

Date: 9 April 2018  
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## PLANNING COMMITTEE

**18 APRIL 2018**

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 18 April 2018** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillor Grove (Chairman); Councillors: J Fairbrass (Vice-Chairman), Ashbee, Buckley, K Coleman-Cooke, Connor, Dellar, Edwards, Fenner, Matterface, Messenger, L Piper, D Saunders, Taylor, Taylor-Smith and Tomlinson

## AGENDA

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 - 18)

To approve the Minutes of the Planning Committee meeting held on 14 March 2018, copy attached.

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

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

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

**For Approval**

Item  
No

Subject

- 4a **A01 F/TH/18/0212 - 17 VICTORIA AVENUE, WESTGATE ON SEA** (Pages 23 - 30)
- 4b **A02 - F/TH/17/0358 - SPRINGFIELD NURSING HOME, HENGIST ROAD, WESTGATE ON SEA** (Pages 31 - 46)
- 4c **A03 - L/TH/17/1536 - 21 THE PARADE, MARGATE** (Pages 47 - 52)
- 4d **A04 - F/TH/18/0013 - LAND EAST OF THE GRANARY, UPPER HALE, ST NICHOLAS AT WADE** (Pages 53 - 68)
- 4e **A05 - FH/TH/18/0034 - UPDOWN MEWS, 274 RAMSGATE ROAD, MARGATE** (Pages 69 - 76)
- 4f **A06 L/TH/18/0060 - 54 TRINITY SQUARE, MARGATE** (Pages 77 - 80)
- 4g **A07 F/TH/18/0165 - LAND ADJACENT 28 PRINCESS ANNE ROAD, BROADSTAIRS** (Pages 81 - 86)
- For Deferral**
- 4h **D08 F/TH/18/0122 - LAND ADJACENT 15 SOUTHALL CLOSE, MINSTER** (Pages 87 - 100)
5. **F/TH/15/1204 - LAND ADJACENT AND REAR ASHBRE, MANOR ROAD, ST NICHOLAS AT WADE** (Pages 101 - 126)

**Declaration of Interests Form**



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# Public Document Pack Agenda Item 3

## Planning Committee

**Minutes of the meeting held on 14 March 2018 at 7.00 pm in Council Chamber,  
Council Offices, Cecil Street, Margate, Kent.**

**Present:** Councillor Bob Grove (Chairman); Councillors J Fairbrass, Ashbee, Buckley, K Coleman-Cooke, Connor, Edwards, Fenner, Messenger, L Piper, D Saunders, Taylor, Taylor-Smith, Tomlinson and Constantine.

**In Attendance:** Councillor Jaye-Jones, Shonk, Bambridge and M Saunders.

### **297. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Dellar for whom Councillor Grove was present as substitute, and Councillor Matterface for whom Councillor Constantine was present as a substitute.

### **298. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **299. MINUTES OF PREVIOUS MEETING**

It was proposed by the Councillor Buckley, seconded by Councillor Tomlinson and AGREED that the minutes of the Planning Committee held on 14 February 2018 be approved and signed by the Chairman.

### **300. SITE VISIT**

### **301. F/TH/17/1781 - LAND ADJACENT 1 ALBERT ROAD, BROADSTAIRS**

PROPOSAL: Erection of 2 No. 4-bed semi-detached dwellings.

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

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

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

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

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application as shown on drawing numbered 17.1116.AE.PL03, 17.1116.AE.PL04, 17.1116.AE.PL05 and 17.1116.AE.PL06.

**GROUND:**

To secure the proper development of the area.

3 No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND:**

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

4 Prior to first occupation of the development hereby permitted, details of location, type and height the boundary treatments, which shall be erected delineating the private gardens of the approved dwellings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of either approved dwelling.

**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 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.

7 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.

8 The first floor windows in the rear elevation of the dwellings hereby approved (as shown on drawing numbered 17.1116.AE.PL05) shall be provided and maintained with level 5 obscure glass or equivalent.

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.

9 The windows to be provided at first floor level in rear elevation of the dwellings hereby approved shall be provided and maintained with a cill height of not less than 1.73 metres above the finished internal floor level.

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.”

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

Then, it was proposed by Councillor Messenger and seconded by Councillor D Saunders:

“That the application be REFUSED for the following reasons:

That the development would result in harm to the character of the area because of the design, height and scale would appear out of keeping on the street, this was contrary to Policy D1.

The development would have an overbearing impact on adjoining neighbours, this was also contrary to Policy D1.“

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

**302. SCHEDULE OF PLANNING APPLICATIONS**

**303. R01 - F/TH/18/0005 - ST PETERS PRESBYTERY, 117 CANTERBURY ROAD, WESTGATE ON SEA**

PROPOSAL: Change of use of church and dwelling to Offices (Use Class A2) together with cladding to front elevation and alterations to fenestration.

Speaking in favour was Mr Barr.

Speaking as ward councillor was Councillor Bambridge.

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

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

‘That the application be REFUSED for the following reasons:

1 The applicant has failed to satisfactorily demonstrate that the community use is no longer needed in the area, or that suitably located alternative accommodation for community use will be provided, and as such the development is contrary to Thanet Local Plan Policy CF1 and paragraph 70 of the National Planning Policy Framework.

2 The applicant has failed to provide an assessment of the availability and suitability of sites in the main town centres or edge of centre locations and the application is, therefore, contrary to the provisions of paragraph 24 of the National Planning Policy Framework which requires a sequential approach in site selection for main town centre uses to ensure the viability and vitality of town centres.”

Following debate, the Chairman and the Vice-Chairman withdrew the motion.

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

“That the application be DEFERRED AND RETURNED to a future Committee meeting for receipt of additional information from the applicant in relation to the two reasons for refusal”

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

**304. R02 - F/TH/18/0114 - 14 DOMNEVA ROAD WESTGATE ON SEA**

PROPOSAL: Replacement of existing timber windows with white UPVC windows.

Speaking as ward councillor was Councillor Bambridge.

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

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

‘That the application be REFUSED for the following reason:

1 The site lies within the Westgate-On-Sea Conservation Area, and it is the duty of the Council, as the Local Planning Authority to pay special attention to the desirability of preserving and enhancing its character and appearance. The replacement of the 16no. ground floor and first floor windows with UPVC will result in the loss of uniquely traditional timber windows and materials from a building that is prominently located within the Conservation Area, resulting in an inappropriate and visually intrusive form of development, detracting from the special character and appearance of the Conservation Area. The proposal is therefore contrary to Policy D1 of the Thanet Local Plan and paragraphs 17, 64, 132 and 134 of the National Planning Policy Framework.

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

Then, it was proposed by Councillor D Saunders and seconded by Councillor Tomlinson:

That the application be APPROVED for the following reason:

“That there were existing UPVC windows within the property and that the replacement windows at the lower level should be in keeping with style of the windows to be replaced. These would therefore be in keeping with the character of the existing building, and would protect and preserve the character of the conversation area. “

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

**305. D03 - OL/TH/16/1374 - ST STEPHENS, HAINE ROAD, RAMSGATE**

PROPOSAL: Application for outline planning permission for 100no. dwellings with creation of access on to Haine Road, and all other matters reserved, on land at and adjoining St Stephens Bungalow.

Speaking in favour was Mr Burke.

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

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

‘To DEFER & DELEGATE for approval subject to receipt of Section 106 agreement securing required planning obligations and the following conditions:

1 Approval of the details of the layout, scale and appearance of any buildings to be erected, the means of access to the site 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 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 618/205C, 618/206C, 618/207A, and 618/208, received 12 January 2018.

GROUND:

To secure the proper development of the area.

6 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

- (i) archaeological field evaluation works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority; and
- (ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

GROUND:

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

7 Prior to the commencement of development hereby permitted (including site clearance):

- (i) A presence/absence reptile survey shall be carried out on site and submitted to and approved in writing by the Local Planning Authority;
- (ii) If the survey submitted identifies the presence of reptiles on site, the protection measures as outlined within the Reptile Mitigation Strategy received 16 February 2018 shall be implemented and maintained, with details of the completed mitigation measures submitted to and approved in writing by the Local Planning Authority.

GROUND:

To safeguard protected species, in accordance with the NPPF.

8 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 100 year storm) can be accommodated within the curtilage of the site without increase to flood risk on or off-site. Priority shall be given to the use of infiltration and other sustainable drainage features, however if this is specifically demonstrated to be unfeasible, surface water shall be discharged off-site at a staged controlled rate as detailed in the Surface Water Management Strategy (v2.0), prepared by RMB Consultants (Civil Engineering) Ltd, dated December 2017. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

GROUND:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with the NPPF.

9 No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and



thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a) a timetable for its implementation, and
- b) 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 any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF.

10 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

GROUND:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

11 Prior to the commencement of development hereby permitted, details of the proposed means of foul and surface water sewerage and an implementation timetable, shall be 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 advice contained within the National Planning Policy Framework.

12 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.

13 No drainage systems for the infiltration of surface water drainage into the ground are 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 controlled waters or ground stability. The development shall be carried out in accordance with the approved details.

GROUND:

The site lies on a principal aquifer and in Source Protection Zones 2 and 3.

14 Prior to the first occupation of the development hereby permitted, the proposed highway improvements within Haine Road, including the road widening, toucan crossing, uncontrolled pedestrian crossing, tactile paving, footway and cycleways, as shown on the approved plans numbered 618/205C, 618/206C, 618/207A, and 618/208, shall be completed and operational.

GROUND:

To mitigate against the highway impacts of the proposed development, and to support sustainable modes of transport, in accordance with the NPPF.

15 No development shall take place until a highways work phasing plan, outlining the point at which each mitigation element outlined in condition 14 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.

GROUND:

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

16 The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

GROUND:

In the interests of highway safety.

17 The following works between a dwelling and the adopted highway shall be completed prior to the first occupation of the dwelling:

- (a) Footways and/or footpaths, with the exception of the wearing course;
- (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

GROUND:

In the interests of highway safety.

18 Prior to the first occupation of the development hereby permitted, visibility splays of 2.4m x 120m shall be provided to the access onto Haine Road, as shown on the approved plan numbered 618/207A, with no obstructions over 0.6m above carriageway level within the splays, which shall thereafter be maintained.

GROUND:

In the interests of highway safety.

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 plan shall include the following:

- (a) Routing of construction and delivery vehicles to/from the site;
- (b) Parking and turning facilities for construction, delivery and site personnel vehicles;
- (c) Wheel washing facilities;
- (d) Temporary traffic management/signage required;
- (e) Provision of wheel washing facilities;
- (f) Access arrangements;
- (g) Timing of deliveries,
- (h) Hours of construction working;
- (i) Measures to control noise affecting nearby residents;
- (j) Dust control measures.

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

GROUND:

In the interests of highway safety.

20 Any accesses onto Haine Road and Spratling Lane shall be constructed of a bound surface material for the first 5 metres from the edge of the highway, with measures to prevent the discharge of surface water onto the highway.

GROUND:

In the interests of highway safety.

21 Details to be submitted in pursuant of condition 1 above shall include a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014: Sound Insulation and Noise Reduction for Buildings - Code of Practice.

GROUND:

To protect the living conditions of future occupiers, in accordance with paragraph 17 of the NPPF.

22 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.

23 Details to be submitted in pursuant of condition 1 above shall include an air quality emissions statement that provides details of how the air quality damage costs, as calculated within the emission mitigation assessment reference 1775-201733 dated November 2017, are to be used to achieve air quality improvements through the development.

GROUND:

To mitigate against the impact of the proposed development upon air quality, in accordance with the NPPF.

24 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 play space and equipped play areas in accordance with Thanet Local Plan Policy SR5 and guidance within the National Planning Policy Framework.

25 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.

26 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.

27 The landscaping details pursuant of condition 1 shall include hedgerow planting along the western, southern and eastern boundaries of the site, and tree planting along the southern boundary of the site.

GROUND:

To limit the impact upon the countryside and Landscape Character Area, in accordance with Policies CC1 and CC2.”

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

306. **D04 - OL/TH/17/1763 - MANSTON COURT BUNGALOWS, 5 MANSTON ROAD, MANSTON, RAMSGATE**

PROPOSAL: Outline planning application for the erection of 22 dwellings including access.

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

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

‘To DEFER & DELEGATE for approval subject to receipt of Section 106 agreement securing required planning obligations and the following 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 Details pursuant to condition 1 shall include full details of the enhancements to the pedestrian link with Esmonde Drive and Manston Road. These shall be implemented prior to the occupation of the units hereby approved and thereafter permanently retained.

GROUND:

In the interests of sustainability and the integration of the development into the surrounding area.

6 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

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

GROUND:

In the interests of highway safety.

8 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.

9 Prior to the first occupation of any of the units hereby approved the following works between a dwelling and the adopted highway shall be completed:

- a) Footways and/or footpath, with the exception of the wearing course;
- b) Carriageways with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

GROUND:

In the interests of highway safety.

10 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 saved policy D1 of the Local Plan and the National Planning Policy Framework.

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

GROUND:

To meet the housing needs of the community in accordance with saved policy HO8 of the Local Plan.

12 Details to be submitted in pursuant to condition 1 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 saved policy H14 of the Local Plan.

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

14 Prior to the installation of any external lighting, a detailed outdoor lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The development shall be implemented in accordance with the approved scheme and thereafter maintained as agreed.

GROUND:

In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF and saved policy D1 of the Local Plan.

15 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.

16 No external meter cupboards, vents, flues or extract grilles or overhead supply cables shall be installed on any principle elevation unless in accordance with details of materials and design submitted to and approved in writing by the Local Planning Authority.

GROUND:

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

17 No development shall take place until a detailed sustainable surface water drainage scheme for the site based on the Surface Water Management Strategy incorporating a Flood Risk Assessment (dated September 2017) and sustainable drainage principles, to include, but not necessarily be limited to, the method of surface water disposal and a timetable for the implementation and a maintenance and management plan for the lifetime of the development, 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 100 year storm) can be accommodated and disposed of through infiltration features located with the curtilage of the site alone.

Where infiltration is to be used to manage the surface water from the development, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority that there is no resultant unacceptable risk to controlled waters.

All surface water drainage from parking areas shall be passed through an interceptor designed and constructed to have a capacity and details compatible with the site being drained.

The management and maintenance plan 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.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

GROUND:

To ensure that the principle of sustainable drainage are incorporated into this process, to ensure ongoing efficiency of the drainage provisions and to protect vulnerable groundwater resources and human health from pollution in accordance with the National Planning Policy Framework.

18 No development shall take place until details of the means of foul water disposal, have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

GROUND:

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

19 Prior to the occupation of the development hereby approved, details of how the development will enhance biodiversity will be submitted to, and approved in writing, by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with the provision of generous native planting where possible. The approved details will be implemented and thereafter retained.

GROUND:

To enhance biodiversity

20 Details pursuant of condition 1 above shall include an area of open space in the same location and no smaller than that shown on the indicative layout plan no.23361A\_SK001 Rev F



received 13 December 2017. 36 percent of the proposed open space shall be formally equipped as a play area.

**GROUND:**

To 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.

21 Details pursuant to condition 1 above shall include full details of hard and soft landscaping, including details of play equipment for the site, and an implementation timetable for the agreed works; together with a Landscape Management and Maintenance Plan (LMP) for all areas of the site falling outside the identified curtilage of dwellings.

**GROUND:**

To provide open space that offers recreational, community and amenity value and to integrate the development into the surrounding area in accordance with Policy SR11 of the Thanet Local Plan, and guidance within the National Planning Policy Framework.

22 Prior to the commencement of the development hereby approved a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period, and shall provide details of:

- a. the parking of vehicles of site operatives and visitors.
- b. construction vehicle loading/unloading, turning facilities and access routes/arrangements.
- c. loading and unloading of plant and materials.
- d. storage of plant and materials used in constructing the development.
- e. wheel washing facilities and their use.
- f. measures to control the emission of dust and dirt during construction a scheme for recycling/disposing of waste resulting from construction works.
- g. a Construction Environment Management Plan, including details of operational construction time, enclosures for noise emitting equipment, dust and waste management policy and construction site noise management including siting of stationary noisy or vibrating plant equipment.

**GROUND:**

To ensure pollution prevention measures are in place for all potentially polluting activities during construction in accordance within National Planning Policy Framework paragraph 109 and in the interests of highway safety.”

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

Meeting concluded: 8.45pm

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THANET DISTRICT COUNCIL

PLANNING COMMITTEE

18 April 2018

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:09 April 2018

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

PART A

TO: THE PLANNING COMMITTEE

DATE: 18 April 2018

Application Number	Address and Details	Recommendation
A01 F/TH/18/0212	<b>17 Victoria Avenue Westgate On Sea Kent CT8 8BL</b>  Erection of two storey 2-bed dwelling  Ward: Westgate-on-Sea	Approve
A02 F/TH/17/0358	<b>Springfield Nursing Home Hengist Road Westgate On Sea Kent CT8 8LP</b>  Change of use of building from Nursing home to 3No. flats with erection of first floor and two storey extensions following demolition of existing together with the erection of a terrace of 4No 3 bedroom Mews houses with associated parking and landscaping.  Ward: Westgate-on-Sea	Approve
A03 L/TH/17/1536	<b>21 The Parade MARGATE Kent CT9 1EX</b>  Retrospective application for listed building consent for replacement roof to flat roof rear extension, replacement boiler and new flue to rear elevation, installation of cctv camera to rear outbuilding  Ward: Margate Central	Approve
A04 F/TH/18/0013	<b>Land East Of The Granary Upper Hale St Nicholas At Wade BIRCHINGTON Kent</b>	Approve

Change of use of barn to 1No. 3-bed house with excavation works to create basement level extension with terrace above together with erection of detached car port

Ward: Thanet Villages

A05 FH/TH/18/0034 **Updown Mews 274 Ramsgate Road MARGATE Kent CT9 4DT** Approve

Erection of 2No. single storey ground floor rear extensions

Ward: Salmestone

A06 L/TH/18/0060 **54 Trinity Square MARGATE Kent CT9 1HT** Approve

Application for Listed Building Consent for the replacement of railings and boot scrapper to front elevation

Ward: Margate Central

A07 F/TH/18/0165 **Land Adjacent 28 Princess Anne Road BROADSTAIRS Kent** Approve

Variation of condition 2 of planning permission F/TH/16/0236 for the erection of a detached two storey building containing 2no. 2-bed flats together with parking to allow for alterations to landscaping and fenestration

Ward: Beacon Road

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

PART B

TO: THE PLANNING COMMITTEE

DATE: 18 April 2018

Application Number	Address and Details	Recommendation
D08 F/TH/18/0122	<b>Land Adjacent 15 Southall Close Minster RAMSGATE Kent</b>	Defer & Delegate

**MAJOR**

Variation of condition 13 of planning permission OL/TH/16/0967 'Outline Application for the erection of 12 detached dwellings, with access via Southall Close including access, layout and scale' to allow amendments to layout including changes to vehicle turning heads

Ward: Thanet Villages

**A01**

**F/TH/18/0212**

PROPOSAL:                   Erection of two storey 2-bed dwelling

LOCATION:                    17 Victoria Avenue Westgate On Sea Kent CT8 8BL

WARD:                        Westgate-on-Sea

AGENT:                      Mr John Lowden

APPLICANT:                Mr Andrew Hyde

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 444 Rev B received 28 March 2018.

GROUND:

To secure the proper development of the area.

3       The dwelling hereby approved shall be constructed from Redland duoplain tiles and Redland port royal brick as confirmed in the application form received 12 February 2018.

GROUND:

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

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

GROUND:

In the interest of highway safety.

5 The first floor windows in the west-facing rear elevation of the dwelling hereby approved shall be provided and maintained with obscure glass and non-opening below 1.73m above the internal finished floor level.

## 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, 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 application site is the rear garden of 17 Victoria Avenue, fronting Quex Road and close to the junction with Street Court Road. The site is located within the urban confines of Westgate in a wholly residential area. The rear boundary of the site fronting Quex Road is currently comprised of a high level brick wall, vehicular access gate and detached garage. Quex Road has a varying character with terraced properties, detached houses and bungalows and modern semi-detached houses immediately surrounding the site.

## RELEVANT PLANNING HISTORY

There is no planning history for 17 Victoria Avenue.

Land rear of 15 Victoria Avenue Westgate

F/TH/17/0852 - Erection of a 2-Storey detached dwelling - Granted 14 August 2017

## PROPOSED DEVELOPMENT

The proposed development is there erection of a two storey, two bed detached dwelling in the rear garden of 17 Victoria Avenue, fronting Quex Road. The ground floor would have a hall, WC, lounge, kitchen/diner and utility room with two bedrooms each served by an ensuite on the first floor. The property would be served by 2 car parking spaces, cycle storage and an area of private amenity space.

