractors for the Cinema were Rice and Son of West London, who had branches in Margate and Brighton. Rice and Son had built the Cliftonville Lido for Iles in the mid-1920s and were also to build the De la Warr Pavilion in Bexhill and Burtons shop in Margate High Street; both of which opened in 1935. Rice and Son were prestige builders during the Inter-war period. They survived in Margate at their Westbrook Road premises until 1988.

When opened, the entertainments complex consisted of the following. The lower ground floor, entered from base of Hall by the Sea Road, comprised the entrance tunnel to the Dreamland Park which was flanked by the Popular Restaurant to the right and seven shops to the left. At the end of the tunnel was the Oyster Bar and Fish Restaurant under the Ballroom, and the Garden Café in a converted American aircraft hangar. At ground floor level in the building were the public and saloon bars directly accessed from Marine Terrace, the entrance foyer, the top-lit ticketing rotunda off which led the stairs to the circle, the Cinema stalls, the Directors' Bar and, eventually terminating the axis, the Ballroom. At first floor level was the Sunshine Café (said to seat 300), the Cinema circle and the circle bar. Beneath the public house were kitchens and cellars serving both the bars and the Popular and Sunshine Cafes; linked to the upper floors by stairs and lifts. At the time of opening it was stated that the Cinema auditorium could hold 2,200 people, the Ballroom 1,500 and the cafes and restaurants 3,500.

In 1973 the Cinema auditorium was subdivided to form two 370 seat cinemas within the former circle and a live theatre in the stalls. This was achieved by spanning the stalls auditorium with a beam and placing a central partition down the rake of the circle. The fibrous plaster auditorium ceiling was covered by a suspended ceiling. In 1975 the live theatre auditorium was converted into a bingo hall, which in 1992 was refitted again into its present configuration. In 1981 the Circle Bar was converted into a 60 seat cinema. The Cinema and bingo hall foyers and lobbies were revamped in 1998 when much of the original decorative scheme was covered up. The cinemas and bingo hall closed in 2008 and are currently unused.

### RELEVANT PLANNING HISTORY

The Dreamland Cinema building has been the subject of numerous applications with the aim to regenerate, preserve and enhance its special historic and architectural interest and find users/occupiers for the building.

Of particular relevance to this application is listed building consent L/TH/98/0920 (approved January 1998) for the conversion of former workshops into extension to amusement centre

including the removal of an existing single storey extension and provision of new shopfronts, conversion of former squash club into additional all weather amusement facility including construction of covered staircase access and demolition of existing cottage and squash court extension to form a terrace.

## PROPOSED DEVELOPMENT

It is proposed to remove the non-historic partitions and finishes from the Cinema stalls (bingo hall) foyer and stage. To the foyer, these are mostly the changes which were undertaken under listed building consent L/TH/98/0920, which created offices and a bar within the stalls foyer space. The original structure and decorative finishes remain beneath these super-imposed additions. On the stage the original proscenium arch was infilled with a timber framed partition in 1975. This partition carries the bingo score boards. It is intended to remove these, together with the asbestos fire safety curtain dating from 1935. Temporary lighting, WCs, handrails and some minor repairs are also proposed.

It is proposed that Thanet Council seek an operator for the Cinema auditoria. The removal of the modern additions to the stalls foyer will allow interested parties to gain a better appreciation of the historic form of the space. The fire safety curtain needs to be removed as part of a policy to eradicate asbestos from the building.

## DEVELOPMENT PLAN POLICIES

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

D1 - Design Principles

T8 - Dreamland

## NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice posted near the site and the application publicised in a local newspaper.

No representations have been received.

## CONSULTATIONS

**Conservation Officer:** No objection

**Historic England:** Do not wish to comment

## COMMENTS

This application is reported to committee as the Council is the applicant.

### **Analysis**

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Paragraph 131 of the NPPF advises that: In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

This application proposes the removal of non-historic fabric added to the building in the late 1990s (the insertion of offices and a bar within the stalls foyer space) as well as the removal of the asbestos fire safety curtain which dates from 1935. Temporary lighting Wcs, handrails and some minor repairs are also proposed.

The removal of the non-historic fabric will allow a better appreciation and understanding of the historic and architectural form of the space and is welcomed as an enhancement to the listed building. It is disappointing that the 1930s fire safety curtain is to be removed, but its removal is necessary due to the health and safety issues associated with asbestos.

It is considered that the proposal as a whole would enhance the designated heritage asset and the public benefits of removing the fire safety curtain is considered to outweigh the resulting harm.

### **Conclusion**

This application would see the removal of non-historic fabric of the building added in the 1990s together with the removal of the fire safety curtain (dating back to the 1930s) together with other minor works and repairs.

It is considered that the removal of the non-historic fabric will be beneficial and allow a greater appreciation and understanding of the historic and architectural interest of the listed

building. It is considered that the removal of the historic fire safety curtain would cause some harm to the designated heritage asset, but this would be less than substantial and the public benefits of this proposal outweigh this limited harm. It is therefore recommended that members approve the application.

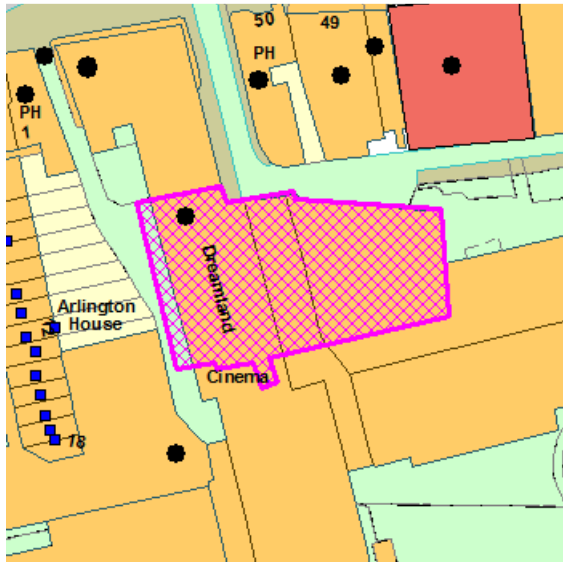
**Case Officer**

Annabel Hemmings

TITLE: L/TH/17/0836

Project Dreamland Cinema Dreamland Leisure Complex Marine Terrace MARGATE Kent

Scale:



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**A09**

**L/TH/17/0832**

**PROPOSAL:** Application for Listed Building consent for the erection of folding metal gates to cinema main entrance for a temporary period of three years

**LOCATION:** Dreamland Cinema Dreamland Leisure Complex Marine Terrace MARGATE Kent

**WARD:** Margate Central

**AGENT:** Mr Nick Dermott

**APPLICANT:** Thanet District Council

**RECOMMENDATION:** Approve

Subject to the following conditions:

1 At the expiration of a period ending on the 20th September 2020; unless further permission has been granted, the gate hereby approved shall be removed and the building restored to its former condition in accordance with a scheme of work to be submitted to, and approved in writing by the Local Planning Authority.

**GROUND:**

In view of the temporary nature of the proposal and paragraphs 131 and 132 of the NPPF.

2 The development hereby approved shall be carried out in accordance with the submitted drawings, unnumbered plans received on the 6 and 26 June 2017

**GROUND:**

To secure the proper development of the area.

## SITE, LOCATION AND DESCRIPTION

Dreamland Cinema is sited on Marine Terrace Margate fronting the celebrated Margate Sands. Dreamland Cinema was built in two stages. The construction of the more northerly part, comprising the entrance foyer, saloon and public bars and the Sunshine Café, commenced in autumn 1933 with the Café opening at Whitsun (late May) 1934. Work on the auditorium commenced in autumn 1934 and the completed building finally opened on March 22nd 1935.

The structure might be more properly described as an Entertainments Complex, since it contained a variety of spaces - a 2,200 seat cinema with back stage facilities to enable live performances, three bars, two restaurants and seven shops. It also served to advertise the

entire Dreamland site and acted as the entrance to both the Amusement Park and to the long-established Dreamland Ballroom at the back of the site.

The structure was listed Grade II on 11.8.1992 and the entry was upgraded to II\* on 25.4.2008. It sits within the Margate Seafront conservation area, which was designated on 29.1.1997.

## RELEVANT PLANNING HISTORY

Since September 2013 the entirety of the Dreamland site, including the Cinema, has been in the ownership of Thanet District Council. The Council have recently completed the renovation of the front (north-facing) elevation of the Cinema. This has included brickwork and faience repairs, Travertine and window repairs, reproduction bronze doors and both replacement and new illuminated signage. The work has also included the installation of video surveillance cameras. The 'shop fronts' of the former Dreamland Bars on the ground floor have been fitted with a temporary art work pending the identification of a tenant.

There is a concurrent planning application for the same proposal also on this agenda (F/TH/17/0833 refers).

## PROPOSED DEVELOPMENT

Planning permission is sought to fit a 'traditional' folding gate at the head of the stairs to the main Cinema entrance doors on Marine Terrace for a temporary period of 3 years. Such gates are commonly used in urban situations to close public accesses - such as to underground stations - when facilities are not in use.

The Cinema building is currently unoccupied and there is concern about the security of the building.

