

Date: 14 June 2021  
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## **PLANNING COMMITTEE**

**23 JUNE 2021**

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 23 June 2021** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### **Membership:**

Councillor Tomlinson (Chair); Councillors: Coleman-Cooke (Vice-Chair), Albon, J Bayford, Crittenden, Garner, Hart, Hopkinson, Keen, Pat Moore, Paul Moore, Rusiecki, Scott and Wright.

## **A G E N D A**

### **Item** **No**

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 - 32)  
To approve the Minutes of the Planning Committee meeting held on 19 May 2021, copy attached.
4. **PLANNING APPLICATION OL/TH/20/0847 – LAND ON THE NORTH WEST AND SOUTH EAST SIDES OF SHOTTENDANE ROAD, MARGATE** (Pages 33 - 212)
5. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 213 - 218)  
To consider the report of the Deputy Chief Executive, copy attached for Members of the Committee.

### **For Approval**

- 5a **A01 F/TH/21/0148 - 3 THE KNOT, 20 BEACH ROAD, WESTGATE ON SEA.**  
(Pages 219 - 230)

Item  
No

Subject

- 5b **A02 F/TH/21/0705 - ELLINGTON PARK, RAMSGATE.** (Pages 231 - 236)
- 5c **A03 F/TH/20/1044 - 60 NORTHUMBERLAND AVENUE, MARGATE** (Pages 237 - 246)
- 5d **A04 L/TH/21/0548 - CROQUET LAWNS, ROYAL ESPLANADE, RAMSGATE** (Pages 247 - 252)  
**For Refusal**
- 5e **R05 F/TH/21/0312 - 14 ST JOHNS AVENUE, RAMSGATE** (Pages 253 - 268)  
**For Deferral**
- 5f **D06 F/TH/21/0144 - LAND REAR OF 4 TO 10 STATION ROAD, BIRCHINGTON.** (Pages 269 - 290)



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## **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.



## Planning Committee

### Minutes of the meeting held on 19 May 2021 at 6.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillor Michael Tomlinson (Chair); Councillors Coleman-Cooke, Albon, J Bayford, Garner, Hart, Hopkinson, Moore, Paul Moore, Rusiecki, Wright and Towning

**In Attendance:** Councillors Wing, Ara, Bailey and Fellows.

#### 1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Scott for whom Councillor Towning was present as a substitute, and Councillor Keen.

#### 2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### 3. **MINUTES OF PREVIOUS MEETINGS**

##### (a) **Minutes of the Planning Committee meetings held on 14 April 2021**

Councillor Coleman-Cooke proposed, Councillor Albon seconded and Members agreed that the minutes of the Planning Committee Meeting held on 14 April 2021 be approved and signed by the Chairman.

##### (b) **Minutes of the Planning Committee meetings held 21 April 2021**

Councillor Coleman-Cooke proposed, Councillor Rusiecki seconded and Members agreed that the minutes of the Planning Committee Meeting held on 21 April 2021 be approved and signed by the Chairman.

#### 4. **SCHEDULE OF PLANNING APPLICATIONS**

##### (a) **A01 R/TH/20/0174 - Westwood Lodge, Poorhole Lane, BROADSTAIRS, CT10 2PP**

PROPOSAL: Reserved matters application pursuant to permission OL/TH/15/0788 (Outline application for the erection of 153 dwellings with all matters reserved) for the approval of access, appearance, landscaping, layout and scale.

Mr Dempsey spoke in favour of the application.

Councillor Bailey spoke under council procedure rule 20.1.

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

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

That the application be APPROVED subject to the following conditions:

1 The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered:

Received 20/04/21

Site Layout Rev P05	0053-WH-MP-XX-DR-A-1000-S4
Fire tracking & Parking Strategy Plan Rev P05	0053-WH-MP-XX-DR-A-1001-S4
Materials & Boundary Treatment Plan Rev P05	0053-WH-MP-XX-DR-A-1002-S4
Refuse Management Strategy Plan S4 Rev P05	0053-WH-MP-XX-DR-A-1004-S4
Elevational Treatment Character Plan Rev P06	0053-WH-MP-XX-DR-A-1005-S4
Street Scenes 'A-A' 'B-B' 'C-C' Rev P01	0053-WH-MP-XX-DR-A-1006-S4
Retained Land Plan S4 Rev P04	0053-WH-MP-XX-DR-A-1007-S4
Temporary Access Rights Plan Rev P04	0053-WH-MP-XX-DR-A-1008-S4
Permanent Access Rights Plan Rev P04	0053-WH-MP-XX-DR-A-1009-S4
Proposed Demolition Plan P02	0053-WH-MP-XX-DR-A-1010 S4 Rev
Soft Works GA	2925-01-003 Rev G
Soft Works GA Plant species and densities	2925-01-004 Rev B
Hard Landscape Plan	2925-01-002 Rev F
Landscape Masterplan	2925-01-001 Rev G
Visibility Splays & Cyclist Forward Visibility	AMA/20854/SK006.2
Affordable Tenure Plan Rev P05	0053-WH-MP-XX-DR-A-1003-S4
Block 5 Standard Elevations S4 Rev P02	0053-WH-05-EL-DR-A-2014-S4
Block 10 Frontage Elevations P02	0053-WH-10-EL-DR-A-2019-S4 Rev
Block 11 Frontage Elevations P02	0053-WH-11-EL-DR-A-2020-S4 Rev
Block 12 Frontage Elevations P02	0053-WH-12-EL-DR-A-2021-S4 Rev
Block 13 Frontage Elevations P02	0053-WH-13-EL-DR-A-2022-S4 Rev
Block 15 Special Detailing Elevations P02	0053-WH-15-EL-DR-A-2024-S4 Rev
Block 16 Special Detailing Elevations P02	0053-WH-16-EL-DR-A-2025-S4 Rev
Block 17 Special Detailing Elevations P02	0053-WH-17-EL-DR-A-2026-S4 Rev

## Agenda Item 3

Block 18 Hipped Roof Elevations P02	0053-WH-18-EL-DR-A-2027-S4 Rev
Block 22 Hipped Roof Special Detail Elevations S4 Rev P02	0053-WH-22-EL-DR-A-2031-S4 Rev P02
Malden Floor Plans P01	0053-WH-H1-PL-DR-A-1010-S4 Rev
Enfield Floor Plans P02	0053-WH-H3-PL-DR-A-1011-S4 Rev

### Received 12/02/21

Emergency Vehicle Swept Path Analysis	AMA/20854/A/TR005
Visibility Splays	AMA/20854/SK001.1
Forward Visibility Splays	AMA/20854/SK001.3
Large Refuse Vehicle Swept Path Analysis	AMA/20854/ATR001
Large Refuse Vehicle Swept Path Analysis	AMA/20854/ATR002
Large Refuse Vehicle Swept Path Analysis	AMA/20854/ATR003
Large Refuse Vehicle Swept Path Analysis	AMA/20854/ATR004
Visibility Splays & Cyclist Forward Visibility	AMA/20854/SK001.2
Tree Constraints Plan	13602/P01 Rev A
Tree Retention and Removal Plan	13602/P02 Rev A

### Received 15/01/21

Tree works schedule	
Block 1 Standard Elevations S4 Rev P01	0053-WH-01-EL-DR-A-2010-S4 Rev P01
Block 2 Standard Elevations S4 Rev P01	0053-WH-02-EL-DR-A-2011-S4 Rev P01
Block 3 Standard Elevations S4 Rev P01	0053-WH-03-EL-DR-A-2012-S4 Rev P01
Block 4 Standard Elevations S4 Rev P01	0053-WH-04-EL-DR-A-2013-S4 Rev P01
Block 6 Standard Elevations S4 Rev P01	0053-WH-06-EL-DR-A-2015-S4 Rev P01
Block 7 Standard Elevations S4 Rev P01	0053-WH-07-EL-DR-A-2016-S4 Rev P01
Block 8 Standard Elevations S4 Rev P01	0053-WH-08-EL-DR-A-2017-S4 Rev P01
Block 9 Standard Elevations S4 Rev P01	0053-WH-09-EL-DR-A-2018-S4 Rev P01
Block 14 Special Detailing P01	0053-WH-14-EL-DR-A-2023-S4 Rev P01
Block 19 Hipped Roof Elevations	0053-WH-19_EL-DR-A-2028-S4
Block 23 - 3 Bed M4(3) Compliant Elevations Rev P01	0053-WH-23-EL-DR-A-2032-S4 Rev P01
Block 24 - 4bed Standard Elevations P01	0053-WH-24-EL-DR-A-2033-S4 Rev P01
Block 25 - 4Bed Special Detailing Elevations Rev P01	0053-WH-25-EL-DR-A-2034-S4 Rev P01
3 Bed M4(3) Compliant Floor Plans S4 Rev P01	0053-WH-3B-PL-DR-A-1012-S4 Rev P01

4 Bed Floor Plans  
P01

0053-WH-4B-PL-DR-A-1013-S4 Rev

Section 278 Works General Arrangement  
Tree Removal Plan

AMA/20854/S278/001 Rev A  
0053-LGMH-00-XX-DR-Z-4000

**GROUND:**

To secure the proper development of the area.

2. 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 and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

3. The development shall be carried out in accordance with the "Westwood Lodge woodland management and biodiversity plan (dated 01/02/2021)", the "Ecological Management Plan" received 15th February 2021 and the Ecological Enhancement Plan numbered 0053-WH-MP-XX-DR-A-1015-S4 Rev P01 received 5th May 2021. This includes reporting procedures as outlined in the documents for ongoing monitoring and updating the management plan as necessary.

**GROUND:**

In the interests of preserving and enhancing biodiversity and ecological potential, and to adequately integrate the development into the environment, in accordance with Policies QD02, GI04 and GI06 of the Thanet Local Plan and the National Planning Policy Framework.

4. Prior to the first occupation of any dwelling hereby approved details of the colour and weight-bearing capacity of the areas of hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

**GROUND:**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset and to ensure suitable access for refuse vehicles in accordance with policies HE03 and QD02 of the Thanet Local Plan and the advice as contained within the NPPF.

5. The development shall be carried out in accordance with the detailed measures in the Arboricultural Method Statement received 15th February 2021, including but not limited to general site procedures, reporting of

incidents, location of tree protection barriers, method of excavation and monitoring on site during construction.

**GROUND:**

To protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policy QD02.

6. Prior to the first occupation of any dwelling, 1:20 drawings of the new heritage bollards/heritage columns next to listed gates shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the agreed details and thereafter retained.

**GROUND:**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with policy HE03 of the Thanet Local Plan and the advice as contained within the NPPF.

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

**GROUND:**

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

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

**GROUND:**

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

9. The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes.

**GROUND:**

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

10. Prior to the first occupation of the development hereby permitted, the visibility splays/envelopes shown on drawings numbers AMA/20854/SK001.1, SK001.3 and SK006.2 shall be provided with no obstructions over 1 metre above carriageway level within the splays/envelopes, and be thereafter maintained.

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the National Planning Policy Framework.

11. Prior to the first occupation of the development hereby permitted, 25 metres x 2 metres x 25 metres visibility splays at the junction of the proposed pedestrian/cycle route and the existing private driveway from Ramsgate Road shall be provided with no obstructions over 0.6 metres above surface level within the splays, and be thereafter maintained.

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the National Planning Policy Framework.

12. Prior to the first occupation of the development hereby permitted, 25 metres x 2 metres x 25 metres visibility splays at the junctions of the existing private driveways and the proposed main access road shall be provided with no obstructions over 1 metre above carriageway level within the splays, and be thereafter maintained.

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the National Planning Policy Framework.

13. Prior to the first occupation of the dwellings denoted as plots 1-3 and 116-120, 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the accesses shall be provided to plots 1-3 and 116-120 with no obstructions over 0.6m above footway level, and thereafter be maintained.

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the National Planning Policy Framework.

14. Prior to the first occupation of the respective dwellings, 1 metre x 1 metre pedestrian visibility splays behind the footway on both sides of the accesses to plots 4, 8, 44-61, 71, 72, 99-115 and 45-153 shall be provided with no obstructions over 0.6m above footway level, and thereafter be maintained.

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the National Planning Policy Framework.

15. Prior to the first occupation of the development hereby permitted, 2 metres x 2 metres pedestrian visibility splays behind the footway on both

sides of each existing private driveway at its junction with the proposed main access road shall be provided with no obstructions over 0.6 metres above footway level within the splays, and thereafter be maintained.

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the National Planning Policy Framework.

15. Prior to the first occupation of the development hereby permitted, the pedestrian/cycle route between Ramsgate Road/Sloe Lane and the western cul-de-sac of the approved development shall be completed and thereafter be retained.

**GROUND:**

To facilitate safe and convenient movement by pedestrians and cyclists, in accordance with the Policies TP02 and TP03 of the Thanet Local Plan.

16. Prior to the first occupation of the development hereby permitted, the Poorhole Lane access to the site shall be completed and fully operational.

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the National Planning Policy Framework.

17. A plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling detailing the location of 10% of dwellings to comply with building regulation part M4(2) accessible and adaptable dwellings and building regulation part M4(3) relating to 5% of the affordable housing units hereby approved.

**GROUND:**

To ensure the future needs of households in accordance with policy QD05 of the Local Plan.

18. Prior to the occupation of any dwelling hereby approved, precise details of the Local Equipped Areas of Play Space (LEAP) and low height play equipment to follow the woodland walk (shown on the approved plans) shall be submitted to and approved in writing by the Local Planning Authority. Details should include details of type and positioning of play equipment, height, location and materials for boundary treatments, signs and furniture within the area and the responsibility for management and maintenance. The LEAP and woodland walk shall be provided in accordance with the agreed details before the first occupation of any dwelling hereby approved and thereafter be available for use.

