

# Public Document Pack

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## PLANNING COMMITTEE

**19 FEBRUARY 2020**

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 19 February 2020** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillor Tomlinson (Chairman); Councillors: Coleman-Cooke (Vice-Chairman), Albon, J Bayford, Currie, Dennis, Duckworth, Garner, Hart, Keen, Scott, Scobie, Taylor and Wright

## A G E N D A

Item  
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)

To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)

3. **MINUTES OF PREVIOUS MEETING** (Pages 5 - 28)

To approve the Minutes of the Planning Committee meeting held on 22 January 2020, copy attached.

4. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 29 - 32)

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

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

Item  
No

Subject

**For Approval**

- 4a **A01 - FH/TH/19/1616 - 21 CHESTNUT DRIVE, BROADSTAIRS** (Pages 33 - 38)

**For Refusal**

- 4b **R02 - F/TH/19/1289 - 4 THE SPINNEY, MARGATE** (Pages 39 - 50)

**For Deferral**

- 4c **D03 - F/TH/19/0889 - FORMER WESTONVILLE GARAGE, CANTERBURY ROAD, MARGATE** (Pages 51 - 78)

- 4d **D04 - F/TH/19/1481 - LAND ADJACENT TO 1 NORTHBOURNE WAY, MARGATE** (Pages 79 - 88)



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

## **THANET DISTRICT COUNCIL DECLARATIONS OF INTEREST**

### **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.
4. **Complete the declaration of interest form and submit it to Democratic Services.**

### **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.
4. **Complete the declaration of interest form and submit it to Democratic Services.**

## **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 Committee Services Manager well in advance of the meeting.

# Public Document Pack Agenda Item 3

## Planning Committee

**Minutes of the meeting held on 22 January 2020 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.**

**Present:** Councillor Michael Tomlinson (Chairman); Councillors Coleman-Cooke, Albon, J Bayford, Currie, Dennis, Duckworth, Garner, Hart, Keen, Taylor and Wright.

**In Attendance:** Councillors; Pat Moore, Ashbee and Fellows.

**533. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Scott and Councillor Scobie.

**534. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**535. MINUTES OF PREVIOUS MEETING**

Councillor Coleman-Cooke proposed, Councillor Taylor seconded and Members AGREED that the minutes of the Planning Committee held on 18 December 2019 be approved and signed by the Chairman.

**536. SCHEDULE OF PLANNING APPLICATIONS**

**537. D04 - OL/TH/19/0409 - LAND REAR OF 96 TO 102 MONKTON STREET, MONKTON**

PROPOSAL: Outline planning application for residential development of up to 49 dwellings including access.

Speaking in favour of the application was Ms Gibbs.

Speaking raising points of concern was Ms Johnston.

Speaking raising points of concern was Ms Dyas.

Speaking as Parish Councillor was Parish Councillor Ransom.

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

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

‘That the application be DEFERRED AND DELEGATED to officers for approval subject to the satisfactory completion of Section 106 agreement within six months of the date of this resolution securing the required planning

obligations as set out in the Heads of Terms and the following safeguarding conditions:

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

**GROUND;**

As no such details have been submitted in respect of these matters as the application is in outline. In accordance with Section 92 of the Town and Country Planning Act 1990.

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 2 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 Any reserved matters applications submitted pursuant to this outline application shall accord with the principles and parameter of the following Parameter Plans received by the Local Planning Authority on the 26th September 2019 (including any text set out on those Plans to illustrate the development principles):-

- PP001 Rev D - Land Use;
- PP02 Rev D - Movement and Access; and
- PP03 Rev D - Building heights

**GROUND;**

To ensure that any development is in accordance with and within the parameters of that assessed by the Local Planning Authority and in the interest of achieving sustainable development, in accordance with Thanet Local Plan Policy D1, and the principles with the National Planning Policy Framework.

6 Prior to the occupation of any part of the development hereby approved a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority for all landscaped areas which shall include long term design objectives, details of who it to have ongoing management responsibilities for the area and how those arrangements will be secured in perpetuity and annual maintenance schedules for all landscaped areas.

The approved Landscape Management Plan shall be implemented and adhered to as approved subject to any minor revisions thereto as may be approved in writing by the Local Planning Authority. The public open spaces in that phase shall be permanently retained and maintained thereafter in accordance with the approved Landscape Management Plan for that phase and used for an made available as public open space for public amenity purposes only.

**GROUND;**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment, and provide local play space, in accordance with Policies D1, D2 and SR5 of the Thanet Local Plan and guidance within the National Planning Policy Framework.

7 Details to be submitted pursuant to condition 1 shall include the location and size of the affordable housing units, which shall include 1 no. unit designed to meet the Building Regulations standard in Part M4(3)

**GROUND;**

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

8 No less than 70% of the total number of dwellings constructed pursuant to this planning permission shall be dwellings of two or more bedrooms.

**GROUND;**

To ensure the provision of a mix of house sizes and types to meet a range of community needs in accordance with saved policy H8 of the Local Plan.

9 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

**GROUND;**

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

10 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.

11 No development shall commence until a detailed sustainable 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 upon the principles contained within the Flood Risk Assessment by Intermodal Transportation (March 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate changed adjusted critical 100 year storm) can be accommodated and disposed without increase to flood risk on or off site.

The drainage scheme shall also demonstrate (with reference to published guidance):

That silt and pollutants resulting from the site can be adequately managed to ensure there is no pollution risk to receiving waters.

Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

**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 advice contained within the National Planning Policy Framework.

12 Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details

**GROUND;**

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

13 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.

14 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

**GROUND;**

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

15 Prior to the first 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 National Planning Policy Framework and saved policy D1 of the Local Plan.

16 All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal Report and Reptile Survey as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to occupation of any part of the development.

**GROUND;**

To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified to preserve ecology in accordance with Paragraph 170 of the National Planning Policy Framework.

17 Prior to the construction of any external surfaces of the development hereby approved, details of how the development will enhance biodiversity shall 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 installation of generous native planting where possible. The approved details shall be provided prior to the first occupation of the development hereby permitted and thereafter permanently retained.

**GROUND;**

To enhance biodiversity in accordance with Paragraph 170 of the National Planning Policy Framework.

18 No development shall take place until a Construction Method Statement has been 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:

- i) the parking of vehicles for site operatives and visitors;
- ii) construction vehicle loading/unloading, turning facilities and access routes/arrangements;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) wheel washing facilities and their use;
- vi) measures to control the emission of dust and dirt during construction including a scheme for recycling/disposing of waste resulting from construction works
- vii) a construction environmental management plan, including details of operation construction times, 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 with the National Planning Policy Framework paragraph 109 and in the interest of highway safety and amenity.

19 Prior to the first occupation of the development hereby permitted, a statement that provides details of how the air quality damage costs of £27,438 as calculated within the Emissions Mitigation Assessment Lustre 3030/MG/2-2019 dated February 2019, are to be used to achieve air quality

improvements listed in section 6.2 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND;**

In the interests of ensuring appropriate air quality in accordance with EP5 of the Thanet Local Plan and paragraph 181 of the NPPF.

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

**GROUND;**

In the interest of air quality and amenity in accordance with EP5 of the Thanet Local Plan and paragraph 181 of the NPPF.

21 Details pursuant to condition 1, shall identify a minimum of 10% of housing to be built in compliance with building regulations part M4(2)

**GROUND;**

To ensure that the type of housing complies with Policy H8 of the Thanet Local Plan 2006 and Policy QD05 of the emerging Thanet Local Plan

22 Details pursuant to condition 1 shall include an explanation of how the proposed layout would accord with Secured by Design principles, in accordance with advice received from Kent Police.

**GROUND;**

To promote public safety and security in accordance with Policy D1 of the Thanet Local Plan D1 and paragraph 95 of the National Planning Policy Framework.

23 Details pursuant to condition 1 shall include details of any proposed roads (and identify which roads are to be offered for adoption), including provision of communal on street parking to accommodate likely demand from school pick up and drop off activity where appropriate, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, accesses, carriageway gradients, driveway gradients and street furniture in that phase. The development shall be laid out and constructed in accordance with those details as submitted to, and approved by, the Local Planning Authority prior to occupation of any part of the development and thereafter retained.

**GROUND;**

In the interests of highway safety and to ensure the proper development of the site without prejudice to the amenities of the occupants.

24 Details pursuant to condition 1, shall include details of the areas reserved for vehicle loading and unloading, vehicular parking spaces and/or

garages, electric vehicle charging points, and manoeuvring and turning facilities which shall be provided in accordance with standards to be agreed with the Local Planning Authority. Such facilities as approved shall be constructed and made available for use prior to the occupation of the unit for which they are provided to meet relevant parking and layout standards, and thereafter shall be retained for their approved purpose.

**GROUND;**

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

25 Details pursuant to condition 1, shall include the provision of adequate secure covered cycle parking facilities, in accordance with standards to be agreed with the Local Planning Authority. Such facilities as approved shall be made available for use prior to the occupation of the unit for which they are provided to meet relevant parking and layout standards, and thereafter shall be retained for their approved purpose.

**GROUND;**

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

26 Details pursuant to condition 1, shall include the vehicular and pedestrian sightlines for all new junctions and accesses in accordance with details and standards to be agreed with the Local Planning Authority. No dwelling shall be occupied until all relevant junctions and access roads serving that dwelling or floorspace (and linking it to the adopted highway) including the approved sightlines have been provided in accordance with the approved details. They shall thereafter be retained free from obstruction.

**GROUND;**

In the interests of highway safety.

27 Details pursuant to condition 1 above shall include the provision of means and routes of access for pedestrians and cyclists within the development to and from the surrounding footway and cycleway network. No dwelling shall be occupied until all such routes and means of access serving that dwelling are constructed and ready for use and thereafter shall be retained for their approved purpose.

**GROUND;**

In the interests of highway safety and to facilitate the use of alternative means of transport, in accordance with Thanet Local Plan Policies TR11 and TR12.

28 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.

29 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:

footways and/or footpath, with the exception of wearing course;  
 carriageway, 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.

In accordance with details to be submitted to and approved, in writing, by the Local Planning Authority.

**GROUND;**

In the interests of highway safety.

30 No development shall take place until completion of the highway alterations shown on drawing number IT1860/TS/02 Rev. 1 submitted on 13th December or amended as agreed with the Local Planning Authority has been carried out.

**GROUND;**

In the interests of highway safety.

31 Details pursuant to condition 1 above shall include a 2.5m high acoustic fence along the length of the proposed public parking spaces within the application site.

**GROUND;**

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

32 Details pursuant to condition 1 above shall include the provision of 10 car parking spaces for public use within the site access.

**GROUND;**

In the interest of parking amenity of existing residents and highways safety.

33 Prior to the first occupation of any dwelling hereby approved, the vehicular and pedestrian access to Monkton Street shall be completed in accordance with the approved plan and available for use.

**GROUND;**

In the interests of highways safety.'

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

Then, it was proposed by Councillor Albon and seconded by Councillor Hart that:

"The application be REFUSED. The proposal, by virtue of its location, would result in the loss of countryside and best and most versatile farm land, outside

of the identified urban confines in the current and emerging Thanet local plan, where the need for development does not outweigh the need to protect the countryside, and the harm resulting from the loss is not sufficiently outweighed by economic, social or environmental benefits, contrary to Policy CC1 of the Thanet Local Plan 2006, Policy SP21 of the Draft Local Plan and paragraph 170 of the National Planning Policy Framework.”

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

**538. A01 - FH/TH/19/1400 - 14 SEVEN STONES DRIVE, BROADSTAIRS**

PROPOSAL: Erection of two storey front extension with balcony, two storey and single storey side extensions together with erection of single storey rear extension, alterations to materials and additional off-street parking space.

Speaking in favour of the application was Mrs Rospo.

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 amended by the revised drawings numbered 19/416/JG/PL01, Rev A received 11/12/2019, 19/416/JG/PL02, Rev D received 17/12/2019 and, 19/416/JG/PL03, Rev B received 19/12/2019.

**GROUND;**

To secure the proper development of the area.

3 The construction of the development hereby permitted shall incorporate measures to prevent the discharge of surface water onto the highway.

**GROUND;**

In the interests of highway safety.

4 The ensuite window to the masterbedroom of the development hereby approved shall be provided and maintained with a sill height of not less than 1.73 metres above the finished internal floor level and obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 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.

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

**539. R02 - F/TH/19/1335 - 2 BRIDGE ROAD, MARGATE**

PROPOSAL: Part-retrospective application for the change of use from garage to a 2-bed dwelling together with the erection of bike and bin stores.

Speaking as Ward Councillor was Councillor Ashbee.

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 dwelling, by virtue of the small plot size, large set back from the highway, poor relationship with Bridge Road and dwellings contained therein, and the enclosed nature of the site, fails to respect the surrounding pattern of development and the character and appearance of the area, to the detriment of the visual amenities of the locality, contrary to the aims of saved policy D1 of the Thanet Local Plan and paragraphs 91, 127 and 130 of the National Planning Policy Framework.

2 The provision of the two bedroom dwelling, by virtue of its limited size, has resulted in an unacceptable standard of residential accommodation for occupiers and future occupiers of this site. The provision of this dwelling is therefore contrary to the aims of saved policy D1 of the Thanet Local Plan, draft policies QD03 and QD04 of the Draft Thanet Local Plan, the Nationally Described Space Standards and the aims of paragraphs 117 and 127 of the NPPF.

3 The proposed development will result in increased recreational pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to paragraphs 170, 176 and 177 of the NPPF and the Habitats Directive.’

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

**540. R03 - FH/TH/19/1397 - 24 LININGTON ROAD, BIRCHINGTON**

PROPOSAL: Erection of a two storey side extension.

Speaking in favour of the application was Mr Sinstadt.

Speaking as Ward Councillor was Councillor Fellows.

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 proposed two storey side extension by virtue of its width, height, scale, design, siting and prominent corner location would result in an incongruous, dominant and visually intrusive form of development within the street scene, which would project significantly forward of the established building line of properties in Cornford Road and therefore out of keeping with the surrounding pattern of development, to the detriment of the character and appearance of the area, contrary to Policy D1 of the Thanet Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.’

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

Then, it was proposed by Councillor Albon and seconded by Councillor Hart that:

“The application be APPROVED as it was felt that the development would not harm the character and appearance of the area.”