The gates will be top hung in a track fixed to the side of the downstand beam which spans between the columns to either side of the entrance steps. The outer ends of the gates are housed in a 45mm wide channel which is fixed between the back of the Travertine columns and the brass poster frames. When retracted the gates each protrude 500mm from the walls. The base track of the gates hinges into the vertical position and locks the gates open (thereby avoiding a trip hazard). To close the gates the track is unlocked and drops down on the hinge to run along the floor. The gates then run in the track and lock in the centre. The track has a 15mm diameter bolt which fits into a brass bush set into the Travertine floor.

Were the gates to be removed all fixing holes can be filled with a mixture of resin and Travertine dust to create an 'invisible repair'.

The gate would be powder coated RAL 1004. This is the colour of the neon signage letters and the forecourt bollards.



## DEVELOPMENT PLAN POLICIES

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

D1 - Design Principles

T8 - Dreamland

## NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice posted close to the application site and the proposal advertised in a local newspaper.

No representations have been received.

## CONSULTATIONS

**Conservation Officer:** No objection

**Historic England :** Historic England does not object to this proposal to install folding metal gates at the entrance to the Dreamland Cinema, part of the grade II\* listed building. We understand that this is intended to be a short-term measure to secure the entrance until this part of the building becomes actively used, so in these circumstances we think a temporary permission of, say, 3-5 years, would be appropriate.

Historic England has no objection to the application on heritage grounds and considers that the application meets the requirements of the NPPF.

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

## COMMENTS

This application is reported to committee as the Council is the applicant.

### **Analysis**

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Paragraph 131 of the NPPF advises that: In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

It is considered that this application, will have a limited impact on the architectural and historic interest of the listed host building especially given that the consent is only sought for a temporary period of 3 years. As such, it is considered that the harm to the designated heritage asset would be less than substantial.

It, therefore, falls to weigh the public benefits of the proposal against the harm to the designated heritage asset. The gate is proposed is similar in design to those used to secure public areas such as underground stations (many of which are also listed). Both the Council's Conservation Officer and Historic England advise that they raise no objection to the proposal given its temporary nature. It is, therefore, considered that the limited harm that would be caused by the proposal is outweighed by its public benefits.

## **Conclusion**

This application seeks consent for a gate to secure the building for a temporary period of three years.

There would be limited harm to the designated heritage asset (the host listed building) and it is considered that the public benefits of the proposal would outweigh this harm especially given the short temporary time period sought. It is therefore recommended that members approve the application.

## **Case Officer**

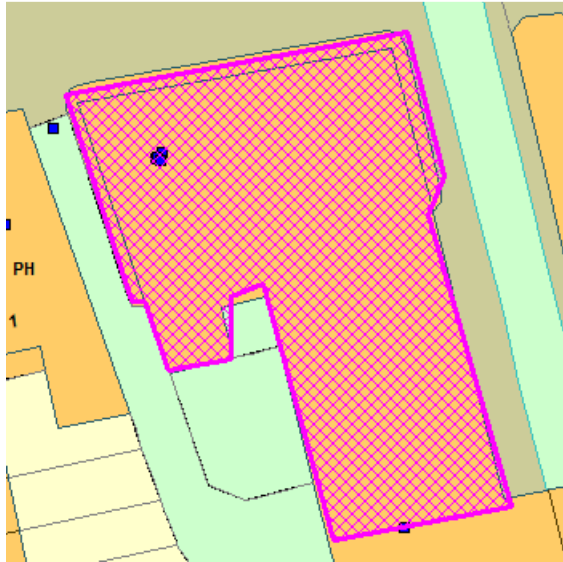
Annabel Hemmings

# Agenda Item 5i

TITLE: L/TH/17/0832

Project Dreamland Cinema Dreamland Leisure Complex Marine Terrace MARGATE  
Kent

Scale:



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**A10**

**F/TH/17/0833**

**PROPOSAL:** Erection of folding gates to main cinema entrance for a temporary period of three years

**LOCATION:** Dreamland Cinema Dreamland Leisure Complex Marine Terrace MARGATE Kent

**WARD:** Margate Central

**AGENT:** Mr Nick Dermott

**APPLICANT:** Thanet District Council

**RECOMMENDATION:** Approve

Subject to the following conditions:

1 At the expiration of a period ending on 20th September 2020, unless further permission has been granted, the gate hereby approved and the building restored to its former condition in accordance with a scheme of work to be submitted to and approved by the Local Planning Authority.

**GROUND:**

In view of the temporary nature of the proposal.

2 The development hereby approved shall be carried out in accordance with the submitted drawings, unnumbered plans received on the 6 and 26 June 2017

**GROUND:**

To secure the proper development of the area.

## SITE, LOCATION AND DESCRIPTION

Dreamland Cinema is sited on Marine Terrace Margate fronting the celebrated Margate Sands. Dreamland Cinema was built in two stages. The construction of the more northerly part, comprising the entrance foyer, saloon and public bars and the Sunshine Café, commenced in autumn 1933 with the Café opening at Whitsun (late May) 1934. Work on the auditorium commenced in autumn 1934 and the completed building finally opened on March 22nd 1935.

The structure might be more properly described as an Entertainments Complex, since it contained a variety of spaces - a 2,200 seat cinema with back stage facilities to enable live performances, three bars, two restaurants and seven shops. It also served to advertise the entire Dreamland site and acted as the entrance to both the Amusement Park and to the long-established Dreamland Ballroom at the back of the site.

The structure was listed Grade II on 11.8.1992 and the entry was upgraded to II\* on 25.4.2008. It sits within the Margate Seafront conservation area, which was designated on 29.1.1997.

## RELEVANT PLANNING HISTORY

Since September 2013 the entirety of the Dreamland site, including the Cinema, has been in the ownership of Thanet District Council. The Council have recently completed the renovation of the front (north-facing) elevation of the Cinema. This has included brickwork and faience repairs, Travertine and window repairs, reproduction bronze doors and both replacement and new illuminated signage. The work has also included the installation of video surveillance cameras. The 'shop fronts' of the former Dreamland Bars on the ground floor have been fitted with a temporary art work pending the identification of a tenant.

There is a concurrent listed building application for the same proposal also on this agenda (L/TH/17/0832 refers).

## PROPOSED DEVELOPMENT

Planning permission is sought to fit a 'traditional' folding gate at the head of the stairs to the main Cinema entrance doors on Marine Terrace for a temporary period of 3 years. Such gates are commonly used in urban situations to close public accesses - such as to underground stations - when facilities are not in use.

The Cinema building is currently unoccupied and there is concern about the security of the building.

The gates will be top hung in a track fixed to the side of the downstand beam which spans between the columns to either side of the entrance steps. The outer ends of the gates are housed in a 45mm wide channel which is fixed between the back of the Travertine columns and the brass poster frames. When retracted the gates each protrude 500mm from the walls. The base track of the gates hinges into the vertical position and locks the gates open (thereby avoiding a trip hazard). To close the gates the track is unlocked and drops down on the hinge to run along the floor. The gates then run in the track and lock in the centre. The track has a 15mm diameter bolt which fits into a brass bush set into the Travertine floor.

Were the gates to be removed all fixing holes can be filled with a mixture of resin and Travertine dust to create an 'invisible repair'.

The gate would be powder coated RAL 1004. This is the colour of the neon signage letters and the forecourt bollards.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2006 - Saved Policies**

D1 - Design Principles

T8 - Dreamland

## NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice posted close to the application site and the proposal advertised in a local newspaper.  
No representations have been received.

## CONSULTATIONS

**Conservation Officer:** No objection

**Historic England:** Historic England does not object to this proposal to install folding metal gates at the entrance to the Dreamland Cinema, part of the grade II\* listed building. We understand that this is intended to be a short-term measure to secure the entrance until this part of the building becomes actively used, so in these circumstances we think a temporary permission of, say, 3-5 years, would be appropriate.

Historic England has no objection to the application on heritage grounds and considers that the application meets the requirements of the NPPF.

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

## COMMENTS

This application is reported to committee as the Council is the applicant.

### **Analysis**

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Paragraph 131 of the NPPF advises that: In determining planning applications, local planning authorities should take account of:

- . the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- . the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Whilst paragraph 137 adds that local planning authorities should look for

opportunities for new development within Conservation Areas..... to enhance or better reveal their significance. Proposals that preserve ..... or better reveal the significance of the asset should be treated favourably.

It is considered that this application will have a limited impact on the character and appearance of the conservation area especially given that the consent is only sought for a temporary period of 3 years and its limited visibility from the wider area. As such, it is considered that the harm to the designated heritage assets would be less than substantial.

It, therefore, falls to weigh the public benefits of the proposal against the harm to the designated heritage asset. The gate is proposed is similar in design to those used to secure public areas such as underground stations (many of which are also listed or within conservation areas). Both the Council's Conservation Officer and Historic England advise that they raise no objection to the proposal given its temporary nature. It is, therefore, considered that the limited harm that would be caused by the proposal is outweighed by its public benefits.

### **Conclusion**

This application seeks consent for a gate to secure the building for a temporary period of three years.

There would be limited harm to the designated heritage asset (the host listed building and its conservation area setting) and it is considered that the public benefits of the proposal would outweigh this harm especially given the short temporary time period sought. It is therefore recommended that members approve the application.