**GROUND:**

To ensure that the development incorporates appropriate amenity space and children's play areas in accordance with policy GI04 of the Thanet Local Plan.

19. The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

**GROUND:**

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre.

20. Prior to the first occupation of the development hereby approved, a detailed habitat plan for the southern area of the site (denoted as Area 3, 6 and 7), showing biodiversity and ecological enhancement measures to accord with the submitted Ecological Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in full in accordance with the agreed detail prior to first occupation of any dwelling hereby approved.

**GROUND:**

In the interests of preserving and enhancing biodiversity and ecological potential, and to adequately integrate the development into the environment, in accordance with Policies QD02, GI04 and GI06 of the Thanet Local Plan and the National Planning Policy Framework.

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

(b) **A02 F/TH/20/0969 - Addington House Business Centre, Addington Place, RAMSGATE, CT11 9JG**

PROPOSAL: Erection of 5No. 3 storey 3 bed and 1No. 3 storey 4 bed terraced dwellings following demolition of existing offices, stores and laundry.

Mr Scott spoke in objection to the application.

Councillor Ara spoke as Ward Councillor.

Councillor Wing spoke as Ward Councillor.

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

‘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 04577\_NB109 Rev B received 03 March 2021, 04577\_NB103 Rev C, 04577\_NB104 Rev D, 04577\_NB105 Rev D and 04577\_NB106 Rev C received 09 December 2020.

**GROUND;**

To secure the proper development of the area.

3 Prior to the commencement of the development hereby permitted, a scheme to address the issue of noise and odour which may affect residents and will minimise the effects shall be submitted to, and approved in writing by the Local Planning Authority. The proposal shall include:

- Acoustic glazing to all front facade windows and the rear elevation windows to Plot 6.
- Air conditioning details to be agreed - unit to be acoustically treated, details to be agreed.

**GROUND:**

In the interest of residential amenity for future occupants and in pursuance of Policy QD03 of the Thanet Local Plan.

4 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
- (h) Access arrangements

**GROUND:**

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

5 The external surfaces of the development hereby approved shall be finished in accordance with the material schedule as annotated and illustrated on the approved plans numbered 04577\_NB103 Rev C and 4577\_NB105 Rev D received 09 December 2020.

**GROUND;**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the area as a Conservation Area in accordance with Policies QD02 and HE02 of the Thanet Local Plan and advice contained within the National Planning Policy Framework.

6 Prior to the construction of the external surfaces of the development hereby approved samples of the proposed buff stock bricks and contrasting red bricks and slate roof tiles 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 unless otherwise agreed in writing by the Local Planning Authority.

**GROUND;**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the area as a Conservation Area in accordance with Policies QD02 and HE02 of the Thanet Local Plan and advice contained within the National Planning Policy Framework.

7 Prior to the construction of the external surfaces of the development hereby approved a sample panel or sample area of the knapped flint walling to the ground floor front elevations of the dwelling hereby approved shall be submitted to, or inspected on site by the Conservation Officer and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples unless otherwise agreed in writing by the Local Planning Authority.

**GROUND;**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the area as a Conservation Area in accordance with Policies QD02 and HE02 of the Thanet Local Plan and advice contained within the National Planning Policy Framework.

8 Prior to the construction of the external surfaces of the development hereby approved the manufacturers details of the proposed aluminium framed windows and doors shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**GROUND;**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the area as a Conservation Area in accordance with Policies QD02 and HE02 of the Thanet Local Plan and advice contained within the National Planning Policy Framework.

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

**GROUND;**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the area as a Conservation Area in accordance

with Policies QD02 and HE02 of the Thanet Local Plan and advice contained within the National Planning Policy Framework.

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

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

- o the treatment proposed for all hard surfaced areas beyond the limits of the highway.

- o walls, fences, other means of enclosure proposed.

shall be submitted to, and approved in writing by, the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation of the 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 and to adequately integrate the development into the environment in accordance with Policy QD02 of the Thanet Local Plan.

11 The first and second floor front elevation windows of Plots 1-5 of the terraced dwellings hereby approved shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

12 The refuse storage facilities and cycle storage facilities as specified upon the approved drawings 04577\_NB103 Rev C received 09 December 2020 and 04577\_NB109 Rev B received 03 March 2021 and 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 safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties and in the interest of promoting cycling in accordance with Policies QD03 and TP03 of the Thanet Local Plan.

13 The area shown on the approved plan numbered 04577\_NB109 Rev B received 03 March 2021 for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

**GROUND:**

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF

14 Prior to the commencement of the development hereby approved, details of the proposed footway as shown on approved plan numbered 04577\_NB109 Rev B and the relocation of the existing 2No. street lights and their proposed revised location shall be submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Development shall be carried out in accordance with the approved details prior to the occupation of any dwelling hereby approved and the footway shall be thereafter retained in perpetuity.

**GROUND:**

In the interests of pedestrian and highway safety and amenity in accordance with advice contained within the NPPF.

15 Prior to the commencement of the development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, 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 Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

16 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

**GROUND:**

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre.

17 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes.

**GROUND:**

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

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

**GROUND:**

To serve the future occupants of the development in accordance with Thanet Local Plan Policy SP41 and the guidance within the National Planning Policy Framework.'

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

Councillor Albon proposed and Councillor J Bayford seconded, that the application be deferred to officers to seek an amendment for additional parking on the site and a reduction of one unit, with the application to be brought back to Planning Committee for determination.

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

(c) **A03 F/TH/20/1508 - Land Rear of 177 College Road, MARGATE, Kent**

PROPOSAL: Erection of 3No. 2-bed single storey dwellings with associated access and landscaping.

It was proposed by Councillor Coleman-Cooke, seconded by Councillor J Bayford and Members agreed:

'THAT the officer's recommendation be adopted, namely:

That the application be APPROVED subject to the following conditions:

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

**GROUND:**

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 03/19/2020 Rev B, 04/20/2020 Rev B, T-2020\_077\_03 Rev B, T-2020\_077\_04 Rev B and T-2020\_077\_05 Rev A received on the 8th February 2021 and 02/20/2020 Rev C received on the 23rd March 2021.

**GROUND;**

To secure the proper development of the area.

3 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, for approval by, the local planning authority:

1. An options appraisal and remediation strategy, based on the site investigation and the detailed risk assessment submitted with the application, giving full details of the remediation measures required and how they are to be undertaken.
2. 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 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

**GROUND:**

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

4 Prior to occupation of any part of the development, 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 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.

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

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

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

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

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

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

7 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
- (h) Access arrangements

All approved vehicle loading/unloading and turning facilities shall be provided prior to the first use of the site, and permanently retained for the duration of work.

**GROUND:**

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

8 Prior to the first use of the site hereby permitted, the vehicular access and associated vehicle crossing point onto the highway, as shown on the approved plan numbered 01/20/2020 Rev A.NOV.2020 should be completed and made operational.

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the NPPF.

9 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, in accordance with the advice contained within the NPPF.

10 Prior to the first occupation of the development, the area shown on plan 02/20/2020 Rev B.JAN.2021 for the parking of vehicles shall be operational. The area approved shall thereafter be maintained for that purpose.

**GROUND:**

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF.

11 Prior to the first occupation of the site hereby approved visibility splays of 2m x 2m shall be provided to the access on to the path leading to/from College Road as shown on the approved plan no 02/20/2020 Rev B.JAN.2021 with no obstructions over 0.6m above carriageway level within the splays, which shall thereafter be maintained.

**GROUND:**

In the interest of highway safety in accordance with the advice contained within the NPPF.

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

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the NPPF.

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

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the NPPF.

14 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 02/20/2021 rev B.JAN.2021 shall be provided and thereafter maintained.

**GROUND:**

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

15 The refuse storage facilities and clothes drying facilities as specified upon the approved drawing numbered 02/20/2020 Rev C.MARCH.2021 and received on 23/03/2021 shall be provided prior to the first occupation of the dwellings hereby approved and shall be kept available for that use at all times.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

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

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

shall be submitted to, and approved in writing by, the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation. 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 and to adequately integrate the development into the environment in accordance with Policies QD02, SP26, SP30 and GI04 of the Thanet Local Plan.



17 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes.

**GROUND:**

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

18 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

**GROUND:**

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

19 The works hereby approved shall be carried out in accordance with the submitted drainage plans numbered T-2020-077-03 Rev B, T-2020-077-04 Rev B and T-2020-077-05 Rev A, and the submitted drainage report received 08/02/2021.

**GROUND:**

To ensure the development is served by satisfactory arrangements for the disposal of surface water, in accordance with Policy CC02 of the Thanet Local Plan and advice contained within the NPPF.'

(d) **A04 F/TH/19/1548 - Mount Pleasant Lorry Park, Tothill Street, Minster, RAMSGATE, Kent**

PROPOSAL: Erection of single storey building comprising 2no. mixed use retail/cafe units (Use Classes A1 and A3), provision of 2no. lorry bays and parking, together with associated landscaping.

It was proposed by Councillor Coleman-Cooke, seconded by Councillor J Bayford and Members agreed:

'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 plan numbered 01 Rev U, received 24th March 2021; the revised plan numbered 05 rev J, received 28th September

2020; the plan numbered 06, received 18th December 2020; the drainage plans received 21st January 2021 and plan JBA 19/147-01 Rev D received 13th May 2021.

**GROUND;**

To secure the proper development of the area.

3 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 Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

4 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 protect vulnerable groundwater resources in accordance with Policy SE04 of the Thanet Local Plan, and the advice contained within the National Planning Policy Framework.

5 Prior to the first use 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
- ecological enhancements to be provided within the site

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 QD02 and GI04 of the Thanet Local Plan

6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the 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 and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

7 A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The amenity areas shall be managed in accordance with the approved landscape management plan in perpetuity.

## **GROUND**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

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

## **GROUND**

To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy HE01 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

9 The development hereby permitted shall be carried out in accordance with the drainage plans submitted 21 January 2021.

## **GROUND**

To protect the district's groundwater, in accordance with Policy SE04 of the Thanet Local Plan, and the advice contained within the National Planning Policy Framework.

10 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
- (h) Access arrangements

## **GROUND**

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

11 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 01 Rev U shall be provided and thereafter maintained.

**GROUND**

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

12 Prior to the first occupation of the development hereby approved, details of the design of the electric vehicle charging points, to be located as shown on the approved plan numbered 01 Rev shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter implemented and maintained as approved.

**GROUND**

To protect air quality, in accordance with Policy SE05 of the Thanet Local Plan and the advice as contained within the NPPF

13 Prior to the first use of the retail/cafe units hereby permitted, details of the location of the 10no. parking spaces to be made available for general public use shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces identified on the approved plans shall be made available for general public use and not restricted to use by patrons of the proposed units hereby permitted.

**GROUND:**

In the interests of highway safety.

14 The development hereby approved shall be used as an mixed retail and cafe (mixed A1 and A3) and for no other purpose including any other purpose in Class A1; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

**GROUND;**

To secure the proper development of the area as an acceptable departure from Policy E05 of the Thanet Local Plan.

15 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 unless otherwise agreed in writing by the Local Planning Authority.

**GROUND**

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

16 The roof of the development hereby permitted shall be finished with Sea Hardened Sedum, as shown on the approved plan numbered 05 rev J, received 28th September 2020.

**GROUND**

In the interests of visual amenity and to limit the impact upon the countryside and landscape character area, in accordance with Policies QD02, SP24 and SP26 of the Thanet Local Plan

17 Prior to the first use of the retail/cafe units hereby permitted, the 2no. lorry parking spaces as shown on the approved plan numbered 01 Rev U, shall be provided and made operational. The lorry parking spaces shall thereafter be maintained.

**GROUND:**

To retain lorry parking spaces for which there is a current need, in accordance with highway safety.'

(e) **A05 L/TH/21/0286 - Telephone Kiosks The Square, BIRCHINGTON, CT7 9AF**

PROPOSAL: Application for Listed building Consent for restoration of Telephone Kiosk to facilitate use as defibrillator station including replacing glazing with toughened glass, repainting in yellow and installation of defibrillator.

Councillor Fellows spoke as Ward Councillor.

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

'THAT the officer's recommendation be adopted, namely:

That the application be APPROVED subject to the following conditions:

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

**GROUND:**

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

2 The proposed development shall be carried out in accordance with the submitted application and the approved drawing titled block plan.

**GROUND:**

To secure the proper development of the area.

3 No existing paint work shall be removed, or new paint work applied until details of the precise colour of the new paint shall be submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out unless in accordance with the details so approved.

**GROUND:**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with policy HE03 of the Thanet Local Plan and the advice as contained within the NPPF.'

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

(f) **A06 F/TH/21/0082 - 47 Grange Road, RAMSGATE, CT11 9LR**

PROPOSAL: Retrospective application for the change of use from single dwelling to a house in multiple occupation for up to 6 people (Use Class C4).

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

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

That the application be APPROVED subject to the following conditions:

1 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered named Ground, First and Second Floor plans received, 29 March 2021 and 05 received 08 April 2021.

**GROUND:**

To secure the proper development of the area.

2 No more than six persons shall occupy the property as principal or main residence at any one time.

**GROUND:**

In the interests of neighbouring amenity, in accordance with Policy QD02 and HO19 of the Thanet Local Plan.’

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

(g) **A07 FH/TH/21/0214 - 13 Berkeley Road, BIRCHINGTON, CT7 9JR**

PROPOSAL: Erection of a two storey front, side, and rear extension, together with roof extension, increase in ridge height and alterations to roof form, erection of dormer to front roof slope and insertion of 1No. rooflight, insertion of 3No. rooflights to rear, and 2No. rooflights to side elevation, together with alterations to fenestration and materials.