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

**541. D05 - OL/TH/18/1213 - JENTEX ENGINEERING LTD, CANTERBURY ROAD WEST, RAMSGATE**

PROPOSAL: Outline application for the erection of a 3-storey 61no. unit extra-care facility (C2 use class), 14No. single storey bungalows, 33No. 2-storey dwellings, and 8No. maisonettes, including access and scale, following removal of existing structures.

Speaking in favour of the application was Mr Morton.

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

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

‘That the application be DEFERRED AND DELEGATED to officers for approval subject to the satisfactory completion of Section 106 agreement within six months of the date of this resolution securing the required planning obligations as set out in the Heads of Terms, and the following safeguarding conditions::

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

**GROUND:**



As no such details have been submitted.

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

**GROUND:**

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

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

**GROUND:**

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

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

**GROUND:**

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

5 Details to be submitted in pursuant of Condition 1 above shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

**GROUND:**

To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts, in accordance with the NPPF.

6 Development shall not begin in any phase 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 upon the Drainage Strategy by Idom (April 2019) 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 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

o that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

o appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

**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. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

7 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 and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

**GROUND:**

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

8 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 NPPF.

9 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be 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. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

**GROUND:**

To prevent pollution of controlled waters and comply with the National Planning Policy Framework (NPPF).

10 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy 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 any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

**GROUND:**

To prevent pollution of controlled waters and comply with the National Planning Policy Framework (NPPF).

11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained

written approval from the local planning authority. The remediation strategy shall be implemented as approved.

**GROUND:**

To prevent pollution of controlled waters and comply with the NPPF.

12 No development shall take place until a Source Protection Strategy detailing how the developer intends to ensure the water abstraction source is not detrimentally affected by the proposed development, both during and after its construction, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.

**GROUND:**

The site lies in a source protection zone for a public water supply borehole, and therefore any construction activity could impact upon the source catchment area.

13 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

14 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

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

**GROUND:**

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

16 Details to be submitted in pursuant of Condition 1 above shall include mitigation measures to minimise noise from the airport and nearby road, in accordance with the recommendations set out in the Environmental Noise Survey Report, dated 5th February 2013.

**GROUND:**

To protect the future occupants of the development, in accordance with Policies EP7 and D1 of the Thanet Local Plan.

17 Details to be submitted in pursuant of Condition 1 above shall include the provision of 924sqm of play area provision, of which 36% shall be equipped play and 64% shall be casual/informal playspace.

**GROUND:**

To serve the development in accordance with Policy SR5 of the Thanet Local Plan.

18 Details to be submitted pursuant to Condition 1 above shall include the location and design of the equipped play area, and a timetable for the schedule of works. The equipped play area shall be provided in accordance with the approved details.

**GROUND:**

To serve the development in accordance with Policy SR5 of the Thanet Local Plan.

19 Details to be submitted in pursuant of Condition 1 above shall include the proposed levels and section plans through the site.

**GROUND:**

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

20 Prior to the first occupation of the development hereby permitted, the highway improvement works, including the new pavement, pedestrian crossing, and bus stop, as shown on the approved plan numbered JNY9792-06 Rev B, have been completed in accordance with the specifications set out in the Kent Design Guide.

**GROUND:**

In the interests of highway safety and to improve the sustainability of the site.

21 The details to be submitted in pursuant of Condition 1 above shall include a swept path analysis for pantechincons and emergency vehicles within the site.

**GROUND:**

In the interests of highway safety.

22 Prior to the first occupation of the development hereby permitted, the 43m x 2.4m x 43m visibility splays as shown on the approved plan numbered

JNY9792-06 Rev B for the new access, shall be provided and thereafter maintained, with no obstructions over 1m above carriageway level.

**GROUND:**

In the interest of highway safety.

23 Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures

**GROUND;**

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

24 The vehicular access hereby permitted, as shown on plan numbered JNY9792-06, shall be provided prior to the first occupation of the development.

**GROUND:**

In the interest of highway safety.

25 Details to be submitted pursuant to Condition 1 above shall show the gradient of the access no steeper than 1 in 10 for the first 1.5m from the highway boundary and no steeper than 1 in 8 thereafter.

**GROUND:**

In the interest of highway safety.

26 Prior to the first occupation of the development hereby permitted, the visibility splays at the pedestrian crossing points, as shown on the approved plan numbered JNY9792-06 Rev B, shall be provided and thereafter maintained, with no obstructions over 0.6m above footway level.

**GROUND:**

In the interest of highway safety.

27 Details to be submitted in pursuant of Condition 1 above shall include the location, size and phasing 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.

28 The details to be submitted pursuant to Condition 1 above shall include the use of dark weatherboarding and pantiles on the Extra Care facility.

**GROUND:**

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

29 Details to be submitted pursuant to Condition 1 above shall show development not exceeding the building heights shown in the section plans numbered 180 and 181, received 8th January 2020.

**GROUND:**

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

30 The details to be submitted in pursuant of Condition 1 above shall show at least 10% of the development to be built in compliance with building regulation part M4(2); and at least 5% of the affordable units built in compliance with building regulations part M4 (3).

**GROUND:**

To meet a range of community needs, in accordance with the NPPF and Policy QD05 of the Draft Local Plan.

31 The Extra Care units hereby permitted shall only be occupied by persons of 60 years of age or over, together with a spouse or partner.

**GROUND:**

In the interests of proper planning of the area and in compliance with Thanet Local Plan Policy TR16.

32 The details to be submitted in pursuant of condition 1 above for landscaping shall 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, including the use of a bound surface material for the first 5m of the access from the edge of the highway.
- walls, fences, other means of enclosure proposed.
- a biodiversity enhancement plan, to include the location of replacement hedgerow and integrated bat roosts.
- a tree and hedgerow screen along the western boundary of the site.

**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.

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

- a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
- c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light

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

**GROUND;**

In order to limit the impact upon protected species that may be present, in accordance with the National Planning Policy Framework.

34 Prior to any works commencing on site (including site clearance and demolition) a detailed ecological mitigation strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based upon the conclusions of the Protected Species Survey Report (Corylus Ecology; October 2019). Development shall be carried out in accordance with the approved details.

**GROUND:**

To protect biodiversity, in accordance with the NPPF.

35 Prior to the first occupation of the development hereby approved, the redundant vehicle crossing to Canterbury Road West shall be removed and the footway reinstated in accordance with the specifications set out in the Kent Design Guide.

**GROUND;**

In the interests of highway safety.

36 Prior to the first submission of the reserved matters application for the development hereby permitted, an emissions mitigation assessment in accordance with Thanet District Council's Air Quality Technical Planning Guidance shall be submitted and approved in writing by the Local Planning Authority. The emissions mitigation assessment shall include a damage cost assessment that uses the DEFRA emissions factor toolkit and should include details of mitigation to be included in the development which will reduce the emissions from the development during construction and when in operation. All works, which form part of the approved scheme, shall be completed before



any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

**GROUND:**

To protect air quality, in accordance with the National Planning Policy Framework

37 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 , are to be used to achieve air quality improvements through the development. The development shall be carried out in accordance with the approved details.

**GROUND;**

To protect air quality, in accordance with the National Planning Policy Framework

37 Prior to the first submission of the reserved matters application for the development hereby permitted, an air quality emissions statement that provides details of how the air quality damage costs, as calculated within the emission mitigation assessment reference dated , are to be used to achieve air quality improvements through the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND;**

To protect air quality, in accordance with the National Planning Policy Framework

38 The details to be submitted in pursuant of condition 1 above shall include the provision of electric vehicle charging points at a ratio of 1 Electric Vehicle charging point per dwelling with dedicated parking, and 1 Electric Vehicle charging point per 10 spaces where unallocated parking.

**GROUND:**

In the interests of air quality, in accordance with the NPPF.

39 Details pursuant to condition 1 shall include an explanation of how the proposed layout would accord with Secured by Design principles, in accordance with advice received from Kent Police.

**GROUND:**

To promote public safety and security in accordance with Policy D1 of the Thanet Local Plan D1 and paragraph 95 of the National Planning Policy Framework.

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

542. D06 - OL/TH/19/1352 - HACKEMDOWN HOLLAND CLOSE, BROADSTAIRS

PROPOSAL: Outline application for the erection of a detached bungalow with garage, with all matters reserved.

It was proposed by the Vice Chairman, seconded by Councillor Wright and  
RESOLVED:

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

That the application be Deferred and delegated for approval subject to the satisfactory completion of a unilateral undertaking within six months of the date of this resolution securing the required planning obligations as set out in this report and the following safeguarding 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 Details to be submitted in pursuant of Condition 1 above shall show the building of single storey height, and not exceeding the ridge height of the adjacent bungalow Hacklemdown.

**GROUND;**

In the interests of visual amenity and to safeguard the intrinsic character and beauty of the countryside and green wedge, in accordance with Policies D1, CC1 and CC5 of the Thanet Local Plan

6 The development site area shall be in accordance with submitted drawing 03 received 07 October 2019.

**GROUND;**

To secure the proper development of the area.

7 The details to be submitted in pursuant of Condition 1 above shall make provision for two parking spaces and an adequate turning area within the curtilage of the site and shall be completed prior to the first occupation of the bungalow hereby approved. Thereafter said spaces shall be kept available for parking use at all times.

**GROUND;**

In the interests of highway safety.

8 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 been submitted to and approved 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 by the Local Planning Authority.

**GROUND;**

To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record in accordance with the advice contained within the National Planning Policy Framework.

9 No development shall take place until details of the foundations design and any other proposals involving below ground excavation have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**GROUND;**

To ensure that due regard is had to the preservation in situ of important archaeological remains in accordance with the advice contained within the National Planning Policy Framework.

**543. F/TH/19/0874 - ST HELENS POPLAR ROAD, BROADSTAIRS**

It was proposed by Councillor Hart and seconded by Councillor Albon:

“To approve the application in accordance with the officer recommendation”.

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

**544. NON-MATERIAL AMENDMENT TO PLANNING PERMISSION - F/TH/16/0952 – 131-137 KING STREET, RAMSGATE**

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

“To approve the application in accordance with the officer recommendation”.

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

Meeting concluded : 9.05 pm

THANET DISTRICT COUNCIL

PLANNING COMMITTEE

19 February 2020

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:10 February 2020

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

PART A

TO: THE PLANNING COMMITTEE

DATE: 19 February 2020

Application Number	Address and Details	Recommendation
A01 FH/TH/19/1616	<b>21 Chestnut Drive BROADSTAIRS Kent CT10 2LN</b>  Erection of single storey rear extension and alterations to existing garage and change of use to habitable space  Ward: St Peters	Approve

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

PART B

TO: THE PLANNING COMMITTEE

DATE: 19 February 2020

Application Number	Address and Details	Recommendation
R02 F/TH/19/1289	<b>4 The Spinney MARGATE Kent CT9 3JS</b>	Refuse Permission

Retrospective application for the change of use of amenity land to residential garden and the erection of boundary fence

Ward: Cliftonville East

## THANET DISTRICT COUNCIL

### REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

#### PART C

**TO: THE PLANNING COMMITTEE**

**DATE: 19 February 2020**

Application Number	Address and Details	Recommendation
<p>D03 F/TH/19/0889</p> <p>MAJOR</p>	<p><b>Former Westonville Garage Canterbury Road MARGATE Kent</b></p> <p>Erection of a part 3-storey, part 4-storey, and part 5-storey building comprising 15no. 2-bed self-contained flats and 3no. 1-bed self-contained flats, with basement parking</p> <p>Ward: Westbrook</p>	<p>Defer &amp; Delegate</p>
<p>D04 F/TH/19/1481</p>	<p><b>Land Adjacent To 1 Northbourne Way MARGATE Kent CT9 3NS</b></p> <p>Erection of two storey, two bedroom dwelling with 2No. parking spaces</p> <p>Ward: Cliftonville East</p>	<p>Defer &amp; Delegate</p>



**A01**

**FH/TH/19/1616**

**PROPOSAL:** Erection of single storey rear extension and alterations to existing garage and change of use to habitable space

**LOCATION:** 21 Chestnut Drive BROADSTAIRS Kent CT10 2LN

**WARD:** St Peters

**AGENT:** Mr Matthew Gerlack

**APPLICANT:** Mr & Mrs Bowen

**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 19/423/JG/PR01 Rev C received 05/02/2020.

**GROUND:**

To secure the proper development of the area.

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

**GROUND:**

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

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

Number 21 Chestnut Drive is a semi-detached two storey brick dwelling in the urban area. It is accessed from Rumfields Road to the north and from The Silvers to the west. It forms part of a block stretching along Chestnut Drive, Larch Close, Rumfields Road and Willow Avenue.

There is a degree of uniformity in the design of properties in this location, with two storey dwellings to the north set under pitched roofs with side facing gables, brickwork to the ground floor and a hanging tile feature spanning the length of the first floor. Most properties have a flat roof canopy over the entrance and some have extended to create porches. Additionally most properties have single storey flat roof garages to the side of the property, set back from the front building line.

The application site has a flat roof garage with a parapet that sits in line with the front facade of the host building. This projects back 5 metres from the front elevation, and at the time of the Officer site visit there were timber outbuildings located to its rear and it is noted that the garage is currently in use as a storage room. The property has been extended, with a single storey brick extension with roof lanterns to the rear of the main house.

## RELEVANT PLANNING HISTORY

None.

## PROPOSED DEVELOPMENT

This application seeks planning permission for the erection of a single storey flat roof rear extension and alterations to existing garage and change of use to habitable space. The proposed change in the use of the existing space would be to facilitate additional living accommodation and would be fully and functionally connected and accessible from the main dwelling via a partition from the existing hallway.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2006**

D1 - Design Principles

D2 - Landscaping

SR5 - Play Space

TR12 - Cycling

TR16 - Parking

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice posted close to the site. No representations have been received.

**Broadstairs and St Peters Parish Council:** No comment.

## CONSULTATIONS

None received.

## COMMENTS

This application is reported to Planning Committee as one of the applicants is an employee of the Council.

### **Principle**

The site lies within an established residential area within the defined settlement of Broadstairs. There is no in principle objection to the alteration of residential properties or generally to the change of use of a garage to habitable accommodation in this location.

It falls to be considered whether the proposal would have any impact on the character and appearance of the area, neighbouring residential amenity and highways matters.