### **Case Officer**

Annabel Hemmings

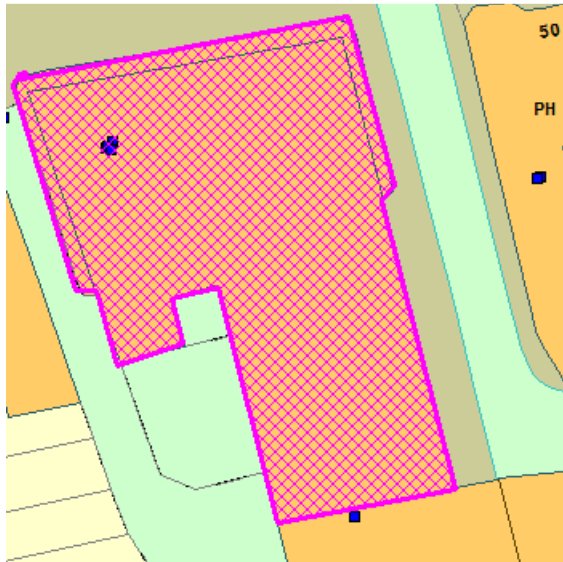


# Agenda Item 5j

TITLE: F/TH/17/0833

Project Dreamland Cinema Dreamland Leisure Complex Marine Terrace MARGATE  
Kent

Scale:



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**R11**

**F/TH/17/0525**

**PROPOSAL:** Demolition of buildings 10-14 Belgrave Road and part demolition of building to rear together with the erection of 2m

**LOCATION:** high Palisade fencing

Land And Buildings At 10 To 14 Belgrave Road MARGATE Kent

**WARD:** Margate Central

**AGENT:** Mr John Elvidge

**APPLICANT:** Mr B Wiles

**RECOMMENDATION:** Refuse Permission

For the following reasons:

1 The proposed works, by virtue of the loss of buildings without providing an appropriate redevelopment scheme for the site would fail to preserve or enhance the character or appearance of the designated conservation area without providing any material public benefit to outweigh the visual harm from the creation of a gap within the conservation area contrary to the provisions of paragraphs 56, 64, 131, 132, 134, 136 and 137 of the National Planning Policy Framework.

## SITE, LOCATION AND DESCRIPTION

Nos 10 to 14 are located on the west side of Belgrave Road, Margate. They are vacant and in a poor state of repair, but lie within a conservation area.

## RELEVANT PLANNING HISTORY

DM/TH/17/0526 - Prior notification of the proposed demolition of rear section of existing building to the rear of 10-14 Belgrave Road. Prior approval not required. 25th May 2017.

## PROPOSED DEVELOPMENT

This application seeks consent for the demolition of buildings within the conservation area together with the erection of 2m high Palisade fencing.

A formal grant of planning permission is required for the works as the buildings lie within a conservation area.

The applicants advise that the buildings are in an extremely poor state of repair and that their removal would enhance the appearance of the area. If consent was granted for the buildings demolition, the agent has advised that the area would be cleared surrounded by 2m high Palisade fencing (as in the surrounding area) and utilise for purposes associated with Dreamland. No specific reference as to what specific use might be carried out in this particular part of the site, but surrounding uses including car parking, storage compounds and the introduction of a new access road.

The applicants have submitted a Structural Survey (dated 20th July 2017). It has considered both buildings on site - referring to the one closest to Belgrave Road as the front house and the building behind as the rear house. In terms of the front house, it notes that vegetation has been stripped from the building and it is noted that the building is of a timber construction. An inspection of the external fabric of the building was made and it was noted that generally the walls appeared to be in an adequate condition, however, there are some areas of cracking evident (some localised and some areas of more severe structural cracking). It is also identified that the rear of the building appears to have undergone a period of resettlement resulting in it leaning out vertically. The survey advises that the inside of the building contains more significant structural issues, but it is noted from the survey that a full inspection of the building was not possible and some assumptions have been made in relation to the internal condition of the building. The survey proposes that there are two methods to rectify the integrity of this structure - firstly keep the building safe for inspection, undertake a structural assessment and implement any remedial works, secondly demolish the building. The survey concludes that the second option is the only safe and immediate option. The rear house is assessed as being reasonably robust, although there are some severe structural issues to the rear of the building. It is recommended that the rear gable wall should be taken down which might compromise the overall stability of the building. The overall recommendation of the report is that both buildings give rise for immediate concern and given their location close to the site boundary it is recommended that they be demolished at the earliest opportunity.

## DEVELOPMENT PLAN POLICIES

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

D1 - Design Principles

T8 - Dreamland

## NOTIFICATIONS

Letters were sent to surrounding occupiers, a site notice posted near to the site and the application was publicised in the local paper.

One letter has been received from a planning agent on behalf of a client. They make the following comments.

\* The buildings are in close proximity to the clients' premises which are open long hours including Bank Holidays and Weekends;

- \* Demolition works must be carefully managed to avoid the spread of dust and noise disturbance;
- \* The rear entrance of the premises is opposite the application site and is used as a fire escape; and
- \* Work should not be undertaken outside of normal office hours to avoid additional disturbance.

## CONSULTATIONS

**Conservation Officer:** The buildings proposed for demolition are of particular importance to the character and appearance of the conservation area. No suitable scheme is proposed in place of the buildings (which form the quintessential character of this part of the conservation area). In my view, the buildings, although now boarded, are of an age and style which contributes positively to the feel of the locality and in forming its character as well as contributing to the character and appearance of the conservation area and thus to its significance as an heritage asset. The demolition of the buildings with no replacement scheme in place would effectively diminish the significance by removing townscape context within which the buildings would have sat.

When considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF advises that great weight should be given to the asset's conservation... As heritage assets are irreplaceable, any harm, loss should require clear and convincing justification. In justifying demolition, the applicant merely states that the buildings are unsafe structures. In my view the deterioration of the buildings should not be taken as justification for demolition.

In my view, in this case limited weight has been given to the conservation areas preservation or enhancement and the demolition of the buildings with no scheme for their replacement lack convincing justification to adduce the harm and loss proposed.

The loss of the buildings without an approved scheme for the redevelopment of the site or justification for their demolition would have an adverse impact on the character and appearance of the conservation area contrary to NPPF and statutory requirements.

**Building Control:** Further to my recent lone site visit, I am writing to confirm that since the site is effectively secured by fencing/barriers, as far as I could ascertain, there is no immediate danger to the public. I agree that the buildings are in very poor condition and need urgent attention.

## COMMENTS

This application is reported to committee at the request of Cllr Johnson to allow Members to assess the impact of the proposal on the character and appearance of the conservation area as a designated heritage asset.

## **Impact on Character and Appearance of Conservation Area**

As stated above planning permission is required for the demolition of the buildings as they lie within a conservation area.

Saved policy D1 of the Local Plan states that all new development is required to provide high quality and inclusive design, suitability, layout and materials and that they should respect or enhance the character or appearance of the surrounding area, particularly in scale and massing, rhythm and use of materials appropriate to the locality.

The NPPF highlights that in determining applications Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. It goes on to advise that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Paragraph 134 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. Paragraph 136 of the NPPF states that Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

It is noted that historically the west side of Belgrave was characterised by a built up frontage and these were lost over a number of years. It appears that other buildings from this established built up frontage remained on site until the 1970s/80s.

The details and recommendations in the applicant's structural report have been reviewed and the Conservation Officer raises some concerns. It is noted that there are options recommended that the buildings could be made safe for inspection allowing an appropriate assessment of the necessary remedial works to be undertaken to make the buildings structurally sound.

It is, however, noted that the test when assessing this planning application for the demolition of the building is to weigh up whether the public benefits of the proposal outweigh the harm to the designated heritage asset - the conservation area.

In this case, the public benefits of the proposal would see the removal of the buildings (which it is acknowledged are in a poor state of repair) and the creation of additional space for purposes associated with Dreamland together with the erection of 2m high palisade fencing. This has to be weighed against the loss of the remaining buildings which would have historically fronted this part of Belgrave Road with no definitive scheme for their replacement scheme - other than the creation of a gap and additional palisade fencing. It is noted that when this conservation area was designated that the boundary of the conservation area which essentially ran along Belgrave Road was deliberately skewed to include the buildings

on the site as they considered to be important elements remaining of the built up frontage which historically fronted this part of Belgrave Road.

The removal of these buildings, irrespective of their condition, creates a gap where none historically existed. The area would be tarmacked and surrounded by 2m high Palisade fencing which is considered to harm the character and appearance of the conservation area by virtue of its obtrusive and stark nature replacing a building.

It is considered that the public harm to the designated heritage asset is not outweighed by the public benefits of the proposal and the scheme is, therefore, considered to be contrary to saved policy D1 and paragraphs 56, 64, 131, 132, 134, 136 and 137 of the NPPF.

## **Other Matters**

As set out above, having reviewed the details of the applicants' structural survey and assessed the buildings on site, the Council's Building Control Team advise that the buildings are in a poor state of repair and urgent action is required. They also conclude, however, that due to the buildings being securely fenced and hoarded that there is no immediate danger to the public.

It should be noted that if the buildings are considered to be dangerous structures this would be a matter for the Building Control and not a material planning consideration to be taken into account when determining this planning application.