It was proposed by Councillor Coleman-Cooke, seconded by Councillor J Bayford and Members agreed:

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

That the application be APPROVED subject to the following conditions:

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

**GROUND:**

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 04A, 05A, 06, 08, 09 received 17/02/2021 and 07, received 18/02/2021.

**GROUND;**

To secure the proper development of the area.'

(h) **A08 TPO/TH/21/0114 - Land On The South Side Of Alpha Road, BIRCHINGTON, Kent**

PROPOSAL: M/TPO/3(1952)G3 - 1No Norway Maple (T1)- Remove 6m from cross branch on right side, 1No. Sycamore (T2) - Crown lift by 6m

It was proposed by Councillor Coleman-Cooke, seconded by Councillor J Bayford and Members agreed:

'THAT the officer's recommendation be adopted, namely:

That the application be APPROVED subject to the following conditions:

1 This approval is only valid for a period of 24 months from the date hereof. Failure to carry out any or all of the approved work within this period will make it necessary to submit a fresh application.

**GROUND;**

In accordance with Part 4 Regulation 17 of Town and Country Planning (Tree Preservation) (England) Regulation 2012.

2 The works approved by this consent shall not exceed those specified on the application form. They should be carried out by a competent tree surgeon and in accordance with British Standard BS 3998: 2010 "Tree Work - Recommendations".

**GROUND;**

In accordance with Part 4 Regulation 17 of Town and Country Planning (Tree Preservation) (England) Regulation 2012.'

(i) **A09 TPO/TH/21/0231 - 20 Chapman Fields, RAMSGATE, CT12 5LB**

PROPOSAL: TH/TPO/10(2003) - 1No Sycamore -Take the 2 main leading inner trunks down by 15m , add a drain 4-5m high on the left hand side, 20% crown reduction.

It was proposed by Councillor Coleman-Cooke, seconded by Councillor J Bayford and Members agreed:

'THAT the officer's recommendation be adopted, namely:

That the application be APPROVED subject to the following conditions:

1 This approval is only valid for a period of 24 months from the date hereof. Failure to carry out any or all of the approved work within this period will make it necessary to submit a fresh application.

**GROUND;**

In accordance with Part 4 Regulation 17 of Town and Country Planning (Tree Preservation) (England) Regulation 2012.

2 The works approved by this consent shall not exceed those specified on the application form. They should be carried out by a competent tree surgeon and in accordance with British Standard BS 3998: 2010 "Tree Work - Recommendations".

**GROUND;**

In accordance with Part 4 Regulation 17 of Town and Country Planning (Tree Preservation) (England) Regulation 2012.'

- (j) **A10 F/TH/20/1418 - Entrances 1,2,3 And 4 East Northdown Garden And Business Centre, East Northdown, George Hill Road, MARGATE, Kent**

PROPOSAL: Creation of new vehicular accesses onto George Hill Road (entrances 1, 2 and 4) and widening of existing vehicular access by 4m (entrance 3).

Mr Friend spoke in favour of the application.

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

'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 plan numbered 27 Rev A, received 25 March 2021; and the amended plans numbered 20.029-16a, and 20.029-22a, received 18 December 2020

**GROUND;**

To secure the proper development of the area.

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

**GROUND**

In the interests of highway safety, in accordance with the advice contained within the NPPF.

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

**GROUND**

In the interests of highway safety, in accordance with the advice contained within the NPPF.



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

### **GROUND**

In the interest of highway safety in accordance with the advice contained within the NPPF.

6 Prior to the construction of the accesses hereby approved visibility splays of . shall be provided to the access on to George Hill Road as shown on the approved plan no 20.029-22a with no obstructions over one metre above carriageway level within the splays, which shall thereafter be maintained.

### **GROUND**

In the interest of highway safety in accordance with the advice contained within the NPPF.

7 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 and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan'

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

### **(k) A11 FH/TH/21/0199 - 21 Seacroft Road, BROADSTAIRS, CT10 1TL**

PROPOSAL: Erection of a two storey rear extension, first floor front extension, front porch extension and external render.

Mr Michael spoke in favour of the application.

Mr Homer spoke in objection to the application.

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

'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 SR 07 C, SR 03 C and SR 05 C, received 28 April 2021.

GROUND;

To secure the proper development of the area.

3 The external materials and external finishes to be used in the development hereby approved shall be natural slate roof tiles, white painted render with vertical detailing to first floor, white timber/composite cladding to ground floor, black composite/aluminium windows and doors, stone cladding to middle porch area, garage surround and porch columns, as shown on amended drawing numbered SR05C, received 28 April 2021, and as confirmed by the Applicant's Agent in correspondence received 28 April 2021.

GROUND:

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.'

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

(l) **R12 FH/TH/20/1474 - 23 Windermere Avenue, RAMSGATE, CT11 0PL**

PROPOSAL: Erection of two storey front and side extension following demolition of existing single storey side extension, together with erection of a replacement porch with a canopy/flat roof over and alterations to materials and fenestration

It was proposed by Councillor Coleman-Cooke, seconded by Councillor J Bayford and Members agreed:

'THAT the officer's recommendation be adopted, namely:

That the application be REFUSED for the following reason:

1 The proposed two storey front and side extension, together with alterations to the material palette of the host building, would by virtue the extension's width, forward projection, scale, location, and material finish, result in a dominant development, at odds with the overall pattern and rhythm of development in the area, significantly harmful to the established character and appearance of the area and contrary to the aims of policy QD02 of the Thanet Local Plan and paragraph 127 of the National Planning Policy Framework.'

(m) **R13 FH/TH/21/0275 - 21 Farrar Road, BIRCHINGTON, CT7 0AQ**

PROPOSAL: Erection of conservatory to rear.

Mr Burgess spoke in favour of the application.

Councillor Fellows spoke as Ward Councillor.

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

'THAT the officer's recommendation be adopted, namely:

That the application be REFUSED for the following reason:

1 The proposed extension, by virtue of its location, height and depth would result in an overbearing impact and sense of enclosure to 19 Farrar Road, significantly detrimental to the living conditions of the adjoining residents, contrary to policy QD03 of the Thanet Local Plan and paragraph 127 of the National Planning Policy Framework.'

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

Councillor J Bayford proposed and Councillor Albon seconded that the application be APPROVED subject to the erection of a six foot fence adjacent to the conservatory.

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

Meeting concluded: 9.20 pm

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**Planning Application OL/TH/20/0847 – Land On The North  
West And South East Sides Of Shottendane Road  
MARGATE Kent**

**Planning Committee – 23rd June 2020**

Report Author                      **Iain Livingstone, Planning Applications Manager**

Status                                **For Decision**

Classification:                      **Unrestricted**

Previously Considered by        **Planning Committee 21st April 2021**

Ward:                                 **Salmestone**

**Executive Summary:**

This report concerns the planning application for the residential development of up to 450 dwellings and alterations to the highway network, including details of access with all other matters reserved (Appearance, Landscaping, Layout, Scale) on land to the north west and south east of Shottendane Road, Margate. The application was considered by the Planning Committee on 21st April 2021 where Members resolved to defer to Officers to consider alternative provision of planning obligations, specifically regarding affordable housing, and report back to a future meeting.

The applicant has considered the change in market conditions since the submission of the viability appraisal in regard to sales values and building costs and has submitted a revised offer of 15% of housing on site to be affordable as defined by the National Planning Policy Framework, with all other contributions still provided as outlined in the Committee report in Annex 6. This would potentially increase the number of affordable units by 23 dwellings from 45 to a total of 68 affordable housing units. This is considered by officers to be supported by sufficient evidence that an increase in provision of affordable housing above this level, with the current level of other planning contributions, would make the development of this allocated housing site unviable. The benefits from the application, including but not limited to the provision of housing, new road infrastructure, contributions towards community infrastructure and 15% affordable housing, is considered to demonstrably outweigh any harm created by the development, including not achieving the target for on-site affordable housing.

The planning application is therefore reported back to Members for approval of the new heads of terms towards affordable housing and other planning obligations, and for resolution to defer and delegate for approval of the outline planning application subject to receipt of a legal agreement securing the agreed obligations and safeguarding conditions.

**Recommendation:**

Members confirm that the planning application be deferred to officers for approval subject to securing a legal agreement for the provision of 15% affordable housing on site (split 80% affordable rent and 20% shared ownership) and planning obligations as set out in Annex 6, and safeguarding conditions outlined at Annex 6.

## CORPORATE IMPLICATIONS

<b>Financial and Value for Money</b>	<p>The Planning Committee is not bound to follow the advice of Officers. However, should Members decide not to accept the advice of Officers it should be mindful of the potential cost implications in doing so.</p> <p>The advice from Government within the National Planning Practice Guidance sets out the circumstances in which costs may be awarded against either party in planning appeals. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.</p> <p>The advice outlined is that if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority. There are no funds allocated for any potential fines meaning cost awards will result in spend that is outside of the budgetary framework.</p>
<b>Legal</b>	<p>The Planning Committee is not bound to follow the advice of Officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.</p> <p>The reasons for any decision must be formally recorded in the minutes and a copy placed on file.</p> <p>If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.</p> <p>The advice from Government within the National Planning Practice Guidance sets out the circumstances in which costs may be awarded against either party in planning appeals. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. An authority is considered to have behaved unreasonably if it does not produce evidence to substantiate each reason for refusal.</p>
<b>Corporate</b>	<p>The delivery of new housing through the Local Plan and planning applications supports the Council's priorities of supporting neighbourhoods ensuring local residents have access to good quality housing, and</p>

	promoting inward investment through setting planning strategies and policies that support growth of the economy.
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p> <p>In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.</p>

## 1.0 Introduction

- 1.1 The report taken to Members on the 21st April 2021 (Annex 6) proposed the residential development of the land either side of Shottendane Road for up to 450 dwelling with alterations to the highways network. This report was supported by viability evidence, including an independent assessment of the viability appraisal by the Council's appointed consultants, in support of the provision of 10% affordable housing on site, with approximately £4.9million in contributions to community and highways infrastructure (outlined in the heads of terms in Annex 6). The application was considered by officers to accord with the Thanet Local Plan, in particular with Policy SP23 as it had been demonstrated that the requirement for 30% on site affordable should be reduced as meeting it would demonstrably make the proposed development unviable.
- 1.2 The application was discussed at length at the meeting and following the failure of the motion to defer the application for approval, the application was deferred to officers to consider alternative provision of planning obligations, specifically regarding affordable housing, and report back to a future meeting. This report outlines the submission of the applicant following this resolution and provides further guidance to members about the relevant planning matters. This report should be read in conjunction with the previous Committee report at Annex 6.

## 2.0 Applicant's Submission

- 2.1 The applicant has submitted an update to the viability appraisal to the Council which is appended at Annex 7 provided by their consultants JLL. This has assessed the changes to sales values and build costs since the previous appraisal was concluded (June 2020) and applied the values from the first quarter of 2021. For sales values, this shows an increase when using the Nationwide house Price Index Data (for outer south east) of 5.6%, which has been rounded to 6% and applied to all market housing proposed and shared ownership units. For the affordable rent units, the value of these properties has only marginally increased as these values are

calculated using the Local Housing Market Allowance rates (based on private market rents being paid in Thanet). For the build costs, using the RICS's Building Cost Information Service (BCIS) private housing construction price index, there has been an increase of 3% of build costs.

- 2.2 These percentages have been applied to the relevant sections of the appraisal report (provided in summary at Annex 7). This is considered by officers to be a suitable update to the agreed assumptions within the previous viability report based on verifiable evidence and recognised indexes. An updated appraisal has been provided which shows that the site can provide 15% affordable housing on site (at an 80% affordable rent and 20% shared ownership mix), with the same amount of contributions, without making the development viable. This has been submitted as a revised provision on site, which would provide up to 68 units (53 of which would be affordable rent), increasing the affordable units by 23 above the previous 10%.
- 2.3 The submission from JLL also outlines that the agreed review mechanisms in the Section 106 (covering if the Major Road Network (MRN) grant occurred, and a review in any event at 2 points in the development) would encompass any further increases in values using the information at the time of the reviews. This has been elaborated upon further within the previous Committee report (Annex 6).

### **3.0 Considerations on Planning Obligations**

- 3.1 The relevant Local Plan Policies for considering this site in terms of planning obligations are Policy SP41 (Community Infrastructure) and SP23 (Affordable Housing). Policy SP41 states that development will only be permitted when provision is made to ensure delivery of relevant and sufficient community and utility infrastructure. Where appropriate, development will be expected to contribute to the provision of new, improved, upgraded or replacement infrastructure and facilities. Policy SP23 states that for development of the scale proposed shall be required to provide 30% of the dwellings as affordable housing, with the requirements only reduced if meeting them would demonstrably make the proposed development unviable.
- 3.2 The officer recommendation to Planning Committee previously supported the provision of 10% affordable housing, with £4.9 million (approx) contribution to community and highways infrastructure and environmental mitigation (SAMMs). This was on the basis of 2 review mechanisms provisions within the legal agreement, allowing a reappraisal during development to encompass sales values increases and any grant funding, which if the development is found to be more viable, additional contributions would be payable for affordable housing and infrastructure. This followed extensive discussion with Kent County Council to agree on an approach which maximised the contributions to required infrastructure, without precluding the development of an allocated housing site which provides key sections of road infrastructure as part of the Thanet Transport Strategy.
- 3.3 Following the increase to 15% affordable housing, it is considered reasonable to agree to a reduced affordable housing provision on site, in this instance, in accordance with Policy SP23 of the Thanet Local Plan, whilst still maximising the amount of affordable rent housing possible to provide housing for those most in need. This judgement is based on the evidence submitted from verified evidence and



indexes, with the original assumption in the appraisal independently assessed by the Council's appointed consultants. The review mechanisms proposed would also remain in place as outlined in the Heads of terms section of the previous Committee report at Annex 6, to capture any increase in the viability of the site over time through a financial contribution.