## DEVELOPMENT PLAN POLICIES

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



D1 - Design Principles  
H1 - Residential Development Sites  
H4 - Windfall Sites  
SR5 - Play Space  
TR16 - Car parking provision

## NOTIFICATIONS

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

- o Development does not follow the building line
- o Out of keeping with the existing properties in Quex Road
- o Scale of the property
- o Overbearing impact
- o Loss of light
- o No public footpath
- o Overlooking
- o Loss of privacy
- o Limited width of Quex Road
- o Noise and disturbance from building works
- o Loss of green space
- o Increased traffic
- o Lack of parking
- o Loss of trees

**Westgate-on-Sea Town Council** - The Town Council would like to raise an objection and confirm not supported by the Council due to over-development of the site, not in line with current building line and potential to cause congestion on Quex Road.

## CONSULTATIONS

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

## COMMENTS

This application is brought before members by Cllr Bertie Braidwood to consider the impact of the development upon the character and appearance of the area and neighbouring living conditions.

### **Principle**

This proposal would represent development on non-previously developed land which would be contrary to Policy H1 of the Thanet Local Plan; however this needs to be considered having regard to the fact that there is a current need for housing in Thanet and, on this basis, the National Planning Policy Framework (NPPF) requires that applications for housing should be considered in the context of the presumption in favour of sustainable development. Furthermore, albeit further to consultation, the emerging Policy H01 of the

draft preferred options document states that the Council will grant permission for new housing development on residential gardens where it is judged to not be harmful to the character and amenity of the local area. The principle of developing the site is therefore considered to be acceptable and consistent with the principles of the NPPF, subject to the consideration of other material considerations, such as the impact on the character and appearance of an area, the living conditions of neighbours and impacts on the highway network, being considered acceptable.

## **Character and Appearance**

The proposed dwelling has a hipped roof design with a projection on the northern side and a barn hipped roof with a dormer on the southern side. At the rear the roof has a catslide design with a central flat roof dormer and two rooflights to the sides. The dwelling will be constructed from Redland duoplain tiles and Redland port royal bricks.

Planning permission has recently been granted for the erection of a two storey dwelling on the land to the rear of 15 Victoria Avenue under reference F/TH/17/0852, which is located directly to the north of the site. This approved dwelling is larger but of a similar design and uses the same materials as the proposed dwelling.

The proposed dwelling is set along the same building line as the dwelling approved in 2017, and whilst this is 2m forward of the existing properties on the western side of Quex Road, numbers 20 and 22, there is a large separation distance between these properties and there is no consistent building line within this section of Quex Road. The proposed dwelling is set back from Quex Road by 4m and 8.5m from Streete Court Road. The proposed dwelling is of a similar width to the approved and existing dwellings to the north on the western side of Quex Road and there is a separation distance of 3.5m to the side elevation of the approved dwelling to the north.

The applicant has proposed block paving to the southern part of the front garden to allow for off street parking and grass and low shrubs to the northern side of the front garden. Front gardens within the immediate area are characterised by low or no boundary treatment and therefore the proposed front garden and boundary treatment is considered acceptable.

Given the large variation in properties within the immediate area and the separation distances to the neighbouring properties and boundaries it is considered that the proposed dwelling would not be out of keeping with the character and appearance of the area. It is, therefore, considered that the proposal is compatible with the aims and objectives of policy D1 of the Thanet Local Plan and the guidance in the National Planning Policy Framework.

## **Living Conditions**

From the proposed dwelling there is a separation distance of 3.5m to the approved dwelling at the north and 2.5m to 19 Victoria Avenue which is located to the south west of the site. There is no dwelling immediately to the south of the site as this area comprises the garden for 19 Victoria Avenue. Whilst the proposed dwelling is located within close proximity to the boundary with number 19 Victoria Avenue, it is located directly to the north of this property limiting any loss of light. French doors are located in the eastern elevation of number 19

facing across the garden, however there are secondary windows in the southern elevation of this property and therefore it is considered that any sense of enclosure will not be significantly harmful to warrant refusal of the application.

There are no windows in either of the side elevations of the proposed dwelling and there is no window in the southern side elevation of the approved dwelling.

The rear elevation of the proposed dwelling is set in line with the approved dwelling to the north and there is a separation distance of 4.3m to the rear boundary. There is an overall distance of 8.3m to the rear elevation of 17 Victoria Avenue which is a detached bungalow with a flat roof rear dormer. Two windows are proposed in the dormer in the rear elevation of the new dwelling serving two ensuites. These windows will be obscure glazed and fixed shut to a height of 1.73m above the internal floor level to avoid any overlooking of the neighbouring properties. Two rooflights are proposed in the rear elevation serving store rooms which are not considered to be habitable rooms. Bi-folding doors and one single door are proposed in the rear elevation looking towards the rear boundary where the applicant proposes to erect a two metre boundary fence.

Four windows and one door are proposed in the ground floor front elevation and four windows are proposed in the first floor front elevation. The four windows in the first floor front elevation will serve the two bedrooms for the property. At the closest point there is a separation distance of 21m from the front elevation of the proposed dwelling to the front elevation of the closest dwelling across Quex Road, number 55 Quex Road. Given the large separation distance between the front elevations and that the open front gardens along Quex Road are not considered to be a private amenity space, any overlooking from the windows in the front elevation of the proposed dwelling is not considered significantly harmful to warrant refusal of the application.

In terms of future occupiers, the dwelling provides adequate natural light and ventilation, with well laid out rooms and the outlook and light levels for future occupiers is acceptable. The dwelling has an amenity space to the rear which is of adequate size for refuse, cycle storage, clothes drying and doorstep play space, whilst this will reduce the amenity space for 17 Victoria Avenue the resultant garden will be of a similar size to the neighbouring plots to the north. It is therefore considered that the proposed development complies with Policy D1 and SR5 of the Thanet Local Plan.

### **Transportation**

Concern has been raised regarding parking for the proposed development and the impact upon highway safety. The proposed block plan shows off street parking for at least two vehicles and block paving to abut the existing public footpath. Currently there is only a short stretch of public footpath along the western side of Quex Road across the front boundaries of 20 and 22 Quex Road, however on the eastern side of the road the footpath extends the full length of Quex Road from Canterbury Road to the junction with Belmont Road. There is an existing dropped kerb and vehicular access for 17 Victoria Avenue on to Quex Road and the proposed driveway and access is sited in a similar location. Quex Road is a one way street with traffic travelling from the northern to the southern end of the road. The open

design of the front garden will allow for visibility along Quex Road and pedestrian visibility splays will be secured by condition.

Overall it is considered that due to the location of the dwelling, the existing vehicular access to Quex Road and the provision of off street parking there will be no significant change in highway safety.

## **Other Matters**

Concern has been raised regarding access to the site, and the time taken to complete the development. Access to the site is a civil matter and not a material planning consideration. Concerns relating to the construction of the proposed dwelling, encompassing noise, and disturbance, as a result of the building works are not considered to be material considerations in the determination of this planning application as construction is temporary in nature.

## **Conclusion**

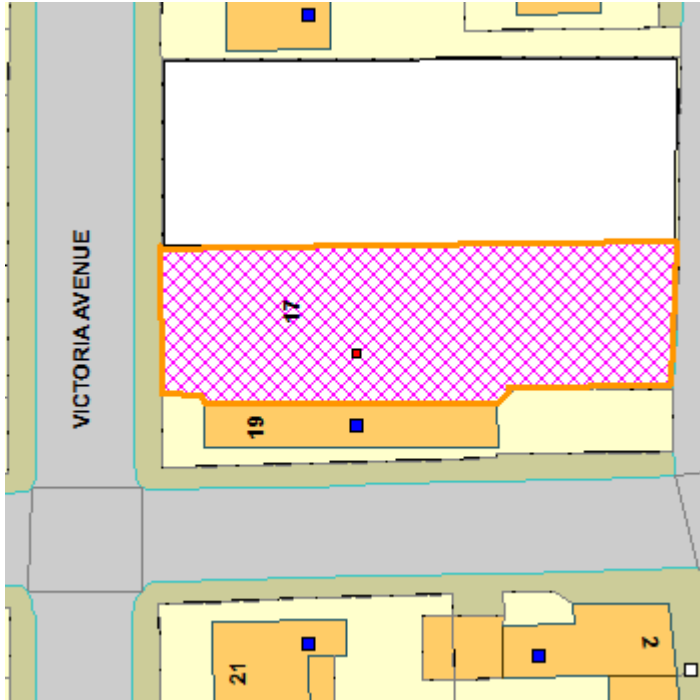
In conclusion it is considered that the proposed development would not have a significant impact on its surroundings or residential amenity and accords with Thanet Local Plan Saved Policies and the National Planning Policy Framework. It is therefore recommended that members approve the application, subject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

## **Case Officer**

Duncan Fitt

TITLE: F/TH/18/0212

Project 17 Victoria Avenue Westgate On Sea Kent CT8 8BL



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**A02**

**F/TH/17/0358**

**PROPOSAL:** Change of use of building from Nursing home to 3No. flats with erection of first floor and two storey extensions following demolition of existing together with the erection of a terrace of 4No 3 bedroom Mews houses with associated parking and landscaping.

**LOCATION:** Springfield Nursing Home Hengist Road Westgate On Sea Kent CT8 8LP

**WARD:** Westgate-on-Sea

**AGENT:** Mr Alex Jackson

**APPLICANT:** Mr David Pownceby

**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 proposed development shall be carried out in accordance with the submitted application as amended by the revised drawing numbered 005 Revision B, 006 Revision A, 007 Revision A, and dated 008 Revision A all received 09/03/18

**GROUND:**

To secure the proper development of the area.

3 No development shall take place on any external surface of the development hereby permitted until samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

**GROUND:**

In the interests of visual amenity in accordance with Policies D1 and CC5 of the Thanet Local Plan.

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

**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.

5 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 005 revision B shall be provided and thereafter maintained.

**GROUND:**

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

6 Prior to the first occupation of the development hereby permitted the vehicular access and visibility splays, with no obstruction exceeding 0.9 metres above the carriageway level within the splays, shall be provided and thereafter retained at the position shown on the approved plan.

**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 Prior to the first occupation of the development hereby approved pedestrian 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.

9 Prior to the first occupation of the development hereby permitted provision of vehicle loading/unloading and turning facilities shown on the approved plan shall be provided and permanently retained.

**GROUND:**

In the interests of highway safety

10 No development shall take place until plans have been submitted to and approved in writing by the Local Planning Authority (which have already been subject of a Phase 1 Safety Audit) to detail a pedestrian crossing feature consisting of dropped kerbs on either



side of the proposed new access and a single dropped kerb to cross the carriageway on the southern side. The works approved shall be completed prior to occupation of any unit hereby approved.

**GROUND:**

In the interests of highway safety.

11 Prior to the commencement of development, a Construction Management Plan which shall incorporate:

- Provision of construction vehicle loading/unloading and turning facilities for the duration of construction
- Provision of parking facilities for site personnel and visitors for the duration of construction
- Provision of wheel washing facilities for the duration of construction
- Full details of proposed routes for construction traffic.

The development shall be carried out in full accordance with the agreed details.

**GROUND:**

In the interests of highway safety.

12 No development shall take place above foundation level of the development hereby permitted until a scheme to demonstrate that the internal noise levels within the proposed terrace dwellings and the external noise levels in back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

**GROUND:**

In the interests of the amenities of the locality in accordance with the principles of the NPPF.

13 Prior to the installation of any outdoor lighting associated with the development hereby approved, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.

**GROUND:**

In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.

14 Prior to commencement of development a precautionary mitigation strategy for reptiles shall be submitted to, and approved by, the Local Planning Authority, which shall include:

- Map showing area of suitable reptile habitat to be lost and retained.

- Details of enhancements to be incorporated in to the retained habitat
- Simple management plan detailing how the retained habitat will be managed
- Detailed methodology to be used to carry out the site clearance.
- Timing of the proposed works

The works must be implemented as agreed within the approved document.

**GROUND:**

To contribute and enhance the natural and local environment in accordance with paragraph 109 of the NPPF.

15 The development hereby approved shall be carried out in full accordance with the submitted Tree Survey Issue 3 dated June 2017 by LaDellWood, Section 4.0 including tree protection fencing and replacement trees along Hengist Road.

**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.

16 Prior to first occupation of the development hereby approved, full details of soft landscape works, to include:

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- o walls, fences, other means of enclosure proposed

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

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives any written consent to any variation.

**GROUND:**

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

17 No development shall commence until full details of the foul water drainage arrangements for the site 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 prevent pollution, in accordance with the advice contained within the NPPF.

18 No further alterations to the roofs of the dwellinghouses whether approved by Classes B, of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (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.

19 Prior to the first occupation of the development hereby approved, details of the cycle storage area adjacent to the vehicular access shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as approved prior to the occupation of the development or any phase of the development to which it relates and thereafter maintained and retained as agreed.

GROUND:

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

20 Prior to the first occupation of the development a bin storage area shall be provided and retained thereafter used for no other purpose as shown on the approved plan.

GROUND:

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

### INFORMATIVES

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

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

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000418181) in order to obtain the necessary Application Pack.

All works on the highway will need to be completed under a Section 278 agreement with the Highways Authority and must be subject to a safety audit.

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

### SITE, LOCATION AND DESCRIPTION

The application site is located on the eastern side of Hengist Road, Westgate-on-Sea. The site is located to the southern side of the railway line and road bridge that goes above the line.

The site is currently occupied by an imposing two/three building which formerly operated as a nursing home and its associated curtilage, although is now vacant and has been for a period of time (approximately July 2015). The building has been clearly extended to the rear. The site has a number of trees around its perimeter and an 'in-out' vehicular access arrangement and a small area of parking to the western side of the building. To the immediate north of the building is part of the curtilage that is laid to grass.

To the west, south and east (separated by the highway) is the Westgate & Birchington Golf Club/Course.

### RELEVANT PLANNING HISTORY

F/TH/07/0850 - Erection of single storey extension. Refused 22/08/07

F/TH/07/0051 - Erection of two storey lift shaft and single storey rear extension. Granted 12/03/07

F/TH/07/0046 - Erection of two storey dwelling, following demolition of existing garage. Granted 02/03/07

F/TH/06/0534 - Erection of a two-storey extension and addition of second floor to part of main building to provide additional accommodation. Refused 03/07/06 Appeal dismissed

F/TH/05/0997 - Erection of a three storey extension to provide additional accommodation. Refused 18/01/06

F/TH/98/0175 - Erection of a single storey pitched roof extension to form linking corridor.  
Granted 20/04/98

F/TH/95/0286 - Erection of first floor rear extensions to provide additional accommodation and provision of external staircase. Granted 16/06/95

## PROPOSED DEVELOPMENT

Planning permission is sought for a change of use of building from Nursing home to 3No. flats with erection of an extension following demolition of the extensions to the rear of the existing dwelling. The extension would provide space for a stairwell to serve the flat 2, giving it its own access and a separate staircase to its primary accommodation at first floor and master bedroom in the roof. There are also relatively minor alterations to the fenestration. In terms of accommodation the 3 no. units comprise:

- 1 no. 1 bedroom flat at ground floor;
- 2 bed unit at ground and first floor; and
- 2 bed unit at first and second floor.

To the rear of the existing building following the demolition of the existing extensions the proposal is for the erection of a terrace of 4No 3 bedroom 2 and a half storey houses with associated parking and landscaping.

## DEVELOPMENT PLAN POLICIES

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

CC1 - Development in the Countryside (Urban and Rural Confines)

CC2 - Landscape Character Areas

CC5 - Green Wedges

H1 - Residential development

H4 - Windfall sites

TR12 – Cycling

TR16 - Car Parking Provision

D1 - Design Principles

D2 - Landscaping

SR5 - Play space

## NOTIFICATIONS

Two letters of objection have been received from third parties. The concerns can be summarised as follows:

- \* Access on currently both on a blind bend
- \* Footpath that is well used runs out at the railway bridge
- \* Property not on mains drainage
- \* Over-development of the site
- \* Contrary to policy CC5 – Green Wedge

- \* Inspector described the building as “an attractive detached building”- whilst you could argue in favour of conversion no need for additional dwellings
- \* Intrusive when viewed from the golf course
- \* No justification under paragraph 55 of the NPPF

## CONSULTATIONS

**Westgate Town Council:** Further to the receipt of a planning notification for planning application F/TH/17/0358 the Council has the following comments in relation to the application:-

The comments previously submitted by the Town Council are unchanged, the Town Council would like to object to the proposal on the grounds of overdevelopment of the site, loss of character, highways issues, inappropriate development in green wedge and that this will set a precedent for the future.

**TDC Strategic Planning:** I note that there have been amendments to the proposals, which reduce pressure on landscaping at the boundaries of the site, and therefore reduce impact on the wider Green Wedge. The proposals also move buildings away from the southern boundary.

I understand that the change in the "footprint" of the development proposals from the existing buildings is quite marginal, following the amendments to the scheme.

On this basis, I would not object to the proposals in relation to Green Wedge Policy CC5. My view is that the amended proposals are not a departure to Policy CC5. The last clause of the aims of the Policy, para 10.50 (4) of the Local Plan) is "to prohibit all but essential development and development which does not detract from the character and appearance of the area".

To maintain the character and appearance of the area, it is important that the existing boundary landscaping is retained, and where possible strengthened. I note that there are also a number of trees just over the boundary on the golf course. If there is a way to retain those, that would also help to protect the character and appearance of the area following development.

**KCC Highways and Transportation:** Initially amendments were sought to the scheme following concerns about visibility splays, width of the access, distance of refuse storage to the highway and provision of a pedestrian crossing feature.

Following amendments and additional information it is confirmed that the Local Highway Authority raise no objection to the scheme subject to conditions relating to parking/turning, access completion and maintenance, surfacing, visibility splays, footpath improvements and a Construction Management Plan.

**Environmental Health:** No objections subject to a condition to ensure that the new residential properties are adequately protected from railway noise.

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

**KCC Ecological Service:** No objection following submission of a bat scoping survey, subject to conditions to ensure light spill is minimised, a precautionary mitigation strategy for reptiles and ecological enhancements and informative is also recommended in relation to breeding birds.

## COMMENTS

This application is reported to Planning Committee as a departure to the saved Local Plan – policies H1.

The main issues are whether the site would represent a suitable location for new residential development, with particular regard to local policy seeking to direct development outside the Green Wedge and the effect on the character and appearance of the area.

### **Principle**

In considering the planning application under Section 38(6) of the Planning Act, any determination must be made in accordance with the development plan (in this case the Thanet Local Plan 2006) unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) sets out at paragraph 215 that due weight should be given to relevant policies in existing plans according to the degree of consistency with the guidance within the NPPF.

The site currently comprises an existing building which operated as a nursing home and its associated curtilage. The site is therefore classed in part as previously developed land.

The site is located within the Westgate Green Wedge and is outside the urban confines and therefore is contrary to Policies H1 and CC1 of the Thanet Local Plan and falls to be considered under Policy CC5.

The former use is not considered to be a community use, and therefore there is no presumption to retain it for a community use.

The site is within walking distance of the facilities and services that Westgate offers as well as its public transport, schools and employment opportunities. Therefore the site is considered to be sustainably located, whilst being situated in the Green Wedge.

It is acknowledged that the Council does not currently have a five year supply of deliverable housing sites, housing application 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 14). 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. It is acknowledged that this scheme would make a contribution to the Districts housing stock.

Whilst it is acknowledged that there is the absence of a five year supply of housing sites, it is not to say that this should be considered conclusive in favour of the grant of planning permission, but it adds some weight in favour of the proposal.

Policy CC5 states that within the green wedges, new development will not be permitted, unless it can be demonstrated that the development is not detrimental or contrary to the stated aims of the policy, or it is essential for the proposed development to be located within the green wedges. The proposed development is for the conversion of a former nursing home and erection of four dwellings, for which it is not essential to be located within the green wedge, however it should be considered as to whether it would be detrimental or contrary to the stated aims of the policy.

These are:

- 1) to serve as a barrier to the further outward growth and coalescence of Thanet's urban towns,
- 2) to prevent the consolidation of development on the boundaries between the built-up areas of the towns and the open countryside of the wedges, 3) to conserve and protect the essentially rural and unspoilt character, and distinctive landscape qualities of the countryside that separates the urban areas, and
- 4) to prohibit all but essential development and other development which does not detract from the character and appearance of the area.

A recent housing appeal on a Green Wedge site; Westwood Lodge, Poorhole Lane, Broadstairs is considered to be relevant to this case (planning reference number OL/TH/15/0788).