## **Conclusion**

This application seeks consent for the demolition of buildings at 10-14 Belgrave Road and the enclosure of the site by a 2m high palisade fence.

Planning permission is required for the demolition works as the buildings are located within a conservation area and the fencing as it is 2m in height fronting a highway.

It should be noted that planning permission was not required for the demolition of the building to the rear of the application site as it did not lie within the conservation area.

The loss of the buildings which are the last of the buildings from the previously historically built up frontage along this part of Belgrave Road (irrespective of their poor state of repair) and the subsequent creation of a gap, tarmacked surface and installation of 2m high palisade fencing is considered to be detrimental to the character and appearance of the designated heritage asset - the conservation area. Whilst it maybe the intention for a scheme to come forward in the future on the site, this cannot be a requirement of the demolition. As less than substantial harm would occur, it falls to weigh the public benefits of the scheme against the harm to the designated heritage asset.

In this instance it is considered that there are minor short-term benefits from removing a building in a dilapidated state, it is not considered that the permanent harm to the character and appearance of the conservation area is outweighed. It is, therefore, recommended that the application be refused.

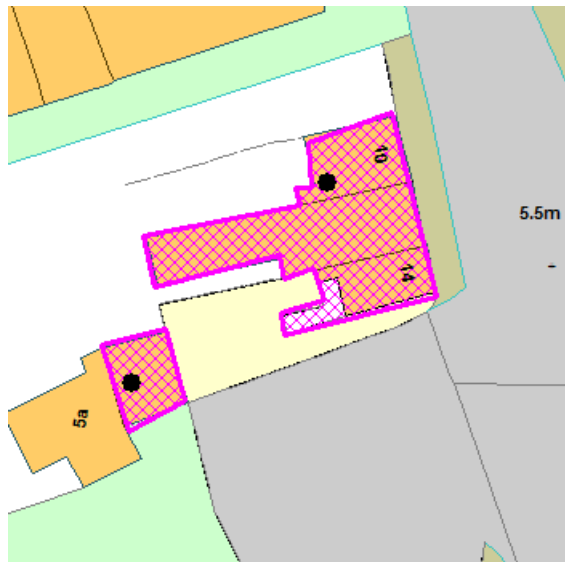
**Case Officer**  
Annabel Hemmings



TITLE: F/TH/17/0525

Project Land And Buildings At 10 To 14 Belgrave Road MARGATE Kent

Scale:



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## PROPOSED DEVELOPMENT

This application seeks retrospective consent for the change of use from taxi office and retail to escape rooms (D2) and retention of external alterations to facilitate that use for a temporary period of 2 and a half years.

This proposal can essentially be split into two distinct elements - the retrospective change of use and the external alterations. As stated above each of the elements are retrospective with the agent advising that works on the proposal started in November 2016 and were completed in June 2017.

The escape room use is a physical adventure game in which players solve a series of puzzles using clues, hints and strategy to complete the objectives at hand. Players are given a set time limit to unveil the secret plot which is hidden within the rooms. Escape rooms are inspired by "escape-the-room"-style video games. Games are set in a variety of fictional locations, such as prison cells, dungeons and space stations, and are popular as team building exercises.

In order to help set the scenes for the games, maintain themes of the various rooms, keep players emerged in them and to keep the air of mystery it is usual for escape rooms to be located away from windows and outdoor views. In this instance, this has lead to the boarding up of the windows in the ground floor of the buildings and themed graphics applied to the external façade mainly over the former glazed areas.

The applicant's agent has submitted information to support the proposal. This information includes user reviews from both trip advisor and Facebook, local crime statistics for December 2015 to November 2016. He refers to this additional information in a letter which is summarised below:

- O The retention of the shopfront would continue to attract crime and vandalism;
- \* Works could be carried out inside the windows effectively blocking them under permitted development rights;
- \* Consider the graphics and display windows add interest and vitality to the street scene;
- \* Long term benefits can be achieved for both the business and the conservation area;
- \* The use has brought vacant commercial property back into use. This is positive and needs to be weighed against any harm from the proposal; and
- \* The new business has fast become a leader in its field.

## RELEVANT PLANNING POLICIES

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

D1 - Design Principles  
H10 - Areas in Special Need of Attention  
TR12 - Cycling  
TR16 - Car Parking Provision

The Cliftonville Development Plan Document (adopted 2010) is also of relevance to this application.

## NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice displayed near the site and the application publicised in a local newspaper.

No representations were received.

## CONSULTATIONS

**Environmental Health:** Note that this is a retrospective application and the conversion has already been completed.

Would need to confirm if the residential use above the premises is connected to the use. If it is unconnected then a condition relating to noise transfer from the ground floor to the residential premises will be required. Given the range of uses that could be carried out under the D2 use class safeguarding of the residential premises is definitely warranted.

Have no concerns about the hours applied for, but given the uses that could be carried out under the D2 use class it is considered that these hours should be conditioned to prevent future escalation.

**Kent Police:** The applicant has not demonstrated that they have considered crime prevention and to date we have not had any communication with the applicant or the agent for the application. Have sought further clarification from the applicant and have no further comments to make at this time.

**Conservation Officer:** I consider the external alterations to the shop front in the form of timber boarding with applied graphics to glazed areas completely obscure the shop front from view producing an unsightly and deadening appearance. In addition the unattractive timber cladding to stall risers and parts of the walls, the associated black paint to the walls and fascia not in-keeping with the street scene and the murals are disfiguring and unattractive elements to the host building. The murals also results in a cluttered appearance within the street scene. The mural boards to the shop front windows glazing and the timber cladding are also poorly installed adding to the clumsiness appearance of the shop front.

I acknowledge that due to the nature of the use of the premises, the applicant require to conceal the interior of the shop, but I am not convinced that there are no better or sympathetic ways of achieving that internally whilst not obliterating the external appearance of the shop front.

Section 72 of the P(LB&CA) Act 1990 requires LPA when considering applications in conservation areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The NPPF paragraph 131 advice that: In determining planning applications, local planning authorities should take account of:

- . the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- . the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- . the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. And paragraph 137 adds that local planning authorities should look for opportunities for new development within Conservation Areas..... to enhance or better reveal their significance. Proposals that preserve ..... or better reveal the significance of the asset should be treated favourably.

In my view the alterations carried out are contrary to the above requirements and advice and detract from the character and appearance of the building and also do not preserve or enhance the character or appearance of the Northdown Road Conservation Area.

## COMMENTS

This application is reported to committee at the request of Cllr Dellar to allow Members to assess the impact of the proposal on the character and appearance of the area.

### **Principle of Development**

The site lies within the defined settlement of Margate in an area characterised by retail/commercial uses to the ground floors of properties with residential units in the upper floors.

The conversion of the ground floor of the application site to an escape room/leisure use is acceptable and compatible with others uses in the area. It is also noted that the ground floor of number 65 Northdown Road has been empty for a period of time and this proposal would bring this back into an active use, albeit for a temporary period. This is considered to be in line with the objectives of saved policy H10 of the Local Plan and the general aims and objectives of the Cliftonville Development Plan Document.

There are no in principle objections to the external works to facilitate the escape room use.

It, therefore, falls to consider the details of the proposal.

### **Character and Appearance**

Whilst it is acknowledge that the site is located as within in an area in need of special attention and the area covered by the Cliftonville Development Plan Document, this does not mean development within such areas should receive blanket approval. The impact of the development must be assessed as with all other planning applications and the development made in accordance with the development plan unless there are material circumstances that indicate otherwise.

The preamble to saved policy H10 of the Local Plan advises that within areas in need of special attention the refurbishment of existing housing and other appropriate uses together with environmental improvements are promoted together with the reuse of vacant and under used property and land.

The Cliftonville Development Plan Document was adopted as a Development Plan Document (DPD) by the Council in 2010 as a means of concentrating on the particular issues within this area of the district. The DPD set out a number of objectives including:

- o Ensuring that new development is of high quality, good design and of an appropriate scale and character;
- o Improving the urban fabric, streetscene and environment within the area;
- o Ensuring a high standard of refurbishment or redevelopment of obsolete and neglected properties for the benefit of the area and incorporating high quality and inclusive design;
- o Encouraging and supporting existing and new businesses, employment and leisure opportunities in Cliftonville; and
- o Providing employment opportunities in locations where there is no conflict with residential amenity.

Saved policy D1 of the Local Plan sets out the Council's design principles. It states that all new development is required to provide high quality and inclusive design, layout and materials and that it should respect or enhance the character or appearance of the surrounding area.

The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

The application buildings are not listed, but the application site is in a prominent location within a conservation area (a designated heritage asset).

Section 72 of the Planning(Listed Building & Conservation Area) Act 1990 requires LPA when considering applications in conservation areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Guidance within the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (paragraph 132).

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 (paragraph 134).

It is considered that the works that have taken place completely obscure the shop front from view producing an unsightly and deadening appearance in this prominent part of the conservation area. In addition the timber cladding to stall risers and parts of the walls, the associated black paint to the walls and fascia are not in-keeping with the street scene and the murals are disfiguring and unattractive elements to the host building. The murals also results in a cluttered appearance within the vernacular materials in street scene given their design (multiple clock faces). The mural boards to the shop front windows glazing and the timber cladding are also poorly installed adding to the untidy appearance of the shop front. It is, therefore, considered that the external changes cause harm to the designated heritage asset, albeit that this is less than significant harm and the application is only seeking a temporary consent for two and a half years.