### **Character and Appearance**

Paragraph 127 of the NPPF states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Saved policy D1 of the Local Plan outlines that the design of all new proposals must respect or enhance the character and appearance of the area, particularly in scale, massing, rhythm and use of materials.

The works would see a slight increase in height of the existing garage structure when viewed from Chestnut Drive. The current parapet to the front of the garage gives an overall height of 2.6m, with the proposed works measuring around 2.8m. Development would not extend any further forward and would not be considered to have any overbearing impact in the streetscape.

The overall material finish would match the existing brickwork, and could be controlled by condition to ensure an integrated visual appearance.

The works would see the loss of the existing garage door and the insertion of a window which has been designed to match similar openings found across the front facade. The changes would also see the addition of three roof lanterns which are less common in this streetscene. Number 19 Chestnut Drive has a single storey side extension which is set back from the front building line by around 3m. This means that some views along the length and flank of the existing garage are possible and that the proposed roof lanterns may have some visibility from the Chestnut Drive. The lanterns are proposed at intervals along the roof, with the first being set back 3.7m along the roof. Their projection is relatively modest and as a result these are not considered to cause harm to the character and appearance of the area.

The works to extend the existing garage structure would occur to the side/rear of the site, bringing development in this location in line with the existing rear extension. Views here would not generally be possible, and overall the use of matching materials would help the development integrate where glimpsed views to the side may be gained.

The change in use from garage/storage area to a day room and shower room is not likely to have any visual impact on the streetscene.

## **Living Conditions**

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Saved policy D1 of the Thanet Local Plan outlines that new development should be compatible with neighbouring buildings and spaces, and should not lead to unacceptable loss of amenity through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light, or sense of enclosure.

The increase in height along the boundary with No. 19 Chestnut Drive is not considered to result in any material change or the creation of any new harm to the occupiers of the neighbouring dwelling. The difference in height is proposed at around 0.2m, with no openings evident along the side of the neighbouring extension that would be affected.

The extension to the rear of the garage would see 12.1m of additional built form along the common boundary with No. 19, at an increased height of up to 0.5m, as the current structure decreases in height as it slopes backwards. A single storey side extension has been erected along the neighbouring boundary in this location, with windows serving the room to the front and rear of the site. Although the neighbouring extension would be set between a long length of development on the boundary with the application site, and a rear extension at No. 19 itself, the proposed works are unlikely to result in overbearing or a sense of enclosure in this location because the neighbouring site appears to have some outbuildings and large domestic items stored in this location already. The proposed extension would be likely to result in some early morning shading, however this would be unlikely to be for any prolonged period and given the modest height of the extension overall and single storey nature, there is not considered to be any significant harm that would result. The neighbouring extension appears to be served by two windows, one to the front and one to the back, and therefore would receive ambient and sunlight throughout the day.

The rear extension to the garage would not project beyond the line of the existing rear extension, therefore having no new impact to the occupiers of No. 23 Chestnut Drive.

Development in this location would move closer to the rear boundary, but would see around 11m of separation between the application site and No.s 29 and 31 Rumfields Road. A new opening is proposed that would look onto the rear boundary fence, with neighbouring outbuildings evident behind this. As a result no new harm is considered to occur in this location.

The change in use of the garage/storage area to a dayroom and shower room is not considered to result in any material change or harm to the living conditions of neighbouring

occupiers. Any use that remains ancillary to the lawful use of the dwelling would not require planning permission and as a result would not be expected to cause any new harm.

Therefore the works are considered to comply with the aims of saved policy D1 of the Thanet Local Plan and the aims of the NPPF.

## **Highways**

Garages are not generally considered to provide for parking within developments as they are often utilised for storage and other uses (as in this case) and not vehicular parking. In this instance, there are no proposed changes to the current parking arrangements across the site and therefore there would not be considered to be any adverse impact on highway safety or parking in the surrounding area.

## **Conclusion**

The works proposed are considered to be out of keeping with the prevailing pattern of development, materials, and openness across the streetscape. They are considered harmful to the character and appearance of the area and the Conservation Area, contrary to the aims of saved policy D1 of the Thanet Local Plan and paragraphs 127 and 130 of the NPPF.

## **Case Officer**

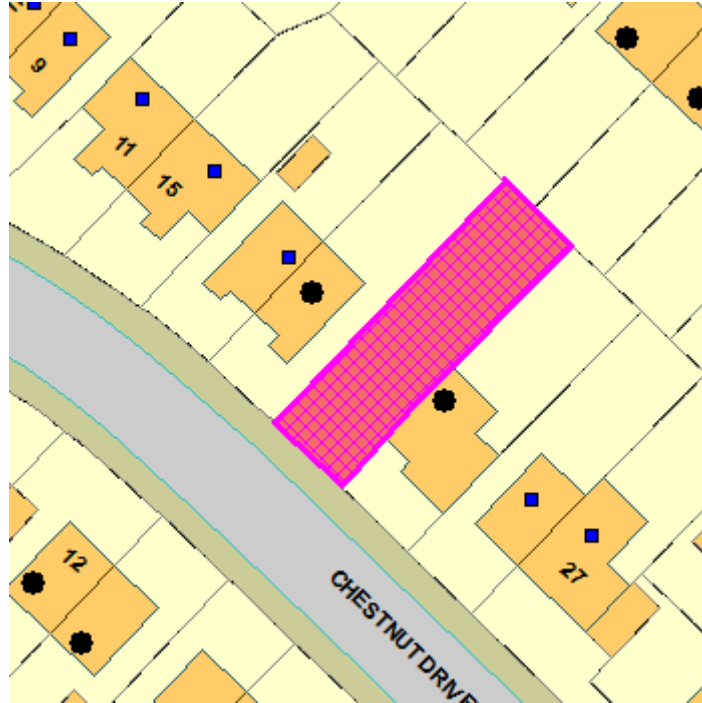
Vicky Kendell

TITLE:

FH/TH/19/1616

Project

21 Chestnut Drive BROADSTAIRS Kent CT10 2LN



**R02**

**F/TH/19/1289**

**PROPOSAL:** Retrospective application for the change of use of amenity land to residential garden and the erection of boundary fence

**LOCATION:** 4 The Spinney MARGATE Kent CT9 3JS

**WARD:** Cliftonville East

**AGENT:** Mr John Elvidge

**APPLICANT:** Mr D Blackman

**RECOMMENDATION:** Refuse Permission

For the following reason:

1 The erection of the fence, by virtue of the prominent location, height, and materials, forms a dominant, incongruous and obtrusive form of development in the streetscene, diminishing the sense of place and local distinctiveness in the locality, severely detrimental to the character and appearance of the area and the Northdown Conservation Area, contrary to the aims of saved Policy D1 of the Thanet Local Plan, and paragraphs 127 and 130 of the National Planning Policy Framework

## SITE, LOCATION AND DESCRIPTION

Number 4 The Spinney is a semi-detached two storey property that backs on to Upchurch Walk to the north. It sits as part of a row of four similar dwellings (to its east) that appear to originally have had a similar rear boundary line along Upchurch Walk. This boundary line was previously set in from the highway with trees, shrubs and vegetation along a landscaped strip providing some visual relief from built form. To the east of the site a public bridleway runs between Upchurch Walk and The Spinney.

The site sits within the Northdown Conservation Area, which stops just before Upchurch Walk. Upchurch Walk has an open character with many properties fronting the street. Low or natural boundary treatments are a common feature here, with those of solid construction being brick or open fencing.

## RELEVANT PLANNING HISTORY

F/TH/18/1451 - Retrospective application for the erection of a fence up to 2m in height adjacent to the highway. Withdrawn.

TCA/17/1593 - 5No. Ash - fell. Raise No objection.

F/TH/93/0710 - Erection of 8 x 3 bedroom houses with associated garages and parking facilities, landscaping, footpaths and walls and realignment of Bridleway TM 1 - Granted.

## PROPOSED DEVELOPMENT

This application seeks planning permission for the retrospective change of use of land to residential, and the erection of a 2m high boundary fence.

The change of use concerns two areas to the north and east of the site (side and rear) that previously formed part of a vegetated area along the public bridleway, and an area of landscaping that would have been private open space on Upchurch Walk. From the plans provided it appears that the increased footprint measures up to 4m from the previous boundary line in some areas, but this varies along the length of the site.

The fence runs the length of the side of the site and encloses it along Upchurch Walk. It appears to have replaced a lower means of enclosure than previously existed.

## DEVELOPMENT PLAN POLICIES

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

D1 - Design Principles  
D2 - Landscaping  
SR5 - Play Space  
SR11 - Private Open Space

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers, a site notice was posted close to the site and an advert was posted in the local paper. Two letters of objection have been received surrounding:

- Previous objections received from application F/TH/18/1451 should be taken into consideration
- Loss of trees from application TCA/TH/17/1593
- Development out of keeping with the area
- Change from what was intended by the original development / developer of this site
- Loss of habitat for indigenous birds
- The retrospective nature of the application

**Margate Conservation Area Advisory Group** - Insufficient information to validate the application. No comment.

## CONSULTATIONS

**TDC Conservation Officer** - 4 The Spinney is a site located within Northdown Conservation Area in an area largely dominated by residential use.



Within The NPPF (National Planning Policy Framework) Section 16, paragraph 195 it highlights that local authorities should take into account the positive contribution that conserved heritage assets can make to sustaining communities including their economic vitality.

Unfortunately on this site a large, 2m high fence has been erected that encompasses the land to the rear of the property. This fence has been constructed from large wooden panels with concrete posts which appears very stark and obvious within its setting. It is regrettable that a more sympathetic material was not used for the construction of this boundary that could have referenced and related to other materials in the surrounding conservation area. Looking further than the site and to the rest of the surrounding street there are examples of brick walls, soft landscaping in the form of hedges and closest to the property is an aesthetically pleasing flint and brick wall.

It would be my recommendation that this fence boundary is removed, and if necessary it is replaced with an appropriate material which suits the character of the surrounding conservation area. The existing fence panels look stark and out of place to their location and therefore are disruptive and cause harm to the surrounding aesthetic of the conservation area. I do not believe this application meets local and national standards for conservation area as described in the policies above and therefore I object to this application.

**KCC Public Rights of Way (PROW)** - KCC object to the application. The proposed development directly affects Public Right of Way TM1. The existence of the right of way is a material consideration.

Public Bridleway TM1 passes the house of No 4 The Spinney (and other properties). The bridleway should have been diverted to the route currently being used to the side of the property. If this had been diverted when the houses were built then presumably the full width of that strip would have been recorded / considered the width of the highway. The new fence now encroaches on that width.

Historically the width available to the public was between 9m narrowing to 4m approximately, so this is a width that should be maintained as a minimum, if not the width as laid out when the houses were built (if greater).

There has been correspondence between KCC and the applicant as far back as 2014 advising of the existence of the Public Bridleway TM1. It was advised that in the first instance the applicant contact TDC to find evidence of a diversion being made by the developer. No evidence was found by TDC that an application to divert TM1 was made and therefore no order or confirmation to amend the definitive map was made.

In order for this proposal to be accepted the applicant must make an application under the Highways Act 1980 to divert the Public Bridleway so that it is outside of their property.

### COMMENTS

This application is reported to Planning Committee at the request of Councillor Shrub in order for Members to consider whether any harm is caused to the character and appearance of the area as a result of the works that have been undertaken.

## **Principle**

The application is for the retrospective change of use of amenity land to residential garden space and the erection of boundary fence. The site sits within an established residential area within the defined settlement of Margate. It is also within the Northdown Conservation Area.

Some extension has occurred into an established Public Bridleway and some into an area of private open space. Saved policy SR11 states that development will not be permitted on undeveloped private open space if it provides active recreational opportunities, meets a deficiency in recreational facilities or has an intrinsically beneficial quality and makes a contribution to the character and appearance of the area. The area former area of open space concerned to the rear of the site is not considered to have offered any recreational benefits, or intrinsic value to the area, and as such the loss of the open space is not considered to be contrary to saved policy SR11 of the Thanet Local Plan.

In terms of the boundary treatment that has been erected, there is no in-principle objection to the alteration or extension of a residential property.

It falls to be considered whether the proposal would have any impact on the character and appearance of the area, neighbouring residential amenity, the public right of way, highways matters and any other matters.

## **Character and Appearance**

Paragraph 127 of the NPPF states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Paragraph 130 states that permission should be refused for developments which are of poor design, or fail to take opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides.

Paragraphs 193 and 196 of the NPPF advises that LPAs 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. In determining applications great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Saved policy D1 of the Local Plan outlines that the design of all new proposals must respect or enhance the character and appearance of the area, particularly in scale, massing, rhythm and use of materials.

Conservation areas are designated for their strong identities and patterns of development and, therefore, proposals should preserve or enhance the character and appearance of the area and reinforce the qualities that support the special architectural and historic interest of that area that warranted designation to begin with in order to maintain the quality of that area. Boundary treatments can drastically alter the character and appearance of an area, particularly where they relate poorly in terms of their scale, relationship with other development and the surrounding streetscape context. Gaps and undeveloped land can also be important features within conservation areas and surrounding areas, and their enclosure or development can have the potential to be detrimental to the conservation areas and their settings.

Although Upchurch Walk does not sit within the defined boundary of the Conservation Area, it does sit adjacent to it, with No. 4 The Spinney being wholly within the boundary. The character of this part is typically one of openness, with most dwellings facing onto Upchurch Walk, and therefore either leading directly onto the highway and having no front boundary treatments, or having low or natural boundary treatments. No. 2 Upchurch Walk and No. 22 Upchurch Walk, however, have a different relationship to the street with side boundaries facing the highway, comprised of brick and flint walls, staggered in height and stepping down immediately adjacent to the street edge. The other properties in The Spinney which have a similar relationship as the application site to Upchurch Walk (namely No.s 1-3) retain some brick and flint walls or appear with close boarded fencing which sits fairly uniformly, retaining a sense of both a fixed boundary line and degree of separation between 6 and 7m from the highway, screened by vegetation and some tree coverage.

The development that has been undertaken at the application site comprises close boarded fence panels set in gravel boards, between concrete posts. It runs along the rear and side of the application site which backs onto Upchurch Walk and the adjoining bridleway. The fencing has incorporated some amenity land to the side and rear of the site, and changed this to residential garden space, incorporating up to a further 4m to the rear. Spikes have been added along the top of the fence panels and CCTV signs put up at intervals along the length.