- 3.4 The application would provide the development of an allocated housing site at a time when the Council has failed to meet the housing delivery test, placing further weight in decision-making in approving development which accords with the adopted Local Plan. In addition, the provision of the link road from Manston Road to Hartsdown Road will provide clear and demonstrable benefits to the district's transportation network, whilst accommodating additional traffic created from the proposal.
- 3.5 On the basis of the evidence before the Council, a higher proportion of affordable housing could only be achieved through reducing contributions to community and highways infrastructure. The applicant has set out that by reducing the contributions to 75% would result in an increase in affordable housing to 19% on site provision (this is appended at Annex 8). This would mean that the development would not in officers' view sufficiently mitigate the impact of the development on the highway network, nor the impact on community services including education, by reducing the off-site contributions outlined in the heads of terms, as this may mean that insufficient funding is available for strategic projects for the district. Therefore it is not recommended that the amount of contribution to community and highway infrastructure is reduced from that outlined in the Heads of Terms section of the Committee report at Annex 6.

#### **4.0 Costs risk**

- 4.1 As outlined in the "Protocol for the Guidance of Planning Committee Members and Officers" as part of the Council's constitution, if the Planning Committee is minded to refuse planning permission against officer advice the Planning Committee is required to give adequate and intelligible reasons on good planning grounds for refusing to grant planning permission and these ground(s) of refusal must be in the minds of members of the Planning Committee at the point of refusal.
- 4.2 In addition, the Council is at risk of having costs awarded against it, if, subsequently on appeal, it is unable to justify each ground of refusal. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. One of the aims of the costs regime, outlined by the National Planning Practice Guidance, is to "encourage local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, not to add to development costs through avoidable delay".
- 4.3 Following the assessment of officer's and the Council's appointed consultants, the submitted evidence has shown that the development would be unviable if the affordable housing on-site was increased above 15% (68 units in a 450 unit development). Without any evidence to the contrary, refusal on grounds of insufficient affordable housing would be untenable at appeal, as Policy SP23 of the adopted

Local Plan outlines that the 30% requirement “will only be reduced if meeting them would demonstrably make the proposed development unviable”. Therefore the reduced amount in this specific instance, taking into account the other contributions provided, and the review mechanisms to capture any uplift in value or grants awarded, would accord with Local Plan Policy, and any refusal on this ground would be a high risk of being overturned at appeal with costs awarded against the Council.

- 4.4 Members should not apply the rationale that as the development cannot provide the target affordable housing amount in the Local Plan, that the site is not suitable for development as a housing site, as this would fail to adequately take in account the guidance within the National Planning Practice Guidance regarding viability and the provisions within the Thanet Local Plan specifically in Policy SP23.

### **5.0 Other matters**

- 5.1 It is clear from appeal decisions and advice, that the consideration of a planning application on an allocated housing site should not assess whether the site is suitable for housing development. An assessment has already occurred through the Local Plan process, and the plan has been adopted by the Council. Any refusal on principle grounds relating to the development of the site for housing would, in officers view, be unreasonable and the Council would be at high risk of a costs award. In addition, the loss of agricultural land has been considered and weighed against the need for housing through the policy process. The allocated status of the site means the decision for members is not whether the site should be developed, but how it should be developed when applying the specific policy requirements of the site and the local plan.
- 5.2 Concerns were raised by members of the Planning Committee regarding the lack of GP services in the district both broadly and in relation to the proposed housing development. The Council consulted with the NHS Kent and Medway Clinical Commissioning Group (CCG) who have assessed the implications of this proposal on delivery of general practice services. They have requested a contribution which has been considered to sufficiently mitigate the impact of the development with a payment of £388,800 towards creating capacity at the Limes. Current operational issues in regard to recruiting GPs to the district would not be a justifiable planning reason for refusal of the application, as the issue is not directly related to the development, and the responsible body (CCG) have confirmed that a contribution is sufficient to mitigate the impact from the development on healthcare provision.
- 5.3 Additional concerns were outlined in relation to drainage of the site, following the presentation of the existing surface water flows across the site. The detailed assessment in the application and mitigation measures has been reviewed by specialist Kent County Council officers (as the Local Lead Flood Authority), with agreement for safeguarding conditions on any grant of planning permission to require further details including a detailed surface water drainage scheme and subsequent verification report. This scheme would need to be formulated as part of the detailed layout of the site, which is not being considered at this outline stage, but the principles of the strategy have been assessed to be satisfactory to manage surface water run-off from the development. The planning conditions (13, 14, 15) are considered appropriate mechanisms for ensuring that flood risks from development to the future users of the land and neighbouring land are minimised in accordance

with Policy CC02 of the Local Plan and the guidance within the National Planning Policy Framework.

## 6.0 Options

6.1 Members confirm that the planning application be deferred to officers for approval subject to securing a legal agreement for the provision of 15% affordable housing on site (split 80% affordable rent and 20% shared ownership), and planning obligations and safeguarding conditions outlined at Annex 6.

6.2 Members propose an alternative motion.

## 7.0 Recommendations

7.1 Officers recommend Members of the Planning Committee agree option 6.1.

Contact Officer:	<i>Iain Livingstone, Planning Applications Manager</i>
Reporting to:	<i>Bob Porter, Director of Housing and Planning</i>

## Annex List

<i>Annex 1</i>	<i>Applicant's Viability Appraisal</i>
<i>Annex 2</i>	<i>DSP Viability Review</i>
<i>Annex 3</i>	<i>Highways Cost review</i>
<i>Annex 4</i>	<i>Applicant response on Highways cost</i>
<i>Annex 5</i>	<i>Habitat_Regulation_Assessment 20.0847</i>
<i>Annex 6</i>	<i>Planning Committee Report 21st April 2021</i>
<i>Annex 7</i>	<i>Applicant's Additional Viability submission</i>
<i>Annex 8</i>	<i>Alternative contribution scenario</i>

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## *Financial Viability Assessment*

**Shottendane Road, Margate**

Gladman Developments Limited

June 2020



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Appendices

Appendix 1..... Site Location & Development Framework Plans

Appendix 2..... Accommodation Schedule

Appendix 3..... Benchmark Land Value

Appendix 4..... Residential Comparable Evidence

Appendix 5..... Valuation Schedule

Appendix 6..... BCIS Cost Summary

Appendix 7..... Additional Cost Breakdown

Appendix 8..... Appraisal Summary



# 1 Executive Summary

This Financial Viability Assessment has been prepared by JLL on behalf of Gladman (the “Client”/ the “Applicant”) in relation to the proposed outline planning application of the land at Shottendane Road, Margate, Kent also referred to as “the site”. The proposed re-development of the site will provide up to 450 residential dwellings, parking, open space and a new distributor link road.

The residential development has been brought forward on open agricultural land. In accordance with the Draft Local Plan to 2031, residential development schemes for more than 10 dwelling units shall be required to provide 30% of the dwellings as affordable housing.

The purpose of this report, dated June 2020, is to consider, in an open book format, the financial viability of the proposed scheme taking into account development costs and anticipated value of the proposed development on completion. The proposed level and mix of affordable housing provision on the site and planning obligations are commented on within this report, along with supporting rationale and evidence.

The Residual Land Value derived through the detailed viability assessment is considered within the context of the appropriate Benchmark Land Value in accordance with the National Planning Practice Framework 2019 (“NPPF”) and the Planning Practice Guidance (PPG) on Viability.

Costs, values and timescales associated with the delivery of the scheme have been considered in detail and supported by specialist input from third party consultants where appropriate. Values and costs are based upon current day opinions and evidence. The development appraisals pertaining to the proposed scheme have been modelled using recognised residual appraisal software - Argus Developer.

Policy SP20 of the Draft Local Plan seeks a provision of 30% of units as Affordable Housing units on sites delivering 10 or more dwellings. Although still in draft, we understand adoption is aiming for the 9<sup>th</sup> July 2020 and therefore sufficient weight is now being given to this policy and the proposed scheme will be tested against this requirement. The policy does not state a tenure mix required for developments in the most recent draft however, we understand there is a requirement for a greater proportion of Affordable Rent units.

The site is included as an allocated site within the Draft Local Plan and was subject to viability study at the evidence base stage in 2018. This however pre-dated the NPPF 2019 changes which placed an emphasis of detailed site specific viability assessments of allocations. Furthermore, this assessment was undertaken on the basis of the emerging allocation for 550 units rather than the proposed outline scheme of 450 units. Consequently we consider that an application stage viability assessment is justified.

A provision of 10% affordable housing is proposed. The affordable housing is offered in addition to the provision of mandatory financial Section 106 contribution of approximately £2,940,269 as advised by the applicant as well as significant infrastructure improvements including a new distributor line road and upgrades to Shottendane Road.

We have undertaken an appraisal to demonstrate the Residual Land Value for the proposed scheme. The Residual Land Value that results is £2,838,920 which, when compared to the Benchmark Land Value of £4,742,750, results in a current day deficit of £1,903,830. Despite this the applicant is committed to delivering the scheme as proposed.

A simplified summary of our appraisal is provided overleaf:

Appraisal Inputs	Amount	Comment
<b>Revenue</b>		
<b>Gross Development Value</b>	£115,007,877	Total revenue received from sales of student and retail investments
<b>Less Costs</b>		
<b>Construction Costs</b>	£76,675,715	Cost of construction, including contingency.
<b>On Costs</b>	£18,810,152	Acquisition Costs, Professional Fees, Disposal Costs, S106/CIL, and Finance Costs.
<b>Profit / Risk Return</b>	£19,522,010	Profit / Risk Return required to undertake the project.
<b>=</b>		
<b>Residual Land Value</b>	£2,838,920	This is the amount left after all revenue and costs (including profit requirement) are accounted for.
<b>Compared to</b>		
<b>Benchmark Land Value</b>	£4,742,750	Appropriate land cost, having regard to planning policy, reflecting the existing use and disregarding amount paid.



## 2 Introduction

### 2.1 Overview

This Financial Viability Assessment has been prepared by JLL on behalf of Gladman Developments Limited (the "Client"/ the "Applicant") in relation to the proposed scheme at Shottendane Road, Margate, also referred to as "the site".

### 2.2 Report Structure

The structure of this Viability Assessment is as follows:

- Section 3 provides an introduction to the site and area;
- Section 4 sets out the details of the proposed scheme;
- Section 5 outlines the affordable housing context in policy terms;
- Section 6 provides details of the methodology used to assess the viability of the proposed scheme, including details of the site benchmark value;
- Section 7 details the development programme assumed;
- Section 8 details the values associated with the private residential uses;
- Section 9 details the values associated with the affordable residential uses;
- Section 10 sets out details of the build costs and development programme;
- Section 11 sets out the appraisal assumptions; and
- Section 12 outlines the viability results and conclusions.

### 2.3 Key Information Relied Upon

We have been provided with, and relied upon, the following key information:

- Accommodation Schedule;
- BCIS cost estimates
- Additional cost breakdown (Gladman);
- S106 Contribution Estimate (Gladman);
- Location Plan 101 (CSA environmental, drawing no CSA/4430/120/B, dated April 2020); and
- Development Framework Plan (CSA Environmental, drawing no CSA/4430/104, dated July 2019).

### 2.4 Status

This report and its contents have been prepared specifically to support the planning application and viability discussions in respect of the proposed redevelopment of the site. The report and appraisals may be used to inform negotiations between the Council and the Applicant regarding affordable housing and financial planning contributions.

This report complies with the RICS Professional Statement '*Financial viability in planning: conduct and reporting*' (1st Edition, May 2019). We can confirm that all RICS members inputting into this assessment have acted objectivity, impartially, without interference and with reference to all appropriate available sources of information. We are not involved with area-wide assessments within the borough. Furthermore, in preparing this report, no performance related or contingent fees have been agreed.

This report does not comprise a valuation and, therefore, has not been produced in accordance with the RICS Valuation Standards – Global Standards 2020 or the RICS Valuation – Global Standards 2017 – UK national supplement (The RICS Red Book UK National Supplement): effective 14 January 2019. The advice contained herein cannot be used for purposes other than those mentioned, including loan security purposes and may not be used or duplicated without the prior written consent of JLL.

## **2.5 Covid 19 Global Pandemic**

The Covid-19 global pandemic is having significant impacts upon the UK economy and real estate market with the lockdown and social distancing requirements restricting the use of all types of property assets. Construction sites are currently permitted to continue to operate but only where possible to adhere to social distancing requirements resulting in significant numbers of sites remaining closed or operating at partial productivity. Most site sales suites and estate agents' offices have been closed until relatively recently. Individual homes can of course be occupied but completions and moves were put on hold due to the lockdown and are only returning where social distancing rules permit. Likewise viewings were banned for a period with strict measures now in place for anyone who does want to view a property internally.

In terms of the impact on values and development viability it is self-evident that the effects, both in the near and longer term, of the Covid 19 pandemic will have a significant impact on the property market and in turn development viability. Transaction values have fallen to unprecedented levels and there is a demonstrable correlation between such volumes falling and reductions in values. Notwithstanding this, at the time of writing our report, we are currently at the start of this pandemic and viability assessments are predicated on the basis of present-day values and costs - it is not possible to accurately illustrate the impact on values or costs as at today as the impacts have yet to follow through into the evidence available. Consequently, we have not tried to predict these and currently discounted the impact of Covid 19 on the viability of the proposed scheme.