Whilst it was acknowledged that the escape room use requires much of the interior of the building to be concealed it is considered that there are better and more sympathetic ways of achieving this which would enhance the character and appearance of the conservation area. One way would be for the windows to be reinstated and the murals applied internally. This has been discussed with the agent, but he has confirmed that his client does not wish to pursue the option at this stage given the temporary nature of the proposal before potentially establishing plans for the permanent use of the buildings.

In weighing up the public benefits of the scheme (the reuse of the ground floors of redundant buildings together with the economic and social benefits of a new business within an area designated as being in need of special attention) against the harm to the character and appearance of the designated heritage asset - the conservation area - it is not considered that the benefits outweigh the harm as there is a viable alternative which would enhance the character and appearance of the heritage asset whilst allowing the existing business to continue to operate and attract customers. This application is, therefore, considered to be contrary to the saved policy D1 of the Local Plan, the objectives of securing quality design and enhancements to the streetscene and the environment as set out in the Cliftonville Development Plan Document and paragraphs 56, 64, 131, 132, 134 and 137 of the NPPF.

The points raised in the letter from the agent are noted and have been considered when weighing up the benefits of the proposal against the harm to the designated heritage asset, but are considered not to warrant a different outcome of that balancing process.

### **Living Conditions**

It is not considered that the use generates more noise than the former use of the building as a taxi office although Environmental Health have recommended that if the application is granted that a condition is imposed to minimise noise transfer from the ground floor to the upper floor.

The applicant's agent has submitted some information showing that some noise insulation works have been carried between the floors. But no formal confirmation/details have been received to confirm that these meet any specific standard. It is, however, noted that Environmental Health have not received any complaints in relation to noise from the use since it has been in operation. Environmental Health have reviewed this additional



information, but have advised that they would still require the condition to be added to any grant of consent.

## **Highways**

It is not considered that the use would generate a significant amount of traffic/parking and it is in a sustainable location within walking distance of many facilities and services and on a bus route.

## **Conclusion**

The change of use from taxi office to leisure room is considered acceptable and does not result in any adverse highway impact or impact on the residential amenity of occupiers of the upper stories of the buildings or the surrounding buildings which could not be mitigated by applying appropriate safeguarding conditions.

It is noted that the escape room use requires that the interior of the building is kept dark, but it is noted that in this instance the manner in which external alterations have been carried out is poor and the fact that the works have obliterated the features of the elevations of these prominent buildings causing harm (albeit less than substantial) to the character and appearance of the designated heritage asset - conservation area - is considered unacceptable. It is also noted that there are other ways that the desired effect could be achieved which could preserve/enhance the designated heritage asset.

Whilst there would be public benefits to the reuse of the change of use of the vacant buildings to escape rooms bringing back into an active use and contributing to the economic and social vitality of the area, given that the applicants are only seeking a temporary two year consent, it is not considered that these benefits outweigh the harm to the character and appearance of the designated heritage asset. Therefore the application is recommended for refusal.

## **Case Officer**

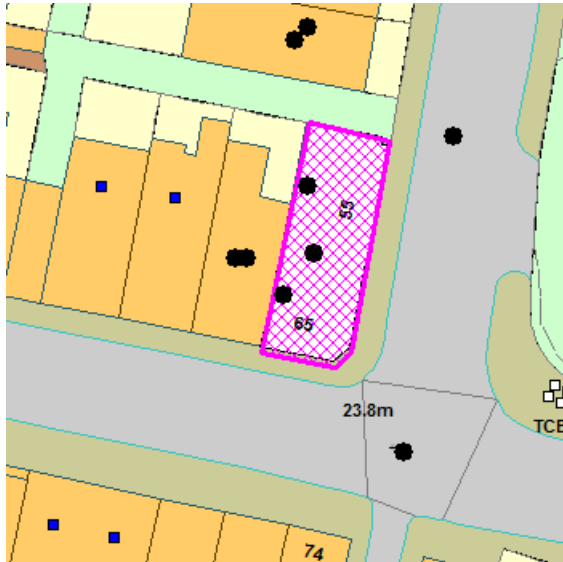
Annabel Hemmings

# Agenda Item 5l

TITLE: F/TH/17/0884

Project 55 Athelstan Road And 65 Northdown Road MARGATE Kent

Scale:



**D13**

**OL/TH/16/1715**

**PROPOSAL:** Outline application for 48 dwellings including access with all other matters reserved

**LOCATION:** Land South Of Manston Road Adjacent To The Beacon (Former Car Storage Site) Manston Road RAMSGATE Kent

**WARD:** Newington

**AGENT:** Mr R Forde

**APPLICANT:** Mr R Forde

**RECOMMENDATION:** Defer & Delegate

Subject to the following conditions:

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

**GROUND:**

As no such details have been submitted.

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

**GROUND:**

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

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

**GROUND:**

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

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

**GROUND:**

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

5 Prior to works commencing on site (including vegetation clearance) a detailed mitigation strategy must be submitted to, and approved in writing by, the Local Planning Authority. The mitigation strategy must include the following:

- a) Map detailing location of receptor site
- b) Details of ecological enhancements to increase carrying capacity
- c) Timetable of the proposed works.
- d) Reptile Translocation methodology
- e) Long term management plan

Works shall be carried out in accordance with the approved details.

**GROUND:**

To safeguard protected species, in accordance with the NPPF.

6 Prior to the installation of any external lighting, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) Identify those areas / features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, e.g., for foraging.
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior to consent from the Local Planning Authority.

**GROUND:**

To safeguard protected species, in accordance with the NPPF.

7 Prior to the first submission of any reserved matters application, an Emissions Mitigation Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Emissions Mitigation Assessment should include a damage cost assessment that uses the DEFRA emissions factor toolkit and should include details of mitigation to be included in the development which will reduce the emissions from the development during construction and when in operation. Any agreed on-site mitigation should be included in any relevant reserved matters submission. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

**GROUND:**

To protect air quality, in accordance with the NPPF.

8 Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise from adjoining commercial related noise sources and shall be made in accordance with BS4142 2014: Method for rating and assessing industrial and commercial sound. The results of the assessment and details of a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

**GROUND:**

To protect the living conditions of the future occupiers of the development, in accordance with the NPPF.

9 Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise from transport related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

**GROUND:**

To protect the living conditions of the future occupiers of the development, in accordance with the NPPF.

10 No development shall take place until details of the means of foul disposal have been submitted to and approved 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 NPPF.

11 No development shall take place until details of the measures which will be undertaken to divert the public sewers have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**GROUND:**

To protect drainage apparatus, in accordance with the NPPF.

12 No development shall take place 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 of through infiltration features located within the curtilage of the site alone.

**GROUND:**

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions, in accordance with the NPPF.

13 Prior to the first occupation of the development hereby permitted, details of the implementation, maintenance and management of the sustainable drainage scheme shall be 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, in accordance with the NPPF.

14 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.

15 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, in accordance with the NPPF.

16 In the event that contamination is found that was not previously identified at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken at

that time in accordance with a site characterisation report that shall be submitted to and approved in writing by the Local Planning Authority and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority, including remediation measures to render harmless the identified contamination given the end use of the site and the surrounding environment, including controlled waters. The remediation measures shall be implemented as approved and completed prior to the recommencement of works. Prior to the occupation of the approved development and following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

**GROUND:**

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

17 Piling or any other foundation designs / investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**GROUND:**

To prevent pollution of the underlying chalk Principal Aquifer in line with the sustainable development aims of the NPPF.

18 Details to be submitted in pursuant of Condition 1 above shall include the location and size of the affordable housing units.

**GROUND:**

To ensure that the required level and type of affordable housing is provided in accordance with Policy H14 of the Thanet Local Plan.

19 Prior to the commencement of development hereby permitted, a Construction Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Construction Management Plan shall include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

Development shall be carried out in accordance with the approved details.

**GROUND:**

In the interests of highway safety.

20 The details to be submitted in pursuant of condition 1 above shall show a pedestrian footway extending the length of the northern boundary of the site adjacent to Manston Road, and its connection with the existing footpath to the eastern boundary of the site.

**GROUND:**

In the interests of highway safety and pedestrian movement.

21 The details to be submitted pursuant to condition 1 above shall show visibility splays measuring 2.4 metres x 43 metres to the west of the private road/Manston Road junction, with no obstructions over 1 metre above carriageway level within the splay. The visibility splay shall thereafter be maintained.

**GROUND:**

In the interests of highway safety.

22 Details pursuant to condition 1 shall identify a minimum of 15% of housing to lifetime home and wheelchair standards and include the specification of such dwellings.

**GROUND:**

To meet the housing needs of the community in accordance with Policy H8 of the Thanet Local Plan 2006.

23 All dwellings hereby permitted shall be provided with the ability for connection to Superfast Fibre Optic Broadband 'fibre to the premises', where there is adequate capacity.

**GROUND:**

To serve the future occupants of the development in accordance with the guidance within the National Planning Policy Framework.