When permission was given for the erection of No. 4 The Spinney and the associated dwellings (ref: F/TH/93/0710) a clear area of amenity space and landscaping was proposed along the rear and side of the site, being considered essential to the principles of good design and to ensure adequate replanting to compensate for previously removed trees. The application was also concerned with the type of fencing to be used and required details of boundary treatments and planting to be agreed by the Council, securing these by condition, and the retention of historic brick and flint walls.

The change of use and associated fencing has resulted in built form projecting forward across large parts of these open areas, leaving only around 2m between the rear of the site and the highway. Whilst it is acknowledged that No. 4 The Spinney projected further towards the highway along Upchurch walk than No.s 1-3 and therefore has less open space to the rear, the soft open character of this part was retained. The works that have been undertaken as part of this application have noticeably exacerbated this difference, creating a visual prominence within the streetscene showing three sides of bulky and large development. The cumulative impact is one of a dominant, incongruous feature that is not considered to

preserve or enhance the conservation area to which it relates, and erodes the open character of this part of the streetscene, breaking the predominant rhythm of openness along the street. In contrast to the low boundaries and landscaped frontages found elsewhere in the streetscape, the development forms a stark and highly visible feature, with gravel boards to the corner and along the rear appearing to create additional bulk and height, having not been set down lower. The Officer site visit also revealed the use of spikes running along the fence and security signs posted along various panels. The overall appearance is stark, uninviting, and appears as an inconsistent projection of built development finished in inappropriate materials.

The works have failed to respect the pattern and rhythm of development in this location and the materials used are not appropriate to the historic environment. It was suggested to the applicant that these concerns could be overcome by both staining the existing timber fencing along the bridleway, and by replacing the fencing along Upchurch Walk with a more appropriate material finish. Staining the fencing along the bridleway a dark colour could reduce the visual prominence of untreated and solid development moving closer to the bridleway. The stark contrast in this area has been created by the removal of all trees and vegetation along the boundary and the failure to set the gravel boards down lower into the ground. The overall height, forward projection, and solid blank nature of works has resulted in harm to the character and appearance of the area which could be mitigated by staining and some replanting. The applicant accepted this suggestion, however this work alone would not overcome the concerns raised overall.

The second suggestion was that the most harmful part of the development was the change of use of the northern amenity land and enclosing fence panels, creating a stark and dominant form of development. Officers suggested that this may be made acceptable through the use of different materials. It was suggested that the fence panels should be removed and replaced with historic brick and flint walls, matching the existing walls at No. 3 The Spinney and also mirroring that seen at No. 22 Upchurch Walk. It was considered that this change could reduce the noticeable impact of the change of use and loss of amenity land, by continuing the use of a more appropriate and historically traditional material that would also act as a mirrored introduction to the public bridleway with the neighbouring site No. 22, and that the overall height could be retained and the increased garden space if the boundary treatment could respect the form, rhythm and scale of development. The applicant has not agreed to these works and as a result the fence is considered to be visually harmful to the character and appearance of this area and is considered to be contrary to the aims of saved policy D1 of the Thanet Local Plan and the aims of paras 127 and 130 of the NPPF. The development is not considered to preserve or enhance the character and appearance of the Conservation Area and is considered to result in harm, with the Council's Conservation Officer concerned that the works are disruptive and harmful to the surrounding aesthetic of the Conservation Area.

This harm is considered to be less than substantial. Where this is the case paragraph 196 of the NPPF states that the harm should be outweighed by a public benefit, including securing the optimum viable use of the asset. In this case the works are not considered to provide a public benefit as to outweigh the harm, with a purely private benefit occurring in this instance.

## *Fallback Position*

During discussions with the applicant, it has been contended that there is a fallback position in relation to the fence alone, with parts of it being lawful, and that as a result permission should be granted. This is a retrospective planning application, not a lawful development certificate. The change of use is not lawful and the works to erect a new fence in this location are in connection with the unauthorised change that has occurred. Therefore there is no fallback position. It is acknowledged however that some recent appeal decisions and court judgements have commented on likely fallback positions and in the interests of completeness, the position in relation to the fence alone has been considered briefly.

The applicant has contended that the erection of a fence adjacent to a highway but set back by 2m or more is permitted development. This is not the lawful position, with each case being taken on its own merits. The works are considered to be adjacent to the highway, with no sufficient obstruction between the fence and the highway as to indicate otherwise, and the fence appears to have been erected as a single act of development. The set back in this case is not considered to take the development within the scope of the rights set out in Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and it is therefore considered by Officers that the development should be judged on its planning merits.

## **Living Conditions**

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Saved policy D1 of the Thanet Local Plan outlines that new development should be compatible with neighbouring buildings and spaces, and should not lead to unacceptable loss of amenity through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light, or sense of enclosure.

The works that have been undertaken are not considered to have resulted in harm to the amenities of neighbouring occupiers. Although the change of use and extension of the residential curtilage of the site towards the highway on Upchurch Walk has resulted in the loss of some open space, Google Images indicates that this area was previously covered with trees and vegetation. It was not of a significant size and space as to provide recreational facilities or a community benefit in this way and formed an area of private open space that could have been controlled by the applicant, preventing use by members of the public. As a result its loss is not considered to cause harm to neighbouring amenity.

The height and location of the fence is not considered to result in harm in terms of overbearing, overshadowing or harm to the living conditions of neighbouring occupiers given its location and context. The fence line along the public bridleway is not an uncommon feature or boundary delineation and is not considered harmful in this context. It is not considered that there has been any loss of surveillance to the bridleway from the erection of the fence.

The applicant has raised that the reason for the change of use and erection of the fence is in connection with the keeping of a Police dog and the works have been required to provide security and space for such. This could be seen as a benefit to the applicant. Although

Police dogs can offer a wider public benefit, there is no absolute requirement for them to be kept at residential properties in urban areas where there may be harm to the character and appearance of the area by virtue of the need to provide higher means of enclosures. As a result the benefit here is more akin to a private benefit and is not considered to outweigh the harm set out above.

As a result, overall the development is not considered to be harmful to neighbouring amenity. The harm in this instance is to visual amenity and the character and appearance of the area.

## **Public Right of Way**

Paragraph 98 of the NPPF states that planning policies and decisions should protect and enhance public rights of way and access and should take opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

The change of use that has occurred has affected Public Bridleway TM1. KCC have raised an objection to the application, setting out that the bridleway does not appear to have been confirmed as diverted and therefore the definitive map indicates the bridleway running through the application site, as it would have been prior to the granting of permission for the erection of housing in this location. They also comment that historically the path would have been between 4m and 9m in width and that the 4m width should be maintained as a minimum.

It appears that over time the bridleway has been diverted on site and is now located to the east of No. 4 The Spinney. The change of use and extension of the residential curtilage of the application site impacts on the current location of the bridleway through a reduction in width of the route. Officers have visited the site to check the dimensions of the bridleway and a 3.8 metre width at its narrowest point has been retained.

Whilst it is acknowledged that the formal process for the diversion of TM1 has not taken place and been verified by KCC, this is a separate process to planning permission. Whilst the application represents a reduction of the bridleway width (at its narrowest being 20cm below previous minimum recorded by KCC), this is not considered to significantly harm a public right of way to constitute an objection to the planning application, given that the remaining route still provides a width usable as a pedestrian and cycle route. Therefore the proposal does not comprise the use of public right of way and would still allow the links to the south of the site onto the existing network of routes.

## **Highways**

No. 4 The Spinney sits in a row of four properties to this part of Upchurch Walk. None of these properties have rear access or vehicular parking facilities in this location and the works are therefore not considered to result in the loss of any visibility splays or parking in this area.

No. 22 Upchurch Walk sits adjacent to the site and fronts the highway. The change of use and associated fence to the rear of the site appears to have a modest projection beyond the wall of No. 22. Given the fencing sits 2m back from the highway, the works are not considered to result in highways safety implications for the occupiers of No. 22 or other road users in this area.

### **Other Matters**

Other matters raised through representations have been the retrospective nature of the application, the loss of wildlife habitat and trees, and insufficient information.

There is nothing in the legislation to preclude a retrospective application being submitted.

Application TCA/TH/17/1593 relates to an application for the removal of 5 No. Ash trees in 2017 between the application site and the bridleway. The Council raised no objections to this following arboricultural advice stating that the trees were not worthing of a Tree Preservation Order (TPO). This has increased the impact of the later development of the fence, and made it more a prominent and stark feature which has failed to preserve or enhance the character of this area, however the removal was lawful. The loss of habitat associated with the change of use was also lawful.

The application is considered to have been submitted with enough information to be determined.

### **Conclusion**

This application proposes the change of use of open amenity space to form part of a residential curtilage, and the erection of fencing around 2m in height along the side and rear of the site.

The site sits within a conservation area and adjacent to a public bridleway. It is sensitively located on a corner and the main considerations in this application are the impact on the character and appearance of the area, the living conditions of neighbouring occupiers, the public bridleway and the highway users.

The works have a noticeable and discordant appearance in this location. Whilst the change of use itself is not considered to be harmful, the works that have been undertaken to enclose the new area proposed have resulted in a large overbearing and expansive blank fencing arrangement, out of keeping with the prevailing pattern of development, materials, and openness across the streetscape. They have brought solid built form further forward and changed the character and nature of this space along the rear of No.s 1-4 The Spinney. Officers have worked with the applicant to suggest how the change of use may be acceptable and mitigation that could overcome the harm identified, however agreement could not be reached.

The harm caused is considered to be less than substantial and there is not considered to be any public benefit that outweighs the impact on the conservation area and wider streetscape.

The development is therefore considered to be contrary to the aims of saved policy D1 of the Thanet Local Plan and paragraphs 127 and 130 of the NPPF.

**Case Officer**  
Vicky Kendell

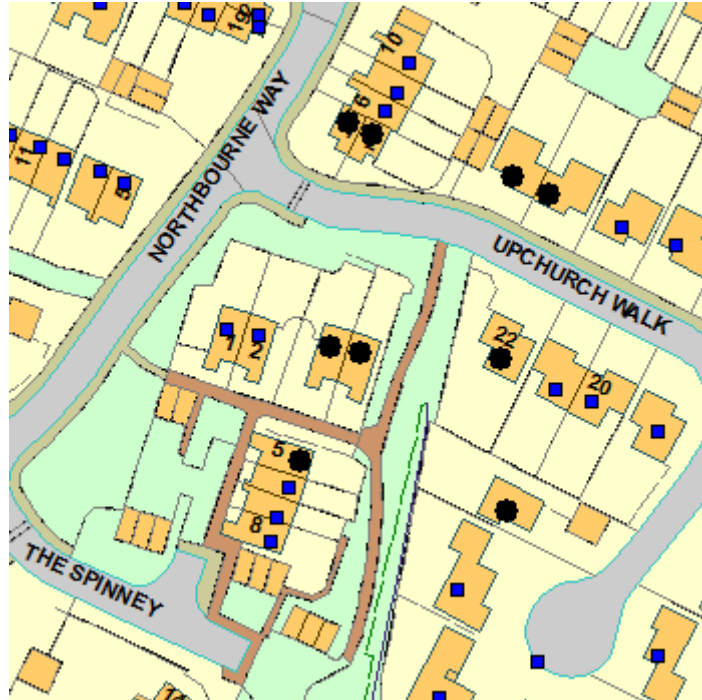


TITLE:

F/TH/19/1289

Project

4 The Spinney MARGATE Kent CT9 3JS



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**D03**

**F/TH/19/0889**

**PROPOSAL:** Erection of a part 3-storey, part 4-storey, and part 5-storey building comprising 15no. 2-bed self-contained flats and 3no. 1-

**LOCATION:** bed self-contained flats, with basement parking

Former Westonville Garage Canterbury Road MARGATE Kent

**WARD:** Westbrook

**AGENT:** Mr Kieran Rafferty

**APPLICANT:** Sapphire Developments Kent Ltd.

**RECOMMENDATION:** Defer & Delegate

Defer and delegate for approval subject to the satisfactory completion of Section 106 agreement within six months of the date of this resolution securing the required planning obligations as set out in the Heads of Terms, and the following safeguarding 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 drawings numbered 200.00 P5, 200.01 P6, 200.02 P5, 200.03 P5, 200.04 P5, 210.01 P4, 210.02 P4, 210.03 P4, and 210.04 P3, received 03 October 2019.

**GROUND:**

To secure the proper development of the area.

3 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

**GROUND:**

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

4 No development shall take place until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy shall include the following components:

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 and potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

**GROUND:**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework (NPPF).

5 Prior to the first occupation of the development hereby permitted, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the LPA. 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.

**GROUND:**

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the NPPF.

6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

**GROUND:**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously

unidentified contamination sources at the development site in line with paragraph 170 of the NPPF.

7 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the NPPF.

8 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**GROUND:**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the NPPF.

9 Development shall not begin in any phase 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 and disposed without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

**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 paragraph 165 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 and prepared by a suitably competent person, has been

submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

**GROUND:**

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

11 No development shall take place until details of the means of foul drainage 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.

12 Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures

**GROUND:**

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

13 The gradient of the access hereby approved shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

**GROUND:**

In the interests of highway safety.

14 Prior to the first occupation of the development hereby permitted, the secure cycle parking facilities as shown on drawing no. 200.01 Rev P6 shall be provided and thereafter maintained.

**GROUND:**

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

15 Prior to the first occupation of the development hereby permitted, the area shown on plan numbered 200.00 Rev P5 for the parking and manoeuvring of vehicles shall be made operational. The area approved shall thereafter be maintained for that purpose.

**GROUND:**

Development without adequate provision for the parking or turning of vehicles 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.

16 The development hereby permitted shall be constructed in accordance with the precautionary mitigation measures for hedgehogs as detailed within the Preliminary Ecological Appraisal (Middlemarch Environmental Ltd July 2019).

**GROUND:**

In the interests of protecting a priority species, in accordance with the NPPF.

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

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted.
- 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.

**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.

18 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of 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.

**GROUND:**

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

19 Prior to the first occupation of the development hereby permitted, electric vehicle charging shall be provided within the site in the form of one active space and 15no. passive spaces. Details of the location and design details of the active electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND:**

To reduce the impact upon air quality, in accordance with the NPPF.