There are similarities between the two sites, although it is acknowledged that in terms of application site area and amount of development proposed they are significantly different; Westwood Lodge was for 153 residential units. In terms of similarities the sites both have an existing residential building in situ and both applications proposed dwellings around this. In addition the sites are well screened by existing vegetation within the wider Green Wedge area. In both cases the adjacent land provides a clear break between built up areas.

In the case of the Westwood Lodge appeal the Inspector considered that the contribution the site made to the maintenance of a physical separation to be limited. The Inspector also considered that due to the boundary treatment that the proposal would be "...barely perceptible from a longer distance from public footpaths and roads in the locality to the north, east and west, due to the extensive tree cover along the site's boundaries..."

The Inspector further stated:

*"To conclude, the proposal would result in the loss of a small part of the Green Wedge, but as it would not significantly increase the coalescence of Broadstairs and Margate the separate identities of the two settlements would not be adversely affected. This would not*



*materially compromise this aim of the Green Wedge. There would be some localised adverse impact on the character and appearance of the Green Wedge along the Ramsgate Road and Poorhole Lane frontage due to the further loss of trees within the site, and the introduction of additional dwellings that would be partially visible. However, as the woodland visible along the northern and eastern site boundaries would be largely retained its distinctive landscape qualities would not be prejudiced.”*

It is appreciated that the proposed residential development is not essential development, as housing could be located elsewhere within the District. In this case, however, it can be classed as ‘other development’ as detailed within paragraph 10.50 (4) of the Local Plan, it is then for the proposal to demonstrate that it does not detract from the character and appearance of the area.

The development of this site for housing could, therefore, be acceptable subject to the detailed consideration of all material considerations including the impact upon the character and appearance of the area, the impact of living conditions on the neighbouring properties and the future residents of the proposed development and highway safety.

### **Character and Appearance**

Saved Policy D1 of the Local Plan states development proposals will be expected to provide high quality and inclusive design, sustainability, layout and materials.

The NPPF attaches great importance to the design of the built environment and states that developments should respond to local character and history and reflect the identity of local surroundings and materials while not preventing or discouraging appropriate innovation.

The application site consists of part developed and part undeveloped ‘green wedge’ which contributes to the overall character and appearance of the rural locality.

This building has been extended numerous times over the years in association with its former use, however, it is considered that the original building makes a positive contribution to the area. The existing extensions to the original building are considered to be unsympathetic in their design and appearance.

The original proposal showed a terrace of 5 dwellings, but following concerns expressed by officers one of the terrace properties has been removed.

The proposal has a relatively low density however it must be considered against the constraints of this site; being within the Green Wedge, within a site surrounded by trees with an existing building of architectural merit.

The existing top portion of the roof of the extensions of the original building can be seen from a distance from Canterbury Road, although this is diminished to some degree by the distance involved and vegetation along the Canterbury Road (with only the occasional gap) and around the site. It is appreciated that this is greater at certain times of year when there is limited foliage. It is therefore considered that the new dwellings would be seen in glimpse views from Canterbury Road. In terms of views from Hengist Road again the site is screened

by the existing perimeter trees, although the site can be easily viewed when standing directly in front of the originally building; however the proposed new dwellings would not be seen from this vantage point. The site and proposed dwellings would not be visible from Ryder's Avenue (to the north of the railway line). It is considered that the proposed built form would not be highly visible due to the verdant nature of the site and would not be significantly different to the current built form in situ. As such the impact upon the wider Green Wedge is considered to be modest.

The proposed dwellings occupy a similar position to the existing extensions that are to be removed, however the dwellings are moved slightly further in from the boundaries. The layout responds positively to the site constraints and maximises the developable area. Setting the dwellings further back into the site and reducing the number by one unit allows sufficient space around the development to reduce their visual prominence on site and have a visual impact not significantly different to the existing extensions to the property, when viewed from outside the site and long views from Canterbury Road. The layout of the proposal is acceptable and in accordance with policy.

The design would have a false pitched roof (to limit the height) with half hips to the end dwellings. The maximum height of the rear extension is approximately 7.5m comparing with a height of approximately 8.1m of the proposed houses. Two and a half storey dwellings are appropriate in terms of height and massing within this site. In terms of design, it is considered the submitted scheme has a contemporary design but is reflective of the traditional design of the main building, whilst not seeking to directly replicate it. It is considered that this will add variety and interest to the site and remove the unsympathetic existing extensions to the former Care Home.

The proposed materials would predominately be brick to the facades, to match the existing building, stone cills and lintels to match the existing building. The roof would be slate and conservation style rooflights. Officers consider the materials to be appropriate; conditions will ensure they are of high quality and acceptable within the scheme.

It is considered therefore that up to 4 dwellings and three flats with sufficient off-street parking could be physically accommodated within the site in the form proposed without resulting in significant harm to the character and appearance of the area, complying with Saved Local Plan policies D1 and CC5.

### **Living Conditions**

The proposed buildings are positioned away from existing residential properties approximately 70m from White Cottage to the south of the site (the site is bounded by the railway line to the north and the golf course to the east and south), and will have no impact on privacy of any residences.

In terms of future occupiers, there is sufficient distance between the properties to allow for adequate levels of sunlight and daylight. The levels of amenity for future occupiers have been assessed and are acceptable. The development is acceptable in relation to existing neighbouring amenity and in relation to the amenity provided for future residents.

Each of the proposed residential units has its own amenity space, although it is acknowledged that this vary in terms of size. A relatively small area is provided to flats 2 and 3. It is appreciated that flat 2 is only a one bedroom unit and therefore under policy SR5 does not require a doorstep play space. Whilst these two units may have a smaller area in comparison to the other units there is also a communal area that is available within the site. The communal amenity space has been designed to give residents a communal lawn and refuse collection and storage area. The amenity space meets the requirement in Policy SR5. Additional landscaping, trees and hedges will enhance the setting of the proposed development.

Details of the boundary treatment between the terrace units is not detailed, this can be secured by condition.

It is considered that the indicated landscaping would provide a suitable quality and would result in good amenity space for occupants as well as visual amenity from the public realm. Officers consider it appropriate to secure the detailed matters through condition.

### **Transportation**

The NPPF highlights the importance of transport policies in meeting sustainable development. It is stated that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.

There are no issues in terms of traffic or road safety, as confirmed by the response from KCC Highways. One of the exiting vehicular accesses to the site will be permanently closed and there will only be one vehicular access to the site. Fifteen car parking spaces are proposed in the amended scheme, which includes, two visitor car parking spaces and is within the parking requirements. The scheme also requires off-site highway improvement works. The submitted plans propose a crossing which has been considered to be unworkable by KCC due to the position of a proposed crossing point. However KCC Highways have advised that a pedestrian crossing feature can be provided with an altered design and subject to a phase one safety audit, and accordingly this is proposed to be secured by condition, which would ensure footways are provided prior to the occupation of the development.

The Council's cycle standards propose 2 spaces per residential unit. These are all secured units, flat 1, plot 4 and 7 have these within their curtilage and the remainder having them close to the main entrances to the site which is considered acceptable, and can be secured by condition.

Overall the proposed development is considered to be acceptable in terms of highway and traffic issues without causing severe harm to the transport network or highway safety.

### **Ecology**

The NPPF states at paragraph 109 states that the "planning system should contribute to and enhance the natural and local environment by ... minimising impacts on biodiversity and providing net gains in biodiversity where possible ..." The NPPF continues at paragraph 118

that "if significant harm resulting from the development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

KCC Ecology initially requested additional survey work. This additional survey work has been undertaken and KCC Ecology have confirmed that they now have all the ecological information required to determine the application.

They raise no objection subject to the imposition of conditions requiring the mitigation measures proposed to be incorporated within a Construction Management Plan.

The recommended conditions are considered reasonable and necessary to ensure that any ecological, biodiversity harm from the development is mitigated.

### **Other issues**

The proposed development requires a refuse collection point accessibility and separation of waste types. The scheme facilitates ease of access to the bin storage areas without the need to manoeuvre containers passed parked cars and is near the public highway to aid collection on bin days.

The site is identified as being within flood zone 1, therefore the area is considered to be at low risk to flooding.

The site is covered by a Tree Preservation Order (TH/TPO/6/2006), the area covered is along the road frontage and along the front portion of the southern site boundary. The submitted proposed site plan shows the location of the trees in relation to any proposed development. All but one tree is to be retained; this is due to its condition. Special construction measures are required for the other nine trees, the impact upon the trees is therefore considered to be acceptable subject to condition requiring the development to be carried out in full accordance with the Arboricultural Impact Assessment, Tree Protection Plan and proposed site layout. Additional soft landscaping is proposed along the site perimeters.

Whilst the proposed construction of four dwellings would include areas of soft landscaping to the rear, it is considered that the level of development could increase the amount of surface water run-off, although not significantly given the existence of extension to the main building which will be demolished as part of this scheme.

The application form indicates that the surface water would be discharged into soakaways. Officers consider that this is appropriate in dealing with any adverse impact from surface water run off on the site.

Foul drainage is proposed to the mains sewer, given the minor nature of the scheme, it is considered that the proposal would not severely affect the sewer infrastructure. However given the information available it is appropriate to seek further details to agree foul drainage by condition.

Officers consider that the proposed development would not have an adverse impact in terms of increasing flood risk in the area.

### **Conclusion**

The proposal is considered to be the re-development of a site which is part previously developed land and part undeveloped land for residential purposes. Whilst the site lies within the Green Wedge as identified by the Local Plan, the authority does not have a 5 year supply of deliverable housing sites.

In this case the site is enclosed by existing vegetation and trees that will be retained as part of the scheme, furthermore existing unsympathetic extensions will be removed from the original building and the proposed terrace of dwellings has a similar footprint. Whilst not essential development, it can be classed as 'other development' as detailed within paragraph 10.50 (4) of the Local Plan, in officers opinion the proposal also demonstrates that it does not detract from the character and appearance of the area. Given this and the Inspectors conclusions within the Westwood Lodge appeal it is considered acceptable in principle in terms of policy.

The provision of 7 residential units would make a modest contribution to the District's housing supply, supporting economic and social dimensions of sustainable development, with employment provided through construction and to the local economy for seven new households. Furthermore there would be associated economic benefits in terms of additional Council tax revenues. Weight can, therefore, be attached to this application due to these social and economic benefits.

As stated however, with regards environmental considerations, the application site is reasonably well located in terms of accessibility to various facilities and existing residential development, within an enclosed site in the wider Green Wedge.

Furthermore the proposed development is considered to be of acceptable design within the context and constraints of the site and would remove inappropriate and unsympathetic extensions to the original building as well as getting this building back into use.

The amenities for future residents are considered to be of an appropriate standard, while the amenities to the existing residents would not be significantly affected. Finally, the proposal is considered to be acceptable in terms of highway impacts, sustainability, ecology and drainage.

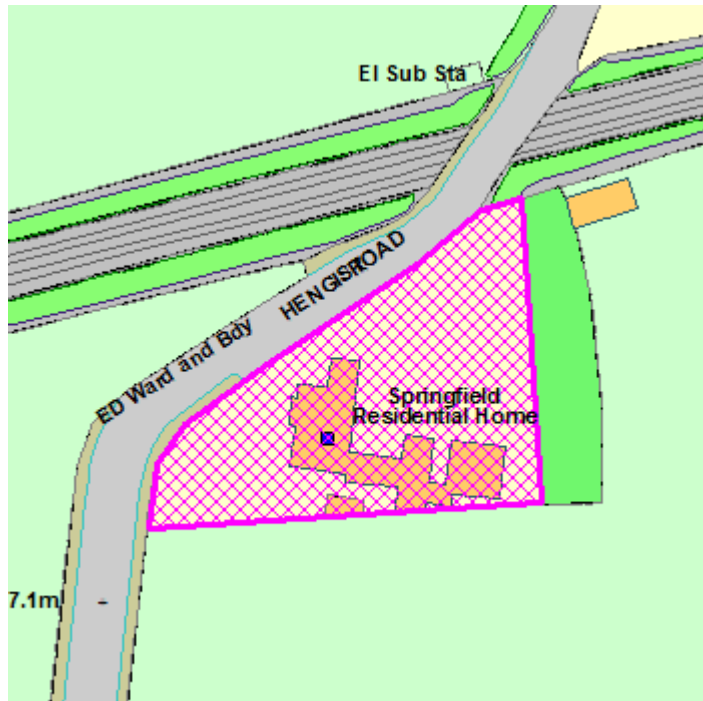
Therefore the proposal is considered to constitute development and the application is recommended for approval as an acceptable departure from Policies H1 and CC1.

### **Case Officer**

Gill Richardson

TITLE: F/TH/17/0358

Project Springfield Nursing Home Hengist Road Westgate On Sea Kent CT8 8LP



**A03**

**L/TH/17/1536**

PROPOSAL: Retrospective application for listed building consent for

replacement roof to flat roof rear extension, replacement boiler

LOCATION:

and new flue to rear elevation, installation of cctv camera to rear outbuilding

21 The Parade MARGATE Kent CT9 1EX

WARD:

Margate Central

AGENT:

No agent

APPLICANT:

Mr Jamie Roe

RECOMMENDATION:

Approve

Subject to the following conditions:

1 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 148.11 and drawing titled Proposed Layouts.

GROUND:

To secure the proper development of the area.

## SITE, LOCATION AND DESCRIPTION

No. 21 The Parade is a 4 storey late Georgian or early Victorian Grade II listed mid terraced property. The property is built of brown brick and slate roof, with a commercial shopfront at ground floor and a large sash window set in moulded architraves with a balcony to the first floor and a further two sashes to the following two floors at the front elevation.

The site is located within the Margate Conservation Area.

## RELEVANT PLANNING HISTORY

F/TH/17/0086 - Alterations to shopfront to provide new front entrance to flat and commercial premises, replacement of balustrading at first floor level and insertion of roof lights to rear courtyard elevation Granted 04/04/17

L/TH/17/0060 - Application for Listed Building Consent for the installation of new front entrance to flat and commercial premises, replacement of balustrade fencing with railings at first floor level and insertion of roof lights to rear courtyard elevation. Granted 15/03/17

L/TH/16/0795 - Application for listed building consent for internal alterations and insertion of a timber sash window to first floor rear elevation. Granted 11/08/16

L/TH/16/0218 - Application for Listed Building Consent for internal alterations, replacement of existing rear extension flat roof and the insertion of a timber sash window to first floor rear elevation Refused 27/05/16

## PROPOSED DEVELOPMENT

Listed Building Consent is sought for retrospective works including the replacement of the rear flat roof, replacement boiler and new flue to rear elevation and installation of CCTV camera to rear outbuilding.

There is a small flat roof at first floor level atop the timber rear addition. The existing roof was a mix of fibreglass, bitumen and felt and was removed during repair works at the rear of the property. The roof covering was replaced with fibreglass roofing in grey, and with new code 4 lead flashings.

A security camera has also been installed to the rear addition. It is small and directed into the courtyard below. It is fixed with two screws, and as such would not be considered a permanent fixture,

The old boiler was removed and re-installed again in the timber rear addition. The old flue exited the building through the rear brickwork elevation the hole was filled with second hand stock bricks and pointed in lime sand mortar. The new boiler flue exits through the timber panelling to the rear addition

## DEVELOPMENT PLAN POLICIES

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

D1 - Design Principles

## NOTIFICATIONS

Three letters of representation have been received. The points of concern can be summarised as follows:

- This is a retrospective application
- Previous materials were not fibreglass – it should be a like for like replacement – this is total out of keeping
- No details about internal changes to partitions
- CCTV looks over neighbours garden
- No mention of the new extraction flue or CCTV at the front of the premises

## CONSULTATIONS

**TDC Conservation Officer:** I consider the roofing material to the rear extension as inappropriate. It was advised by the applicant that the roof at the rear extension would be replaced like-for-like which was felt roofing which was acceptable. Felt roofing has been used widely on traditional buildings. Fibre Glass roofing is a non-traditional roofing material



and according to Historic England advice would not normally be supported on any part of a listed building as it affects the character of the building. It is visually inappropriate and harms the significance of the listed building.

I have no objection in principle on the other proposed works. I consider the internal partitioning would not significant harm to the special interest of the listed building. The boiler flue is replacement of an existing flue although at a different location and I consider it a feature which existed within the rear elevation.

## COMMENTS

The application is brought to Planning Committee at the request of Cllr. Johnston for Members to consider the impact of the works on the heritage of the building.

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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 heritage asset, and the desirability of new development making a positive contribution to local character and distinctiveness.

### **Impact Upon the Designated Heritage Asset**

The NPPF requires when determining applications that great weight is given to the conservation of designated heritage assets.

Paragraphs 128-133 are relevant though specifically paragraph 131 states:

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

Paragraph 132 states:

'When considering the impact of a proposed development on the significance of a designated asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting...'

As previously stated, this is a retrospective listed building application and this application seeks to regularise works carried out.

Within the applicant's Heritage, Design and Access Statement it is detailed that the works applied for are considered to have virtually no impact upon the original fabric of the building. The applicant goes on to advise that the original roof that was replaced was a mix of fibreglass, bitumen and felt repairs and the new roof will be fibre glass in grey.

The list description identifies the building as circa 1840 noting that it is four storeys constructed in brown brick with a slate roof, reference is also made to the first floor windows set in moulded architraves with a Greek key frieze and 2 console brackets. The features referred to in the list description relate to the features of the front elevation.

The buildings rear elevation is seen from a public car park to the rear of the site. This is however limited to some degree as the site does not have a common boundary with the car park, but is separated by other land under different ownerships which are enclosed by boundary treatments approximately 1.8m in height.

The Conservation Officer has raised concern about this aspect of the scheme specifically stating that it is a non-traditional roofing material and would not normally be supported by Historic England on any part of a listed building. With regard to the effect on the listed building, it is noted the use of a fibre glass roof is non-traditional however the section of roof is on an accretion at the rear of the historic building, it is not considered substantially different from the previous roof covering and will not be clearly visible from the public realm.

Having regard to the appearance and condition of the previous roof on site, and other built elements to the rear of neighbouring properties, the harm is limited and any conflict with guidance in the NPPF is minor in nature. It is not considered that there is harm to the architectural or historic interest of the building and the works are reversible.

The flue subject of this application terminates on the external wall of the timber rear addition. As the flue has been re-positioned within the external elevation I consider that any harm to the listed building is modest in nature. Furthermore as it is single storey I consider that it would be less apparent when viewing the rear of the premises from the public car park. This aspect of the proposal is not considered to harm the architectural or historic integrity of the listed building.

The application also includes the installation of 1 CCTV security camera to the rear addition. The camera has been installed in connection with damage which was caused to the property.

The camera is discreet in its size and it is considered that it is of a similar size to previous fixtures on the rear elevation that have now been removed (alarm box and external light). I am therefore of the view that the proposal would not adversely affect the listed building, the Conservation Officer concurs with this view.

With regard to the third party concerns about overlooking from the CCTV this is not an issue that can be dealt with through the listed building application – this would need to be considered under a full application.

## **Conclusion**

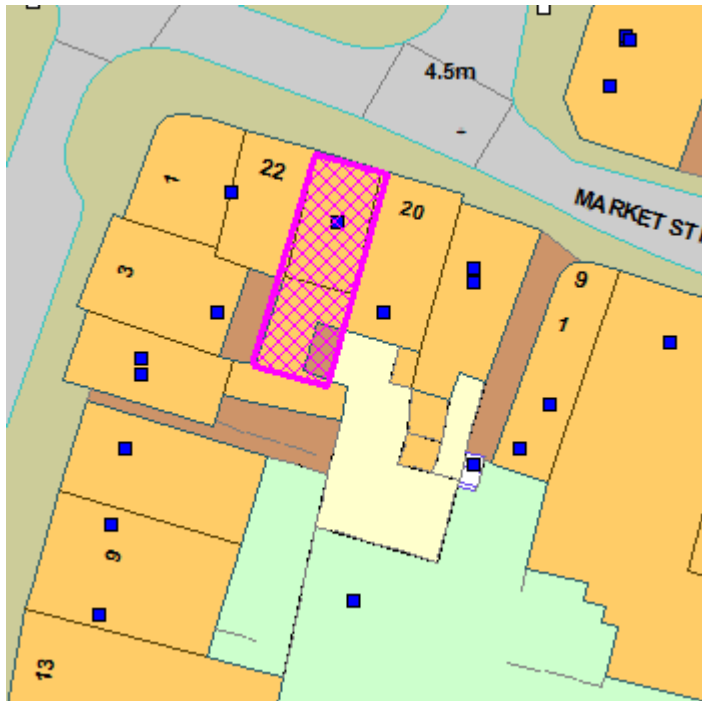
All works are not considered to be harmful to any historic features or significance of the listed building and I therefore consider the proposals are acceptable in accordance with the NPPF and will preserve the special historic interest of the building, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Case Officer**

Gill Richardson

TITLE: L/TH/17/1536

Project 21 The Parade MARGATE Kent CT9 1EX



**A04**

**F/TH/18/0013**

**PROPOSAL:** Change of use of barn to 1No. 3-bed house with excavation works to create basement level extension with terrace above together with erection of detached car port

**LOCATION:**

Land East Of The Granary Upper Hale St Nicholas At Wade  
BIRCHINGTON Kent

**WARD:** Thanet Villages

**AGENT:** Mr Matthew Beasley

**APPLICANT:** Mr Smith

**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 17.1151.MB.PL0 Rev A, 17.1151.MB.PL06, 17.1151.MB.PL10, 17.1151.MB.PL09, 17.1151.MB.PL12 received 02 January 2018 and the amended drawings numbered 17.1151.MB.PL08 Rev C received 20 March 2018 and 17.1151.MB.PL07 Rev A received 06 April 2018.