24 Details pursuant to condition 1 shall show the provision of 1 Electric Vehicle Charging Points per residential property with dedicated parking, and 1 in 10 of all allocated parking, which shall be installed to the specification within Thanet Air Quality Technical Planning Guidance 2016.

**GROUND:**

To promote sustainable forms of transportation and to protect air quality in accordance with Thanet Local Plan Policy EP5 and guidance within the National Planning Policy Framework.

## **INFORMATIVES**

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).

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence



against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

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

Prior to the submission of a reserved matters application, the applicant, agents, or successors in title, are encouraged to consult with the Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety.

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

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

### SITE, LOCATION AND DESCRIPTION

The site is located in Manston Road, Ramsgate. It is an area of open land, with agricultural field to the west, Tesco to the east, 'The Beacon' a NHS outreach centre to the south, and residential development to the north on the opposite side of the road. The site falls inside of the urban confines, but is non-previously developed land. The nearest residential properties are opposite the site on the former Manston Allotment site, and are 2-4 storey in height and are mainly terraced units and blocks of flats, constructed of yellow brick and white/beige render/cladding. Adjacent to the site to the North West is the recently approved Manston Green site.

## RELEVANT PLANNING HISTORY

OL/TH/14/0578 - Outline application for mixed use development comprising 47.no dwellings (34no. houses and 13no. flats) a retail unit (use class A1) with associated car parking including access and layout for consideration - Withdrawn

## PROPOSED DEVELOPMENT

The application is in outline form with consideration of access, and all other matters reserved. The proposal is for the erection of 48no. dwellings, consisting of 12no. 1-bed flats, 10no. 2-bed flats, 10no. 2-bed houses, 12no. 3-bed houses and 4no. 4-bed houses.

Access to the site is from Manston Road to the east of the site, the road situated between the application site and Tesco. A single access into the site is proposed, along with a footpath adjoining the northern and eastern boundary of the site.

An illustrative site layout plan has been submitted with the 48no. dwellings contained within either blocks of terrace dwellings, blocks of flats, or link-detached and semi-detached dwellings.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2006**

H1 - Residential Development Sites  
H4 - Windfall Sites  
H14 - Affordable Housing  
HE12 - Archaeological Assessment  
TR12 - Cycling  
TR16 - Car Parking Provision  
D1 - Design Principles  
D2 - Landscaping  
SR5 - Play space  
EP13 - Groundwater Protection Zones  
SR11 - Private Open Space  
CF2 - Financial Contributions

## NOTIFICATIONS

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

## CONSULTATIONS

### **KCC Highways and Transportation -**

(revised comment) I refer to the amended illustrative layout plan submitted for the above and note the provision of a footway along the Manston Road frontage as requested. The trip

generation characteristics of the proposals are acceptable and the number of trips likely to be generated in the network peak hours can be accommodated by the existing right-turn lane junction in Manston Road. These additional trips are also significantly less than the typical daily variation in traffic flows on the wider highway network and are therefore unlikely to have a material impact on the same.

I note that to the east of the junction of the road serving the site with Manston Road, the soft landscaping appears to be maintained so as to provide the visibility splay originally provided for the Tesco development. This maintenance will need to continue to also serve the proposed development. A 2.4 metre x 43 metre visibility splay will also be required to the west of this junction and this can be secured by condition.

It should be noted that the road between the site and Manston Road is private and therefore any roads within the site will also remain private and not be adopted by the highway authority. Although layout is reserved for future consideration I note the illustrative layout shows dwellings fronting Manston Road with direct pedestrian access to the same and rear parking courts some distance from these dwellings. It should be noted that this is considered likely to lead to unacceptable on-street parking in Manston Road and should this layout come forward through reserved matters, the applicant will need to fund suitable parking restrictions in Manston Road to prevent on-street parking.

I therefore have no objections subject to safeguarding conditions.

(initial comment) I refer to the above planning application and confirm that the trip generation characteristics of the proposals are acceptable. The number of trips likely to be generated in the network peak hours can be accommodated by the existing right-turn lane junction in Manston Road. These additional trips are also significantly less than the typical daily variation in traffic flows on the wider highway network and are therefore unlikely to have a material impact on the same.

However, I would also add the following:

1. The access road to the site from Manston Road is not part of the publicly maintainable highway and should therefore presumably be included in the application red line, to demonstrate that access from the highway is achievable. The applicant should note that this also means the proposed street within the site would remain private.
2. Clarification is required that the necessary visibility splay to the east of the existing junction of the private access road with Manston Road is secured and maintained through a previous planning consent (I assume this would be in relation to the Tesco or The Beacon Centre developments).
3. A footway will be required along the Manston Road frontage of the site connecting to the existing bus stop and also allowing connection in the future to the adjacent Manston Green development. The details of the footway can be resolved through reserved matters but it should be located adjacent to the carriageway rather than set back as indicatively shown. It should be noted that the tree planting indicated in the existing highway verge in Manston Road is unlikely to be acceptable to the highway authority.

## **Environmental Health -**

### *Air Quality*

The site falls within the AQMA and an emissions mitigation assessment prepared by CERC dated 1 December 2016 has been submitted. The assessment has not strictly been undertaken in accordance with Thanet's air quality planning guidance as the wrong damage costs have been used but the methodology is otherwise correct. I have calculated the total damage cost over 5 years to be £53,622 which is the amount of mitigation that the applicant should incorporate into the development. Unfortunately the report fails to identify which mitigation measures in addition to the standard mitigation measures of electric vehicle charging points and low NOx boilers would be suitable for the development. I would therefore expect to see this information in the final submission and would recommend a safeguarding condition requiring the submission of an emissions mitigation assessment.

### *Contaminated Land*

The former use of the site was for car storage and the site is located close to a sensitive Groundwater Source Protection Zone 2 (SPZ2). I would therefore request safeguarding conditions requiring a remediation scheme to be submitted if contamination is found.

### *Noise*

The site is positioned next to Manston Road and is close to a Tesco Supermarket store and an NHS office building. The residential dwellings may therefore be exposed to appreciable levels of road traffic noise and commercial noise. I would expect the development to be designed with adequate safeguards to protect the aural amenity of the residential occupiers of the site, and therefore request safeguarding conditions requiring the submission of acoustic assessments.

**KCC SUDs** - The Flood Risk Assessment submitted with this application states that the surface water generated by this development will be disposed of via soakaway or main sewer.

Given the likely relative permeability of the underlying chalk, we would expect the applicant to pursue a surface water management strategy that is based on the use of infiltration alone. Although we would ordinarily expect more information on these matters in advance, we would anticipate that there is sufficient space available within this greenfield site to accommodate appropriate drainage infrastructure. If necessary, deep-bored soakaways should be investigated in preference to discharge to sewer.

Where soakaways or infiltration features are proposed, they should conform to the requirements of BRE Digest 365, taking full account of location specific permeability testing (with a half-drain time of less than 24hrs). Where contamination is a possibility, infiltration devices should only be sited in agreement with the Environment Agency.

Where infiltration is to be used to manage the surface water from privately owned areas, each individual plot should be served by its own soakaway.

No objections subject to safeguarding conditions.

**Southern Water** - Please find attached a plan of the sewer records showing the approximate position of a public sewers crossing the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the public sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Our initial investigations indicate that Southern Water can provide foul and surface water disposal to service the proposed development. There is currently adequate capacity in the local sewerage network to accommodate a surface water flow of 5l/s at manhole reference TR36652604. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

## **Environment Agency -**

*(revised comment)* Following submission of the "Phase 1 Geo-Environmental Desk Study" dated March 2017, we can confirm that our previous objection can be removed provided the recommended safeguarding conditions are attached.

*(initial comment)* We have reviewed the information submitted and object to the development as proposed. The site lies in a vulnerable location in terms of groundwater protection and the proposal fails to include a preliminary risk assessment, as advised by planning guidance and under the NPPF.

There is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.

There are two strands to this objection. These are that:

- We consider the level of risk posed by this proposal to be unacceptable,
- The application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided. It requires a proper assessment whenever there might be a risk, not only where the risk is known.

## **KCC Biodiversity -**

*(revised comment)* - I've reviewed the report and I am off the opinion that the site could be suitable for reptiles. However there would be a need for some habitat enhancements to be implemented prior to the translocation of the reptile population.

Please be aware that depending on how quickly the habitat establishes the receptor site may not be able to be used until next year.

The submitted report states the following:

It is advised that an appropriate Method Statement of works for the enhancement, management and translocation programme be devised in that regard.

We would expect a detailed reptile mitigation strategy to be submitted as a condition of planning permission.

*(initial comment)* - We have reviewed the ecological information submitted with the planning application and while we are satisfied with the conclusions of the surveys we advise that additional information is required prior to determination of the planning application.

## Designated Sites

The proposed development site is within 2km of the following designated sites:

- o Thanet Coast SPA
- o Thanet Coast and Sandwich Bay SPA, Ramsar and SSSI

Recreational disturbance has been identified as a potential cause of the decline in bird numbers within SPAs - it is for this reason that TDC has produced a Strategic Access Mitigation and Management Plan to minimise impact on the SPAs from an increase in recreation. Due to the size of the proposed development and the distance from the designated sites we are concerned that this proposed development may result in an increase in recreational disturbance within the designated sites - particularly Pegwell Bay.