As a result, our assessment is subject to "material valuation uncertainty" as defined by the RICS. The opinions set out below are undoubtedly more optimistic than the reality of the situation allows for and we reserve the right to amend our opinion at a later date.

## 3 Background

### 3.1 Site Description

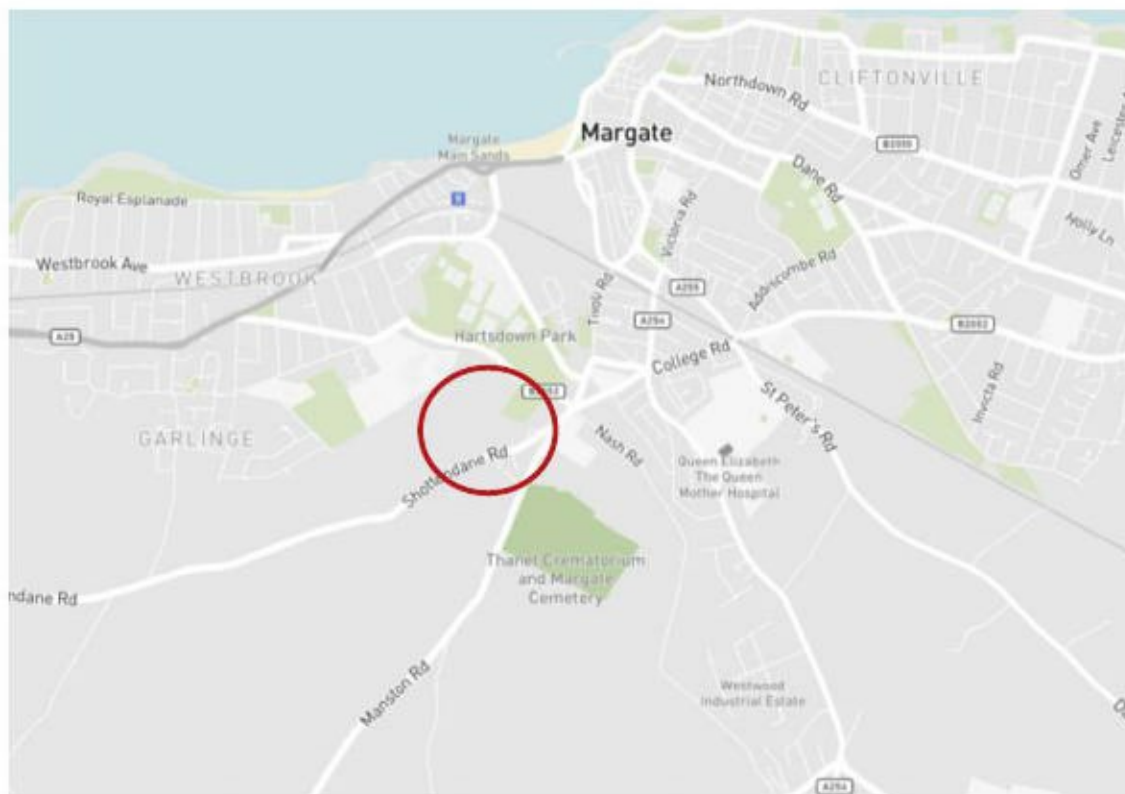
The site comprises an irregularly 'L' shaped parcel of land, divided by Shottendane Road. The north parcel of land is bordered by Shottendane Road to the south, existing residential dwellings to the east, greenfield land to the west and Hartsdown Road to the north east. The southern parcel of land is bounded by Shottendane Road to the north west, existing residential dwellings to the north east, greenfield land to the south and Manston Road to the south east.

The proposed development is located to the south west of Margate and is within the administrative boundaries of Thanet District Council. The site is located on the existing edge of Margate and as such, is relatively mixed in use with greenfield land and existing residential dwellings, with a nursing home, school and cemetery also in close proximity. Margate Station is located approximately 0.8 miles north of the site. Local amenities can be found on Ramsgate Road, although additional amenities can be found in Margate, 1 mile to the north.

The scheme is required to provide a new distributor link road from Hartsdown Road down to Shottendane Road and Manston Road. Access to the site would be from any of the aforementioned roads, including the new link road.

The development proposes up to 450 dwellings, of varying archetypes, providing 2, 3 and 4 bedrooms each.

A location plan is below:



### 3.2 Communications

The immediate area is served by Hartsdown Road (B2052) running west to meet Canterbury Road (A28) which leads to the M2 near Broughton. The B2052 also runs east to Kingsgate and Broadstairs. Shottendane Road and Manston Road also lead south to the A299, providing a direct route into Canterbury. London Gatwick Airport is located approximately 79 miles west and London City Airport is 73 miles north west.

The site is located 0.8 miles south of Margate Station (a circa 15 minute walk) which is a Southeastern railway station. London Victoria can be reached with a fastest journey time of 1 hour and 51 minutes, whilst London St Pancras is 1 hour 41 minutes away. Ramsgate Road and College Road, east of the subject site, are main bus routes, providing access to Canterbury and Westwood Cross (8 Breeze), Margate (36) and Ramsgate (the Loop).

### 3.3 Amenities

Some local amenities can be found on Ramsgate Road to the east, including convenience stores and independent takeaway shops. Additional amenities can be found in Margate, including food supermarkets such as Morrisons and College Square Shopping Centre.

The site will be situated adjacent to Margate Cricket Club, whilst Margate Football Club is located on the other side of Hartsdown Road. Tivoli play area is the closest public open space, although Margate Beach is only 0.7 miles (a 15 minute walk) north of the site.



## 4 Proposed Development

### 4.1 Proposed Development

Gladman Developments Limited have proposed a developing the existing greenfield land into a residential development providing dwellings with associated road infrastructure. The site comprises an irregularly 'L' shaped, parcel of land, divided by Shottendane Road. The north parcel of land is bordered by Shottendane Road to the south, existing residential dwellings to the east, greenfield land to the west and Hartsdown Road to the north. The southern parcel of land is bounded by Shottendane Road to the north west, existing residential dwellings to the north east, greenfield land to the south and Manston Road to the south east.

The development proposes up 450 dwellings, predominately houses, of varying architypes, with each providing 2, 3 or 4 bedrooms. The scheme is required to provide a new link road from Hartsdown Road down to Shottendane Road and Manston Road. Access to the site would be from any of the aforementioned roads, including the new link road.

As an outline planning application exact layouts of individual housing plots, unit floor plans and elevations have not been drawn. However, we have been provided the proposed development framework plan, setting out the link and estate roads, open space, play space and hard landscaping, together with an indicative unit mix. The latter is based upon similar schemes that Gladman have undertaken and details the different typologies, unit designs, sizes, unit numbers and garages. We have assumed the houses will benefit from parking (in addition to garages where applicable) and the flats will have a form of private outside space with one car parking space per unit. We have also assumed that there are some communal gardens/public open space on site for all residents, as shown in the development plan.

A total of 45 affordable homes are proposed, which equates to 10% of the scheme on a unit basis. The affordable tenure has not been specified and the current draft Local Plan also does not specify an affordable mix. We have reviewed Thanet's 'Local Plan and CIL Viability Assessment' (December 2017), which details 80% rented tenure and 20% intermediate tenure. We have assumed the rented tenure to be Affordable Rent and the intermediate tenure as Shared Ownership.

Site local and development plans are included at Appendix 1.

### 4.2 Overall Residential Provision

Full details of the accommodation assumed is included at Appendix 2. Note the floor areas provided, and summarised below, exclude areas of garages.

The table below summarises details of the proposed residential units across the scheme:

Residential Units	Number of Units	NSA (sqm)	NSA (sqft)
2 Bed Flat	48	63	679
2 Bed Terrace House	88	64	690
3 Bed Terrace House	108	89	958
3 Bed Semi-detached House	119	89 - 102	958 – 1,095
3 Bed Detached House	10	86	930
4 Bed Detached House	77	97 - 130	1,045 – 1,399
<b>Total</b>	<b>450</b>	<b>39,271</b>	<b>422,704</b>

**4.3 Private Residential Units - Sale**

The table below summarises details of the proposed private residential units:

Residential Units	Number of Units	NSA (sqm)	NSA (sqft)
2 Bed Flat	24	63	679
2 Bed Terrace House	80	64	690
3 Bed Terrace House	95	89	958
3 Bed Semi-detached House	119	89 - 102	958 – 1,095
3 Bed Detached House	10	86	930
4 Bed Detached House	77	97 - 130	1,045 – 1,399
<b>Total</b>	<b>405</b>	<b>36,070</b>	<b>388,258</b>

**4.4 Affordable Residential Units**

A total of 45 affordable homes are proposed, which equates to 10% of the scheme on a unit basis. Details of how the affordable housing is split by tenure is summarised below:

Residential Units	Number of Units	NSA (sqm)	NSA (sqft)
2 Bed Flat	24	63	679
2 Bed Terrace House	8	64	690
3 Bed Terrace House	13	89	958
<b>Total</b>	<b>45</b>	<b>3,200</b>	<b>34,446</b>

**4.5 Affordable Residential Units – Affordable Rent (“AR”) tenure**

The table below summarises details of the proposed AR units:

Residential Units	Number of Units	NSA (sqm)	NSA (sqft)
2 Bed Flat	20	64	690
2 Bed Terrace House	5	63	679
3 Bed Terrace House	11	89	958
<b>Total</b>	<b>36</b>	<b>2,576</b>	<b>27,733</b>

**4.6 Affordable Residential Units – Shared Ownership (“SO”) tenure**

The table below summarises details of the proposed SO units:

Residential Units	Number of Units	NSA (sqm)	NSA (sqft)
2 Bed Flat	4	64	690
2 Bed Terrace House	3	63	679
3 Bed Terrace House	2	86 – 89	930 – 958

Total	9	614	6,713
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#### 4.7 Proposed Residential Specification

Given the nature of the planning application, we have not been provided with exact details of the proposed residential units specification. However, we have assumed that the specification will be commensurate to other new build residential developments in the wider area.

#### 4.8 Parking Provision

We have assumed that the houses will benefit from off street parking, with the four-bedroom houses benefitting from either integral, detached or semi-detached garages. We have assumed the flats will also benefit from a parking provision.



## 5 Planning Policy and Affordable Housing

### 5.1 Relevant Documents

The following documents, set out in detail below, have informed the approach to viability and the associated affordable housing offer.

- National Planning Policy Framework ("NPPF") (adopted July 2018, updated February 2019);
- Viability Planning Practice Guidance (adopted July 2018, updated September 2019); and
- Thanet District Council Draft Local Plan to 2031 (July 2018, Pre-Submission publication version, regulation 19).

### 5.2 National Planning Policy Framework (July 2018, updated February 2019)

The NPPF sets out the Government's overarching economic, environmental and social planning policies in England and how these are expected to be applied.

Paragraph 54 states *"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."*

Paragraph 57 states *"All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available."*

Paragraph 64 states *"Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups."*

### 5.3 National Viability Planning Practice Guidance (July 2018, updated September 2019)

The Planning Guidance sets out the government's recommended approach to viability assessment for planning.

We set out the pertinent points below:

- **Gross Development Value** - For viability assessment of a specific site or development, market evidence (rather than average figures) from the actual site or from existing developments can be used. Any market evidence used should be adjusted to consider variations in use, form, scale, location, rents and yields, disregarding outliers.
- **Development Costs** – Build costs based on appropriate date, abnormal costs, site-specific infrastructure costs, the total costs of all relevant policy requirements (including CIL), finance costs, professional fees, disposal costs (including sales, marketing and legal costs) and project contingency costs.
- **Developer Return** – An assumption of 15-20% of GDV may be considered a suitable return to developers. A lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces risk.
- **Benchmark Land Value** – A Benchmark Land Value should be established on the basis of the existing use value (EUV) of the land plus a premium for the landowner. The premium for the landowners should reflect the minimum return at which it is considered reasonable landowners would be willing to sell their land. The Benchmark Land Value may reflect Alternative Use Values and in such cases the premium should not be double counted. A Market Value approach may be appropriate in justifying an appropriate premium subject to policy compliance.

### 5.4 Thanet District Council Draft Local Plan to 2031 (Submission Draft including Proposed Main Modifications and Additional Modifications, December 2019)

Thanet District Council submitted the draft Local Plan to the Secretary of State for Communities and Local Government on 30<sup>th</sup> October 2018 for independent examination. The draft Local Plan has been reviewed by cabinet and proposed adoption is set for July 2020.

Policy SP20 states that Thanet District Plan seeks 30% affordable housing on schemes providing more than 10 dwellings.

The previous draft (dated July 2018) stated that affordable housing should be provided as 17% Starter Homes, 18% Affordable Rent and 65% Social Rent. These requirements would be reduced if the proposed development cannot viably meet them. Starter Homes have effectively ceased to be a deliverable affordable housing product. The most recent (December 2019) draft has removed this specific tenure split to allow for conversations during the planning process on the appropriate tenure split. Having reviewed the Local Plan viability evidence base it is apparent that a provision of 80% Affordable Rent (at Local Housing Allowance rent caps) and 20% Shared Ownership has been provided.

We are aware the subject site is recognised as a strategic site for the district. The land is part of an emerging allocation for up to 550 homes separated into two parcels of up to 300 dwellings at the land north of Shottendane Road and up to 250 dwellings at land south of Shottendane Road. In addition, the site should provide both pedestrian and cycle access between the two sites, a minimum amount of open space across both sites and a link road through the site to link Hartsdown Road and Shottendane Road.