**GROUND:**

To secure the proper development of the area.

3 The proposed excavation works to facilitate the basement extension hereby approved, shall be carried out in accordance with the submitted drawings and specification of the plan numbered 9899.01 Rev PL1 received 08 March 2018, with the building remaining in situ. At no time shall the building be removed, or the demolition works exceed that which is stated within the Method Statement.

**GROUND:**

To ensure the conversion of the existing building, in accordance with paragraph 55 of the NPPF.

4 Prior to the commencement of the excavation works to facilitate the basement extension hereby permitted, an updated structural roof and side elevation impact assessment to be carried out by an appropriately qualified person, to demonstrate that the roof structure to the rear and side walls are able to be retained during the excavation works outlined on the submitted plan numbered 9899.01 Rev PL1 received 08 March 2018 shall be submitted to, and approved in writing by, the Local Planning Authority.

**GROUND:**

To safeguard the special character and appearance of the Non-Designated Heritage Asset, in accordance with advice contained within the NPPF and ensure the conversion of the building accords with paragraph 55 of the NPPF

5 The original timber weatherboarding to the front elevation and the original plain clay roof tiles shall be reinstated to the front elevation and roof once the excavation works are completed, except in instances where the material is damaged beyond repair, in which case timber weatherboarding and/or plain clay roof tiles to match the colour, texture and finish of the existing materials shall be installed.

**GROUND:**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the property as a non-designated heritage asset in accordance with advice contained within the NPPF.

6 Prior to the installation of any external windows and doors to the development hereby approved, joinery details at a scale of 1:5 of all new external windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be carried out concurrently with the development and fully implemented prior to the first occupation of any part of the approved development.

**GROUND:**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the property as a non-designated heritage asset in accordance with advice contained within the NPPF.

7 Prior to the first occupation of the dwelling hereby approved, full details of both hard and soft landscape works, to include:

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

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

**GROUND:**

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

8 Prior to the construction of the basement extension of the development hereby approved, a sample of the proposed brickwork to the front elevation of the basement extension hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

**GROUND:**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the property as a non-designated heritage asset in accordance with advice contained within the NPPF.

9 The timber weatherboarding and plain clay roof tiles to be used in the construction of the detached open sided car port hereby approved shall be of the same colour, texture and finish as the timber weatherboarding and plain clay roof tiles to the existing building.

**GROUND:**

To secure a satisfactory external treatment and to safeguard the special character and appearance of setting of the property as a non-designated heritage asset in accordance with advice contained within the NPPF.

10 The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) Intrusive Investigation

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

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

(ii) An assessment of the potential risks to:

Human health;

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

Adjoining land,

Ground waters and surface waters,

Ecological systems,

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

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

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

c) Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

### GROUND:

To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the NPPF.

11 The 2No. car parking spaces and the cycle storage within the car port hereby approved as specified on the approved drawings numbered 17.1151.MB.PL07 Rev A received 06 April 2018 and 17.1151.MB.PL10 received 02 January 2018 shall be provided



prior to the first occupation of the dwelling hereby approved and shall be kept available for that use at all times.

**GROUND:**

To secure a satisfactory standard of highway amenity in accordance with Policies TR12 and TR16 of the Thanet Local Plan.

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

**GROUND:**

In the interests of highway safety.

13 The gate to the vehicular access of the development hereby approved shall open away from the highway, as specified on the approved drawing numbered 17.1151.MB.PL07 Rev A received 06 April 2018.

**GROUND:**

In the interest of highway safety.

**INFORMATIVES**

There is no public foul and surface water sewer in the area to serve this development. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (tEL: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

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

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000418181) in order to obtain the necessary Application Pack.

## SITE, LOCATION AND DESCRIPTION

The application site is located within the open countryside approximately 1.5 miles south west of Birchington and approximately 1.5 miles north east of St Nicholas, at the end of a single track road, accessed from the A28 (Canterbury Road). The site is located within a discernible historic farmstead, sited within a former chalk pit and is surrounded by banks on three sides with vegetation and tree screening.

The application relates to an existing single storey building, located in the south west corner of the site, which was previously used as the office of the farm and is currently used for storage purposes. The site is located adjacent to two Listed Buildings to the west (the Barn and Granary), which have been converted to dwellings. The site has its own separate curtilage from these Listed Buildings, incorporating a large area of hardstanding, and its own vehicular access to the south west corner, off Upper Hale Road.

The building is single storey, comprising a simple rectangular form with a hipped pitched roof which extends to a catslide roof at the rear and is sited at a higher level than the existing hardstanding, with a raised patio/front garden area. The building incorporates a simple pattern of fenestration with 5No. timber casement windows and a doorway to the front elevation, and is timber framed, clad in horizontal timber weatherboarding to its front and side elevations and finished in slate tiles to the roof.

The building forms part of the historic farmstead entity, and its traditional form and design contributes to the character of the farmstead. As such the building is considered to be a non-designated heritage asset, worthy of retention.

## RELEVANT PLANNING HISTORY

In 1987 planning permission and listed building consent were granted for the conversion of the existing barn and granary to 5No. dwellings with garages and for the erection of a detached two storey dwelling to replace the existing farmhouse.

F/TH/90/0972 - Erection of a block of 3 dwellings and 3 double garages and conversion of farm office to separate dwelling. Refused and dismissed on appeal due to development in the countryside and highways concerns.

F/TH/91/0202 - Conversion of former farm office to dwelling. Refused due to development in the countryside and highways concerns.

F/TH/91/0203 - Erection of a detached dwelling house. Refused due to development in the countryside and highways concerns.

## PROPOSED DEVELOPMENT

The application proposes the change of use of the existing building from storage to a 3-bed single dwelling, incorporating excavation works to create a basement extension with a terrace above, together with the erection of a detached car port.

The proposed excavation works will extend a depth of 2.7m below the existing building, sited in line with the rear and side elevations and will extend forward of the front elevation by approx. 4m. The basement will incorporate windows to the front elevation of the partially

elevated area above the existing hardstanding. Above the basement will be a terrace area, which will incorporate 3no. rooflights, extending flush with the terrace/patio. The bank to the rear of the building will be partially excavated to provide 2no. lightwells.

The form and scale of the existing building will not be altered, and the existing materials will be retained, aside from areas where repair is required (for example roof tiles). The application will involve the installation of bi-folding doors to the east side elevation and 4no. rooflights to the rear cat slide roof.

A method statement has been submitted with the application to demonstrate that the existing building is capable of being retained during the proposed excavations works.

The single storey detached car port will be sited approx. 13m east of the east side elevation of the existing building. The car port will be open sided to the front elevation, designed with a hipped pitched roof and catslide roof to rear to reflect the form and design of the existing building, and will be finished in materials to match the existing property.

The dwelling will utilise the existing vehicular access, and proposes to reposition the gate to be set back from Upper Hale Road by 6m. Part of the concrete hardstanding within the site shall be removed, and will be laid to lawn to provide a garden area for the proposed dwelling.

## DEVELOPMENT PLAN POLICIES

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

D1 - Design Principles  
D2 - Landscaping  
CC1- Development in the Countryside  
CC2 - Landscape Character Areas  
H1 - Housing  
H4 - Windfall Sites  
TR12 - Cycling  
TR16 - Car Parking Provision  
SR5 - Doorstep Play Space

## 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

**TDC Conservation Officer** - I understand that the design approach to adding the additional accommodation, refined after much iteration is to locate most of it within a hidden basement underneath the existing building so that the scale and form of the original building would not be compromised.

In my view, although the historic integrity of the building would be compromised to some extent by the proposal in particular, the demolition of the front wall, the character of the building would remain and the presence of the building on the site would be unaffected. The overall external form of the building and the relationship between front and rear ranges would still be able to be appreciated and there would be no harmful impact on its farmstead setting when seen from the other buildings in particular the listed buildings.

Although, I consider that the proposal would be sympathetic to the distinctive character of the building and that there would be no harmful impact to its setting, I have concerns on how the roof of the original building would be retained and preserved. The structural engineer's details do not explain how the spread of the roof would be avoided in particular the rear roof, during the works.

I recommend the following conditions:

- It is necessary for an updated structural roof impact assessment be submitted to ensure that no hazards are caused by the roof disturbance during the temporary propping scheme.
- Submit mitigation measures on the impact of side elevations during the works.

Environmental Health - I have reviewed the above application for change of use of barn to 1 No 3 bed house with excavation works to create basement level extension with terrace above together with erection of detached garage.

The construction area appears to overly an old quarry site (date of mapping: 1898).

As such I would recommend that contaminated land conditions be applied to the consent to ensure that excavation and construction works are not impacted by any potential unknown fill at this site.

**KCC Highways** - As mentioned in our previous response on 23rd January this application would normally be considered a non-protocol item as its consists of less than 5 dwellings. However, in light of the fact that previous applications were refused at this location on highway grounds I would like to make the following comments.

The current proposal is for the change of use of a barn to a single dwelling. This change of use will not lead to any notable increase in traffic movements, and as such the highway authority would not object to the proposed quantum of development.

Previously Canterbury Road A28 was a 70mph dual carriageway, the speed limit has been reduced in the last 3 years to 50mph and recent highway improvements, including speed cameras have been installed. These changes have all been implemented since the previous planning applications on this site were submitted.

The submitted plans show an access gate into the site, which opens towards the highway. All gates must open away from the public highway and be set back a minimum of 5 metres to allow vehicles to wait off the highway whilst gates are opened/closed.

I confirm that provided the following requirements are secured by condition then I would raise no objection on behalf of the local highway authority: -

- 1) Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- 2) Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- 3) Use of a bound surface for at least the first 5 metres of the access from the edge of the highway to prevent deposition of material on the carriageway.
- 4) Gates to open away from the highway and to be set back a minimum of 5 metres from the edge of the carriageway.

**Southern Water** - There is no public foul and surface water sewer in the area to serve this development. The applicant is advised to examine alternative means of foul and surface water disposal. The applicant is advised to discuss the matter further with Southern Water.

## COMMENTS

This application has been brought to Planning Committee as a departure to Policy H1 as the site is located on previously developed land, but is outside the urban confines and within the open countryside.

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

### **Principle**

The application site lies within an area designated as countryside as defined by the Thanet Local Plan and is therefore contrary to Policy H1 of the Thanet Local Plan, which requires that new residential development should be on previously developed land within the urban confines.

Policy CC1 of the Thanet Local Plan is also relevant, which requires that there be a need for the development that overrides the need to protect the countryside.

These policy constraints need to be balanced with the fact that the Council does not currently have a 5 year supply of deliverable housing sites, and on this basis paragraph 49 of the National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development (paragraph 14).

The National Planning Policy Framework also states within paragraph 55 that 'Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the further

of heritage assets; or where the development would re-use of redundant or disused buildings and lead to an enhancement to the immediate setting.'

The application proposes the conversion of the existing building, together with an extension to the building. The proposed basement extension seeks to minimise the visual impact upon the non-designated heritage asset and countryside, whilst achieving additional provision of accommodation. A method statement has been submitted to demonstrate that the existing building is able to be retained, and subsequently converted, whilst the proposed excavation works to construct the proposed basement level are carried out.

These works propose to remove the existing roof tiles and front timber cladding to the building, to reduce the weight of the structure, whilst the excavation is undertaken. The existing roof frame and side elevation walls will be retained. The structure will be supported by 6 parallel raised temporary supports which will extend through the roof frame and 'hang' the building whilst the excavation works are undertaken.

Once the load is able to be transferred to the basement walls, the original timber cladding and roof tiles will be re-instated to the elevation and roof (aside from any tiles which require replacement).

The proposed works are relatively extensive, and will involve the partial demolition and removal of aspects of the building (namely the front elevation and the roof tiles) during construction. Notwithstanding this, it is considered that a sufficient amount of the structure will be retained in the existing position during the works. Furthermore the front elevation and tiles will be reinstated as existing, and therefore the building will predominantly retain its original structure and materials once converted. Therefore it is considered that the proposed works to the building constitute a building that is capable of being converted.

As such, the proposal will constitute the re-use of a redundant and disused building. The proposed works associated with the application will involve the repair and refurbishment of the existing building, together with associated landscaping to the wider curtilage. These works will lead to the enhancement of the immediate setting, and the use of the building as a dwelling will help to secure the future of the non-designated heritage asset, by securing the optimum viable use of the building.

Therefore it is considered that the proposal will comply with paragraph 55 of the National Planning Policy Framework, as it represents one of the outlined special circumstances. The proposed development is therefore considered to be acceptable in principle, subject to compliance with the submitted Method Statement and the consideration of all other material planning considerations including the impact upon the countryside, the impact upon the living conditions of future occupiers and adjacent neighbouring properties and highway amenity and highway safety,

### **Character and Appearance**

The existing buildings scale, form, materials and design is representative of its rural character and former use, and contributes to the special character and appearance of this historic farmstead, which includes 2no. Listed Buildings.

The proposed conversion of the existing building will retain the external form, scale design and use of materials to the existing building and will involve minimal additional openings. As such the proposal is considered to be sympathetic to the distinctive rural character of the non-designated heritage asset above ground level.

The proposed excavation works will ensure the enlargement of the building is sensitively located, and will not be discernible from wider views. The siting of the extension will enable the external form of the building and the relationship of the building with its adjacent neighbours to continue to be appreciated, which will prevent harm to the setting of the building within the wider historic farmstead. The most notable alteration from the existing building will be the installation of 3no. windows to the elevation of the raised patio area. These windows have been amended to appear as light wells, and therefore will be relatively minor additions to the property, which will not immediately identify as domestic windows.

The proposed detached car port is considered to appear as a subservient, ancillary building by virtue of its scale and open sided-design. The car port is located in a sensible position, adjacent to the access, and will retain an adequate degree of separation to the existing building to enable the immediate spacing surrounding the building to be retained. The design, form and use of materials will reflect the existing building and will therefore positively relate to the non-designated heritage asset.

Policy CC2 relates to the Landscape Character Area and this site lies within the Wantsum Channel North Shore Area where the policy states development will only be permitted that would not damage the setting of the Wantsum Channel. This landscape is very open with few features and from the upper slopes it affords extensive views across the whole of the former Wantsum Channel to the slopes on the opposite banks and in many places to the sea.

The proposal will not involve any additional mass above ground level to the existing building and the erection of the garage is single storey and relatively modest in scale. As the site is located within a former chalk pit it is set at a lower level than the surrounding land and is surrounded on three sides by banks, which will therefore limit the visibility of the development from the views within the countryside. Therefore, given the limited extent of works above ground level, and the siting of the proposal, I do not consider the proposed development to be detrimental to the Landscape Character Area.

The proposal will involve the removal of the various piles of materials which have been accumulated on site, and will introduce landscaping which will enhance the immediate setting of the building.

The Conservation Officer has raised some concerns regarding the demolition of the front wall during the excavation works, which he considers to compromise the integrity of the non-designated heritage asset. This is noted, however given the retention of the side walls, the roof structure and that the original timber boarding will be reinstated once the excavation works are completed, the building will predominantly retain its existing form, scale, siting and design once works are completed. As such, I do not consider this aspect to be so

detrimental to the special historic and architectural character of the building to warrant refusal of the application.

Overall the proposed conversion works and development is considered to be acceptable in terms of retaining the special character and appearance of the non-designated heritage asset, the wider character and appearance of the countryside, and the proposed renovation and landscaping works will lead to an enhancement of the barns immediate setting.

The proposal would provide a single dwelling which will provide a minor contribution to the Councils housing supply, along with the economic and social benefits associated with the development. As the proposal is a conversion, it will result in limited environmental harm to the countryside, for the reasons stated above. It is therefore considered that the proposal accords with Policies CC1, CC2 and D1 of the Thanet Local Plan and the National Planning Policy Framework.

## **Living Conditions**

The proposed development will not involve any additional mass to the existing building above ground level, and the proposed car port will be located a considerable distance away from the adjacent neighbouring properties to the west. Therefore the proposal is not considered to result in harm to the residential amenity of adjacent neighbouring properties by way of loss of light/outlook or a sense of enclosure.

The application does not propose the installation of any windows to the west side elevation, facing the adjacent neighbouring properties, and the proposed rear rooflights will be set at a low level, and will not face any adjacent neighbours. As such the proposal is not considered to result in adverse impacts of overlooking.

In terms of the living conditions of the future occupiers of the residential unit, the proposed dwelling provides adequate internal floor space, which incorporates storage provision. The kitchen, living room and two of the bedrooms will be served by front or front and side facing windows, thereby providing an acceptable level of light, outlook and ventilation. The proposed third bedroom will be served by 1no. high level rooflight and a light well. Whilst this would provide limited outlook from this room, the combination of 2no. light sources will provide adequate light and ventilation. On balance, this is not considered to be significantly harmful to warrant refusal of the application.

The proposed dwelling will be provided with a large private garden which will provide generous space for doorstep play space/amenity space, clothes drying facilities and refuse storage. Cycle storage will be provided within the proposed car port.

The proposed dwelling is therefore considered to provide an acceptable standard of amenity for future occupiers, and will not result in harm to the living conditions of the surrounding neighbouring property occupiers. The proposal will therefore accord with Policies D1 and SR5 of the Thanet Local Plan and the National Planning Policy Framework.

## **Highways**



The application may result in increased vehicular movements using the junction between Upper Hale and the A28 Canterbury Road. The 1990 applications relating to this site were refused partially on highway grounds, relating to an intensification of use of this junction, and particularly right turns from the existing central reservation, which was considered to be inadequate.

Since this application, the speed limit of the A28 has been reduced from 70mph to 50mph and speed cameras have been installed. Highways have been consulted and have stated that given the proposal is a conversion of an existing building, the development is not likely to result in notable increase in traffic movements, and the highway safety of the A28 has been improved since the previous applications. No objections have been raised, subject to appropriate conditions being attached to the consent.

As such, it is considered that the increase in vehicular movements associated with the proposed dwelling will be moderate when compared to movements associated with the previous farm office. This, together with the reduction in speed limit on the A28 is considered to limit the harm associated with the additional vehicular movements, and therefore the proposal is not considered to be significantly detrimental to highway safety to warrant refusal of the application.

Adequate visibility splays have been provided for the vehicular access to Upper Hale. The gate is set back from the highway by approx. 5.5m, and the gate has been amended to open away from the highway to accord with KCC Highways requirements.

2No. car parking spaces and cycle storage have been provided within the car port, which will provide adequate car parking for the proposed residential unit. Additional car parking will be possible within the proposed hardstanding area.

Whilst the site is accessed via a single track road which does not have any pavements, there is a continuous pavement to the side of the A28 Canterbury Road to Birchington, which will allow pedestrian access to the nearest town 1.5 miles away (approx. 30 minute walk). The nearest bus stop is located approx. 0.6 miles away, accessed via this pavement. Therefore some provision of public transport/accessible amenities are available from this site.

The proposed development is therefore considered to be acceptable with regards to highway amenity and highway safety, in accordance with Policy TR12 and TR16 of the Thanet Local Plan and the National Planning Policy Framework.

### **Conclusion**

Overall the capability of the building to be converted during the proposed excavation works has been confirmed within the submitted method statement. As such, the proposal is considered to represent the conversion of an existing redundant farm building, which together with the proposed works will result in an enhancement of the immediate setting and will secure the future of the non-designated heritage asset. As such the proposal is considered to be in accordance with paragraph 55 of the National Planning Policy Framework.