The submitted report has made recommendations that if planning permission is granted the development must contribute to the SAMMP - however the D+A has not confirmed if the development is proposing to contribute to the SAMMP. Prior to determination we advise that the confirmation must be provided that the development will be contributing to the SAMMP.

## Reptiles

The findings of the 2016 reptile survey have indicated that the findings of the 2014 reptile survey are still valid - as such we are satisfied that the reptile survey information is sufficient.

A good population of reptiles has been recorded within the proposed development site. There is no room within the proposed development site to retain the reptile population and as such there is a need to find an off-site receptor site. Prior to determination please provide details of the proposed receptor site to ensure that TDC are satisfied that appropriate mitigation can be implemented.

We recommend that an outline mitigation strategy is produced including the following - location of the proposed receptor site and details of the suitability of the site to be used as a receptor site.

## Bats

The survey has assessed that due to the lighting within the surrounding area there is currently limited potential for foraging bats within the surrounding area. However bats have been recorded foraging within the surrounding area and as such there is potential that bats may occasionally forage within the site. As such we advise that the lighting within the proposed development must be designed to minimise the impact on roosting, foraging and commuting bats - particularly along the NW and SW boundaries.

KCC Archaeology - The site is in an archaeologically sensitive area. The sites adjacent at Tesco's and The Beacon have revealed multi-period archaeological remains that are known to extend into the site. The potential has been set out in the submitted Desk Based Assessment. We have provided prior advice for similar proposals at the site in 2014 and I repeat the advice that any permission should include provision for a programme of archaeological works. The works would entail a general programme of strip, map and sample similar to that undertaken for the Beacon site in 2006.

TDC Strategic Housing Manager - Strategic Housing would require 30% of the units proposed on site, 14 units.

We would also like to see an allocation which is reflective of the units across the site.

Waste and Recycling - We have some concerns about this one as we can't see exactly how we are going to access all properties nor where the bin collection points are likely to be so please keep us informed.

## COMMENTS

This application is brought before members as it is a departure to Policies EC1 and H1 of the Thanet Local Plan.

### **Principle**

#### - *Loss of Employment Land*

The application site is allocated as an employment site within the Thanet Local Plan, with Policy EC1 stating that the site is allocated for business purposes for uses falling within use classes B1 and B8, or B2 use where away from residential areas. Whilst the site falls within this designated policy area, there is no employment use currently occupying the site, so there be no direct loss of employment. However, it will result in the loss of land allocated for employment, and therefore the proposed development would be contrary to Thanet Local Plan Policy EC1.

Para 22 of the NPPF states that 'where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land and buildings should be treated on their merits having regard to market signals and the relative need for

different land uses to support sustainable local communities.' An employment land review has been carried out by the Council, which has identified that Thanet has an over-supply of employment land.

Within the supporting statement for this application it states that the reasons for why this land has not been occupied by an employment use is likely to be linked to the restrictive use of the site, which is for either B1 or B8 use, and which local plan evidence suggests has received little interest recently, and its proximity to residential development opposite the site.

Within the Council's Emerging Draft Local Plan, the site is no longer allocated for employment, which shows the direction of the Council when considering those sites suitable for retention as an employment use.

The loss of employment land is therefore considered to be acceptable given the lack of interest in the site for employment use, its proximity to residential dwellings, and its removal from employment allocation within the Emerging Draft Local Plan; however, this is subject to there being a need for the proposed development that would outweigh the need for the employment land.

### - *Housing Development*

The site falls within the urban confines, but is non-previously developed land. The proposal is therefore contrary to Thanet Local Plan Policy H1, which states that 'residential development on non-allocated sites will be permitted only on previously developed land within existing built-up confines'.

However, there is a current need for housing within Thanet. The NPPF states in para 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Whilst the site falls just inside the urban confines, it is within walking distance of a supermarket and school, and on a bus route, and is therefore considered to be sustainably located.

In the Draft Thanet Local Plan Preferred Options Consultation document the site has been allocated for housing alongside a nearby site (Flambeau), with a notional dwelling capacity for the entire allocation of 170 dwellings. Flambeau has been resolved by members to be granted planning permission for 120 dwellings, leaving a potential capacity of 50 dwellings for the application site (subject to layout and design). The submitted plan the subject of this application allows for the provision of 48no. dwellings, at a density of 44 dph. Such a density is considered to be acceptable given the density of the development opposite, which was approved at 50 dph; the allocation of the neighbouring site, upon which planning permission has been granted for residential development, which will prevent this site from forming the edge of the urban area; and the allocation of the site for housing within the draft plan, under which a notional dwelling capacity of 50 dwellings is recommended.

The principle of housing development on the site is therefore considered to be acceptable based on the need and density of the housing, subject to other issues such as the sustainability of the site, impact upon the character and appearance of the area, impact upon living conditions, and impact upon highway safety.



## Character and Appearance

The site is non-previously developed land within the urban confines. It has been used in the past to accommodate temporary uses such as open storage and the circus, but there has been no permanent development upon the land. The site is to the south of Manston Road, and is visible through long views of the site from Haine Road, across the adjacent fields. The site is allocated for employment use, so it has always been expected that the site would be developed; with part of the original site to the rear already developed in the form of The Beacon, a community building. The application site is now allocated within the Draft Local Plan for residential development. The loss of this private open space for development is considered to be acceptable as it does not involve the loss of recreational land, is not considered to have intrinsically beneficial qualities, and the site is allocated for residential development.

The application is in outline form, with consideration of access only. An illustrative site layout plan has been submitted, which shows the provision of 48no. dwellings at a density of 44 dwellings per hectare.

In terms of the layout, the illustrative layout plan shows a mix of apartment blocks and terrace housing blocks around the perimeter of the site, with semi-detached and detached dwellings located towards the centre of the site. This mix of dwelling types is considered to be acceptable when viewed in relation to the Meridian Village development opposite, which also has a similar variety of housing types. The majority of the proposed development fronts Manston Road, with a small setback that allows for soft landscaping. Towards the centre of the site the development would front a courtyard with landscaping, and parking would be restricted to parking courts that are discreetly located to the rear of the dwellings, with only limited visibility. Whilst the submitted illustrative layout plan is not for consideration, the layout as proposed is considered to be of good design, and in keeping with the character and appearance of the area, and therefore is likely to be considered acceptable should this layout come forward as part of a future reserved matters application.

The scale of the development is also reserved for future consideration, with no elevations submitted as part of this application; however, the accompanying design and access statement indicates that the proposed development would be 2-3 storey in height, which will be in keeping with the height of surrounding development.

The illustrative site layout plan shows sufficient landscaping provided within the development, including small front gardens to all development fronting Manston Road, rear gardens of at least 14m for all dwellings, and a landscaped courtyard area measuring approximately 19m x 19m towards the centre of the site. The hard surfacing material will be important to the overall design and appearance of the development, and therefore full details of the hard surfacing will be required as part of the reserved matters application.

On the basis of the illustrative layout plan it is considered that the application site can accommodate 48no. dwellings in a form and layout that would not detract from the visual amenities of the area. The impact upon the character and appearance of the area is therefore considered to be acceptable.

## **Size and Type of Housing**

The application is in outline form, and therefore the exact unit sizes are not being agreed at this stage; however, an illustrative layout plan has been submitted, which shows the provision of 12no. 1-bed flats, 10no. 2-bed flats, 10no. 2-bed houses, 12no. 3-bed houses and 4no. 4-bed houses. Whilst this mix of unit sizes could change through a reserved matters application, if the mix stated were to come forward as part of a future application, it would be considered acceptable, as it complies with Policy H8 of the Thanet Local Plan, which requires that there should be a mix of dwelling sizes and types to meet a range of community needs.

In terms of the dwelling types, the illustrative layout plan shows a mixture of terraced dwellings, semi-detached dwellings, link-detached dwellings, along with self-contained flats and therefore it is considered that an appropriate mix in unit types is proposed to comply with Policy H8.

Policy H8 also requires that 15% of the development is provided as lifetime homes, which the applicant has agreed to.

## **Affordable Housing**

Policy H14 of the Thanet Local Plan requires that 30% affordable housing be provided on sites of 15 units or more. The agent has confirmed that 30% of the development will be provided as affordable units, which equates to 14no. units, although the exact size and type of these are not yet known at this outline stage.

As part of any reserved matters application the location and size of the units will be required, and they should be proportionate to the overall houses sizes on site.

A legal agreement has been submitted that includes the provision of 30% affordable housing. The proposal therefore complies with Policy H144 of the Thanet Local Plan.

## **Living Conditions**

The site has agricultural land to the west, retail development to the east, and a community facility to the south, so the nearest residential properties are on the opposite side of the road to the north. There is a minimum distance of 23m to the front elevation of the nearest dwelling opposite, and as such the impact upon light to and outlook from the neighbouring properties, along with the impact upon their privacy, would be acceptable on the basis of the illustrative site layout plan. The precise layout of development is a reserved matter and is therefore not for full consideration at this stage.

The site is positioned next to Manston Road and is close to a Tesco Supermarket store and an NHS office building. Environmental Health have therefore raised concerns that the proposed residential dwellings may be exposed to appreciable levels of road traffic noise and commercial noise, and as such they would expect the development to be designed with adequate safeguards to protect the aural amenity of the residential occupiers of the site. Safeguarding conditions requiring acoustic reports to be submitted that assess the noise

from the adjoining commercial use and adjacent road network is therefore recommended in order to safeguard the amenity of future occupiers of the development.