20 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units 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 amenity for future occupiers of the development, in accordance with paragraph 127 of the NPPF.

21 All new window and door openings shall be set within a reveal of not less than 100mm.

**GROUND:**

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

22 Prior to the construction of the external surfaces of the development hereby approved samples of the materials to be used 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

23 Prior to the construction of the external surfaces of the development hereby permitted, details of the metal balustrading, and manufacturing details of the aluminium windows and doors, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND:**

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

24 An airing cupboard shall be provided within each flat, as shown on plans numbered 200.01 Rev P6, 200.02 Rev P5, and 200.04 Rev P5, for the benefit of clothes drying facilities.



**GROUND:**

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

25 At least 10% of the development shall be built in compliance with building regulation part M4(2); and at least 5% of the affordable units shall be built in compliance with building regulations part M4 (3).

**GROUND:**

To meet a range of community needs, in accordance with the NPPF and Policy QD05 of the Draft Local Plan.

26 The refuse storage facilities as specified upon the approved drawing numbered 200.01 Rev P6 shall be provided prior to the first occupation of the development hereby approved and shall be kept available for that use at all times.

**GROUND:**

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

SITE, LOCATION AND DESCRIPTION

The site is on the corner of Westbrook Gardens and Canterbury Road. Historically it was used as a kwik fit garage, but the site has been unused and overgrown for at least the last 15 years, with hoarding enclosing the site.

To the east of the site, in Canterbury Road, a pedestrian access adjoins the site, providing access to the rear of properties in Westbrook Gardens and the Former Sea bathing site, which is now in residential use. To the east of the pedestrian access is a 3-storey modern building, with residential use at upper levels and Tesco located at ground floor level. The site lies towards the end of a row of predominantly commercial uses, within the local centre of Westbrook. Buildings within Canterbury Road are mainly terraced, ranging in height from 2-storey to 4-storey; with the buildings opposite the site being 2-storey, and the recently constructed residential block on the former Dog and Duck PH site (within close proximity of the site) being 4-storey. Properties in Canterbury range in design, and include older pitched roof buildings, along with newer flat roof developments.

To the north of the site, properties within Westbrook Gardens consist of terraced residential dwellings that are either 3-storey in height, or 3-storey with a sub-basement level, as can be seen with the terraced row adjacent to the application site. Properties in Westbrook Gardens have a traditional historic appearance, with specific design features such as bay windows, first floor metal balconies, and sash windows, and all properties are constructed in brick.

RELEVANT PLANNING HISTORY

F/TH/06/0356 - Erection of part 4-storey and part 5-storey building containing 18no. flats, with basement parking and access from Westbrook Gardens. Granted - 26 June 2006

F/TH/05/1358 - Erection of a part 5-storey, part 4-storey, flat roofed building to provide 18no. 2-bedroom self-contained flats, and provision of basement parking for 18no. cars, with vehicular access from Westbrook Gardens. Refused - 25 January 2006

F/TH/04/0514 - Demolition of existing Kwik Fit premises and erection of 14no. Apartments and associated parking. Granted - 17 November 2004

Adjacent site history

F/TH/08/1286 - Erection of a 3-storey building containing A1 retail unit on ground floor and 8no. Self-contained flats, and installation of ATM to front elevation and air conditioning units to rear of building - Granted - 18 December 2008

## PROPOSED DEVELOPMENT

The proposal is for the erection of a part 4-storey, part 5-storey building containing 18no. Flats, including 15no. 2-bed units and 3no. 1-bed units. An underground parking area for 16no. vehicles is provided, with vehicular access from Westbrook Gardens.

## DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006)

H1 - Housing  
H8 - Size and Type of Housing  
H14 - Affordable Housing  
SR5 - Play space  
TR12 - Cycle Parking  
TR16 - Parking Provision  
CF2 - Financial Contributions

Draft Local Plan 2020

QD04 - Technical Standards

## NOTIFICATIONS

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

- loss of light,
- loss of privacy,
- height should be in keeping with neighbouring properties,
- highway safety resulting from the additional vehicles on the roads from the proposed development,

- noise and disturbance.

## CONSULTATIONS

**KCC Highways and Transportation - (*final comments*)** Following comments from the highway authority (HA) on 22nd July the applicants have revised the access arrangement and removed the vehicle lift. The amended drawings show a ramp access which will reduce the likelihood of vehicles queuing on the public highway, and remove the risk of issues associated with failure and maintenance of vehicle lifts. To accommodate the ramp within the site the applicants have removed 2 on site parking spaces, which mean that the site is slightly under the recommended standards. The provision of the access ramp is deemed an improvement in terms of safety, and due to the close proximity of the site to nearby shops and services it is agreed that a slight under provision of 2 spaces is acceptable. The remaining spaces on site must be allocated to ensure that future occupants are aware whether or not they can park on site and avoid abortive movements in and out of the site. It is noted on the revised drawings that the applicants have relocated the refuse storage area to the ground floor, removing the need for bins to be taken from basement to ground floor level on collection dates. To ensure that access visibility in and out of the site is not obstructed the applicants will need to progress a traffic regulation order (TRO) to remove the 2-3 parking spaces located directly at, and alongside, the proposed vehicle entrance. The TRO will need to be carried out separate from the planning process via a best endeavours condition. I confirm that provided the following requirements are secured by condition then I would raise no objection on behalf of the local highway authority.

**(*Initial comments*)** The highway authority (HA) is satisfied with the principle of development in this location; however do have concerns with the proposals as currently submitted. It should be noted that the applicants did not engage with the HA for formal pre-application advice so the designs have not been viewed previously by KCC. The applicants propose to install a vehicle lift on site to access the basement level car park. In general the HA do not support the introduction of vehicle lifts as there are various risks involved with their use, such as:

- Power cuts
- Lift failures / faults / routine maintenance
- Queues onto highway if more than one vehicle is attempting to access the site at once, or is waiting for another driver to exit the site which may lead to reversing back onto the highway. By placing the refuse store on the basement level further risks are presented by these proposals, with increased likelihood of queuing on the highway.

1.) The applicants need to revise the access and parking arrangements for this site, it is suggested that a revised parking layout with an access ramp be considered as the use of parking lifts are unlikely to be accepted in any form by the HA.

2.) The tracked drawings submitted show that access to some of the parking bays is very tight, especially those located near pillars. Some of the tracked drawings show vehicles overlapping other parking bays, which would not be acceptable.

3.) Parking numbers should accord with Kent Residential Parking Standards (IGN3) for a rural location which requires a minimum of 1 parking space per flat, plus 0.2 visitor spaces

per unit. This is the same parking standard recently applied to the nearby site off Westbrook Gardens (ref: TH/17/1788). If adequate parking is not provided on site this will lead to parking overspill into Westbrook Gardens and other nearby residential streets which contain limited parking restrictions. I wish to place a holding objection to this application.

**KCC SUDs - (final comment)** As discussed with yourselves we have specific concerns about the information submitted to support this application, firstly, in relation to the level of detail on surface water drainage matters and secondly in relation to the ability to prove a connection and discharge to the existing public sewer system.

We understand the implications of the comments made by the applicant in relation to our previous comments but would highlight that the dereliction of this site and the lack of a survey of a proven connection may require specific site controls on discharge from the site and have subsequent impact for calculation of attenuation volumes within the proposed development and implications for accommodation within the built-form.

We would highlight that irrespective of any agreement with Southern Water that discharge rates must be consistent with Kent County Council's Drainage and Planning Policy (November 2019). This requires that peak runoff rate from the development must be as close to the greenfield runoff rate as reasonably practicable but at a minimum must achieve a 50% reduction in the pre-development runoff rate. Please refer to the Policy for the full text on this requirement.

If your authority is minded to approve this application, we would recommend the inclusion of specific safeguarding conditions.

**(initial comment)** Kent County Council as Lead Local Flood Authority have reviewed the drainage strategy and SUDs Appraisal carried out by Turner Jomas & Associates (July 2019) and have the following comments:

1. The appraisal report states that the site is currently fully impermeable. It would appear that the site was demolished prior to 2007 and the vegetation growth has occurred since that time. The topographical survey plan indicates site is covered by overgrown vegetation and the contamination study indicates that the site has been clear of structures; therefore pre-development condition should reflect that the site is permeable.

2. The report assumes that the site is currently served by public surface water sewer and proposes maintaining the existing discharge rate and connection. However given the passage of time since demolition occurred there cannot be an assumption of a connection and contribution from the site. Southern Water correspondence clearly states that "alternative means of draining surface water from this development are required. Discharge of surface water runoff to public combined network can be allowed only once full assessment of other alternative methods have been carried out and discounted and at the discharge rates agreed with Southern Water".

3. The appraisal should include a schematic drainage layout plan and supporting calculations to demonstrate the drainage system operation and the proposed drainage model network.

4. In February 2016, the Environment Agency published new guidance on how to use climate change allowances in flood risk assessments. The new allowances for peak rainfall intensities have implications for drainage design and should be included within any drainage strategy prepared to accompany a planning application. As LLFA, KCC will require that the design accommodates the 1 in 100 year storm with a 20% allowance for climate change and an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%. This analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk. The design may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or provision of exceedance routes. This will tie into existing designing for exceedance principles.

5. The drainage strategy must establish the surface water discharge principle and location as part of the appraisal. The site is underlain by the Margate Chalk, therefore opportunity for using infiltration should be investigated. It is not known whether any contamination risk would constrain discharge to ground. This also needs to be confirmed. We consider the information provided are insufficient and incomplete; therefore recommend the application is not determined until additional information is provided for review.

**KCC Archaeology** - Extensive archaeological remains are recorded in the Westgate area. The sites of two iron age and Romano-British settlements are known within a 500m radius of the premises, one at Hartsdown park and one close to the nearby Royal Esplanade. Cropmarks of enclosures are also known directly south of the site. The general potential of the area relates principally to Bronze Age, Iron Age and Roman remains found along the coast line to the west and expected to continue in towards Margate. Recent investigations in close proximity to the present site have revealed remains of prehistoric date. While the site has seen previous development it is not known the extent to which the land below that development was previously disturbed and the present proposal involves substantial excavations including for a basement level.

It is possible that archaeological remains will be disturbed by groundworks involved in development. I therefore advise that a condition for a programme of archaeological work be attached to any forthcoming consent.

**KCC Biodiversity - (*final comment*)** We have reviewed the updated ecological information submitted in support of this planning application and advise that sufficient information has been provided.

Terrestrial Mammals (including Hedgehog)

There is potential for terrestrial mammals, such as Hedgehog (a priority species under the NERC Act 2006) to be present. To ensure hedgehogs are not harmed during the construction phase of the development, the ecology report has recommended precautionary mitigation measures which we advise are implemented. As such, if planning permission is granted, we advise a condition is attached to secure precautionary mitigation measures for hedgehogs.

## Breeding Bird Informative

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged.

## Thanet and Canterbury SAMM

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Therefore, Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. A recent decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMP, there is a need for an appropriate assessment to be carried out as part of this application.

## Ecological Enhancements

In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. The ecology report recommends several enhancements which are suitable for the development. As such, we advise that a condition is attached to planning permission, if granted.

**(initial comment)** No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that further information is sought with regards to the potential for ecological impacts to arise as a result of the proposed development. Although poorly connected and relatively small in size, the development area is densely vegetated and could have the potential for to support protected/notable species, such as badgers and hedgehogs (the latter being a priority species under the NERC Act 2006). As such, we advise that a preliminary ecological appraisal (PEA) is undertaken by a suitably qualified ecologist, in accordance with good practice guidelines - the PEA will assess the habitats and features within and around the site and identify if there is a need for further ecological surveys to assess ecological value and/or confirm protected species presence/likely absence.

**Southern Water - (final comments)** Our initial investigations indicate that there are no dedicated public surface water sewers in the area to serve this development. The developer can discharge surface water flow no greater than existing levels if proven to be connected

and it is ensured that there is no overall increase in flows into the surface water system. You will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows. All other comments in our response dated 05/08/2019 remain unchanged.

**(initial comments)** Please find attached a plan of the sewer and water records showing the approximate position of a public sewer and water main crossing the site. The exact position of the public sewers and water main must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Our initial investigations indicate that there are no dedicated public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. Discharge of surface water runoff to public combined network can be allowed only once full assessment of other alternative methods have been carried out and discounted and at the discharge rates agreed with Southern Water as not introducing detriment to downstream network. Foul and surface water onsite network shall remain separate until the boundary of the site or final connection to public sewer.

**Environment Agency** - Based on the submitted information we consider that planning permission could be granted for the proposed development if the following planning conditions are included as set out below. Without these conditions, the proposed development poses an unacceptable risk to the environment and we would object to the application.

The previous use of the proposed development site as a PFS and motor vehicle garage presents a high risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon Principal aquifer overlain by clay head.

The reports submitted in support of this planning application provide us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the LPA.

**TDC Contaminated Land Officer** - I am writing following review of the above and the desk study report (Ref. S19-489, June 2019, SWEL) submitted in connection with this application.

Given the former Vehicle Sales, Repair and Overhaul use of the site, and anecdotal evidence of tank removal at the site, the report recommends intrusive investigation is undertaken to test the Conceptual Model.

I would therefore be grateful if a safeguarding condition be added, should planning permission be granted.

**TDC Environmental Health** - Upon looking at the application this is the construction of a 4 storey building containing 18 flats. There will also be a basement parking area accessed by a car lift.

When considering the application Environmental health must take into account that:

- it continued to receive complaints about early morning deliveries to the Tesco store adjoining.
- the site itself will be 2 storeys taller than the adjoining Tesco building. There may be services on that building such as air condition unit that are a noise source.
- the site sits on a busy road with often stationary traffic.

With this in mind I request an external noise level condition, the following condition is added to any grant of permission.

I note the inclusion of a car lift at the site. The car lift will sit below a proposed flat within the same development. It will also sit adjoining an unconnected residential dwelling at basement and ground floor levels. To protect that residence I request a noise level condition is added to any grant of permission.

I note that the site has underground allocated parking. The site sits within the Thanet Air Quality Management area. I therefore request an electric vehicle charging condition is added to any grant of permission.

**Crime Prevention Design Advisor** - Having reviewed the on line plans and documentation, the applicant/agent has clearly considered some crime prevention issues in the submitted Planning Statement.