The provision of a single dwelling will make a minor contribution to the Council's housing supply, along with the associated social and economic benefits. The reuse of the existing building and the scale, design and siting of the proposed extension and erection of the garage will have limited impact upon the setting of the non-designated heritage asset, the farmstead and the wider countryside. As such the proposal is considered to result in limited environmental harm. The living conditions of future occupiers and adjacent neighbouring properties and the impact on highway safety are considered to be acceptable. It is therefore considered that the proposed development would be an acceptable departure to Policy H1 of the Thanet Local Plan, and it is therefore recommended that members approve the application, subject to safeguarding conditions.

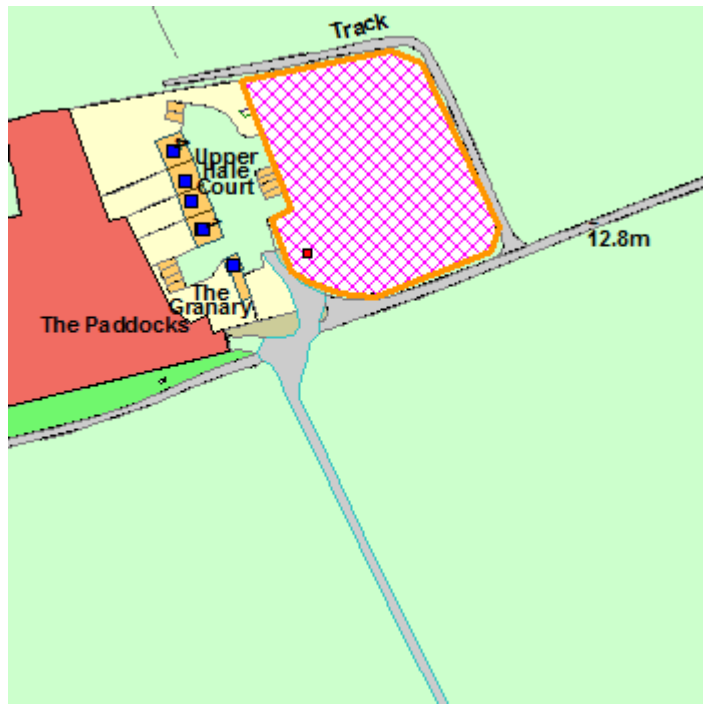
**Case Officer**

Jenny Suttle

# Agenda Item 4d

TITLE: F/TH/18/0013

Project Land East Of The Granary Upper Hale St Nicholas At Wade BIRCHINGTON Kent



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**A05**

**FH/TH/18/0034**

PROPOSAL:                   Erection of 2No. single storey ground floor rear extensions

LOCATION:                    Updown Mews 274 Ramsgate Road MARGATE Kent CT9 4DT

WARD:                        Salmestone

AGENT:                      Mr Tim Spencer

APPLICANT:                Mrs F Shaddick

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 17103FS-PP-06, 17103FS-PP-07, 17103FS-PP-08, 17103FS-PP-09 and, 17103FS-PP-10 received 5 January 2018.

GROUND:

To secure the proper development of the area.

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

GROUND:

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

## 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 lies outside of the urban confines within an area designated as countryside, a Landscape Character Area and Green Wedge, as contained within the Thanet Local Plan.

Updown Mews is a former coach house situated within a group of properties including Updown House, Updown Grange and Updown Farm House. Updown Mews is located towards the rear of this group of properties away from the main highway. A public footpath runs alongside the site between Ramsgate Road and St Peter's Road and the site is fairly well screened from the footpath by mature trees. Updown Mews is not immediately visible from the public highway due to it being sited a fair distance from the main highway, being enclosed by a substantial brick wall and established mature trees.

## RELEVANT PLANNING HISTORY

FH/TH/16/1253 - Erection of single storey extension to rear and alterations to wood store to provide additional accommodation, together with alterations to fenestration to front and rear elevations. Granted. 16/12/16

## PROPOSED DEVELOPMENT

This application relates to alterations to a dwelling house including the erection of a single storey pitched roofed extension projecting from the ridge of the existing woodstore, extending approximately 8.2 metres into the rear garden; being approximately 1.2 metres longer than the extension previously approved under application FH/TH/16/1253. A further 2.9 metre high, flat roofed, single storey extension is proposed to the rear, projecting approximately 3.4 metres from the rear elevation and extending approximately 11.3 metres across the rear of the property. The flat roof of the extension would include a 1.1 metre high balustrading and stairs leading from the flat roof into the rear garden. Alterations are also proposed to the fenestration within the front and rear elevations.

## DEVELOPMENT PLAN POLICIES

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

- D1 - Design Principles
- CC1 - Development in the Countryside
- CC2 - Landscape Character Area
- CC5 - Green Wedge

The property lies outside the identified urban confines and is situated within the countryside (Policy CC1) the Central Chalk Plateau Landscape Character Area (Policy CC2) and the Green Wedge (Policy CC5).

The Adopted Local Plan 2006 notes open countryside in Thanet is particularly vulnerable to landscape damage from development, because of its limited extent, the openness and flatness of the rural landscape, and the proximity of the towns. Isolated rural development therefore has the potential to be much more conspicuous in rural Thanet than in other parts of the County. Development within the countryside will not be permitted unless there is a need for the development that overrides the need to protect the countryside (Policy CC1).

Planning Policy CC2 relates to the Landscape Character Areas and this site lies within the Central Chalk Plateau where the policy states particular care should be taken to avoid skyline intrusion and the loss or interruption of long views of the coast and the sea. Special justification will be required for development in these areas. The policy also recognises that there may be other development needs that require sympathetic consideration and these will be considered in the light of their landscape impact.

The Green Wedge policy (Policy CC5) states "New development that is permitted by virtue of this policy should make a positive contribution to the area in terms of siting, design, scale and use of materials."

The primary purpose of Green Wedges is to prevent coalescence between towns. The Policy goes on to say the Green Wedges serve as a barrier to the further outward growth and coalescence of Thanet's urban areas, so that the separate physical identities of the towns are retained. "The space, openness and separation is largely gained from roads and footpaths that run through or alongside the Wedges in undeveloped frontages."

The National Planning Policy Framework (NPPF) states that planning decisions should aim to ensure that developments will function well and add to overall quality of area; establish a strong sense of place; respond to local character and history; reflect the identity of local surroundings and materials and are visually attractive as a result of good architecture and appropriate landscaping.

## NOTIFICATIONS

Neighbours have been notified and a site notice posted. No representations have been received.

## CONSULTATIONS

The Council's Arboricultural Officer was not consulted on the current scheme as he commented on the previous 2016 scheme and his comments remain valid in this instance. He notes that the three trees close to the location of the proposed rear extension, within the public right of way, are self-seeded sycamores with multi stems and these would not be worthy of a tree preservation order.

## COMMENTS

This application is brought before the Planning Committee as the proposal represents a departure from the Local Plan by virtue of the extension to the rear representing development within the Green Wedge (Policy CC5).

The main issues raised by this proposal are the effect of the proposals upon the character and appearance of the green wedge and whether there is a need for the development that overrides the need to protect the countryside landscaped character area and the green wedge.

## **Principle**

The application site lies within an area designated as countryside as defined by the Thanet Local Plan. Policy CC1, 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.

The rear extension element of the proposal is considered to be a departure from the local plan as it does not comply with the aims of Policy CC5 as it results in the extension of an isolated group of houses within the green wedge, and other than the personal needs of the applicant, it is not essential for the proposed development to be located within the green wedge.

There is a fallback situation in that a single storey extension has previously been considered by Members to be acceptable in this location and therefore part of the proposed development has previously been considered to be acceptable in principle as a departure to Policy CC5 of the Thanet Local Plan.

## **Character and Appearance**

Updown Mews is a former coach house situated within a group of properties including Updown House, Updown Grange and Updown Farm House. Updown Mews is located towards the rear of this group of properties away from the main highways. A public footpath runs alongside the site between Ramsgate Road and St Peter's Road and the site is fairly well screened from the footpath by mature trees. The larger farm buildings and the roof top of a dwelling are visible across the fields from the public highway, however Updown Mews is not immediately visible from the public highway due to it being sited a fair distance from the main highway, and enclosed by a substantial brick wall and established mature trees.

Updown Mews has distinctive arches along the southern elevation which have been infilled with blockwork and windows. There are a variety of window shapes, which have been finished with render and exposed brickwork. It is proposed to remove the infill and existing windows and replace with full length black crittall doors and windows. The changes to the appearance of the windows and doors within the front elevation are essentially the same as that previously approved in 2016 through planning application FH/TH/16/1253. The southern elevation of the woodstore, adjoining the main building, is to remain unchanged.

The alterations proposed to the rear of the property differ significantly from that previously approved, most notably with regards to the addition of a single storey flat roofed extension centrally located to the rear. The extension would project approximately 3.4 metres from the rear elevation and extend approximately 11.3 metres across the rear of the property. The flat roof of the extension would include balustrading to the front and sides and stairs giving access from first floor into the garden. The window arrangement within the rear elevation would be altered to provide full length patio style doors giving access onto the flat roofed extension. An existing blocked up window would be opened up and the window arrangement at first floor would be in alignment with the altered window openings at ground floor.



As with the previously approved scheme a single storey extension is proposed alongside the boundary wall. The pitched roofed extension would project from the existing woodstore approximately 8.2 metres into the rear garden. This is approximately 1.2 metres longer than previously approved in order to help support the substantial brick boundary wall. The woodstore is shown linked into the main dwelling through two opening made in the internal wall and together with the extension would provide further living accommodation.

With regards to the exterior finishes the front elevation would be concrete render to match existing. To the rear the concrete render would be stripped to expose the original brickwork and the extensions built in bricks to match those on the main building. The roofs are to be finished with slates to match the existing and all new windows and doors would be black crittall.

The site falls within an existing residential garden, and is enclosed by a substantial boundary wall. I therefore consider the proposal would not result in the loss of openness of the rural landscape or result in skyline intrusion and would not result in the loss or interruption of long views of the coast and the sea and therefore accords with Policies CC1 and CC2.

The proposed extensions are considered to be a departure from the local plan as they do not comply with the first three aims of Policy CC5, however due to the site's discrete location and the relatively small size and scale of the extensions, sited within the confines of the curtilage of the dwelling, enclosed by a substantial boundary wall it would not be easily visible from views within the green wedge and as such the proposal is not considered to be detrimental to the aims of the policy.

The extensions would provide additional built form within the green wedge but this development is attached to an existing building. The primary purpose of the green wedge is to prevent coalescence and in turn allow extensive and uninterrupted views across open countryside but it is not considered the purpose of the green wedge would be diminished in this instance, due to the size and scale of the extension. As such, whilst not essential development, I consider this would be an acceptable departure from the policy as it will not be detrimental to the aims of the policy, or detract from the character and appearance of the area.

At the time of my site visit the property had scaffolding around the building to enable repairs to the roof. The scaffolding was barely visible from longer views and gave a clear indication of how little the dwelling, or any additions to it, would be visible from longer views.

I consider the siting and design and proposed use of materials would be in keeping with the main dwelling and the development is unlikely to have an adverse impact on the character and appearance of the area and therefore accords with Thanet Local Plan policy D1 and the NPPF. On this basis the proposed development is considered to be an acceptable departure to Policy CC5 of the Thanet Local Plan.

### **Living Conditions**

Updown Mews is situated within the cluster of buildings and these have a fair degree of separation between them. The only structure close to the site is the single storey garage to

the east which is not within the ownership of the applicant and does not appear to be in residential occupation.

The large windows on the front elevation replace existing windows and overlook the parking area where there is existing mutual overlooking. The extensions to the rear would be screened from wider views by the substantial brick wall surrounding the property. Given the scale of proposed development and distance of the site from neighbouring residential occupiers I consider the proposed development is unlikely to result in an unacceptable impact on the living conditions of neighbouring property occupiers, through overlooking or loss of privacy, and accords with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

### **Highway Safety**

Parking is provided within the site and will not be affected by the proposed works.

### **Trees**

The public right of way track adjacent to the site is covered by a blanket Tree Preservation Order (M/TPO/3(1952)G71). There are three trees close to the location of the proposed rear extension, within the public right of way, and these are self-seeded sycamores with multi stems. The Council's Arboricultural Officer previously confirmed that these trees would not be worthy of a tree preservation order. It is also considered that no special conditions need be added with regards to hand digging of foundations for the extension.

### **Conclusion**

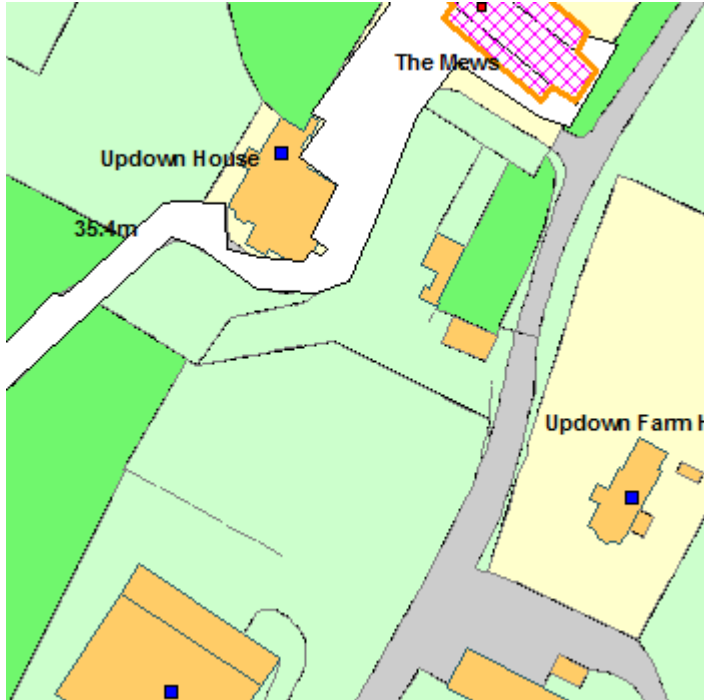
The alterations to Updown Mews are not in themselves contrary to policy and accord with local plan policy. The extensions to the rear are contrary to the Green Wedge policy as it is development within the green wedge, however, they would not create built form within the open countryside that would interrupt views across it and therefore the purpose of the green wedge would not be diminished in this instance. The proposed development is considered to be an acceptable departure from Policy CC5, as the aims of the policy would not be significantly harmed and therefore it is recommended that Members approve the application.

### **Case Officer**

Rosemary Bullivant

TITLE: FH/TH/18/0034

Project Updown Mews 274 Ramsgate Road MARGATE Kent CT9 4DT



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L/TH/17/135 - Application for listed building consent for replacement windows to front. Granted.

L/TH/16/0603 - Application for listed building consent for the erection of replacement access steps and railings to front elevation - Granted

L/TH/16/0049 - Application for listed building consent for replacement roof structure, recovering of roof with natural slate, repair of windows to front and rear elevations. Granted.

## PROPOSED DEVELOPMENT

This listed building application relates to the replacement of the railings to the front of the property which are specially mentioned within the listing.

Previous listed building consents have related to the railings - L/TH/16/0603 proposed for the existing railings to be kept in place and new steps cast around them however, following the commencement of these works it was noted that the railings were heavily corroded. Consent was then granted under L/TH/17/0135 for the repair and retention of the existing cast iron railings replacing those beyond repair with a like for like replacement. Further detailed inspection of the railings has revealed that the majority of the railings are beyond repair and it is now proposed to replace all the railings (together with the boot scrapper) to match the existing.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2006**

D1 - Design Principles

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers on 07 February 2018 and a site notice was posted near the site on 16 February 2018. No letters of representation were received.

## CONSULTATIONS

**TDC Conservation Officer** – No objections.

## COMMENTS

The application is brought to Planning Committee, as Thanet District Council is the applicant.

## ANALYSIS

The main consideration with regard to the Listed Building consent is the effect of the proposals on the Listed Building and the conservation area.

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 proposal is considered to adhere to the principles of the Listed Building and Conservation Areas Act 1990 which has special regard for the desirability of preserving and enhancing the original historic fabric and features of the building. As such, the proposal is considered to preserve and enhance the significance and architectural and historic importance of the heritage asset in accordance with the National Planning Policy Framework.

### **Conclusion**

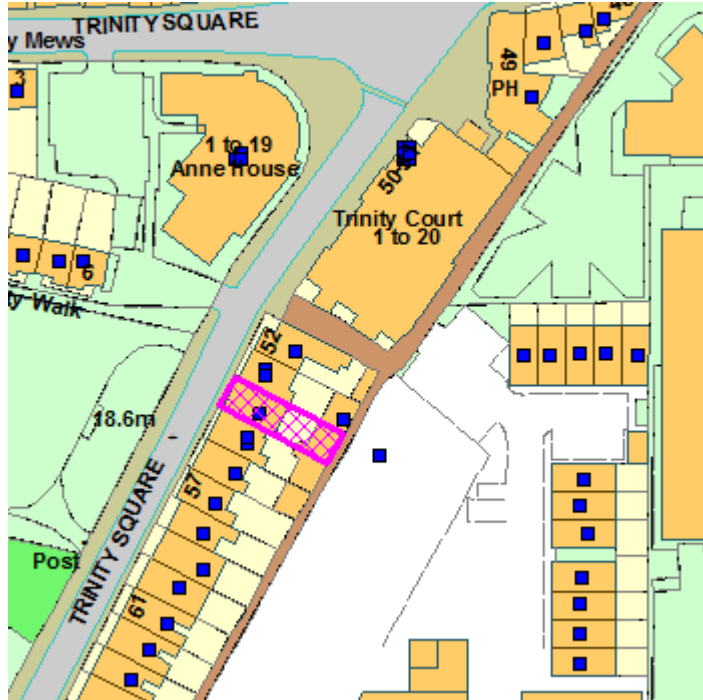
It is therefore recommended that members approve the application, subject to safeguarding conditions.

### **Case Officer**

Zoe Dobson

TITLE: L/TH/18/0060

Project 54 Trinity Square MARGATE Kent CT9 1HT





**A07**

**F/TH/18/0165**

**PROPOSAL:** Variation of condition 2 of planning permission F/TH/16/0236 for the erection of a detached two storey building containing

**LOCATION:** 2no. 2-bed flats together with parking to allow for alterations to landscaping and fenestration

Land Adjacent 28 Princess Anne Road BROADSTAIRS Kent

**WARD:** Beacon Road

**AGENT:** Mr Alan Found

**APPLICANT:** Thanet District Council

**RECOMMENDATION:** Approve

Subject to the following conditions:

1 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered TDC-2817-PA-ZZ-GA-A-2001 Rev P07, TDC-2817-PA-ZZ-E-A-4001 Rev P07 and TDC-2817-PA-ZZ-LP-A-8001 Rev P06 received 05 April 2018.

**GROUND:**

To secure the proper development of the area.

2 The brickwork to the ground floor external elevations shall be constructed of Redland 49 Granular Brown bricks and the soldier course shall be constructed of Reigate Purple multi as approved through the condition discharge application reference CON/TH/16/1540 granted 29/11/16. The roof shall be constructed of Redland 49 Brown Granular Tile as annotated on the approved drawing numbered TDC-2817-PA-ZZ-E-A-4001 Rev P07 received 05 April 2018.

**GROUND:**

In the interests of visual amenity

3 Prior to the construction of the external walls, details of the colour of the render to the first floor elevations shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**GROUND:**

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

4 The first floor flank window in the east-facing elevation of the development hereby approved serving the landing shall be provided and maintained with obscure glass.

**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.

5 Prior to the first occupation or use of the development, the areas shown on the plan numbered TDC-2817-PA-ZZ-LP-A-8001 received 05 April 2018 for the parking and manoeuvring of vehicles shall be operational prior to first occupation of the development hereby permitted. The area agreed shall thereafter be maintained for that purpose.

**GROUND:**

In the interests of highway safety

6 The foul and surface water drainage shall be carried out in accordance with the details provided upon approved drawing numbered Sht-1 Rev 1 received 7th November 2016, and shall be thereafter maintained.

**GROUND:**

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

7 The hardstanding areas to accommodate the off street parking as shown on approved drawing TDC-2817-PA-ZZ-LP-A-8001 Rev P06 received 05 April 2018 shall be constructed of permeable paving, as agreed in the email received from the applicant dated 06 April 2018.

**GROUND:**

In the interests of highway safety.

### SITE, LOCATION AND DESCRIPTION

The site is a hard surfaced area for the parking of cars sited adjacent to the junction of Fosters Avenue and Princess Anne Road, and is currently surrounded by hoarding.

The surrounding area is characterised by two storey terraced and semi-detached buildings either consisting of dwellings or flats. To the west of the application site is 12a Fosters Avenue, which was historically a landscaped area opposite the site until it was redeveloped in 2005 with a detached two storey dwelling. To the far east of Fosters Avenue is a small parade of shops with accommodation above.