### 5.5 Planning Contributions

Section 106 contributions of approximately £2,940,269 have been estimated, as advised by Gladman. A breakdown is provided below:

Item	Amount	Basis	Total
Secondary Education	£5,176.00	per applicable house	£2,080,752.00
	£1,294.00	per applicable flat	£62,112.00
Secondary School Land	£1,511.00	per applicable house	£607,422.00
	£377.00	per applicable flat	£18,096.00
Community Learning	£16.42	per dwelling	£7,389.00
Youth	£65.50	per dwelling	£29,475.00
Libraries	£55.45	per dwelling	£24,952.50
Social Care	£146.88	per dwelling	£66,096.00
Waste	£97.72	per dwelling	£43,974.00
Health	£0.00	per occupant	£0.00
Sports	Unknown	-	
<b>TOTAL</b>			<b>£2,940,269</b>

S278 Highways contributions of approximately £3,000,000 were estimated and allocated to the site as part of the inner circuit of highway improvements proposed as part of the Thanet District Transport Strategy. This contribution was specifically allocated to provide approximately 20% of the total cost (remainder to be funded by the Westgate site) of the Shottendane Road Corridor Improvement, on the assumption that the work would be undertaken by Kent County Council (see Strategic Site Allocations Impact, Amey, July 2019).

The £3,000,000 requirement allocated to the subject site was predicated on the basis of the site allocation for 550 units, equating to £5,454.55 per unit. Due to various site constraints, including the link road to by-pass a known



traffic problem, the scheme is unable to accommodate 550 residential units and can instead only facilitate 450 units. Assuming £5,454.55 per unit, this equates to £2,454,545 across the scheme.

A proportion of the Shottendane Road Corridor Improvement works are to take place on an area of Shottendane Road located between the north and south parcels of the subject site:



(Source: Strategic Site Allocations Impact, Amey, July 2019).

The Strategic Site Allocation Impact ("SSAI") specifically states that 'An alternative approach to infrastructure delivery directly by developers through section 278 agreements (in lieu of financial contributions) may also be acceptable.' It is now proposed as part of the application that the applicable proportion of works will be directly undertaken through such an agreement.

A breakdown of the Shottendane Road improvements being provided is summarised below (further details are set out in the Construction Costs section of this report):

Item	Amount
Re-alignment of Shottendane Road	£1,750,000
Road traffic island to Shottendane Road	£500,000
Service diversions to the island	£125,000
<b>TOTAL</b>	<b>£2,375,000</b>

In addition to this, the link road has been updated from a standard estate road to a wider road with footpath / cycleway, which is done at the request of the council to facilitate their transport aspirations. This is an additional £250,000 and therefore **totals £2,625,000 towards road improvements.**

It is considered that this onsite delivery meets the site allocation requirements with no further financial contributions required towards the Thanet District Transport Strategy.

## 6 Viability Methodology

### 6.1 Viability Context

In simple terms, the viability assessment process comprises a comparison of the Residual Land Value for the proposed development against an appropriate benchmark value for the existing site or property.

The viability assessment process is undertaken to establish the appropriate level of planning obligations and affordable housing in the instance where a policy compliant level is economically unviable.

Development convention and guidance on assessing the viability of schemes states that where a development proposal generates a Residual Land Value which is greater than the appropriate benchmark, it is deemed financially viable and therefore likely to proceed. Conversely, if the residual value is lower than the benchmark, it is deemed financially unviable. This is based on the accepted assumption that a developer will always seek to bring forward the highest value scheme.

In summary, the viability assessment process is as follows:

#### **GROSS DEVELOPMENT VALUE**

less

#### **COSTS**

less

#### **PLANNING CONTRIBUTIONS**

less

#### **PROFIT / RISK REQUIREMENT**

equals

#### **RESIDUAL LAND VALUE**

compared to

#### **APPROPRIATE BENCHMARK VALUE**

This assessment is fundamental in determining the level of contributions which the developer can afford to make, whilst ensuring the scheme remains viable.

### 6.2 Establishing the Benchmark Land Value

An appropriate Benchmark Land Value is the minimum price a landowner would accept to release a site for development. In considering the Benchmark Land Value, against which the residual value of the proposed scheme is compared, we have had regard to the Government's National Planning Policy Framework (NPPF) (2018, updated 2019) and the Viability Planning Practice Guidance (2018, updated September 2019).

### 6.3 Viability Planning Practice Guidance (September 2019)

Paragraph 13 of the Viability PPG states that the benchmark should be established on the basis of EUV+ approach. The principle of this approach is that a landowner should receive at least the value of the land in its 'pre-permission' use, which would normally be lost when bringing forward land for development. A premium (the '+') is added to provide the landowner as an incentive to release the site, having regard to site circumstances, other options available and policy requirements. In practice the premium can vary from a minimum of 10% to a multiple (say 10-20x) of the Existing Use Value, but this must reflect site specific circumstances and will vary.

Other methods that can be appropriate are the Alternative Use Value (AUV) and 'Market Value' (MV) approaches. An AUV reflects the RLV of the site for alternative development scenarios such as competing land uses. Such schemes must be policy compliant. An extant planning permission is often referred to as an AUV in that this requires development but also constitutes its Existing Use Value; its use and the explicit planning permission having been firmly established. In such circumstances it is not appropriate to apply a landowner's premium. A MV approach reflects the value of the site having regard to the cost of comparable development land. This is, however, subject to the requirement that this value reflects planning policy including appropriate affordable housing.

#### **6.4 Establishing the Benchmark Land Value**

Having had regard to the above and the details of the site we have adopted an EUV+ approach.

We have adopted a Benchmark Land Value of £4,742,750 which equates to £250,000 per hectare. This is inline in accordance with the values adopted in the Council's Local Plan evidence base. A full explanation of our approach, evidence and rationale is included at Appendix 3.



## 7 Development Programme

### 7.1 Development Programme

We have assumed the following development programme for the proposed scheme which we detail below:

Development Stage	Duration (months)
Purchase	1
Pre-Construction	6
Construction	58
Sale	50
<b>Total</b>	<b>69</b>

Currently the site is allocated and there are number of possible permutations in terms of delivery and phasing. For the purposes of our assessment, and given the number of units, we have assumed that the development would be split into two sections (of approximately 225 units each) which will be delivered concurrently by two different 'outlets' or 'flags'. These could be different housebuilders or simply different brands within the same group. The infrastructure requirements would need to be shared as a cost or delivered by the applicant with the resultant serviced plots developed by the individual outlets.

Each section would be delivered on a phased basis but this would be dependent on the precise nature of the finalised proposals as per any forthcoming reserved matters application. Given the current state of the proposals and nature as a housing led development, we have assumed a rolling construction and sales programme whereby the first completions and sales take place approximately 12 months after starting on site and continue on a straight-line basis with a 'run off' period post completion. With two outlets selling from the combined site, potentially offering different product types or specification but competing with each other, we have assumed a combined sales rate of approximately 8 units per month (4 units per outlet).

We have generally applied the construction costs on a S curve basis. However, a significant proportion of the infrastructure and abnormal costs are weighted to the start of the scheme. The cashflow timings for these are set out in the cost section below.

We have modelled the affordable housing values over the construction period reflecting a likely bulk package deal with a single or number of Registered Providers. It could be that a golden brick payment could be secured but given the length of the total construction period it is unrealistic to assume that it would be received as one lump payment at the start of construction of the entire combined site. Instead it is more likely that the affordable housing would be deposed of via multiple phased tranches throughout the full development period with any goldbrick payments achieved on a phased basis also. In the absence of a detailed phasing plan we have cash-flowed the affordable sales on a straight line basis.

## 8 Private Residential Unit Values

### 8.1 Introduction

A thorough assessment of comparable evidence from schemes within the vicinity of the site has been undertaken. For ease of reference, a summary of the comparable evidence on which we have based our opinion of value for the private residential units is attached at Appendix 4.

Due to the early stage of this assessment, we have not been provided with details of specification, property layouts and scheme layout. We have therefore applied a fixed value for all property types.

### 8.2 Private Residential Value

Our opinion of value for the private residential units on completion is **£109,752,500** and is summarised below:

Residential Units	Number of Units	NSA (sqm)	NSA (sqft)	Market Value Range	£psf Range	Average Market Value	Average £psf
2 Bed Flat	24	64	690	£175,000	£254	£175,000	£254
2 Bed House	80	63	679	£215,000	£317	£215,000	£317
3 Bed House	224	86 - 102	930 – 1,095	£265,000 – 280,000	£251 - £301	£270,000	£269
4 Bed House	77	97 - 130	1,045 – 1,399	£345,000 - £385,000	£275 - £330	£362,000	£301
<b>Total</b>	<b>405</b>	<b>36,070</b>	<b>388,258</b>		<b>£283</b>		

Please refer to Appendix 5 for a more detailed breakdown of the values.

### 8.3 Ground Rents

We have provided our opinion of GDV excluding the potential value of any capitalised ground rental income. This decision is based on the clear intention to legislate against such income and, more importantly, the reaction of banks etc no longer lending against such income, such that from a market perspective, it has already ceased to exist.

On 21st December 2017, the Secretary of State for Communities and Local Government announced proposals to ban developers from selling new build houses on leasehold terms (except in exceptional circumstances where it is not possible to sell the house with the benefit of a freehold interest). Additionally, it was announced that the Government will legislate as soon as is practicably possible, to prohibit developers from charging ground rents (i.e. any levy would be set to zero or a nominal amount) on leasehold apartments.

The Government also announced proposals to review the cost of, and market procedures for long leaseholders in either purchasing a freehold or extending a lease. The Department for Communities and Local Government said it will be "working with the Law Commission to make the process of purchasing a freehold or extending a lease much easier, faster and cheaper". Mr Sajid Javid MP commented that "It's unacceptable for home buyers to be exploited through unnecessary leaseholds, unjustifiable charges and onerous ground rent terms". These proposals have consistently received wide ranging, cross party support.

On 19 March 2019 the Housing, Communities and Local Government Committee called for wide ranging reforms to the leasehold system. The committee concluded that:

- It would be legally possible for the Government to introduce legislation to remove onerous ground rents in existing leases. Existing ground rents should be limited to 0.1% of the present value of a property, up to a maximum of £250 per year.



- The Government should revert to its original plan and require ground rents on newly-established leases to be set at a peppercorn (zero financial value)

On 1st June 2019 the government published its "Summary of consultation response and Government response" to the "Implementing reforms to the leasehold system" as published on the 15th October 2018. This states:-

- Ground rents will be restricted to zero/peppercorn for new leases of houses and flats; not £10 per annum as previously proposed.
- Exemptions for retirement properties, community-led developments, Financial lease products such as home reversion plans (equity release) and home purchase plans (lifetime leases and Islamic/Sharia compliant finance) where there is a non-assignable lease, and Mixed-use leases (i.e. one lease covers both commercial and residential property).
- An exemption will not be provided for charging ground rent on shared ownership properties
- There will be no transitional period after the legislation comes into force.

The knock on impact upon the value of existing ground rent portfolios has been negative, and the release of this news initially in December 2017 immediately had a negative impact upon the share prices of most major house builders reflecting the fact that the asset class will not be created in the future.

Since the announcement in December 2017, yields have softened and multipliers have decreased. On one hand, despite the attraction of an inflation hedged asset not being created anymore increasing its scarcity (putting upwards pressure on pricing where portfolios are already established) – there are concerns that retrospective legislation will have the opposite effect. Retrospective legislation could include making enfranchisement or the purchase of leases cheaper for long leaseholders (eroding reversionary value to the Freeholder), the requirement for previous developers to set up funds to compensate leaseholders affected by 'onerous' lease terms, or more unlikely retrospectively striking out terms in the long leasehold agreements (such as rental levels, provision for / frequency of rent reviews).

With respect to schemes which are yet to be developed the market has effectively assumed that the above limitations will be ineffective with bidders removing ground rent income (i.e. future portfolios) from their appraisals and banks refusing to provide development finance on such income. As a result, all leading valuation houses (including JLL) no longer include such income in secured lending valuations – accordingly while the necessary legislation has yet to be passed, the effect has been immediate. As the rents are comparatively low to both mortgages and service charges any savings are seen as de minimis and extremely unlikely to result in any upward movement in sales values. While the previous political uncertainty, and now Covid pandemic, has delayed the above it is considered that such legislation is a question of when, not if, as it carries wide ranging, cross party support and therefore ground income will be banned by whichever Government is in power.

Given the above we have not included any capitalised ground rent income. While the proposed legislation has not been enacted the Government's clear position has led to an immediate market effect such that any value from additional ground rent income has effectively ceased to exist. Furthermore, the Government consultation (and subsequent response), in responding to suggestions for a transitional period, clearly stated that one was not necessary as the market (and by extension planning system) had time to adjust as the intention had been clear for some time.

## 9 Affordable Unit Values

### 9.1 Proposed Scheme Values

JLL are leading specialists in the affordable housing sector. We have undertaken a valuation of the proposed affordable housing using JLL's bespoke discounted cashflow (DCF) model to arrive at a 'package price' equating to the amount a Registered Provider would pay a developer for the delivery of the S106 units.

In order to determine our estimates of the indicative current rents, we have adopted the formula set out by the Housing and Communities Agency (HCA), which applies a 70% weighting to relative average county annual earnings and a 30% weighting to relative capital values (EUV, as at January 1999), with an adjustment factor for the number of bedrooms in the respective properties. We have ensured that the adopted social rents do not exceed target rent caps.

For the Affordable Rent units, we have adopted the rents caps out set for Thanet BRMA May 2020:

Unit Type	2020 Rent per Week
1 Bedroom	£109.32
2 Bedroom	£149.59
3 Bedroom	£184.11
4 Bedroom	£218.63

The rental value of this accommodation is then capitalised at appropriate yields after deductions for major repairs, voids/bad debts, management and maintenance to arrive at a total capital value. These assumptions are supported by our experience gained through S106 disposals and valuation of affordable housing stock for our clients in similar locations.