To date we have had no communication from the applicant/agent and there are some additional issues to be addressed, these include:

1. Perimeter and boundary treatments - should be a min of 1.8m high to the route that leads to the rears of the properties on Westbrook Gardens. The current design could affect that route detrimentally without careful security measures being included.
2. There are both gaps and gates shown to the Westbrook Gardens and Canterbury Road boundaries so we are unclear about if these are to be secured or merely a "guideline".
3. Parking security is essential so full height access controlled gates for vehicles only.
4. There are no ground anchors shown for motorbikes or mopeds, it is advised that these are offered to provide secure parking options thus avoiding them being secured outside and becoming vulnerable.
5. This area is very busy for on street parking (not seasonal). We have concerns that the space needed for the access to the lift, any additional vehicle ownership or larger vehicle ownership could increase the potential for conflict.



6. The proximity of the proposed building line and height to the Co-Op ATM and potential effects to the associated cash filling and user security is of concern.
7. Lighting and appropriate CCTV would be required for the lift access, the pedestrian access and the access to the doorstep play space.
8. Access Control to the main entrance should be dual fire and security PAS 24 2016 UKAS certified
9. All doorsets including those to the ground and first floor balconies to all of the communal areas and apartments to be PAS 24 2016 UKAS certified
10. All the windows on the ground floor and any vulnerable to climbing to be PAS 24 2016 UKAS certified
11. Bedroom windows are shown facing the doorstep play space - this requires defensive treatments.
12. Security Compartmentalisation - we recommend that the doors to the different floors are access controlled to minimise the opportunity for unauthorised access.
13. Bin collections - refuse collectors should not have access to the bins via the basement. There are several concerns about the plan as shown and access.
14. The cycle store should be completely separate from the bin store and fully lit and lockable.
15. Mail should be via a "Through the wall" or air lock system, the current plans show that there is a post room however it is around a corner. Trade buttons are not permitted as they are a proven factor for crime in this type of apartment block.
16. All flats to have full audio visual access control.
17. The top floor garden should serve those residents only.

**KCC Development Project Manager** - 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.

### COMMENTS

The application is brought before members as a departure to Policy H1 of the Thanet Local Plan.

### **Principle**

Policy H1 of the Thanet Local Plan states that residential development on non-allocated sites will be permitted only on previously developed land within the existing built-up confines. Whilst the site address makes reference to a former garage on the site, there is no evidence of any structures on the site, following the clearance of the site there is also no evidence of any hard surfacing. Until recently the site has been overgrown, with vegetation reaching almost 3m in height. Following the site clearance it is possible to see the number of saplings that covered the site from the remaining stumps. It is likely that the demolition of the garage occurred following the granting of the 2004 planning application for the demolition of the garage. The application site is therefore considered to be non-previously developed, contrary to Policy H1 of the Thanet Local Plan.

Whilst the proposed development is considered to be a departure to Policy H1, this policy constraint 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 not allocated for housing within the Draft Local Plan, but planning permission has previously been granted in 2006 for 18no. flats, and in 2004 for 14no. flats. There is no extant consent for the development of the site; however, the principle of developing the site was previously considered and accepted under the current adopted Thanet Local Plan (2006), which needs to be afforded some weight within the decision making process.

The site is sustainably located on a bus route, falls within the local centre of Westbrook, and is within walking distance of Margate town centre, Margate train station, and other facilities and services. There are no policy restraints restricting the development of the site.

The principle of developing the site is therefore considered to be acceptable subject to other material planning considerations, including the impact upon the character and appearance of the area, neighbouring living conditions, and highway safety.

### **Character and Appearance**

The proposed development is located on a prominent corner site within the local centre of Westbrook. The site is visible from long views along the Canterbury Road, and is particularly visible from the top of the bridge to the west of the site. There is existing development on either side of the site, and whilst there is no presence of physical development upon the site, historically the site occupied a kwik fit garage. Whilst the site is classed as non-previously developed land given the period of time that has past since its last use, the current openness of the site is not considered to offer any recreational benefits, or intrinsic value to the area, and as such the loss of the open space is not considered to be contrary to Policy SR10 of the Thanet Local Plan.

To the north of the site are traditional three storey dwellings with basement level. The buildings have a bay window at ground floor level with a raised stepped access, and sash windows at the upper levels with balcony at first floor level.

To the east of the site is a 3-storey flat roof building accommodating a retail use at ground floor level with residential above. The building is more modern in its design, with aluminium windows and aluminium French doors with glazed balustrading at first floor level.

The most recently approved scheme for the development of the site was in 2006, prior to the introduction of the NPPF. The approved development was a part 4-storey part 5-storey development that extended across the full width of the site, joining onto no.1 Westbrook Gardens and extending up to the access from Canterbury Road. The design contained a single entrance to the building onto Westbrook Gardens, with a vehicular access leading down to a basement parking area.

This proposal is for the erection of a part 4-storey, part 5-storey development, of a similar scale, layout, and design to the previous consent. The 4-storey element of the design continues to connect with the parapet height of the neighbouring property in Westbrook Gardens; and when viewed in relation to the 3-storey neighbouring building in Canterbury Road, the 4-storey element (which is set in from the side wall at fourth floor level by 1.3m) is not considered to appear detrimental to the street scene. The site is on a prominent corner that fronts a main through road forming the approach into Margate. As such a dominant building of a height that increases incrementally beyond the height of the neighbouring building will provide a presence within the street, with the opportunity to achieve a well-designed landmark building.

Concern has previously been raised with the 5-storey element, which whilst set in and set back slightly from the main side and front elevations, was still shown within the originally submitted plans to expand almost the full width of both frontages. Amended plans have been submitted during the course of the application showing the fifth floor set further away from the proposed side elevations of the main building (by an additional 1.5m in Canterbury Rd and 3.2m in Westbrook Gardens), resulting in a greater concentration of the fifth floor towards the central corner of the building, away from the lower neighbouring properties. Given the setback location of the fifth floor by 1.7m from the main frontage elevation, and the set in of the side elevations as detailed above, along with the use of metal cladding and extensive glazing within the design of the fifth floor, the scale and height of the proposed development is considered to be, on balance, acceptable.

In terms of its location, the proposed development follows the main front building line of the properties in Westbrook Gardens, with the proposed bay windows projecting slightly further than those on the neighbouring properties. In Canterbury Road the proposed building projects forward of the front building line of no.56 Canterbury Road by 1.1m. To the front of the proposed building, small garden areas for each of the associated flats are provided at 3.7m deep, and metal railings with a gated entrance are shown along the boundary, creating a generous defensible space for each of the ground floor flats, whilst also enhancing this prominent corner through the use of soft landscaping. The presence of the front gardens is also characteristic of the properties in Westbrook Gardens.

With regards to the specific design, the proposed building will sit between a modern 3-storey flat roof block with generous window/door proportions (fronting Canterbury Road), and traditional 3-storey pitched roof terraced dwellings (fronting Westbrook Gardens). A more traditional style of property is also present opposite the site, with the key features of the traditional style properties being the bay and sash windows, and the front balconies. The proposed building therefore needs to sit comfortably between these two contrasting styles of building.

The proposed development consists of a brick built flat roof building, which is similar in form to the modern flat roof building fronting Canterbury Road. Within Westbrook Gardens the design as amended seeks to follow the pattern of fenestration viewed within the adjacent terraced dwellings, with upper level windows that follow the proportioning and positioning of the neighbouring windows, along with a balcony feature at first and second floor level to again reflect the design of the adjacent terraced properties, and provide a gentle transition

before reaching the larger modern window proportions proposed within the southern section of the building.

The traditional houses in Westbrook Gardens are terraced and achieve vertical emphasis through the presence of long sash windows and the emphasised elevated entrances. The presence of bay windows and first floor balconies help to add interest to the terraced block, breaking up its expanse. The proposed development continues this approach with the use of the single windows and balcony features, but also with the provision of a full height modern bay feature, which is metal clad with large glazing panels inserted. Using these features in a rhythmic way around the building has enabled the block to be broken up and vertical emphasis added across the wide frontages. This has not only added interest to the design, but achieves a pattern of development that appears in keeping with the surrounding area.

At ground floor level the provision of the basement parking entrance is unfortunate, and detracts from the design, but such a design feature has previously been approved, and enables parking to be achieved on the site that in itself does not visually detract from the area.

Whilst a single main pedestrian entrance to the flats is proposed onto Westbrook Gardens, access points to each flat have been achieved through the front garden areas, via a gated access. This has achieved a more active frontage to both elevations, and again through the presence of doors to each unit achieves the appearance of separate units within the block, in keeping with the adjacent terrace block, and the smaller commercial terraced units within Canterbury Rd.

In terms of materials, brick is the predominant material, in keeping with the nearby traditional properties. Metal is used for the balustrading, windows, and cladding, all of which help to add interest to the design and emphasize the vertical window alignments. As mentioned previously, the fifth floor is fully metal clad with large glazing elements, all of which help to lighten this structure and reduce its dominance within the street scene. Windows are to be set within a reveal of at least 100mm, which will add depth to the design.

Overall it is considered that the scale and height of the building as amended will not appear significantly out of keeping with surrounding development, and the design and materials are considered to be good quality, and sympathetic to the surrounding character and appearance of the area, with the proposal resulting in an enhancement of the site. The proposed development is therefore considered to be in accordance with Policy D1 of the Thanet Local Plan and paragraph 127 of the NPPF.

### **Living Conditions**

The proposal development is adjacent to an existing dwelling on Westbrook Gardens, and an existing block of flats on Canterbury Road.

- *Light and outlook*

When considering the impact upon no.1 Westbrook Gardens, there will be limited impact upon any lower level windows, as the proposed development follows the rear building line of

no.1 at ground and first floor level. At second floor level the rear building line of no.1 is setback by 3.4m from the rear building line of the proposed development, and with only a 0.5m gap between the properties, there would be some impact upon light and outlook to the second floor rear window of no.1. A daylight and sunlight study has been submitted with the application, which assesses the impact upon these windows. The study shows that the potential impact to this window, when considering the proposed development, passes the 'Building Research establishment' tests, which are based on the requirements of the British Standard BS 8206 Part 2. Taking account of this submission and following officer assessment, the impact to light from no.1 Westbrook Gardens is considered to be acceptable. Whilst there will also be some loss of outlook, this would be from what appears to be a bedroom window, which has a less extensive use than that of a living room, and therefore given the use, along with the limited depth of 3.4m, 0.5m from the neighbouring building, the impact upon this window, and light to no.1 Westbrook Gardens is considered to be acceptable.

Concern has been raised from residents of flats within the adjacent block to the application site on Canterbury Road. Within the side elevation of the flat block there are 5no. ground floor windows, and 3no. first and second floor windows that would face the proposed development, at a distance of 4.3m from the proposed development. The submitted daylight and sunlight study examines the impact upon these windows, and identifies all of the ground floor and one of each of the first and second floor windows as serving circulation space. The only windows affected are the 2no. bedroom windows, identified as windows 17 and 18 within the sunlight and daylight study. The report shows that there will be a significant impact to these windows, in particular the first floor window, where there is acknowledged to be a 47% loss of daylight. The report concludes that whilst these two windows do not pass the daylight distribution test, the use of the rooms as bedrooms means that the impact is considered to be of less importance than if the windows were serving other habitable rooms such as living rooms and kitchens.

Development has previously been approved on the application site, in both 2004 and 2006. The adjacent Canterbury Road flat development was approved in 2008, when the 2006 consent for the application was still extant. Within the report for the neighbouring site the extant consent for the application site was acknowledged as a material planning consideration, and the potential impact upon the future occupiers of both schemes was considered. The previously approved scheme showed a development much closer to the neighbouring windows, and this impact on future living conditions in the flats was considered acceptable and therefore approved. Whilst that scheme is no longer extant, the relationship between the developments has previously been deemed acceptable by the Council.

Furthermore, through this application amendments have been sought to try to reduce the impact upon these windows, with the latest plans showing the depth of the proposed development reduced by 0.3m, in order to avoid any part of the development from being located directly in front of the neighbouring windows. The impact upon outlook to these windows is therefore considered acceptable, and whilst there will be a detrimental loss of light to two bedrooms, on the basis that the plans have been amended, a similar relationship has previously been approved, and the windows serve bedrooms, which are likely to be utilised less during daylight hours than other habitable rooms, the impact upon the light to

neighbouring occupiers within the adjacent flat block is considered to be, on balance, acceptable.

- *Privacy*

Within the rear elevation of the proposed building there are 2no. bedroom windows located within the northern elevation on each floor, and 2no. bedroom windows located within the eastern elevation. The eastern elevation windows face onto the adjacent flat block in Canterbury Road, with the windows within the flat block opposite the proposed windows serving circulation space, and therefore no privacy is affected.

Within the northern elevation the proposed windows face the very rear of the neighbouring gardens in Westbrook Gardens, with only the end 2m directly affected. There is no direct overlooking of the first 5m of amenity space to the neighbouring properties, and it would appear that a number of outbuildings are located within the nearest neighbouring gardens, which would help to reduce the extent of overlooking.

At fourth floor level one side bedroom window is proposed within the northern elevation, but this would face over the neighbouring roof and towards the blank side wall of the neighbouring rear projection, no.1 Westbrook Gardens, and in addition to the setback distance from the boundary, this will result in minimal overlooking.

Overall the impact upon neighbouring privacy is considered to be acceptable, and in accordance with Policy D1 of the Thanet Local Plan, and paragraph 127 of the NPPF.

### **Future Occupier Living Conditions**

The proposed development does not incorporate any shared secure external amenity space. It is not possible to provide this space at the rear due to the basement parking area, which has an open vehicular access slope to the rear of the building, preventing any further use of this space. Amenity space is provided through the provision of balcony areas, and amenity space is associated with the ground floor units' nos.1-3, but this space can not be classed as secure. The proposal is therefore not able to fully comply with Policy SR5 of the Thanet Local Plan, which requires the provision of doorstep play space for all new residential family units. Three of the proposed units are 1-bed, and would therefore not require external space as they are not classed as family units. For the remaining 15no. units, the lack of any doorstep play space will have some impact upon the amenity for future residents; however, the site is within a few minutes walk of the seafront which provides large areas of amenity space. Whilst the proximity to the seafront does not override the policy requirement for doorstep play space, the location of the development, along with the provision of external amenity space for the ground floor flats and balcony provision for nearly all units, and the limited size of the proposed units and the design constraints of the site, it is considered that the proposal will, on balance, provide an adequate level of amenity for future occupiers.