### RELEVANT PLANNING HISTORY

F/TH/16/0236 - Erection of a detached two storey building containing 2No. 2 bed flats together with parking - Granted 20/05/16

### PROPOSED DEVELOPMENT

The application follows the previously approved application for the erection of a detached two storey building to provide 2No. 2 bed flats together with off street parking and amenity provision reference F/TH/16/0236 and seeks to vary condition 2 of the approved application to allow for alterations to landscaping and fenestration. It is understood that development has commenced on site.

The proposed alterations which are the subject of this application seek to reposition the fence separating the two gardens by 1.8m to the east. The application also seeks to increase the area of hard surfacing to the north east of the site by 1.2m to the west, to extend up to the repositioned fence line. The alterations to fenestration seek to reposition the first floor windows to achieve a 0.2m separation to the eaves.

## DEVELOPMENT PLAN POLICIES

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

H1 - New Residential Development

H4 - Windfall Sites

TR12 - Cycling

TR16 - Car Parking Provision

D1 - Design Principles

D2 - Landscaping

SR5 - Doorstep Play Space

## NOTIFICATIONS

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

## CONSULTATIONS

None received.

## COMMENTS

This application is brought to Planning Committee, as Thanet District Council is the applicant. The main consideration with regard to this application will be the impact of the proposed development on the character and appearance of the area and the residential amenity of neighbouring property occupiers.

### **Principle**

The principle of development was assessed under the previous consent reference F/TH/16/0236 and was found to be acceptable. There have been no material changes in policy since.

Thanet Local Plan Policy H1, states that on non-allocated sites, such as is the subject of this application, residential development will only be permitted on previously developed land within the built up confines. The land is occupied by hard standing set out with marked parking spaces, and is therefore considered to be previously developed land. The site lies within the urban confines of Broadstairs, as shown on the Local Plan Proposals Map. As such the proposal is considered to comply with the principle of the policy. It will also be consistent with the objectives of the National Planning Policy Framework in relation to the presumption of sustainable development. The principle of the development is therefore considered to be acceptable, subject to the assessment of the changes to the approved development.

## **Character and Appearance**

The proposed building will be set back from both road frontages, and will follow the established building line of Fosters Avenue, providing off street parking for the upper flat and a large wrap around front garden and off street parking for the ground floor flat. The front perimeter fencing will be 1m high, and the 1.8m fencing will be sited in line with the side elevations of the property, and the rear and side boundaries, to provide a private garden for each flat. The siting and approach to boundary treatment is considered to accord with the pattern of development of the area and will maintain the open character to frontages within the street scene.

The proposed alterations to landscaping will extend the provision of hard surfacing to the north east of the site by 1.2m to the west, and will reposition the fence which separates the front gardens of the ground floor and first floor flat to be sited adjacent to the entrance to the first floor flat. Given the modest extent of the additional hard surfacing, this is considered to be a minor addition to the overall scheme, which will retain sufficient soft landscaping to the front garden area. The repositioned fence is considered to better relate to the pattern of fenestration of the northern elevation, being sited adjacent to the front door and will be a modest alteration to the previously approved fencing position.

The alterations to the fenestration will reposition all first floor windows to provide a 0.2m separation distance to the eaves. This is a minor alteration which is not considered to be harmful to the overall design and appearance of the dwelling within the context of the street scene.

The proposed development is therefore considered to be acceptable with regards to the character and appearance of the area, in accordance with Policy D1 and D2 of the Thanet Local Plan.

## **Living Conditions**

The only proposed changes to the external appearance of the approved development is the reposition of the approved first floor windows by 0.2m downwards from the eaves, with no additional windows being added. This does not result in any additional impact in excess of the approved development. Therefore the variation will not result in any harm to the living conditions of adjacent neighbouring properties, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

## **Highways**

The proposal includes an off-street parking space for each property in accordance with the requirements of the adopted parking standards. The applicant has confirmed that the hard surfacing for the off road parking will be constructed of permeable paving which will reduce rainwater run-off to the highway.

The proposed changes to the approved scheme will not result in the loss of any parking for the new dwelling.

## **Conclusion**

The application site is within the urban confines and is previously developed land, it is therefore in accordance with the aims of saved Policy H1. The National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development. The site is considered to be sustainable in its location and the economic and social benefits outweigh the limited impact of the proposals in regards the loss of an area of parking that is not protected.

The impact upon the character and appearance of the area, the living conditions of future and neighbouring property occupiers and highway amenity and highway safety are considered to be acceptable and in accordance with Thanet Local Plan Policies D1, D2, TR12 and TR16 and the National Planning Policy Framework. It is therefore recommended that members approve the application.

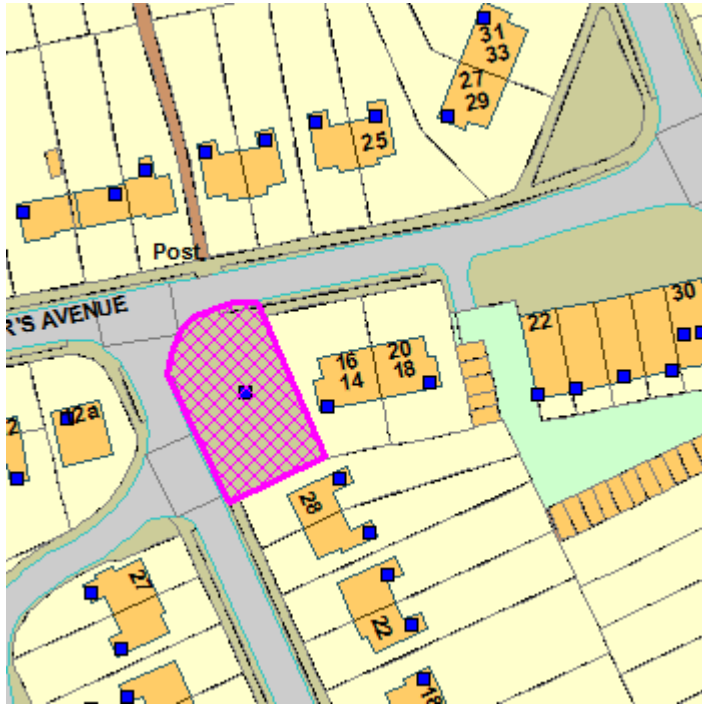
## **Case Officer**

Jenny Suttle

TITLE: F/TH/18/0165

Project Land Adjacent 28 Princess Anne Road BROADSTAIRS Kent

Scale:



**D08**

**OL/TH/18/0122**

**PROPOSAL:** Variation of condition 13 of planning permission OL/TH/16/0967 'Outline Application for the erection of 12 detached dwellings, with access via Southall Close including access, layout and scale' to allow amendments to layout including changes to vehicle turning heads

**LOCATION:** Land Adjacent 15 Southall Close Minster RAMSGATE Kent

**WARD:** Thanet Villages

**AGENT:** Mr Darren Shaw

**APPLICANT:** Mr R Gleeson

**RECOMMENDATION:** Defer & Delegate for approval to officers

Defer & Delegate for approval subject to receipt of a legal agreement securing required planning obligations and the following conditions:

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

**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).

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 15th September 2020.

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

### (a) Site Characterisation

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

- o A survey of the extent, scale and nature of contamination
- o An assessment of the potential risks to:
  - Human health
  - Property
  - Adjoining land
  - Groundwaters and surface waters
  - Ecological system
- o An appraisal of remedial options and a recommendation of the preferred options

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

### Submission of remediation scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### (c) Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in Planning Policy Statement 23 as a validation report) that



demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority

**GROUND:**

To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with the advice contained within the NPPF.

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

**GROUND:**

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

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

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

**GROUND:**

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

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

**GROUND:**

In the interests of highway safety.

9 Prior to the first occupation of the development, the secure cycle parking facilities shall be provided and thereafter maintained.

**GROUND:**

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

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

**GROUND:**

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

11 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 017-05-0015 Rev A dated 20th February 2018.

**GROUND:**

To secure the proper development of the area.

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

**GROUND:**

In the interests of highway safety.

## 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

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/>

Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Nex Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or poer in any development design. For advice on how to proceed with providing access to suoerfast broadband, please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk)

This application is the subject of a legal agreement/unilateral undertaking.

## SITE, LOCATION AND DESCRIPTION

The site is located on the northern boundary edge of Minster, outside of the defined settlement boundary. At present the site is unused and covered with a mix of scrub and self-

seeded trees. There is presently no vehicular access to the site albeit that the hardstanding from outside the nearest property (number 13 Southall Close) runs up to almost the boundary edge. The site is not covered by any specific landscape designations other than being within the countryside and is otherwise free of any other specific designations (such as tree preservation orders, heritage or flood risk). Minster train station is approximately 1 mile to the south of the application site.

## Surrounding Area

Surrounding the site to the south the area is characterised by residential development of varying scale and style. To the east are agricultural fields between Laundry Road (north east) and Foxborough Lane (south east). Further areas of fields are located on the western side of Tothill Street. Immediately north of the site is an area previously designated for roadside services within the adopted local plan. At present this area includes a petrol filling station with retail and a hotel, with a further hotel provided on the opposite side of Tothill Street fronting the A299. Policy TR7 from the saved local plan related to this area of land, however it was not one of the saved policies.

## RELEVANT PLANNING HISTORY

OL/TH/16/0967 - Outline application for the erection of 12 detached dwellings, with access via Southall Close including access, layout and scale. Approved 15th September 2017

## PROPOSED DEVELOPMENT

Outline planning consent was granted for the erection of 12 detached dwellings with access from Southall Close in September 2017 (OL/TH/16/0967 refers). The outline consent included access, layout and scale with appearance and landscaping reserved for future consideration. This application seeks to vary condition 13 of that consent to allow alterations to the layout of the proposed development.

The alterations are minor in nature essentially relating to alterations to and the enlargement of the access road/turning head, revisions to the orientation of dwellings within the plot to align within the amended road and amendments to the access to plots from the road together with alterations and to the location and hard surfacing to serve individual plots.

It is drawn to Member's attention that there have been no material changes in the policies of the Thanet Local Plan and the guidance of the National Planning Policy Framework since Members considered the original application in December 2016.

## DEVELOPMENT PLAN POLICIES

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

D1 - Design principles

D2 - Landscaping

EP5 - Air quality

H1 - Housing provision

H4 - Windfall sites  
H8 - Size and type of housing  
H14 - Affordable housing provision  
CF2 - Development contributions  
SR5 - Doorstep and local play space  
TR12 - Cycling  
TR16 - Car parking provision

## NOTIFICATIONS

Letters were sent to adjoining residents, a site notice displayed and the application advertised in a local newspaper.

Two representations have been received raising the following concerns.

- Increase in traffic movements especially at peak times;
- Children play in the road; and
- Traffic calming measures should be introduced.

## CONSULTATIONS

**Southern Water** - No objection to the variation.

**Natural England** - No comment on the variation.

**KCC Biodiversity** - No comments as we do not consider that the modified layout will have any significant impacts upon ecology.

**KCC Highways and Transportation** - Initially objected to the application on the basis that plots 4 and 9 now have tandem parking arrangements which are not acceptable. Following the receipt of amendments to the application, advised that plot 4 still does not have independently accessible parking spaces and drivers using the parking spaces on plot 9 may have to reverse an excessive distance in order to turn around. However, the proposed road is to remain private and the above issues are therefore unlikely to have an impact on the existing highway. Therefore raise no objection in respect of the variations proposed, subject to the conditions previously requested.

**KCC Archaeology** - Evaluation trenching on the site has revealed limited archaeological potential on the site. No further archaeological measures are necessary with this amended application.

**KCC Economic Development**- The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

- 1) Necessary,
- 2) Related to the development, and
- 3) Reasonably related in scale and kind

Primary school provision - The proposal gives rise to additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the expansion of Birchington Primary School, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded. A contribution of £3,324 per 'applicable' house (x12) total £39,988 is required towards Phase 1 of the expansion of Birchington Primary School.

Secondary school provision - The proposal gives rise to additional secondary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the extension of existing Secondary School accommodation within the locality. The contributions from this development will be allocated towards Royal Harbour Secondary School Phase 1 works. Therefore the County Council requests a contribution of £4,115 per 'applicable' house (x12) total £49,380 towards Royal Harbour Secondary School Phase 1 works.

Libraries - This new development will generate new borrowers for the Library service. The County Council therefore requests £48.02 per household to address the direct impact of this development, and the additional stock will be made available locally.

Broadband - To provide: 'fibre to the premise' (Superfast fibre optic broadband) to all buildings (residential, commercial, community etc.) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings.

**TDC Waste and Recycling** - Support the proposal.

**TDC Environmental Health** - No objection subject to the imposition of a condition relating to air quality mitigation.

## COMMENTS

This application is reported to planning committee as it is considered to be a departure from Policy H1 of the Local Plan as the site is non-previously developed land.

The main considerations with regard to the planning application are the principle of development; the impact upon the character and appearance of the local area; the impact upon living conditions of neighbouring property occupiers and future occupiers; highway safety; biodiversity impacts; archaeology and drainage and flood risk considerations.

## **Principle**

In considering the planning application under section 38(6) of the Planning Act, any determination must be made in accordance with the development plan (in this case the Thanet Local Plan) unless material considerations indicate otherwise. The NPPF sets out in paragraph 215 that due weight should be given to relevant policies in existing plans according to the degree of consistency with the policies within the NPPF.

The site is non-previously developed land on the edge of the defined village boundary and as such within the countryside. The proposal is therefore contrary to Policy H1 which states that residential development on non-allocated sites will be permitted on previously developed land within the existing built up confines unless specified by other Local Plan Policies. This policy constraint, however, needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis the National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development. In this case the site lies within the urban confines, adjacent to residential properties on Southall Close and Hill House Drive and Minster railway station is approximately 1 mile to the south of the site.

There has been no material changes to Local Plan policies or the guidance of the NPPF since Members considered the outline application in December 2016 and accepted that the development of this site for housing could be accepted in principle subject to the detailed consideration of all other material considerations including the impact upon the character and appearance of the area, the impact on living conditions of neighbouring properties and highways safety.

## **Character and Appearance**

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

The appearance of the proposed dwellings is a reserved matter (and that would include the materials for their external surfaces). Scale was included in the original outline application with the proposed dwellings identified as two storey. Detached two storey dwellings are characteristic of the immediate area surrounding the application site. The agent has confirmed that the scale of the dwellings remains unaltered and, therefore, there is no change since the previous application was considered and approved by Members.

The original outline application was supported by an existing topographical survey and on the basis that the site appears relatively flat in both axis (there is a fall of approximately 3 metres north to south, and approximately 1 metre east to west) it is considered that the layout will not result in any specific issues regarding the proposed buildings appearing out of

character based on the submitted parameters. It would be considered appropriate to impose a condition requiring the submission and approval of finished floor levels.

The proposed changes to the layout are minor in nature and relate to alterations to the access road/turning head serving the proposed dwellings and alterations to individual plots as a result of the amendments to the road. It is not considered that these alterations would have any impact adverse impact on the character or appearance of the area beyond that from the previously approved scheme.

As such it is considered that the amended development of this site for up to 12 dwellings of two storey nature is acceptable in principle without harming the character and appearance of the surrounding area.

## **Living Conditions**

The application is in outline form only, with matters relating to appearance reserved for future consideration. It is not, therefore, fully possible for the impact of the proposed development on the living conditions of neighbours to the standard of living conditions for the future occupiers of the development at this stage. This would need to be fully assessed at the reserved matters stage.

Layout and scale are, however, matters to be considered at this stage. The nearest residential development are to the south and west of the site on Southall Close. The submitted plan indicates that the habitable windows for the proposed dwellings would be likely to be orientated to face predominantly north and south, with the exception of the two most eastern dwellings proposed. This would ensure that there are no habitable windows in the flank elevations that face towards numbers 2, 4, 6 and 15 Southall Close, which are the closest affected properties. The separation distances between the proposed dwellings and those within Hill House Drive is sufficient to ensure that there would be no detrimental overlooking between properties.

It is therefore considered that the site could be developed for 12 no. residential units without resulting in detrimental impact to neighbouring occupiers, with further consideration given at the reserved matters stage.

In relation to the provision of doorstep play space as set out in policy SR5, the individual dwellings are provided with adequate garden space to provide a safe play area for children. Adequate space would also be provided for clothes drying and refuse storage.

## **Transportation**

The number of dwellings proposed and the impact on the wider highway network has been approved by the Council under the previous outline application.

Local residents have raised concerns with the scheme in respect of highways on the basis of traffic movements especially at peak times, the fact that children use the streets adjoining the application site to play and that it would be appropriate to introduce traffic calming measures.

In respect of parking provision, whilst the application is in outline form means of access and layout are sought in detail. Accordingly, the submitted plan indicates the provision of a single garage for each dwelling with additional hardstanding in front for the parking of at least one car. Several of the plots have larger areas of hardstanding indicated to ensure that sufficient off-street parking is provided within the development to comply with the adopted parking standards. A suitably worded planning condition would require the approval of parking details prior to first occupation of any of the dwellings to address these concerns.

It is noted from KCC Highways comments that the amended scheme results in one of the dwellings (plot 4) not having an independently accessible parking spaces and drivers using the parking spaces on plot 9 may have to reverse an excessive distance in order to turn around. However, given that the road is to remain private, it is considered unlikely that there would be an adverse impact from the revised layout on the wider highway network.

Whilst noting the concerns raised by local residents with regards to traffic movements, children playing in surrounding roads and the need for traffic calming measures it is noted that Kent Highways have not raised any concerns regarding safety and have commented that the proposal generally is unlikely to result in a severe impact on the highway network. The vehicular in layout would not result in any additional vehicular movements from the outline development previously approved.

In conclusion it is therefore considered that the highway impacts of the development are acceptable and can be addressed through suitable conditions.

### **Ecology and Biodiversity**

The NPPF states at paragraph 109 that the "planning system should contribute to and enhance the natural and local environment by... minimising impacts on biodiversity and providing net gains in biodiversity where possible..." The NPPF then states at paragraph 118 that "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

An ecological appraisal and subsequent reptile report were provided by the applicant in support of the previous application. The summary appraisal confirmed that additional work would be required prior to any habitat clearance works but no additional surveys were required prior to determination of the application. Mitigation measures were proposed in the report in respect of landscaping, which would need to be addressed within any future reserved matters submission. The reptile report confirmed that no reptiles were found on site during the course of the surveys, and as such no additional works were required.

Both Natural England and KCC's Biodiversity Team have reviewed this amended scheme and raise no objection in relation to biodiversity or ecology from the development now proposed. It is, therefore, considered that the proposed development would not have a detrimental impact on biodiversity/ecology at the outline stage, although mitigation measures would need to be addressed within the reserved matters application.

### **Archaeology**



The Archaeological Officer at KCC has been consulted on the application and advises that evaluation trenching on the site has revealed limited archaeological potential on the site. On this basis, they conclude that no further archaeological measures are necessary with this amended application.

The impact upon archaeology is, therefore, considered to be acceptable.

## **Drainage and Flood Risk**

The application site is not within an area prone to flooding and is designated as being of low risk - accordingly the development would not pose a flood risk issue.

Southern Water and the Environment Agency were consulted on the application and have confirmed that they have no objection to amended proposal. A condition requiring the submission of details of the foul and surface water discharge from the proposed development and a sustainable drainage scheme for the site were imposed on the original outline application and it is considered to be reasonable and necessary to reimpose this condition.

## **Habitat Regulations**

Thanet Council has produced 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. This concern was also highlighted by Natural England In their consultation response on the original outline application.

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 the district wide mitigation strategy. This approach has been accepted by Natural England.

It is considered that the SAMM request meets the test for inclusion within a S106 agreement. A contribution towards SAMM for a lesser amount was secured under the previous application. The contribution in this instance would be £408 per dwelling, totalling £4,896 for the 12 units proposed. The applicants have agreed to pay this contribution and this would be secured through the S106 agreement or undertaking to accompany any permission.

## **Financial Contributions**

Policy CF2 of the Thanet Local Plan states that where a proposed development would directly result in the need to provide new or upgraded community facilities, the Local Planning Authority will negotiate with the applicant for a contribution towards the costs of such provision, which is fairly and reasonably related in scale and in kind to the proposed development.

Requests for financial contributions need to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations (amended in 2014). These state that an obligation can only form a reason in the granting of planning permission if it meets all of the following criteria:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

Financial contributions would need to be secured via a S106 agreement or undertaking.