With respect to the Shared Ownership units we have assumed an initial equity tranche based upon the unrestricted Market Value with Vacant Possession is sold with the remaining unsold equity resulting in an income stream that is capitalised at appropriate yields supported by our valuation and disposal experience. These are limited to ensure the units remain affordable. Additional income is derived from future staircasing receipts.

Based upon the above we have arrived at the following package price values:

Tenure	Value	Value (£psf)
Affordable Rent	£3,888,003	£140.19
Shared Ownership	£1,367,374	£203.69
	<b>£5,255,377</b>	<b>£152.57</b>

Alternative affordability requirements could impact upon the viability of the scheme and/or the level of affordable housing. Accordingly, any requirements in terms of rental levels or affordability secured within the S106 agreement will need to be based upon the above or more favourable assumptions.



## 10 Construction Costs

### 10.1 Build Costs

In line with standard practice we have adopted a build cost rate of £123.28 psf (£1,327 psm) in accordance with Median BCIS costs, re-based to Kent (see Appendix 6). Applied to the total Gross Internal Area of 427,677 sqft this results in construction costs of £52,724,021. This does not include the costs of garages, external works, infrastructure and abnormals.

We have also been provided with specific costs in relation to the garages, external works, infrastructure and abnormal costs. These are summarised below with a breakdown of these items are detailed in Appendix 7:

Item	Cost
Standard site works	£1,800,000
Roads and sewers	£3,850,000
Public open space	£600,000
Plot abnormals	£2,700,000
Site abnormals	£4,889,470
Link Road	£5,657,500
Garages	£803,500
<b>Total</b>	<b>£20,300,470</b>

Additionally, the following comments have been made in relation to the additional costs:

- Landform through the overall site area is undulating. The northern parcel has a pronounced valley running through it that has a low point of 4.4m AOD rising to a high point of 14m AOD in the northernmost corner of the parcel adjacent to Hartsdown Road. By contrast, the southern portion slopes steeply upwards from Shottendane Road to Manston Road to an overall high point of 27m AOD, which equates to a 22.6m difference in land level between high and low points of the two field parcels.
- As part of the emerging allocation there is an aspiration from the LPA to provide a link road through both parcels of the site which will form part of the highways improvements programmed for the Margate area. This comprises of 2 roundabouts (Manston Road and Shottendane Road) approximately 660m single carriageway with an adjoining footpath cycleway which will link through to the priority access on Hartsdown Road.
- Due to site topography, an extensive earthworks exercise is required to provide a platform for the road to sit at the appropriate design gradients and for development plateaux to be created.
- The earthwork exercise will have an impact on the design of both foundations and the surface water drainage solution.
- The site is located in Flood Zone 1, and holds no records of flooding by river or sea. However, the northern parcel includes a surface water flow pathway that has a low to medium risk of surface water flooding in the event that the soils were to become saturated, for example during prolonged or intense rainfall. A surface water management strategy for the site will be developed to mitigate flood risk to an acceptable and low level. Where any highway route through the surface water pathway, it will be necessary to include measures such as raised

box culverts to allow free conveyance under the highway or allow overtop/spill where alternative dry access can be provided.

- From a heritage perspective, the site is located within the setting of a number of designated heritage assets that have had to be factored into design layout. The site is also located in an area of high level archaeological remains and following extensive amount of archaeological investigations, two bronze age barrows have been identified near to the south eastern corner of Area B that are to be preserved in situ as part of the proposals.

#### **10.2 Contingency**

We have applied a contingency of 5% to the build costs stated above.

#### **10.3 Professional Fees**

We have applied professional fees of 8% to the scheme's build costs.



## 11 Other Appraisal Assumptions

### 11.1 Acquisition Costs

Site acquisition costs have been included and comprise Stamp Duty Land Tax, 1.5% agency fees and 0.5% legal fees applied to positive land values.

### 11.2 Planning Obligations

We have included within our appraisal estimated Section 106 contributions of £2,940,269 as advised by Gladman. See Planning Policy section for a breakdown of the estimate.

### 11.3 Disposal Costs

The assumed disposal costs for the private residential units comprise £850 per unit sales legal fees, 1.5% sales agent & 2% marketing costs; this reflecting the need for a representative sample of completed show homes and an onsite sales presence and marketing campaign for a significant duration.

For the affordable units we have assumed a 1% sales agent and 0.5% sales legal fees reflecting bulk disposals to a single RP purchaser for each tranche/phase.

### 11.4 Finance

We have assumed finance rates of 6.5% debit and 1% credit inclusive of entry and exit fees, monitoring costs, surveys and valuations.

### 11.5 Developer Return

For a commercially acceptable development to proceed an acceptable level of developer's return is required from the project (as is explicitly detailed with the NPPF). Profit requirements extended significantly following the 2008 global downturn. Since the revival in the development market these margins narrowed but have more recently extended against as risk appetite worsens given the political uncertainty following the EU Referendum and the slowing London residential market.

Any expected return reflects the risks to the developer and their funder's capital together with their liabilities. Accordingly, it should reflect the proposed uses, scale of development, site issues and market (both macro and micro). Currently adopted profit requirements have been under pressure from viability assessors who have sought to impose a fixed profit assumption irrespective of the market and, importantly, the scheme being considered. Notwithstanding this, the PPG on viability sets out a guide of between 15% and 20% of GDV though alternative figures can be applied 'according to the type, scale and risk profile of planned development.'

With respect to the subject development we have had regard to a number of matters in our consideration of an appropriate profit requirement. The site has a higher degree of abnormal / infrastructure requirements than other non-strategic development plots, will be competing against other developments by the same applicant and therefore a similar product type, whilst multiple agents, developers and RPs report increasing levels of unsold stock. The recent election result will almost certainly ensure that the Government's current Brexit position is 'unfettered' by Parliament and thus the UK should shortly enter the Transition Phase with the EU. This should hopefully unlock some of the immediate uncertainty affecting the market. However, a new trade deal will be required with the EU before we fully depart and with less than a year to achieve this the risk of a 'no-deal' Brexit has been increased (albeit delayed for some months). Recent reports illustrate the discussions with the EU on a substantive trade deal have not been progressing as well as expect, undoubtedly due to both parties being preoccupied with responding to the Covid pandemic. As a result, there is an increased likelihood of a 'no-deal' Brexit within the next year.

With respect to the subject development we have had regard to a number of matters in our consideration of an appropriate profit requirement. The scheme is of an appropriate scale with a good mix of unit sizes in an area

showing positive demand for new build housing. On the other hand, the site requires significant infrastructure including a new link road through the site, two new roundabouts and improvement works to Shottendane Road. Both land parcels have significant variations in land level which have an impact on costs and, therefore, risk. Following extensive archaeological investigations, two bronze age barrows have been identified near to the south eastern corner of the site which have to be carefully preserved. With respect to the affordable element this will be forward sold to a registered provider with the associated reduction in development risk.

On balance we have adopted a 17.5% return on the private residential and 6% return on affordable revenue respectively.

Clearly the recent impact of Covid-19 will have significant ramifications, both in the short and longer terms, on the development market. In line with our position on values and costs it is currently too early to explicitly detail the impact on profit requirements but we expect that these will extend over the next few months from the position outlined above and we reserve the right to re-evaluate this assumption at a later date.

## **11.6 Appraisal**

The appraisal has been undertaken using Argus Developer. Please refer to Appendix 8 for a copy of the appraisal summary.



## 12 Viability Results and Conclusion

### 12.1 Results

An appraisal summary and sensitivity analysis for the proposed scheme is appended to this report at Appendix 8. A summary of the results and inputs is provided below:

Appraisal Inputs	Inputs	Amount
<b>Revenue</b>		
Private Units	Individual unit prices equating to £283 per sqft	£109,752,500
Affordable Rent	Equating to £140 per sqft	£3,888,003
Shared Ownership	Equating to £204 per sqft	£1,367,374
<b>Costs</b>		
Acquisition Costs	Stamp Duty Agent Fee – 1.5% Legal Fee – 0.5%	-£326,980
Construction Costs	Residential Construction Costs - £123.24 per sqft (on total GIA) Garages (77) - £803,500 Construction Cost (Initial 25%) - £4,389,470 Construction Cost (Initial 50%) - £4,407,500 Construction Cost (On going) - £10,700,000	-£73,024,490
Contingency	5% (on construction costs)	-£3,651,225
Professional Fees	8% (on construction costs)	-£5,841,959
Financial Planning Contributions	Section.106 contributions	-£2,940,269
Disposal Costs	Private Resi Sales Marketing – 2% Private Resi Sales Agents – 1.5% Private Resi Sales Legals - £800 per unit Affordable Agents – 1% Affordable Legal – 0.5%	-£4,264,418
Finance	6.5% debit / 1% credit	-£2,735,862
Profit / Risk Return	Private: 17.5% on GDV Affordable: 6% on GDV	-£19,522,010
<b>=</b>		
Residual Land Value		£2,838,920
Benchmark Land Value		£4,742,750
Difference (Surplus/Deficit)		-£1,903,830

It is evident that the Residual Land Value produced by the proposed scheme, whilst adopting an acceptable developer return, is below the Benchmark Land Value arrived at in accordance with planning policy and viability guidance.

### 12.2 Conclusion

As can be seen in the table above the scheme as proposed by the applicant returns a Residual Land Value which is below the Benchmark Land Value. On this basis the scheme could be deemed unviable. Notwithstanding this, the applicant is committed to bringing the scheme forward on this basis as it balances the need for affordable housing and local infrastructure improvements. A commercial decision has been made to proceed with the scheme

on this basis in the hope that the economics of the scheme will improve over the life time of the development. However, any increase in affordable housing or contributions to the local transport infrastructure could significantly impact upon the delivery of the site.

As set out earlier in this report we have not made any assessment as to the impact of Covid-19 on these assumptions. It should be expected that the viability of the project is unlikely to improve once the detailed effects are known.



Sarah Potter MRICS  
Surveyor

Edmund Couldrey MRICS  
Director



**For: Thanet District Council**  
**Review of Applicant Submitted**  
**Viability Position**

**Shottendane Road**  
**MARGATE**  
**CT9 5QY**

October 2020  
(DSP20442W)



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Appendix I – DSP version of applicant submitted appraisal

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## 1. Notes and Limitations

- 1.1.1. The following does not provide formal valuation advice. This review and its findings are intended purely for the purposes of providing Thanet District Council (TDC) with an independent check of, and opinion on, the planning applicant's viability information and stated position in this case.
- 1.1.2. This document has been prepared for this specific reason and should not be used for any other purpose without the prior written authority of Dixon Searle Partnership (DSP); we accept no responsibility or liability for the consequences of this document being used for a purpose other than for which it was commissioned. To the extent that the document is based on information supplied by others, Dixon Searle Partnership accepts no liability for any loss or damage suffered by the client.
- 1.1.3. We have undertaken this as a desk-top exercise as is appropriate for this stage and level of review. For general familiarisation we have considered the site context from the information supplied by the Council and using available web-based material.
- 1.1.4. The report supplied to DSP to inform and support this review process is stated to have been prepared on the basis that it will be made publicly available. Other information has been provided, and potentially some of the information provided may be regarded as commercially sensitive. Therefore, we suggest that the Council and prospective / current or subsequent planning applicant may wish to consider this aspect together. DSP confirms that we are content for our review information, as contained within this report, to be used as may be considered appropriate by the Council (we assume with the applicant's agreement if necessary). In looking at 'Accountability', since July 2018 the national Planning Practice Guidance (PPG) on viability says on this; '*Any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances.*'
- 1.1.5. Dixon Searle Partnership conducts its work only for Local Authorities and selected other public organisations. We do not act on behalf of any development interests. We have been and are involved in the review of other planning stage proposals and strategic level viability assessment work within the TDC area.

- 1.1.6. In any event we can confirm that no conflict of interests exists, nor is likely to arise given our approach and client base. This is kept under review. Our fees are all quoted in advance and agreed with clients on a fixed or capped basis, with no element whatsoever of incentive/performance related payment.

## 2. Introduction

- 2.1.1 Dixon Searle (DSP) has been commissioned by Thanet District Council (TDC) to carry out an independent review of the Financial Viability Assessment report (FVA) supplied to the Council on behalf of the applicant, Gladman Developments Ltd, by Jones Lang LaSalle (JLL). This is in relation to the proposed development at Shottendane Road, Margate, CT9 5QY.
- 2.1.2 The viability information has been supplied in support of planning application reference OL/TH/20/0847 *'the erection of up to 450 residential dwellings (including market and affordable housing), structural planting and landscaping, formal and informal public open space and children's play area, sustainable urban drainage, with vehicular access points, including associated ancillary works and operations, from Hartsdown Road, Shottendane Road and Manston Road including access'*. The application has been submitted in outline and was validated on 13 July 2020.