All of the flats meet the nationally described space standards, as required through Policy QD04 of the Draft Local Plan, and an independently accessed internal refuse store has been provided for all flats at ground floor level, along with a cycle store. Given the lack of external amenity space, the agent has agreed to a condition requiring the provision of airing

cupboards within all units, which will assist with clothes drying, and minimise the likelihood of the balconies from being used for this purpose, which would be to the detriment of visual amenity.

Environmental Health advises that there have been noise complaints recorded regarding deliveries to Tesco, and the site sits on a busy main through road. As such, Environmental Health recommends that a condition be added to any consent to test noise levels from within the proposed development, in order to safeguard the amenity of future residents. Concerns were also previously raised regarding the car lift and the potential for noise to adjoining flats, but following its removal Environmental Health no longer have concerns regarding this issue.

Subject to safeguarding conditions requiring the provision of the refuse and cycle store, clothes drying facilities, and the amenity areas as shown, the impact upon the living conditions of future occupiers is considered to be acceptable, and in accordance with paragraph 127 of the NPPF.

### **Transportation**

The proposal is for the provision of underground parking to serve the 18no. proposed units. The proposed vehicular access is from Westbrook Gardens, with the initial plans submitted with this application showing a car lift to provide basement access. The agent had advised that the car lift proposal was a direct result of discovering that the approved basement vehicular access from the 2006 scheme was not workable, and therefore this was the only proposal that enabled the 18no. parking spaces to be maintained.

KCC Highways and Transportation were consulted, and raised objections with the car lift on the grounds of the risks associated with them, including power cuts, failures, and queues onto the highway if more than one vehicle is attempting to access the site at once, or is waiting for another driver to exit the site, leading to reversing back onto the highway. KCC suggested that the lift be removed and replaced with a ramp. Concerns were also raised with the number of parking spaces proposed, along with a lack of tracking information to prove that safe manoeuvres within the site could be achieved.

Amended plans have been submitted showing the lift replaced with a ramp, but this has led to the number of parking spaces being reduced from 18 to 16.

KCC advises that the amended ramp access will reduce the likelihood of vehicles queuing on the public highway, and remove the risk of issues associated with failure and maintenance of vehicle lifts. Whilst 2no. On site parking spaces have been lost, meaning that the proposed development falls slightly under the recommended standards, the requirement for a safe access to the site is considered to outweigh the lack of parking, and given the sustainable location of the site on a bus route, and within walking distance of the town centre and railway station, along with the reduction in size of 3no. units from 2-bed to one-bed, the lack of 2no. parking spaces are not considered to justify a reason for refusal in this instance.

The relocation of the refuse store from basement level to ground level is shown on the amended plans, which is supported, as this allows for easy access of the bins on refuse collection day, and doesn't require the basement to be accessed by refuse vehicles.

KCC has advised that in order to ensure that access visibility in and out of the site is not obstructed, the applicants will need to progress a traffic regulation order to remove the 2-3 parking spaces located directly at, and alongside, the proposed vehicle entrance.

Secure cycle parking has been provided internally for 20no. bikes, and electric vehicle charging will be provided to each of the allocated parking spaces.

Subject to safeguarding conditions, the impact upon highway safety is considered to be acceptable, and in accordance with the NPPF.

## **Affordable Housing and Unit Sizes**

The proposal is for the erection of 15no. 2-bed flats and 3no. 1-bed flats. Whilst Policy SP19 encourages a range of unit types and sizes across a development site, there are often site constraints that prevent this from happening. In this case, given the size and shape of the site, and its corner location, housing cannot easily be accommodated on the site. A flat block would achieve the optimum use of the site.

The proposal provides for 30% affordable housing, where the greatest need is one and two bed units, and therefore the proposal would meet this local need. Affordable housing provision of 30% is to be secured through the legal agreement on the basis that this site would be developed independently of any other development.

Alternatively, this application site is linked to an allocated housing site in Cliftonville, former St.Georges Hotel, Eastern Esplanade, which has an extant planning permission for the erection of 87no. flats. It was agreed through the legal agreement for the St.Georges planning application that this application site would serve as the off-site affordable housing provision for the development of the St.Georges site. The St.Georges application is extant, and therefore if that development were to commence, there would be a requirement for this site to be provided entirely as affordable housing. On this basis, the provision of all 1-bed and 2-bed units would contribute significantly to local affordable housing need.

The proposal is therefore considered to comply with Policy H14 of the Thanet Local Plan, and Policy SP19 of the Draft Local Plan.

## **Ecology**

A preliminary ecological appraisal has been submitted as part of this application. The report concludes that there is the potential for terrestrial mammals, such as Hedgehogs, to be present within the site. KCC Biodiversity have advised that in order to ensure that hedgehogs are not harmed during the construction phase of the development, precautionary mitigation measures are put in place, which includes any excavations needing to be left overnight either covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm



must also be covered at the end of each work day to prevent animals entering/becoming trapped. Subject to a safeguarding condition securing this mitigation, KCC raises no concerns with the impact upon terrestrial mammals.

The site has been overgrown for a number of years, and birds are often heard within the site during the nesting period. KCC has further advised that this habitat provides opportunities for breeding birds, and therefore any work to vegetation should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. The site has recently been cleared, with the owner confirming that this took place in the last few months, outside of the bird breeding season. The impact upon breeding birds is therefore considered to be acceptable and in accordance with the NPPF, with the provisions of the Wildlife and Countryside Act 1981 remaining in force.

### **Drainage**

Southern Water has advised that a public sewer may be crossing the site, but that it may be possible to divert the foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense.

The drainage appraisal report submitted with the application states that the site is currently fully impermeable, and assumes that the site is currently served by a public surface water sewer, and proposes maintaining the existing discharge rate and connection. However, from visiting the site this is not correct, as the former building on the site and any associated hard surfacing has been removed, and the site is now overgrown with numerous tree stumps across the site, proving that the site has been permeable and therefore surface water drained within the site.

Southern Water further advises that there are no dedicated public surface water sewers in the area to serve this development, and that whilst the discharge of surface water to the public combined sewer network may be possible, considerations should be given to alternative means of draining surface water from the development.

A revised drainage strategy has been submitted showing the intention to provide a blue roof system, which will slow down surface water flows to the combined sewer. A storage tank will also be provided within or below basement level, to store the water to restrict the discharge rate to the combined sewer. No information has been provided on the drainage proposal for the basement level or the front gardens area, but KCC has advised that this could all be drained to the storage system, and as such it is likely that surface water drainage could be adequately dealt with within the site, preventing any increase in surface water runoff from the site and increased risk of flooding.

Subject to safeguarding conditions the impact upon flood risk is considered to be acceptable, and in accordance with the NPPF.

### **Contamination**

The Environment Agency advises that the previous use of the site as a motor vehicle garage presents a high risk of residual contamination that could be mobilised during construction to

pollute controlled waters. Controlled waters are sensitive in this location because the application site is located upon a Principal aquifer, which is overlain by clay.

A desktop study has been submitted with the application. The Environment Agency advises that the report submitted provides them with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development, however, safeguarding conditions are necessary to secure further detailed information, without which they would object to the application.

Subject to the safeguarding conditions, the impact upon the public water supply is considered to be acceptable, and in accordance with the NPPF.

### **Archaeology**

KCC Archaeology has advised that extensive archaeological remains are recorded in the Westgate area. The sites of two iron age and Romano-British settlements are known within a 500m radius of the premises, one at Hartsdown park and one close to the nearby Royal Esplanade. Cropmarks of enclosures are also known directly south of the site. The general potential of the area relates principally to Bronze Age, Iron Age and Roman remains found along the coast line to the west and expected to continue in towards Margate. Recent investigations in close proximity to the present site have revealed remains of prehistoric date. While the site has seen previous development it is not known the extent to which the land below that development was previously disturbed and the present proposal involves substantial excavations including for a basement level. It is possible that archaeological remains will be disturbed by groundworks involved in development, and therefore a safeguarding condition requiring a programme of archaeological work is advised. Subject to this condition the impact upon archaeology is considered to be acceptable and in accordance with the NPPF.

### **Financial Contributions**

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

KCC have commented that a financial contribution of £864.28 is required for additional book stock at Margate Library in order to mitigate the impact of the additional borrowers generated from this development.

KCC have requested a financial contribution of £16,464 towards secondary education in the form of the phase 1 expansion of King Ethelbert Secondary School, in order to mitigate the impact from additional children occupying the development.

KCC have requested a financial contribution of £371.28 towards community learning, in the form of additional equipment and resources at the Margate Adult Education Centre.

KCC have requested a financial contribution of £1,179 towards youth services, in the form of additional equipment and resources at the Quarterdeck Youth Centre.

KCC have requested a financial contribution of £2,643.84 towards social care provision, in the form of extra care provision in Thanet.

A contribution towards equipped play provision is required under Policy SR5 of the Thanet Local Plan. The nearest park to the application site is Hartsdown Park. There is a need for new or replacement play equipment at this park, and therefore a financial contribution of £13,125 is sought.

The agent has agreed to all of these financial contributions, which are to be secured through a legal agreement.

## **Special Protection Area Mitigation and Appropriate Assessment**

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

The tariff for this contribution is provided in the SAMM report, and for this development equates to £5,406. This mitigation means that the Council accords with the Habitat Regulations and an appropriate assessment has been undertaken. The applicant has agreed to this contribution, which will be secured through a legal agreement.

## **Heads of Terms**

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

- Special Protection Area - £5,406
- Secondary Education - £16,464
- Libraries - £864.28
- Play equipment - £13,125
- Community learning - £371.28
- Social care - £2,643.84
- 30% affordable housing.

## **Conclusion**

The site is considered to be non-previously developed land, given the time that has passed since the previous use, and the current condition of the land, which is now overgrown. The proposed development is therefore considered to be contrary to Policy H1 of the Thanet Local Plan; however this policy currently has minimal weight in determination due to the Council's current housing land provision.

The proposed development would provide an additional 18no. flats towards the current housing need, which will provide a social benefit. It is also expected that all of these units would be provided as affordable units, if constructed in conjunction with the former St.Georges Hotel development site, which further enhances this social benefit. All of the flats meet the minimum space standards and provide a good standard of amenity for future occupiers, with the only disadvantage being the limited external amenity space; and for neighbouring occupiers the impact upon amenity, whilst balanced, is considered to be acceptable given the historic permissions granted on the site.

Economic benefits will be achieved through the construction of the development, and the occupation of a currently vacant boarded up site.

With regards to the environment, the retention of the site as open space is not considered to be necessary, as the site does not offer recreational benefits, and is not intrinsically valuable to the area. The proposed development is of a scale and height that will not detract from the area, and is of a design that is sympathetic to its surroundings. Whilst the site is sustainably located, off-street car parking is achieved at basement level. Overall the proposal is considered to enhance the character and appearance of the area.

It is therefore considered that the proposed development represents sustainable development in accordance with the NPPF, and it is therefore recommended that members defer and delegate the application for approval, as an acceptable departure to Policy H1 of the Thanet Local Plan, subject to safeguarding conditions, and the submission of a signed legal agreement securing the commitments as identified within the heads of terms of this report within 6 months of any resolution.

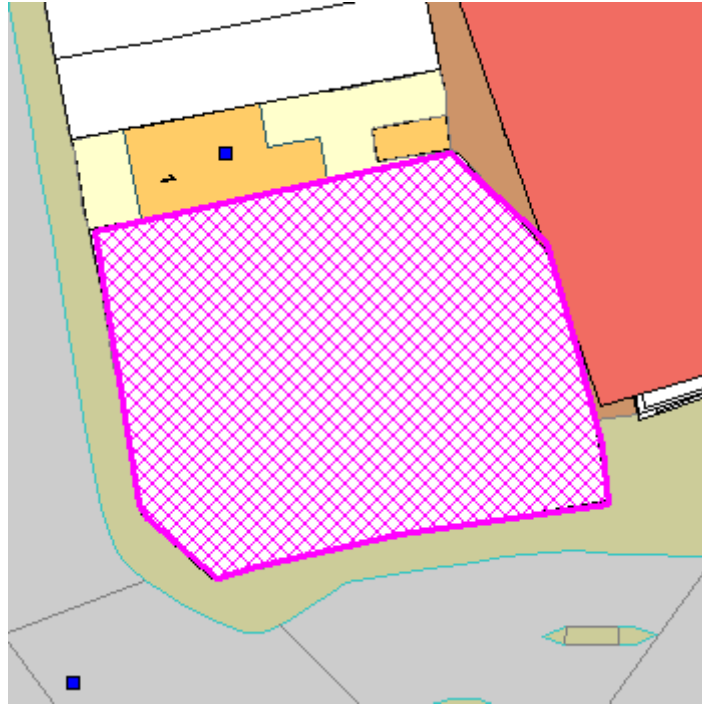
**Case Officer**

Emma Fibbens

TITLE: F/TH/19/0889

Project Former Westonville Garage Canterbury Road MARGATE Kent

Scale:



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**D04** **F/TH/19/1481**

**PROPOSAL:** Erection of two storey, two bedroom dwelling with 2No. parking spaces

**LOCATION:** Land Adjacent To 1 Northbourne Way MARGATE Kent CT9 3NS

**WARD:** Cliftonville East

**AGENT:** Mr Doug Brown

**APPLICANT:** Mr Miguel Blanco

**RECOMMENDATION:** Defer & Delegate

Defer and delegate for approval subject to the satisfactory completion of a legal agreement within six months of the date of this resolution securing the required planning obligations as set out in this report and the following safeguarding 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 drawings numbered MB/19/11/2a, MB/19/11/3, MB/19/11/3a MB/19/11/5a received 22 December 2019 and the additional plan entitled 'Landscape Plan' received 30 January 2020

**GROUND;**

To secure the proper development of the area.

3 Prior to the construction of the external surfaces of the development hereby approved a sample of the proposed brick and roof tiles, and details of the colour and finish of the render and block paving to be used shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples and details.