Whilst the layout is not for consideration, the illustrative layout plan shows each house provided with secure doorstep play space, and communal external space is provided for the flats. This illustrative layout therefore shows how development could comply with Policy SR5 of the Thanet Local Plan, which requires the provision of secure doorstep play space for new development.

On the basis of the illustrative site layout plan and safeguarding conditions, the impact upon neighbouring living conditions is considered to be acceptable in principle, with a detailed assessment occurring at the reserved matters stage.

## **Transportation**

The application is in outline form for the erection of 48no. dwellings, including the provision of vehicular access to the site. A single vehicular access point into the site is proposed from Manston Road to the side of the site, which leads onto the main Manston Road.

As part of the application a transport assessment has been submitted, and the red line of the site has been amended to incorporate the access road adjacent to the site, in order to control the access to the development.

KCC Highways and Transportation have assessed the application and advised that the trip generation characteristics of the proposal are acceptable, as the number of trips likely to be generated in the network peak hours can be accommodated by the existing right-turn lane junction in Manston Road. The additional trips are also significantly less than the typical daily variation in traffic flows on the wider highway network and are therefore unlikely to have a material impact on the same.

Amended plans were sought from KCC in order to provide a pedestrian footpath adjacent to the northern boundary of the site adjoining Manston Road, and the inclusion of Manston Road to the east of the site within the application boundary, in order for the access into the site to be controlled. Amended plans have been submitted showing these alterations.

In response to the amended plans KCC raise no objections to the principle of the development, and its impact upon highway safety. However, KCC have advised that 2.4m x 43m visibility splays will need to be maintained at the entrance to Manston Road, it will not be possible to adopt the road within the site as it is accessed onto an existing private road, and dependent upon any future layout, parking restrictions adjoining the site may need to be funded by the applicant in order to prevent any unsuitable on-street parking.

On the basis of the amended plans, which identify the location of the vehicular access, and the provision of a pedestrian footpath adjoining the northern boundary of the site, the impact upon highway safety is considered to be acceptable, subject to safeguarding conditions.

In terms of sustainability, the site is within close walking distance of a primary school and supermarket, and also the facilities and services located within St.Lawrence High Street.

There is a bus route close to the site, and the train station is also walking distance. The proposed development is therefore considered to be sustainably located.

## **Biodiversity**

A Habitat Survey and a Reptile Survey has been submitted in support of the application. KCC Biodiversity has advised that they are satisfied with the conclusions of the surveys, which indicate that reptiles are present on the site.

It is advised within the reptiles report that if it were intended to keep the reptiles on the site alongside the proposed development, it could result in isolation and fragmentation of the reptile population, unless a very significant proportion of the proposed development were given over to provide suitable open spaces, hedgerows, and appropriately managed meadow areas. Alternatively a receptor site to accommodate the reptiles is recommended.

In response to this survey, KCC have requested the submission of an outline mitigation strategy, which includes the location of the proposed receptor site and details of the suitability of the site to be used as a receptor site.

A plan showing the location of the site has been submitted, along with an ecologist report from an ecologist who has examined the receptor site, with the recommendation being that a programme of relatively minor management/enhancements would render the potential receptor site as an appropriate location to receive the reptile population from Manston Road.

KCC are satisfied that the receptor site is suitable for the reptiles subject to enhancements being made, and raise no objections to the proposed development subject to a safeguarding condition requiring the submission of a detailed reptile mitigation strategy, which includes a method statement of works for the enhancement, management and translocation programme.

In terms of bats, the submitted Habitat survey has assessed that due to the lighting within the surrounding area there is currently limited potential for foraging bats within the surrounding area. However bats have been recorded foraging within the surrounding area and as such there is potential that bats may occasionally forage within the site. As such KCC advise that the lighting within the proposed development must be designed to minimise the impact on roosting, foraging and commuting bats - particularly along the NW and SW boundaries.

The impact upon biodiversity is considered to be acceptable.

## **Drainage**

A Flood Risk Assessment has been submitted with the application, which states that the surface water generated by this development will be disposed of via soakaway or main sewer.

KCC SUDs have advised that given the likely relative permeability of the underlying chalk, they would expect the applicant to pursue a surface water management strategy that is

based on the use of infiltration alone, and it is likely that there is sufficient space available within the site to accommodate the appropriate drainage infrastructure. If necessary, KCC have advised that deep-bored soakaways should be investigated in preference to discharge to sewer.

Southern Water has confirmed that there is the capacity to provide surface water disposal to service the development if necessary. They have also confirmed that they can provide foul disposal, although it would appear from Southern Water's plans that a public sewer may cross the site. The exact position will need to be determined prior to the reserved application for layout being determined, as it will either affect the layout, or the sewer will need to be diverted.

Southern Water have advised that it may be possible to divert the public sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Drainage to the site is considered to be possible, so there are no concerns regarding drainage provision that cannot be addressed through safeguarding conditions.

### **Contamination**

The former use of the site was for car storage and the site is located close to a sensitive Groundwater Source Protection Zone 2 (SPZ2). No report has been submitted on potential contamination, and so concerns were raised by the Environment Agency as the site lies in a vulnerable location in terms of groundwater protection. The EA advised that due to the lack of information submitted they were unable to determine whether the level of risk posed by the development was acceptable, and also whether the risks of pollution were understood.

A desk-study has since been carried out and a report submitted. The EA have advised that they are satisfied with the results of the desk-study, and subject to safeguarding conditions the EA raise no objections to the proposed development.

### **Air Quality**

The site falls within the Air Quality Management Area, and an emissions mitigation assessment has been submitted. Environmental Health has assessed the report and are satisfied with the calculated total damage cost of £53,622 over 5 years. This is the total amount of mitigation that the applicant should incorporate into the development. Details of the mitigation measures that will be adopted, other than the provision of electric vehicle charging points and low NOx boilers, need to be submitted, and Environmental Health have advised that this can be in the form of a condition requesting the submission of a revised emissions mitigation assessment that includes details of the mitigation with any reserved matters submission.

## **Financial Contributions**

Policy CF2 of the Thanet Local Plan requires that where a proposed development would directly result in the need to provide new or upgraded community facilities, a financial contribution towards the cost of such provision will normally be sought.

KCC have been consulted and have advised that there would be a requirement for a financial contribution of £129,250.00 towards phase 1 of the new Ramsgate Primary Free School; a financial contribution of £67,254.30 towards Royal Harbour Secondary School phase 2 works; and a financial contribution of £2,304.76 towards book stock at the local library.

Policy SR5 of the Thanet Local Plan also requires a contribution to be made towards the upgrading of play equipment at the nearest local play area. The Open Spaces Manager has advised that the nearest equipped play area is on the Newington Estate, in Princess Margaret Avenue, where there is a need for both replacement and new play equipment.

A financial contribution of £42,000 is required by the proposed development towards new/upgraded play equipment, to offset the additional demand created by the proposed development.

The applicant has agreed to provide all of the required financial contributions, which will be secured through the submission of a legal agreement.

## **Habitat Regulations**

Thanet District Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. The proposed development is 1km from the Thanet Coast and Sandwich Bay SPA, Ramsar and SSSI. Therefore, to enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required to contribute to the district wide mitigation strategy.

The tariff for this contribution is provided in the SAMM report. For this development the contribution required is in the form of £408 per unit. The applicant has agreed to this contribution, which will be secured through a legal agreement.

## **Heads of Terms**

The legal agreement to be submitted in support of this application will contain the following commitments:

- 30% affordable housing,
- £4,000 per 'applicable' house' and £1,000 per 'applicable' flat towards primary school provision in the form of phase 1 of the new Ramsgate Primary Free School,

- £2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards secondary school provision in the form of Royal Harbour Secondary School phase 2 works,
- £2,304.76 towards library provision in Ramsgate,
- £42,000 towards play equipment at Princess Margaret Avenue play area,
- £19,584 towards the Special Protection Area.

## **Conclusion**

The application site is located within the urban confines, but is currently allocated for employment use, whilst also being non-previously developed land. However, there is an over-supply of employment land within the district, and the site is allocated for housing within the Draft Local Plan, for which there is a local need. The principle of developing the site for residential use is therefore considered to be acceptable. The site does not offer recreational opportunities, or have intrinsically beneficial qualities and the illustrative site layout plan submitted shows that 48no. dwellings can be provided within the site without a significant impact upon the character and appearance of the area or neighbouring living conditions. The impact upon highway safety is also considered to be acceptable as the additional trips generated by the development can be accommodated within the existing highway network. 30% affordable housing is proposed, and the applicant has agreed to all of other financial contributions as stated within the Heads of Terms. The proposal is considered to be a sustainable form of development that generally complies with Local Plan Policy and the NPPF. As such it is recommended that members defer and delegate the application for approval, subject to the submission of a legal agreement securing the agreed head of terms.

## **Case Officer**

Emma Fibbens

TITLE: OL/TH/16/1715

Project Land South Of Manston Road Adjacent To The Beacon (Former Car Storage Site) Manston Road RAMSGATE Kent

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.