A request for developer financial contributions has been made by the Development Project Manager on behalf of Kent County Council towards primary school education in the form of £3,324 per 'applicable' house (x12) is required towards Phase 1 of the expansion of Birchington Primary School as well as £4,115 per 'applicable' house (x12) towards Royal Harbour Secondary School Phase 1 works. KCC have advised that these schools are the nearest schools to the application with a current project which would justify a need for financial contributions. An additional contribution of £48.02 per household has been requested towards library bookstock to mitigate the impacts of new borrowers from this development. As with the SAMM contribution, contributions were secured for primary and secondary education and libraries although the requests have now been revised to reflect updated costs.

It is considered that the above requests meet the tests for inclusion in a S106 agreement/undertaking and the applicant has agreed to pay the contributions.

### **Heads of Terms**

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

£39,888 towards primary education (phase 1 Birchington Primary School Expansion);  
£49,380 towards secondary education (phase 1 works Royal Harbour Secondary School);  
£576.19 towards library bookstock within Thanet; and  
£4,896 towards the Special Protection Area (Habitat Mitigation Contribution)

### **Conclusion**

As set out above, Outline planning consent was granted for the erection of 12 detached dwellings with access from Southall Close in September 2017 (OL/TH/16/0967 refers). The outline consent included access, layout and scale with appearance and landscaping reserved for future consideration. This application seeks to vary condition 13 of that consent to allow alterations to the layout of the proposed development.

The alterations are minor in nature essentially relate to the layout of the houses within their plots and an alteration to the turning ahead and parking arrangements to some of the proposed properties.

It is drawn to Member's attention that there have been no material changes in the policies of the Thanet Local Plan and the guidance of the National Planning Policy Framework since Members considered the original application in December 2016.

The site is non-previously developed land within the urban confines and is therefore considered contrary to the aims of saved Policy H1. This policy constraint, however, needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis the National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development. The site is considered to be sustainable in its location and the economic and social benefits outweigh the limited environmental impact of the proposals.

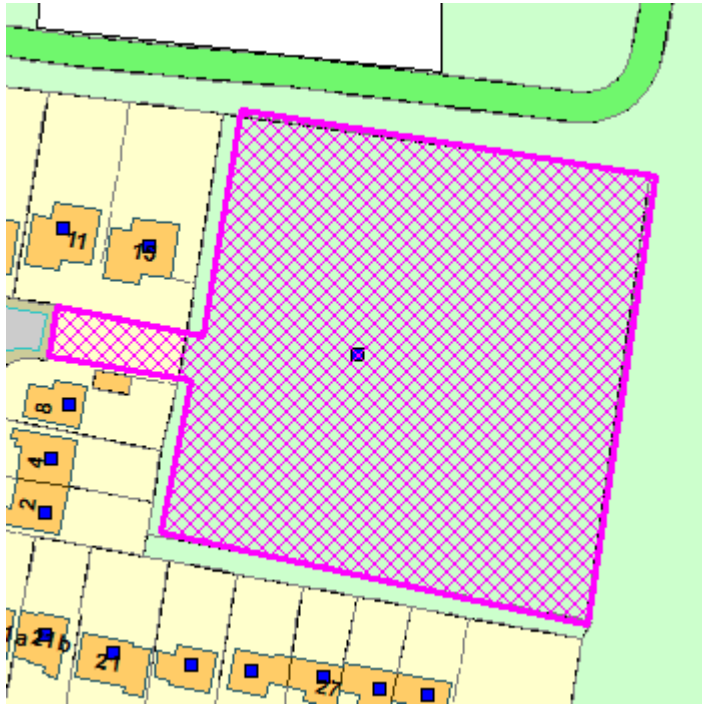
It is therefore considered that the proposal can be delivered in a manner that is in keeping with the established character and pattern of the neighbouring residential development and will not result in unacceptable impacts. On balance the need for housing in sustainable locations such as this site outweighs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

**Case Officer**

Annabel Hemmings

TITLE: F/TH/18/0122

Project Land Adjacent 15 Southall Close Minster RAMSGATE Kent



**Planning Application F/TH/15/1204 – Land Adjacent and Rear of Ashbre, Manor Road, St.Nicholas**

**Planning Committee – 18<sup>th</sup> April 2018**

Report Author **Emma Fibbens, Principal Planning Officer**  
 Portfolio Holder **Cllr Jason Savage, Planning (Development Control)**  
 Status **For Decision**  
 Classification: **Unrestricted**  
 Previously Considered by **Planning Committee 20th July 2016**

Ward: **Thanet Villages**

**Executive Summary:**

This report concerns the planning application for the erection of 39no. dwellings on land adjacent and rear of Ashbre, Manor Road, in St.Nicholas-At-Wade, under reference F/TH/15/1204. The application was considered by the Planning Committee on 20th July 2016 where Members resolved to approve the application subject to the receipt of an acceptable Section 106 agreement securing 30% of dwellings on site to be affordable units, and financial contributions as set out within the Heads of Terms.

A request has been submitted by the developer to change the composition of the size and tenure of the affordable units, which was previously detailed within the committee report agreed by members. The planning application is therefore reported back to Members for approval following consideration of the change to unit size and tenure of the affordable units.

**Recommendation:**

Members approve the planning application subject to submission and approval of a legal agreement securing the financial contributions, and the 30% affordable housing, with the size and tenure of the units as amended.

**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.

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	<p>The advice outlined 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.</p>
<p><b>Legal</b></p>	<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 appellants 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>
<p><b>Corporate</b></p>	<p>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.</p>
<p><b>Equalities Act 2010 &amp; Public Sector Equality Duty</b></p>	<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 Background

1.1 The report taken to Members on the 20th July 2016 proposed the provision of 12no.

## Agenda Item 5

affordable housing units within the 39 house development (reference F/TH/15/1204), with the unit sizes consisting of 4no. 2-bed dwellings, 6no. 3-bed dwellings and 2no. 4-bed dwellings, and the tenure mix consisting of 8no. affordable rent units and 4no. shared ownership units.

- 1.2 A draft legal agreement has been submitted containing the financial contributions as set out in the report within Appendix A. Alongside the agreement, a written request has been submitted for a change to the size and tenure mix of the affordable units. The request is for a change to 6no. 2-bed dwellings and 6no. 3-bed dwellings, with a tenure mix consisting of 2no. affordable rent and 10no. shared ownership.

- 1.3 The developer advises that the housing association, Moat Homes Limited, has made an offer to take on the affordable units on this scheme, alongside the affordable units on the adjacent site (Land Rear of Manor Hall and Heritage Park, Manor Road - F/TH/15/0770). Moat Homes Ltd offer is on the basis of the unit sizes and tenure mix now proposed. As a result of both management and viability issues, the developer has advised that Moat Homes Ltd are unable to take on the affordable units in the size and of the tenure mix as previously agreed.

- 1.4 TDC's Housing Strategy and Projects Team has been consulted on the proposed amendment. They have advised the following:

*"The amended mix was agreed by the Head of Housing and Strategic Housing Manager following a discussion with Housing Provider.*

*In October 2010, The National Housing Federation's Rural Housing Alliance stated that 'the average rural house price in England is now more than twelve times the average salary of people living in rural areas. In order to obtain a mortgage, a person living and working in the countryside would need to earn £66,000 per year' Average yearly salary for rural areas is £20,000.*

*A rural housing need survey in 2013 identified a housing need for 17 households (totalling 27 adults and 10 children) 3 single people, 7 couples and 7 families. 11 households need housing now and 6 in the next 5 years. Shared Ownership on neighbouring village sites have been hugely popular, and this is the first development of its kind in St Nicholas at Wade.*

*Following discussion with the housing provider it is their intention to sell the shared ownership properties with an average 30% first tranche sale to help make these properties as affordable as possible. They will prioritise local people for these properties and will only look further afield if there is a lack of interest locally. Their market research however has suggested that there will not be a lack of local demand.*

*The affordable housing provision on other developments in St Nicholas will be considered to fulfil the housing need, including applications which have already been approved".*

- 1.5 The Housing Strategy and Projects Team support the amended size and tenure mix, as it prioritises local people within the village, and will therefore help to fulfil the identified housing need within the village. On this basis the amended house size and tenure mix of the 12no. affordable units within the scheme is considered to be acceptable, and it is therefore recommended that Members agree to defer and delegate the application for approval subject to the submission of a legal agreement containing the financial contributions as stated within the report within Annex 1 and the 30% affordable housing in the form as amended above.

## 2.0 Options

2.1 Members confirm that planning permission be deferred to officers for approval subject to securing a legal agreement for the provision of financial contributions and affordable housing as set out in the report and conditions outlined at Annex 1 and the new size and tenure mix outlined in this report.

2.2 Members propose an alternative motion.

## 3.0 Recommendations

3.1 Officers recommend Members of the Planning Committee to agree option 2.1.

Contact Officer:	Iain Livingstone, Planning Applications Manager
Reporting to:	Bob Porter, Head of Housing and Planning

## Annex List

Annex 1	Planning Committee Schedule item 20th July 2016
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## Corporate Consultation

<b>Finance</b>	Matthew Sanham, 6th April 2018
<b>Legal</b>	Colin Evans, 9th April 2018



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## Annex 1

**D10** **F/TH/15/1204**

**PROPOSAL:** Erection of 39No. dwellings with formation of vehicular access to Manor Road and associated parking and landscaping

**LOCATION:** Land Adjacent And Rear Ashbre Manor Road St Nicholas At Wade BIRCHINGTON Kent

**WARD:** Thanet Villages

**AGENT:** Mrs Jane Scott

**APPLICANT:** H.A.S Trust C/O G W Finn

**RECOMMENDATION:** Defer & Delegate

Defer and delegate to officers for approval subject to receipt of a legal agreement covering the agreed planning obligations and 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 2686-01 dated 18 November 2015; 2686-10A, 2686-11A, 2686-12A, 2686-13A, 2686-14A, 2686-15A, 2686-16A, 2686-17A, 2686-18A, 2686-19A, 2686-20A, 2686-21A, 2686-22A, 2686-23A, 2686-24A, 2686-25A, 2686-26A, 2686-27A, 2686-28A, 2686-29A, 2686-30A, 2686-31A, 2686-32A, 2686-33A, 2686-34A, 2686-35A, 2686-37A, 2686-38B, 2686-39A, 2686-40A, 2686-41A, 2686-42A, 2686-43A, 2686-44A, 2686-45A, 2686-46A, 2686-47A, 2686-48A and 2686-49A dated 7 December 2015; 2686-36A, 2686-55, 2686-56, 2686-57, 2686-58, 2686-59 and 2686-60 dated 23 December 2015; 595-210B and 595-211C dated 18 March 2016; 2686-04A, 2686-05A, 2686-06A, 2686-50B, 2686-51B, 2686-52B, 2686-53B, 2686-54B, 2686-61, 2686-62, 2686-63, 2686-64 and 2686-65 dated 23 March 2016; 2686-07D and 2686-08E dated 11 April 2016; 595-202B and 595-203E dated 25 May; and 2686-03E dated 27 May 2016.

**GROUND:**

To secure the proper development of the area.

3 Prior to the first occupation of development hereby approved the means of access, including the build-out at the point of access, shown on drawing 595-202B be completed and thereafter maintained.

**GROUND:**

# Agenda Item 5

## Annex 1

In the interests of highway safety

4 Prior to the first occupation of the development hereby approved, all off-site highway works as shown on approved drawing 595-202B shall be completed.

GROUND:

In the interests of highway safety.

5 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.

6 Prior to the first occupation of the development hereby permitted the approved visibility splays shall be provided with no obstructions over 1m above carriageway level. The approved splays shall thereafter be implemented in full and maintained.

GROUND:

In the interest of highway safety

7 Prior to the first occupation of the development hereby permitted the approved 1 metre x 1 metre pedestrian visibility splays shall be provided with no obstructions over 0.6m above footway level. The approved splays shall thereafter be implemented in full and maintained.

GROUND:

In the interest of highway safety

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

GROUND:

In the interests of highway safety.

9 Prior to the first occupation of the development the following works between a dwelling shall be completed:

- (a) Footways and/or footpaths, with the exception of the wearing course;
- (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

GROUND:

In the interests of highway safety.

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### Annex 1

10 Prior to the first occupation of the development, details relating to the provision of secure cycle parking facilities for each dwelling shall be submitted to, and approved in writing by, the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details.

**GROUND:**

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

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

- (a) Routing of construction-related vehicles;
- (b) Timing of deliveries;
- (c) Parking for site personnel;
- (d) Parking and turning for delivery vehicles;
- (e) Wheel washing facilities

**GROUND:**

In the interests of highway safety

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 be based on the strategy prepared by Herrington Consulting Limited and 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.

**GROUND:**

To prevent pollution, in accordance with the advice contained within the NPPF.

13 Prior to first occupation of the development hereby approved, 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 efficacy of the drainage provisions.

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## Annex 1

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 Prior to the first occupation of the development, details relating to the provision and permanent retention of the pedestrian link between the site and the Public Footpath TE10 shall be submitted to, and approved in writing, by the Local Planning Authority. The pedestrian link shall thereafter be implemented in full and thereafter maintained.

**GROUND:**

To support sustainable pedestrian links in accordance with guidance contained within the National Planning Policy Framework.

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

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

shall be submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include the ecological enhancement measures as identified within the submitted Ecological Appraisal document.

**GROUND:**

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

17 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives any written consent to any variation.

**GROUND:**

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

# Agenda Item 5

## Annex 1

18 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.

19 Prior to the commencement of the development hereby approved, details of the number, location and design of the bat boxes to be installed within the development shall be submitted to and approved in writing by the Local Planning Authority.

### GROUND:

In the interests of nature conservation in accordance with the advice contained within the NPPF

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

### GROUND:

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

21 All dwellings hereby permitted shall be provided with the below ground infrastructure necessary to accommodate Superfast Fibre Optic Broadband 'fibre to the premises', where there is adequate capacity (internal min speed of 100mb to each building).

### GROUND:

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

### INFORMATIVES

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

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW.

Prior to the submission of any reserved matters application, the applicants, agents, or successors in title, are encouraged to undertake pre-application discussion with the Local Planning Authority. As part of this pre-application discussion, it may well be necessary to consult with external bodies such as Kent Police Crime Prevention Design Advisors to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety.

### SITE, LOCATION AND DESCRIPTION

The site is presently used as part of an existing agricultural field as part of a wider farmstead. The site is therefore devoid of any permanent structures at this time. It is located to the west of properties fronting Manor Road, and lies beyond the defined village boundary and conservation area.

The site itself is relatively flat with minor changes across its axis. The eastern boundary of the site along Manor Road is open and only defined by the small verge from the road. The northern boundary to Ashbre is delineated by a low chain link fence, whilst the southern and western boundaries are defined by trees and hedgerows. The north west boundary is currently only defined by the existing footpath connecting into Bell Meadow.

The site is covered by policy CC2 of the saved Local Plan but is otherwise free of tree preservation orders, heritage constraints or flood risk designations.

### Surrounding Area

The surrounding land use to the north, south-east and east is residential, whilst land to the south-west and west is more countryside and arable fields.

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Immediately to the north east of this site is the site to the rear of Manor Hall, which has been the subject of a separate planning application for 17 dwellings (application reference F/TH/15/0770 - approved at committee in April 2016). To the north west is the existing Bell Meadow playing field, whilst land to the south and south west remains agricultural. Land to the east is residential.

### RELEVANT PLANNING HISTORY

There is no relevant recent planning history relating to this application site. The site was the subject of a pre-application submission in 2015 for residential development.

### PROPOSED DEVELOPMENT

The proposed development seeks detailed planning permission for 39 detached, semi-detached and terraced two-storey dwellings.

The accompanying Design and Access Statement explains the design approach to the development of this site. The proposed scheme would deliver a mix of 2, 3, 4 and 5 bedroom dwellings on the site, including the provision of 12 affordable dwellings.

Access to the site is proposed via a new access onto Manor Road. A pedestrian footway is also proposed along the southern edge of Manor Road to link up with the footpath on the northern side into Manor Lea Road.

### DEVELOPMENT PLAN POLICIES

Thanet Local Plan Policy (2006) Saved Policies

- D1 - Design principles
- D2 - Landscaping
- H1 - Housing provision
- H4 - Windfall sites
- H8 - Size and type of housing
- H14 - Affordable housing provision
- H15 - Rural Local Needs Housing [not a relevant policy as not local needs/affordable]
- CF2 - Development contributions
- SR5 - Doorstep and local play space
- CC1 - Development in the Countryside
- CC2 - Landscape and Character Area
- R1 - General Levels of Development
- TR12 - Cycling
- TR16 - Car parking provision

### NOTIFICATIONS

Neighbouring dwellings in Manor Road, Wotton Court, Wansum Court, The Finches and Bridges Close were notified by letter. A site notice was also displayed. A total of 9 individual letters of objection have been received raising the following points of concern:

- Conflict with the Local Plan
- Overbearing development and loss of outlook
- Out of character with the area
- Highway concerns
- Loss of parking
- Proximity to adjoining properties
- Strain on community facilities

St Nicholas-at-Wade and Sarre Parish Council - summary of St Nicholas-at-Wade and Sarre Parish Council objections to the above planning application:

- The planning application contravenes TDC Local Plan 2006
- The planning application contravenes new TDC Draft Local Plan
- Traffic concerns
- Strains on local services
- Strains on utilities

### CONSULTATIONS

**Kent Highway Services** - (25 January 2016) The initial comments placed a holding objection to the scheme due to various revisions being required to the layout and confirmation on the suitability of the access. To address these revised plans have been provided by the agent as well as a safety audit of the proposed new junction.

(9 June 2016) I refer to the safety audit, designers response and drawings numbers 595/202 Rev. B, 203 Rev.E, 210 Rev. B, 214, 213 Rev. A, and 2686-03 Rev. E submitted for the above.

The proposed development may generate 22 vehicle movements in the network peak hours in Manor Road, which can be accommodated as current traffic flows are low. These additional movements will likely all be tidal in nature (southbound in the morning peak and northbound in the evening peak) due to the proposed build-out at the access preventing movements to/from the north. Whilst some limited on-street parking takes place in the southern section of Manor Road, there is sufficient width for vehicles to pass parked vehicles and sufficient space to allow vehicles to wait for a vehicle coming in the opposite direction to pass. Whilst there is a short section of Manor Road between the site boundary and St Nicholas Lodge without a footway, this is a low speed environment with good approach visibility which is used by pedestrians at present without any apparent crash problems. The proposals also include a connection to the existing public right of way to the north of the site and a contribution to surface this path, providing a connection to the pedestrian routes to the school, village amenities and bus stops.

Whilst the proposals will give rise to additional movements at the Manor Road/A28 Canterbury Road junction, there is no pattern or volume of crashes to suggest there is an existing problem at this junction which will be exacerbated by the proposals. It is accepted that the visibility at the junction of Manor Road with The Length is below current standards, however this junction appears to operate without apparent crash problems and the proposals are in any case unlikely to generate additional vehicle movements in the northern section of Manor Road.



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The site access proposals have been independently safety audited and adequate visibility and manoeuvring room is provided. The amount of car parking proposed within the site is acceptable and unlikely to lead to on-street parking on the highway.

Taking all of the above into account the proposals are unlikely to have a severe impact on the highway network which would warrant a recommendation for refusal on highway grounds, subject to safeguarding conditions and s.106 agreement.

**KCC Sustainable Drainage** - The proposed use of infiltration drainage features and detention basins at this location is acceptable in principle. At the detailed design stage this outline proposal will be subject to appropriate ground investigation and infiltration testing to demonstrate that the principle can be validated.

**KCC Biodiversity** - We have reviewed the submitted information and we are largely satisfied with the information however we do require clarification, prior to determination, on the following points:

### Birds

The ecological report has only assessed the impact on birds breeding within the hedgerows/trees within the proposed development site. We recommend that additional information is submitted prior to determination assessing the impact the proposed development will have on all breeding birds and wintering birds.

### Reptiles

The submitted report has highlighted that there is some limited potential for reptiles to be present within the tall ruderal vegetation within the site boundary. We would like additional information to be provided confirming that there is suitable habitat adjacent to the site for any reptiles to be moved/pushed in to and the habitat will be retained in perpetuity.

### Badgers/Hedgehogs

The submitted survey has highlighted that there is potential for badgers and hedgehogs to be present within this site and advise that a precautionary approach is implemented to avoid impacting the species during the construction works. We advise that this must be implemented if planning permission is granted.

### Bats

We are satisfied with the conclusions of the report that the bats are most likely to be foraging/commuting along the field boundaries which will be retained as part of the proposed development. The recommendations within the submitted report must be incorporated in to a lighting scheme.