**GROUND;**

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

4 All hard and soft landscape works shall be carried out in accordance with the approved Landscape Plan received 30 January 2020. The works shall be carried out prior to

the first occupation of the dwelling hereby approved. 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.

**GROUND;**

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

5 Prior to the first use of the site hereby permitted the vehicular access approved and associated vehicle crossing point onto the highway, as shown on the shown on the approved plans numbered MB/19/11/5a received 22 December 2019 and entitled 'Landscape Plan' received 30 January 2020 should be complete.

**GROUND;**

In the interests of highway safety.

6 No further development within the curtilage of the dwellinghouse hereby approved whether approved by Class A, B, C, D, E, F, G and H of Part 1, Schedule 2 of 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;**

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

INFORMATIVES

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

A formal application for connection to the water supply 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 a modest, undeveloped parcel of land which fronts Elmstone Gardens to the west, and abuts Northbourne Way to the south. The site is located on a prominent corner, which is clearly visible from long views along Northdown Road, along with views from within Elmstone Gardens and Northbourne Way. The application site once contained dense trees and vegetation, alongside the larger and wider site opposite, and has now been cleared other than for a modest boundary hedge, which is still in situ.



The application site lies adjacent to a row of single storey detached bungalows fronting Elmstone Road to the north, and there is a similar row of bungalows fronting Northdown Road to the west, which form part of the Palm Bay Estate. These bungalows are set within largely consistent plots and are broadly uniform in their scale, form and design. Northbourne Way to the rear of the site is characterised by two storey dwellings of a greater variety in terms of their form, scale and design, and plot size and shape. Opposite the application site is a site containing dense trees and vegetation which adjoins Northdown Park to the north, which together forms a vegetative and natural environment to the north of the site.

## RELEVANT PLANNING HISTORY

F/TH/19/0365 - Erection of a detached two storey dwelling with 2 parking spaces - Refused 23/05/2019 and dismissed at appeal 22/10/2019.

## PROPOSED DEVELOPMENT

The application follows a previously refused application for the erection of a two storey Chalet bungalow which incorporated gabled features and a gabled northern side elevation. This application was refused for reasons relating to its form, scale and design, which was considered to be out of keeping with surrounding development, the loss of the prominent undeveloped open space, and the lack of mitigation to the increased recreational pressure on the Special Protection Area.

The application was subsequently dismissed at appeal for reasons relating to the height, form and design of the proposed Chalet bungalow, which was considered to form a dominant form of development within the street scene comprised entirely of bungalows, out of keeping with the prevailing character of the area.

This application seeks to address this concern, and proposes a revised design which reflects the form, scale and design of the row of detached bungalows to Elmstone Avenue to which it will form a part.

The proposed bungalow is 2-storey, with an attic room provided within the roofspace, and 2no. bedrooms provided at ground floor level, with off-street parking for 2no. Vehicles. The proposed building will be set in line with the existing front building line, and will be set under a hipped pitched roof, with a modest rear projection. The proposal has been amended during the course of the application and now proposes a reduced sized dwelling, set in from the southern boundary by approximately 2.8m at the furthest point and 1.8m at the nearest point, with soft landscaping between the side boundary and the side elevation of the application property.

The dwelling will be finished in bricks and render, with plain brown roof tiles, UPVC windows and composite door. A block paved drive is proposed to the frontage with soft landscaping to part of the frontage and side, and a 1.5m high boundary wall will be provided in line with the side elevation of the proposed dwelling to enclose the rear garden.

## DEVELOPMENT PLAN POLICIES

## Thanet Local Plan 2006 (Saved Policies)

D1 - Design Principles

D2 - Landscaping

H1 - New Residential Development

TR12 - Cycling

TR16 - Car Parking Provision

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted near the site. Two letters of objection and two letters of support have been received.

The letters of objection raise the following concerns:

- Proposal will result in an adverse effect on local ecology and amenity.
- The land was deliberately set aside by the estate developer and was planted with trees and shrubs. It was intended as a natural woodland to enhance the area.
- Before the trees and shrubs were cleared the area provided a habitat for birds and animals.
- The land should be replanted with trees and shrubs and restored to the condition it was in when the original owner completed the development of the estate.
- Given the current state of the plot it is unsurprising that in the Planning Inspector's report the site was referred to as open space. Had he seen the site prior to being cleared of trees it is unlikely he would have described the site as merely open space.
- The site should never have been cleared and it should be accepted that the site is a local amenity which was clearly set aside as a natural wooded area.
- Safety concerns regarding the proposed parking spaces and their relationship with the surrounding roads.
- The original proposal to build a two storey house with a dormer was refused because it was completely out of keeping with neighbouring properties. The proposal includes a loft room and it is considered likely that the long term intention is to put a dormer extension which would be out of keeping.

The letters of support raise the following points:

We had numerous issues with poor up keep of this parcel of land by Sunley Homes who rarely made an effort to look after the land which damaged my property.

The applicant is looking to build one single dwelling and there are high numbers of units being granted permission in Thanet.

We are in favour of this small development which would make the most out of an uncared and useful piece of land.

## CONSULTATIONS

**Southern Water** - The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development

is finalised. All existing infrastructure should be protected during the course of construction works and the public water main requires a clearance of 6m either side to protect it from construction works.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Request that informatives are attached to the decision notice, should the proposal be approved.

**KCC Highways** - The proposed development does not meet the criteria to warrant involvement from the Highway Authority in accordance with current consultation protocol arrangements. Request informatives are attached to the consent in the event planning permission is granted.

**Natural England** - On the basis of the appropriate financial contribution being secured to the relevant scheme, Natural England concurs with your authority's conclusion that this is suitable mitigation, as such the proposed developments will not have an adverse effect on the integrity of Thanet Coast and Sandwich Bay SPA and Ramsar site.

## COMMENTS

This application is brought to Planning Committee as the application is a departure to Policy H1 of the Thanet Local Plan.

The main consideration with regard to this application is the principle of development, the impact of the proposed development on the character and appearance of the area, the impact upon residential amenity, and the impact upon highway safety.

### **Principle**

This application relates to an undeveloped parcel of land adjacent to 1 Northbourne Way and 4 Elmstone Gardens, within Palm Bay Estate in the urban confines of Margate.

The proposed development would represent development of non-previously developed land which would be contrary to Policy H1 of the Thanet Local Plan. 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 application site is located within an established residential area which is served by public transport, in close proximity to amenities including a parade of shops, a park and library, a relatively short distance from Northdown Road and Margate town centre. As such, the application site is considered to be sustainably located.

In determining whether housing on the site would be acceptable, the need for housing in the district will therefore need to be balanced against other material considerations on the site.

### **Character and Appearance**

The National Planning Policy Framework states that development should be sympathetic to local character and the surrounding built environment and establish and maintain a strong sense of place. 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 and the site opposite was left undeveloped when the area was originally developed for housing. The application site previously contained dense vegetation and trees along with the site opposite, and currently comprises natural, open undeveloped land. These sites lie adjacent to Northdown Park which provides a natural, vegetative environment to the north of the application site.

The development of the site for housing will result in the loss of this natural, open space. The Inspector considered the application site to provide a very limited contribution to the character and appearance of the area given its modest size and location on the corner of two roads, and considered its use for any recreational activities to be limited given its proximity to Northdown Park. The Inspector therefore judged that the loss of this small piece of open space to be acceptable in this location. This is a material consideration in the determination of this planning application.

Given the Inspectors view, and the location of the site in between built development to the north side and rear, and in line with the position of built development to the front, it is considered that the loss of this open space would not be significantly harmful to the character and appearance of the area, and is considered capable of providing a compatible form of development within its environment. This would consolidate the existing built environment to the north of Northdown Road and Northbourne Way, and retain the natural, vegetative character to the south of these roads, which compliments Northdown Park.

The size of the plot and dwelling is of a reduced, but comparable size to surrounding plots. The layout and siting of the proposed dwelling would align with the established front building line and position of the adjacent row of bungalows which front Elmstone Gardens and the position of the row of bungalows to the west which front Northdown Road. The bungalow will be set in from the southern side boundary by a minimum of 1.8m, extending to 2.8m, which is considered to be an appropriate amount in relation to the surrounding pattern of development. Soft landscaping in the form of a boundary hedge, grass and small trees is provided within the space to the side of the proposed dwelling, which will reflect and provide a positive transition to the natural and vegetative character to the south of the application site.

The proposed dwelling will be provided with an open, partially landscaped frontage, with 2No. off street parking spaces finished in block paving, which will accord with the characteristic open landscaped frontages and spacious surrounding environment. The provision of parking spaces with their associated hardstanding to part of the frontage is not considered to be out of character given that this is a common feature in the locality. The 1.5m high brick boundary wall, which encloses the rear garden, will follow the line of the side

elevation of the dwelling and is considered to be appropriately located and positively relates to the surrounding brick boundary walls.

The dwelling will be a similar, yet reduced size and width in comparison to the adjacent dwellings owing to its reduced plot size, with adequate spacing around the property provided. The proposed dwelling will retain sufficient separation distance to the adjacent dwelling to the north, which is comparable to the separation between bungalows within this row. As such, the proposed layout and hard and soft landscaping of the application site is considered to positively integrate with the surrounding environment and pattern of development.

The proposed dwelling will follow the simple and traditional form and design of the adjacent row of bungalows to which it will form a part, set under a hipped pitched roof which will accord with the height and roof pitch of these adjacent dwellings. The rear projection will be set under a hipped roof of a reduced height to the main roof, which will break up the built form of this element on this prominent corner and form a subservient element. The dwelling will be finished in brick facing and render, with plain brown tiles which will accord with the established material palette in the area. As such, the proposed dwelling is considered to positively integrate with the form, scale and design of the surrounding largely uniform bungalows within the locality.

The proposed development is therefore considered to be compatible with the surrounding built environment and would be set comfortably within the street scene, and relate well to the pattern of development, character and appearance of the surrounding area, overcoming the Inspectors previous concerns. The proposal would therefore accord with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework, and paragraph 127 of the NPPF.

## **Living Conditions**

The proposed dwelling would retain approximately 2m separation distance to the adjacent neighbour to the north, 4 Elmstone Gardens, and largely aligns with the front and rear elevation of the main body of this dwelling, which does not contain any side elevation windows.

The rear projection will extend beyond the rear elevation of the adjacent neighbour, however given the separation distance of 5.6m to the boundary, and 8m to this neighbour, it is considered that there will be no harm arising from this element. As such, the proposed dwelling is not considered to result in harm to the light to or outlook from the neighbour at no.4 Elmstone Gardens. The proposed dwelling will retain sufficient separation distance to all other adjacent neighbours to prevent harm to their living conditions by way of loss of light/outlook or the creation of a sense of enclosure.

In terms of overlooking, the proposed front elevation windows would directly face the eastern side elevation of the neighbour opposite, no.503 Northdown Road, however this relationship is across a road, with approximately 20m separation distance. This neighbour contains high level side elevation windows within its side elevation and a glazed porch structure, which do

not appear to be the sole windows serving primary habitable rooms. As such, the proposed dwelling is not considered to result in harmful overlooking.

The proposed rear elevation windows include 2no. velux windows to serve an attic room, which could be used as a bedroom. Given their flush position within the roof, only oblique views of adjacent neighbours to the side are likely to be possible, resulting in minimal impact upon neighbouring privacy. The windows will directly face the front parking and garden areas of adjacent neighbours to the rear, which is not considered to constitute private amenity space. As such, the proposed rear windows are not considered to result in harmful overlooking.

In terms of the living conditions of the future occupiers, the proposed provision of accommodation is considered to comprise an acceptable layout, and will exceed the National Described Space Standards for two bedroom two storey dwellings. All windows serving primary habitable rooms will face towards the front or rear of the site, and will therefore provide acceptable outlook, light and ventilation.

The proposed dwelling would be provided with a moderate rear garden, which would provide sufficient space for door step play space in accordance with Policy SR5 of the Thanet Local Plan, along with space for refuse storage and clothes drying facilities.

The proposed development is therefore considered to be acceptable in terms of residential amenity of the adjacent neighbours and the future occupiers of the proposed dwelling in accordance with Policy D1 of the Thanet Local Plan and paragraph 127 of the National Planning Policy Framework.

### **Highways**

The proposed development will be provided with 2no. off-street parking spaces to the frontage, which would provide an acceptable provision of parking to serve the dwelling.

The proposed vehicular access is set back from the Northbourne Way/Elmstone Avenue junction by approximately 6m, which is opposite a bend in the road, and in close proximity to a slipway which serves the houses fronting Northdown Road. The proposed vehicular access would be provided with adequate visibility splays, and is considered to provide sufficient separation to the junction, given the moderate speed limit on the road, and the limited vehicular movements associated with 2No. off road parking spaces, to prevent significant harm to highway safety.

The proposed development is therefore considered to be acceptable in terms of highway safety and highway amenity, in accordance with Policy TR16 of the Thanet Local Plan and paragraph 108 of the National Planning Policy Framework.

The proposed development includes a rear garden which is capable of providing sufficient space for the provision of cycle storage, in accordance with Policy TR12.

### **Contributions**

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified.

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

A draft Unilateral Undertaking for the required financial contribution of £320 for the proposed residential unit to mitigate the additional recreational pressure on the SPA area has been received and is currently in the process of being finalised.

### **Other Matters**

Concerns have been raised regarding the loss of trees on the application site. The trees that were previously present were not protected by a Tree Preservation Order and do not fall within a Conservation Area, and therefore the applicant did not require consent for their removal.

Concern has been raised regarding biodiversity. As the application site has been cleared and now comprises minimal vegetation, the application site is not considered likely to provide a habitat for protected or notable species, and as such it is not considered that any measures or surveys relating to biodiversity are required for this application.

### **CONCLUSION**

The proposed development is considered to have an acceptable impact upon the character and appearance of the area, the living conditions of adjacent neighbours and highway safety and amenity, and as such the proposed dwelling is considered to be an acceptable departure to Policy H1 of the Thanet Local Plan.

It is therefore recommended that Members defer and delegate this application to officers for a period of 6 months for approval, subject to safeguarding conditions and the receipt of a signed Unilateral Undertaking securing the required Special Protection Area Contribution.

### **Case Officer**

Jenny Suttle

TITLE: F/TH/19/1481

Project Land Adjacent To 1 Northbourne Way MARGATE Kent CT9 3NS