### Enhancements

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The report has made a number of recommendations of ecological enhancements which can be incorporated in to the site. Confirmation of which enhancements will be included within the scheme (if planning permission is granted) must be submitted for comments.

### Designated Sites

The proposed development is less than 5km from the Thanet Coast and Sandwich Bay SPA and Ramsar site. Studies carried out have highlighted that recreation is a potential cause of decline in bird numbers within the designated sites. In order to address this potential issue TDC have produced a Strategic Access Management and Mitigation Plan and advise that the applicant contributes to the SAMMP.

Subsequent comments received on 16 March following receipt of additional information from the applicant confirms that the concerns previously identified within our EAS advice note issued in January 2016 have been resolved and there are no objections to the proposed development.

Birds - We have reviewed the submitted information and we are satisfied the information provided is sufficient to determine the planning application.

Reptiles - We advise that we are satisfied that sufficient information has been provided to satisfy us that, if present, reptiles can be retained within the site and adjacent habitat. We recommend if planning permission is granted that the hedgerows are enhanced to increase their suitability to be used by reptiles - for example creating log piles within the hedgerows.

### **KCC Public Rights of Way** - No comments

**KCC Development Investment** - The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

### Primary School Provision

The proposal gives rise to additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the Phase 1 expansion of Birchington Primary School, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded. A contribution of £2,360.96 per 'applicable' house (x39) is required towards the construction of phase 1 of the Birchington Primary School expansion.

### Secondary School Provision

The proposal gives rise to additional secondary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the extension of existing Secondary School accommodation within the locality. The contributions from this development will be allocated towards the construction

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cost of Royal Harbour Phase 1 works. A contribution of £2,359.80 per 'applicable' house (x39) is required towards the first phase of expansion at Royal Harbour Phase 1 works.

### Libraries

This new development will generate new borrowers for the Library Service. Bookstock in Thanet at 953 items per 1000 population is below the County average of 1134 and both the England and total UK figures of 1389 and 1492 respectively. The County Council therefore requests £48.02 per dwelling (x39) to address the direct impact of this development.

### Social Care

The proposed development will result in additional demand upon Social Care (SC) (Older People, and also adults with Learning or Physical Disabilities) services. All available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet. In addition, the Social Care budgets are fully allocated, therefore no spare funding is available to address additional capital costs for social care clients generated from new developments.

The County Council request Thanet Council ensure the delivery of 1 Wheelchair Accessible Home (as part of the affordable housing element on this site) to fully mitigate the impact of this development on Social Services, with nomination rights given in consultation with KCC Social Care.

### Superfast Fibre Optic Broadband

To provide: 'fibre to the premise' (superfast fibre optic broadband) to all buildings (residential, commercial, community, etc) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings.

**Strategic Housing** - the Council's housing team indicated that the affordable housing provision should be revised from the submitted 6 x 2 bed and 6 x 3 bed to include provision of some 4 bed units to reflect the wider housing mix. The requested split should include the following: 4 x 2 bed; 6 x 3 bed and 2 x 4 bed.

The applicant subsequently confirmed in an email (21 January) that the revised split of 4 x 2 bed, 6 x 3 bed and 2 x 4 bed can be provided. The mix proposed of 6x3bed, 4x2bed and 2x4bed, is in accordance with the housing need in Thanet. Housing Associations do not generally build 5 bedroom houses, so the mix of 2, 3 and 4 bed affordable units are more appropriate, than a direct proportionate mix of the private units.

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

We request that should this application receive planning approval, the following informative is attached to the consent: "A formal application for connection to the public sewerage system is required in order to service this development.

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The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

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

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed water infrastructure plans have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

**Kent Police** - There is no mention of crime prevention in the Design and Access Statement. I recommend that boundary treatments conform to Secured by Design specifications being 1.8m in height for side and rear gardens. If this planning application is given approval we would suggest the following condition is included:

"The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter maintained.

**Natural England** - The application site is in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has 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 site is in close proximity to the Thanet Coast & Sandwich Bay Special Protection Area (SPA). The above site is also designated at a national level as Sites of Special Scientific Interest (SSSIs) (the Thanet Coast SSSI).

Natural England is satisfied that the proposed developments 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 SSSIs named above have been notified.

### COMMENTS

This application is reported to planning committee as a departure from the saved Local Plan and was also called to committee by Councillor Ken Gregory. The main considerations with

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regard to the planning application are the principle of development; the impact upon the character and appearance of the local area; the impact upon living conditions of neighbouring property occupiers and future occupiers; highway safety; Biodiversity impacts; Drainage and flood risk considerations, and Environmental Health considerations.

### **Principle**

In considering the planning application under section 38(6) of the Planning Act, any determination must be made in accordance with the development plan (in this case the Thanet Local Plan) unless material considerations indicate otherwise. The NPPF sets out at paragraph 215 that due weight should be given to relevant policies in existing plans according to the degree of consistency with the policies within the NPPF.

The site is non-previously developed land beyond the village confines. The proposal is therefore contrary to the aims of saved policy H1 that states that residential development on non-allocated sites will be permitted on previously developed land within the existing built up confines unless specified by other Local Plan Policies. This policy constraint, however, needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis the National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development. In this case whilst the site lies beyond the village confines, it is adjacent to existing residential properties and has good pedestrian access to local Bus stops as well as the facilities within St Nicholas-at-Wade. It could therefore be considered a sustainable location with regards access to services and facilities.

The site has been included within policy HO4(B) of the draft Local Plan, along with an adjacent site, as a residential development with the rural settlements potentially capable of providing 50 dwellings between 2016-21. The draft Local Plan has limited weight at this stage due its lack of progress, however it reflects the most recent view of the council with regards to the assessment of the sites suitability for residential development.

The development of this site for housing could therefore be acceptable subject to the detailed consideration of all other material considerations including the impact upon the character and appearance of the area, the impact on living conditions of neighbouring properties and highways safety.

### **Character and Appearance**

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

The application site is currently an area of agricultural land beyond the village confines. In its present condition it could be considered that the site serves a practical function as arable land whilst also functioning as a gap in the settlement pattern and therefore must be

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considered in the context of saved policy SR11 of the Local Plan. This states that development will not be permitted on such sites where they provide recreation opportunities, meets a deficiency in recreational facilities, or has intrinsic benefits that contribute to the character or the area. In this case the application site has most recently been used as agricultural land and does not therefore provide recreational opportunities or meet a deficiency in recreational facilities. The area further to the north-west provides a valuable role as an area of protected open space for formal and informal recreation and has a public right of way through it connecting it to the main village centre.

Despite the site functioning as a gap in the settlement it does not contribute positively towards the character or the area itself or provide for longer views that can be considered to be of intrinsic benefit. Its development for the provision of new housing is therefore not considered to represent a conflict with the aims of saved policy SR11.

The submission sets out a density development of 16.6 dwellings per hectare as set out in the accompanying technical reports. The layout achieves an appropriate density with sufficient spacing between the individual dwellings and opportunities to provide appropriate soft landscaping to enhance the street scene. The lower density of development is also considered to reflect the surrounding pattern of development, including that proposed on the adjoining site to the north east (TH/15/0770). This scheme also results in the provision of detached and semi-detached properties (the exception being two terraces of three as part of the affordable provision), which is again in keeping with the surrounding built character.

The scheme is designed so that all of the proposed dwellings are two storey in nature. Whilst this means that the proposals are of greater scale than the existing properties to the immediate south of the site, this scale of development is in keeping with the wider character of the area particularly to the north and east. In this context the contrast with the scale of those two properties immediately south is not considered to result in unacceptable impacts to the wider character and appearance.

The NPPF is clear in setting out that policies and decisions should not stifle innovation, originality or initiative but should seek to promote or reinforce local distinctiveness (paragraph 61). It goes on to state that permission should be refused for development of poor design where it fails to improve the character and quality of an area and the way in which it functions.

The architectural approach to the development seeks to incorporate design elements that are present within the local area. The street scene is varied with the use of different roof forms and subtle variation in the palette of materials to create a well designed estate that would fit into the immediate surrounding, recognising that the immediate surrounding area lacks a single distinctive architectural style.

The contrast between the tile hanging, weatherboarding and brickwork provides a subtle contrast within the wider street scene. Contrasting surface materials are also proposed for the road surface and parking areas to delineate between private and shared zones. Whilst the materials have been specified within the submission regarding colours a standard condition is considered appropriate to control the specific materials used.

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In regards to landscaping the application is supported by a landscape assessment that sets out the three principle landscaped areas within the site (the main frontage and then the two public spaces within the site either) would be covered by a maintenance agreement as part of a section 106 agreement. Whilst the landscape assessment considers the impacts of the development on views into/from the landscape character area there are no landscape details regarding the scheme layout itself. The submitted plans indicate planting along the street frontage to soften the built form, together with planting along some of the boundaries between plots to reinforce a rural character. However, in the avoidance of any specific details it will be necessary to ensure the submission and approval of a detailed hard and soft landscape scheme through conditions on any approval.

This scheme lacks the immediate street frontage presence that is present elsewhere along Manor Road due to the setting back of plots 1 to 4 behind a managed area of open space. However, the provision of a landscaped frontage is welcomed and subject to it being maintained free of boundary treatment is considered to represent an enhancement locally.

In conclusion it is therefore considered that the development of this site for 38 dwellings of two storey nature is acceptable in principle without harming the character and appearance of the surrounding area. The detailed design of the elevations together with an appropriate palette of materials demonstrates that an acceptable scheme can be achieved to ensure compliance with saved policy D1 of the Local Plan.

### **Living Conditions**

The nearest residential development lies to the north of the site to the existing single storey building of Ashbre. It is also pertinent to consider the relationship between the proposed development of this site and that of the adjoining site to the rear of Manor Hall (TH/15/0770). Although this site has not been built it has been granted following the April planning committee and it is therefore necessary to consider how the two schemes might relate to each other and whether there is a conflict with the layouts of either that would result in unacceptable impacts should they both be approved.

Due to the separation distances along the northern boundary of the site with Ashbre and the layout of plots 37 to 39 there is no opportunity for any degree of overlooking that would be detrimental to the existing amenity provision for the occupants of the property. In regards to the relationship with the adjoining development site it should be noted that separation distances between properties is acceptable, with the proposed dwellings approximately 15 metres from the boundary and the adjoining proposed dwellings being approximately 11 metres from the boundary.

Within the proposed development, the layout examples provided within the Design and Access Statement demonstrate that the separation distances between buildings and likely positioning of windows would result in acceptable standards of accommodation for all future occupants concerning both outlook and private residential amenity.

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The layout also includes the provision of a field access between plots 21 and 22 via a private drive. The applicant has confirmed that this access is required in order to provide the farmer with access to the field for future management.

In relation to the provision of doorstep play space as set out in policy SR5, the individual dwellings are provided with adequate garden space to provide a safe play area for children. The scheme also provides three distinct areas of open space within the layout, although one of these fronts Manor Road and is therefore not suitable for any form of informal recreation. The larger central green would function as an area of green space also suitable for informal recreation. It is not a requirement to make provision on site for open space due to the scale of the proposed development. It should be noted that the emerging local plan envisaged this site coming forward with development of the adjoining land (F/TH/15/0770) and providing 50 or more dwellings, in which case on site open space would be required. In the circumstances it is not considered appropriate to request on site open space provision either from the individual sites or on site through a combination of both. A financial contribution towards the improved provision of open space in the surrounding area is therefore considered an appropriate measure to ensure the needs from the developments are met locally.

In relation to the provision of doorstep play space as set out in policy SR5, the individual dwellings are provided with adequate garden space to provide a safe play area for children.

### **Affordable Housing**

Affordable Housing is dealt with through policy H14 of the Thanet Local Plan setting out 30% as the starting point for negotiations on all qualifying developments of more than 15 dwellings or sites of more than 0.5 hectares. Based on the provision of 39 units in total on the site the affordable housing requirement would be to provide 12 units. The applicant has confirmed that they are intending to meet this obligation, which would be secured through a legal agreement.

The applicant has provided a plan to show that plots 5 to 16 would be the affordable units. The revised split of 4 x 2 bedrooms, 6 x 3 bedroom and 2 x 4 bedroom units. This split of provision is in accordance with the latest Strategic Housing Market Assessment requirements, demonstrating a preference for the larger family units.

The applicant has also confirmed that the proposed split will be eight units for affordable rent and four for shared ownership. This provision will be secured through a legal agreement, however the applicant has confirmed this is acceptable through the submission of Heads of Terms.

The level of affordable housing to be provided on site is therefore considered acceptable.

### **Play Provision**

The Parish Council have raised an objection to the development on the basis of the proposal failing to accord with the requirements of emerging policy H04B in that the larger development of land at Manor Road is required to 'incorporate open space in accordance with the standards set out in Policy SP27.' The clear inference in this policy relates to the



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second requirement in respect of developments of 50 dwellings or more. The link in Policy H04B is included based on the expectation that the entire site (reference S488 or R25\_146 in the SHLAA) would come forward as a single application providing more than 50 dwellings. The adjoining site has come forward as a separate detailed application for 17 dwellings and it is not appropriate to join the schemes together to consider the cumulative development of 56 dwellings in order to trigger the requirement for each scheme to deliver an appropriate level of on-site open space.

In accordance with the requirements of Policy SR15 the development would require a commuted payment for the provision, maintenance and upgrading of play facilities which should be provided within a maximum walking distance of 200 metres from the site. The application site is located directly to the south of the existing Bell Meadow play space, which would be used by future residents and therefore contributed towards in order to mitigate for its impacts. Financial contributions towards the improved provision of open space are therefore considered an appropriate measure to ensure the needs from the developments are met locally. The cost of providing an equipped area of play has been calculated as £34,125 in accordance with the adopted Planning Obligations and Developer Contributions SPD 2010. The financial contribution will be passed to St. Nicholas Parish Council who maintains the existing play area to be used for improvements to the play area.

The financial contribution has been agreed by the agent, and will be included within the legal agreement.

### **Highways**

In terms of the access the layout shows a single point of entry and exit via Manor Road. The details of the access include a build out to prevent left turns from the site and these have been discussed at length with Kent Highways who have confirmed that the proposals are now acceptable in principle.

The proposal seeks to provide a total of 99 space for the 39 units. The ratio is set out in detail within the accompanying Transport Assessment, stating that in accordance with the adopted IGN3 note 83 spaces would be required for the scheme. The additional numbers provided are a result on the provision of tandem parking, which results in a reduction of 50% of spaces of the spaces (of 31 spaces an allowance is only made for 15 in total).

KCC Highways and Transportation have advised that public footpath TE10 running along the southern boundary of Bell Meadow forms part of the direct route to and from the primary school and other services within the village and is unpaved, and is therefore likely to be used. The provision of an all-weather surface to this section of footpath TE10 would provide a continuous paved pedestrian link between the site and the school and encourage its use, and the applicant should therefore provide this surface. KCC's Countryside Access Team has advised that £15,000 will be sufficient for these works. This cost has been split proportionately across this and the adjacent housing development site (the subject of a separate application), with a requirement of £11,000 through this application. The agent has agreed to the provision of the financial contribution, which will be secured through the legal agreement. This represents a sustainable benefit for the development and the wider area, providing a public link for the benefit of the immediate area.

In conclusion, the scheme provides an appropriate level of on-site car parking and cycle parking assessed against policy requirements, along with sustainable pedestrian links, and an acceptable form of access. The impact upon highway safety is therefore considered to be acceptable.

### **Ecology and Biodiversity**

The NPPF states at paragraph 109 that the "planning system should contribute to and enhance the natural and local environment by... minimising impacts on biodiversity and providing net gains in biodiversity where possible..." The NPPF then states at paragraph 118 that "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

An ecological scoping survey was submitted with the planning application outlining the details of a phase 1 habitat survey carried out on the site. The applicant has confirmed that the site has been regularly ploughed with no cover making it an inappropriate site for nesting birds. Further information has been provided to address the initial KCC ecology comments and it has been confirmed that this has addressed the initial comments.

### **Habitat Regulations**

Under the Natural Environment and Rural Communities Act (2006) "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these functions, to the purpose of conserving biodiversity." Information on the impacts of recreational disturbance upon Thanet Coast and Sandwich Bay Special Protection Area, Ramsar site, Sandwich Bay Special Areas of Conservation, Thanet Coast Special Areas of Conservation, the Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest and the Thanet Coast Site of Special Scientific Interest has been published in recent years.

Natural England consider that the evidence suggests a significant impact on bird distribution in both summer and winter months and consider that a year round warden would be precautionary and appropriate to mitigate this potential impact. A contribution to this mitigation is therefore required in the form of £184 per residential unit, which has been accepted as an appropriate approach by Natural England.

### **Drainage and Flood risk**

The application site is not within an area prone to flooding and is designated as being of low risk, accordingly the development would not pose a flood risk issue. The submitted Design and Access Statement and separate Surface Water Management Strategy confirms that the scheme will incorporate SuDS to control surface water run off. Southern Water and KCC have raised no objections to the proposed drainage,

In order to ensure that the scheme has no wider impacts a condition requiring the submission and approval of details relating to foul and surface water disposal, including the use of any SUDs is considered to be both reasonable and necessary.

### Financial Contributions

Policy CF2 of the Thanet Local Plan states that where a proposed development would directly result in the need to provide new or upgraded community facilities, the Local Planning Authority will negotiate with the applicant for a contribution towards the costs of such provision, which is fairly and reasonably related in scale and in kind to the proposed development.

Requests for financial contributions need to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations (amended in 2014). These state that an obligation can only form a reason in the granting of planning permission if it meets all of the following criteria:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

A request for developer financial contributions has been made by the Development Project Manager on behalf of Kent County Council towards primary school education in the form of £2,360.96 per 'applicable' house towards the construction costs of phase 1 of the Birchington Primary School expansion as well as £2,359.80 per 'applicable' house towards the first phase of expansion at Royal Harbour Phase 1 works. Whilst the primary school contribution is not requested for the St Nicholas Primary school in close proximity to the site, as no project for expansion has been identified by the education provider, the requested contribution to Birchington Primary School is considered to comply with regulation 122 of the Community Infrastructure Regulations.

An additional contribution of £1,872.78 has been requested towards library bookstock to mitigate the impacts of new borrowers from this development. Kent Highways have also requested a contribution of £11,000 to provide a paved all-weather surface on the section of Public Footpath TE10 along the northern boundary of the site, between the site and the existing paved footpath in Bell Meadow. A further contribution of £34,125 is also requested in connection with the provision of equipped play space in accordance with the adopted Planning Obligations and Developer Contributions SPD 2010. These contributions are considered necessary, directed related to the development and fairly and reasonable related in scale and kind to the development from the evidence provided by Kent County Council.

#### Summary of Heads of Terms of Planning Obligations

Primary School Phase 1 Birchington Primary Expansion -  $£2,360.96 \times 39 = £92,077.44$

Secondary School Royal Harbour Phase 1 works -  $£2,359.80 \times 39 = £92,032.20$

Libraries -  $£48.02 \times 39 = £1,872.78$

Affordable Housing - 4x 2 Bed, 6 x 3bed, 2x 4bed units provided as a mix of affordable rent and shared ownership.

Play area contribution to equipped play area - £34,125

Strategic Access Management and Monitoring Plan (SAMM)- £184 x 39 = £7,176

Public Right of Way Footpath Improvement Contribution - £11,000

### **Conclusion**

The site is non-previously developed land beyond the village confines and is therefore considered contrary to the aims of saved Policy H1. This policy constraint, however, needs to be balanced with the fact that there is a current need for housing in Thanet, and on this basis the National Planning Policy Framework (NPPF) indicates that applications for housing should be considered in the context of the presumption in favour of sustainable development. The site is considered sustainable in its location and the economic and social benefits outweigh the limited environmental impact of the proposals. Furthermore, although of limited weight the identification of the site within the draft Local Plan and its inclusion within the SHLAA as a sustainable location reflects the Council's most recent view of its suitability for residential development.

It is therefore considered that the proposal can be delivered in a manner that is in keeping with the established character and pattern of the neighbouring residential development and will not result in unacceptable impacts. On balance the need for housing in sustainable locations such as this site outweighs the need set out in saved Policy H1 of protecting non-previously developed land. It is therefore recommended to Members that this application be deferred and delegated to the Director of Community Services to approve subject to the receipt of the legal agreement securing the developer contributions towards education, libraries, play space, footpath improvements and Habitats Regulations mitigation measures and the necessary safeguarding conditions.

### **Case Officer**

Iain Warner

# Agenda Item 5

## Annex 1

TITLE: F/TH/15/1204

Project Land Adjacent And Rear Ashbre Manor Road St Nicholas At Wade  
BIRCHINGTON Kent

Scale:



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## 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.