- 2.1.3 Policy SP20 of the adopted Local Plan for the area (2020) requires 30% affordable housing to be provided on sites of over 15 units. The Local Plan policy therefore requires 135 units of affordable housing to be provided on site.
- 2.1.4 In presenting their viability position, the applicant has supplied to the Council the aforementioned updated Financial Viability Assessment (FVA) dated June 2020, along with electronic copies of a financial appraisal carried out using Argus Developer software. Appendices to the report include:
- Appendix 1 Site Location & Development Framework Plans
  - Appendix 2 Accommodation Schedule
  - Appendix 3 BLV
  - Appendix 4 Residential Comparable Evidence
  - Appendix 5 Valuation Schedule
  - Appendix 6 BCIS Cost Summary
  - Appendix 7 Additional Cost Breakdown
  - Appendix 8 Appraisal Summary
- 2.1.5 DSP has also had sight of the Council's online planning application files.
- 2.1.6 For general background, a viable development could be regarded as the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate site value (i.e. existing use value) for the landowner and a market risk adjusted return to the developer in delivering that project. The Government's Planning Practice Guidance on Viability sets out the main principles for carrying out a viability assessment. It states:
- 2.1.7 *'Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return...Any viability assessment should follow the government's recommended approach to assessing viability as set out in this National Planning Guidance and be proportionate, simple, transparent and publicly available. Improving transparency of data associated with viability assessment will, over time, improve the data available for future assessment as well as provide more*



*accountability regarding how viability informs decision making...In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission'.*

- 2.1.8 Under normal circumstances, if the residual land value (RLV) created by a scheme proposal exceeds the existing use value plus a premium (referred to as a benchmark land value (BLV) in this case) then we usually have a positive viability scenario – i.e. the scheme is much more likely to proceed (on the basis that a reasonable developer profit margin is also reached).
- 2.1.9 In this case an appraisal been run to determine the residual value after allowing for a fixed profit of 17.5% on GDV (£19,522,010). The appraisal includes only 10% affordable housing, and indicates a residual value of £2,838,920 which when compared to the stated benchmark land value of £4,742,750 indicates a deficit of -£1,903,830. The 'net adjusted' profit for the project (as presented) is therefore £16,683,090 or 15.8% on GDV. The FVA concludes that the development with 10% affordable housing '*could be deemed unviable*', but that the applicant intends to bring the scheme forward '*on this basis as it balances the need for affordable housing and local infrastructure improvements*' and in the hope that the economics of the scheme will improve over the lifetime of the development.
- 2.1.10 This review does not seek to pre-determine any Council positions, but merely sets out our opinion on the submitted viability assumptions and outcomes in order to inform the Council's discussions with the applicant and its decision making. Our report deals only with viability matters, in accordance with our instructions.
- 2.1.11 Thanet District Council requires our opinion as to whether the viability figures and position put forward by the applicant are reasonable. We have therefore considered the information submitted. Following our review of the key assumptions areas, this report provides our views.
- 2.1.12 We have based our review on the submitted Financial Viability Assessment (FVA) and the premise that the viability of the scheme should be considered based on the assumption of current costs and values. We then discuss any variation in terms of any deficit (or

surplus) created from that base position by altering appraisal assumptions (where there is disagreement if any) using the financial appraisal provided by JLL.

- 2.1.13 This assessment has been carried out by Dixon Searle Partnership, a consultancy who have over 40 years combined experience in the development industry working for Local Authorities, developers, Housing Associations and in consultancy. As consultants, we have a considerable track record of assessing the viability of schemes and assessing the scope for Local Authority planning obligation requirements. This expertise includes viability-related work carried out for many Local Authorities nationwide over the last 17 years or so.
- 2.1.14 The purpose of this report is to provide our overview comments with regard to this individual scheme, on behalf of the Council - taking into account the details as presented. It will then be for the Council to consider this information in the context of the wider planning objectives in accordance with its policy positions and strategies.
- 2.1.15 In carrying out this type of review a key theme for us is to identify whether, in our opinion, any key revenue assumptions have been under-assessed (e.g. sales value estimates) or any key cost estimates (e.g. build costs, fees, etc.) over-assessed – since both of these effects can reduce the stated viability outcome.

### 3. Review of Submitted Viability Assumptions

#### 3.1 Overview of Approach

- 3.1.1 The following commentary reviews the applicant's submitted viability assumptions as explained within the FVA.
- 3.1.2 Primarily the review process takes into account the fact that the collective impact of the various elements of the cost and value assumptions is of greatest importance, rather than necessarily the individual detailed inputs in isolation. We have considered those figures provided, as below, and reviewed the impact of trial changes to particular submitted assumptions.
- 3.1.3 This type of audit / check is carried out so that we can give the Council a feel for whether or not the result is approximately as expected – i.e. informed by a reasonable set of assumptions and appraisal approach.
- 3.1.4 Should there be changes to the scheme proposals this would obviously impact on the appraisal outputs.

#### 3.2 Benchmark Land Value

- 3.2.1 In all appraisals of this type, the base value (value of the site or premises – e.g. in existing use) is one of the key ingredients of scheme viability. A view needs to be taken on land value so that it is sufficient to secure the release of the site for the scheme (sale by the landowner) but is not assumed at such a level that restricts the financial capacity of the scheme to deliver suitable profits (for risk reward), cover all development costs (including any abnormals) and provide for planning obligations as a part of creating sustainable development. This can be a difficult balance to reach, both in terms of developers' dealings with landowners, and Councils' assessments of what a scheme has the capacity to bear.
- 3.2.2 The RICS Guidance 'Financial viability in planning'<sup>1</sup> states that:

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<sup>1</sup> RICS Professional Guidance Note – Financial viability in planning (August 2012)

*'A viability appraisal is taken at a point in time, taking account of costs and values at that date. A site may be purchased some time before a viability assessment takes place and circumstances might change.*

*This is part of the developer's risk. Land values can go up or down between the date of purchase and a viability assessment taking place; in a rising market developers benefit, in a falling market they may lose out.*

*A developer may make unreasonable/overoptimistic assumptions regarding the type and density of development or the extent of planning obligations, which means that it has overpaid for the site'.*

- 3.2.3 The revisions to the Viability PPG<sup>2</sup> and the new NPPF (updated 19<sup>th</sup> February 2019 and further updated to May 2019 in other respects) now very clearly advise that land value should be based on the value of the existing use plus an appropriate level of premium or uplift to incentivise release of the land for development from its existing use. In regard to how land value should be defined for the purpose of viability assessment it states: *'To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner.'*
- 3.2.4 The guidance defines existing use value as: *'the first component of calculating benchmark land value. EUV is the value of the land in its existing use together with the right to implement any development for which there are policy compliant extant planning consents, including realistic deemed consents, but without regard to alternative uses. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types. EUV can be established in collaboration between plan makers, developers and landowners by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield. Sources of data can include (but are not limited to): land registry records of transactions; real estate licensed software packages; real estate market reports; real estate research; estate agent websites; property auction results; valuation office agency data; public sector estate/property teams' locally held evidence.'*

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<sup>2</sup> Most recently updated 1 September 2019

3.2.5 It states that a Benchmark Land Value (BLV) should:

- *'be based upon existing use value*
- *allow for a premium to landowners (including equity resulting from those building their own homes)*
- *reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees and*
- *be informed by market evidence including current uses, costs and values wherever possible. Where recent market evidence is used to inform assessment of benchmark land value this evidence should be based on developments which are compliant with policies, including for affordable housing. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.'*

3.2.6 The guidance further states that: *'Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.'* It goes on to state: *'Policy compliance means that the development complies fully with up to date plan policies including any policy requirements for contributions towards affordable housing requirements at the relevant levels set out in the plan. A decision maker can give appropriate weight to emerging policies. Local authorities can request data on the price paid for land (or the price expected to be paid through an option or promotion agreement.)'*

3.2.7 With regard to assuming an alternative use value to determine BLV the guidance states: *'For the purpose of viability assessment alternative use value (AUV) refers to the value of land for uses other than its current permitted use, and other than other potential development that requires planning consent, technical consent or unrealistic permitted development with different associated values. AUV of the land may be informative in establishing benchmark land value. If applying alternative uses when establishing benchmark land value these should be limited to those uses which have an existing implementable permission for that use. Where there is no existing implementable permission, plan makers can set out in which circumstances alternative uses can be used. This might include if there is evidence that the alternative use would fully comply with*



*development plan policies, if it can be demonstrated that the alternative use could be implemented on the site in question, if it can be demonstrated there is market demand for that use, and if there is an explanation as to why the alternative use has not been pursued. Where AUV is used this should be supported by evidence of the costs and values of the alternative use to justify the land value. Valuation based on AUV includes the premium to the landowner. If evidence of AUV is being considered the premium to the landowner must not be double counted.'*

- 3.2.8 It is therefore clear that the only acceptable approach to defining a benchmark land value for the purposes of a viability assessment, is the EUV+; or, exceptionally, AUV.
- 3.2.9 In this case, the benchmark is based on an assessment of the EUV of the land, plus a premium representing the amount needed to incentivise development. The site is currently agricultural land, of 18.971 ha (the wider site is 19.93 ha – or 19.53 ha according to some other sources, however JLL have not included highway areas which they explain are in the ownership of Kent County Council).
- 3.2.10 The FVA refers to various strategic level viability studies which have reviewed land values, including one carried out by DSP on development in Thanet, and take the view - which we consider to be appropriate in this case - that a rate of £250,000/ha represents the minimum land value likely to incentivise release for development. In other words, EUV plus premium. JLL have applied this to the site area (less highways) of 18.971 ha, resulting in a BLV of £4,742,750.
- 3.2.11 We consider the BLV of £4,742,750 to be an appropriate assumption.

### **3.3 Acquisition Costs**

- 3.3.1 Legal fees at 0.5% of the residualised value have been applied. Agent's fees have also been included at 1.5% of the residualised value. The resulting amounts are within typical parameters.
- 3.3.2 Stamp Duty Land Tax has also been applied to the residualised value (at a rate of 4.65%). We have applied the same SDLT calculation to the residualised value in our appraisal (which due to our appraisal having a different residualised value equates to 4.84%).

### 3.4 Gross Development Value - Private Residential

3.4.1 The planning application is in outline only. The FVA appraisal is based on an illustrative accommodation schedule, and the following table sets out the market housing mix and values assumed in the appraisal.

Code	Beds	Type 1	Type 2	Type - Gladman	Garage type	Storeys	sqm	sqft	Units	Total sq ft	Market value	Eper m²	Epsf	GDV
A2	2 bed	House	Mews/Terrace	2 bed mews	-	2	63	679	80	54,320	£215,000	£3,412	£317	£17,200,000
apt	2 bed	Flat	Flat	2 bed apt	-	-	64	690	24	16,560	£175,000	£2,734	£254	£4,200,000
C	3 bed	House	Mews/Terrace	3 bed mews	-	2	89	958	95	91,010	£265,000	£2,982	£277	£25,175,000
E	3 bed	House	Detached	3 bed det	-	2	86	930	10	9,300	£280,000	£3,240	£301	£2,800,000
F	3 bed	House	Semi-detached	3 bed semi/mews	-	2	89	958	43	41,194	£270,000	£3,035	£282	£11,610,000
I	3 bed	House	Semi-detached	3 bed semi/mews	-	2.5	102	1,095	76	83,220	£275,000	£2,702	£251	£20,900,000
M	4 bed	House	Detached	4 bed detached house	Integral gara	2	112	1,210	13	15,730	£360,000	£3,208	£298	£4,680,000
AA	4 bed	House	Detached	4 bed detached house	s det garage	2	107	1,152	13	14,976	£357,500	£3,337	£310	£4,647,500
BB	4 bed	House	Detached	4 bed detached house	s det garage	2	119	1,285	5	6,425	£372,500	£3,122	£290	£1,862,500
G	4 bed	House	Detached	4 bed detached house	Integral gara	2	97	1,045	13	13,585	£345,000	£3,552	£330	£4,485,000
K	4 bed	House	Detached	4 bed detached house	s det garage	2	108	1,159	14	16,226	£357,500	£3,315	£308	£5,005,000
P	4 bed	House	Detached	4 bed detached house	s det garage	2	125	1,350	13	17,550	£377,500	£3,014	£280	£4,907,500
P1	4 bed	House	Detached	4 bed detached house	s det garage	2	125	1,341	4	5,364	£377,500	£3,035	£282	£1,510,000
R	4 bed	House	Detached	4 bed detached house	d. attached	2	130	1,399	2	2,798	£385,000	£2,960	£275	£770,000
TOTAL/AVG							89	959	405	388,258	£270,994	£3,045	£282.68	£109,752,500

3.4.2 The above values are based on an assessment of comparables in the local area which are set out in Appendix 4 of the submitted FVA, which also includes market commentary.

3.4.3 We have reviewed the submitted evidence, and have carried out our own research of property values in the area, based on Land Registry sales data, and advertised prices on property websites for both new and resale properties.

3.4.4 We note also the comparables provided in the FVA, which include examples of recent new build sales, and asking prices, and which support the submitted values.

3.4.5 Reviewing the values data, we note that detached houses locally tend to sell for higher prices than indicated in the submitted schedule – however these are mainly much larger properties than the proposed, and when looked at on a per m² basis the sales values are the same or lower than submitted. New build flats locally have sold for higher values than proposed here, however flats make up a relatively small amount of the proposed floor area; in contrast, some of the proposed values for smaller houses exceed those that have been achieved in recent months.

3.4.6 We have reviewed the developments currently being marketed locally (some of which are included in JLL's comparables) and compared these values with sold price data, as well as comparing with properties on the resale market, taking into account that new build properties are likely to achieve a 15% to 20% premium on resale values. The values

indicated broadly align with those submitted, once location and the size/type of the proposed development are taken into account.

- 3.4.7 We have tested alternative assumptions on value for the different unit types with reference to the above-mentioned data. A more cautious set of assumptions leads to an average value of £2,950/m<sup>2</sup> and a more positive view leads to an average value of £3,150/m<sup>2</sup>. We consider, therefore, that an average value of £3,045/m<sup>2</sup> applied across the development at this stage as per the submitted appraisal, being in the middle of this range, is a not unreasonable assumption and we have not adjusted the residential GDV in our base appraisal.
- 3.4.8 It is worth noting that any improvement in the sales value assumptions (compared with a level set at the point of the appraisal) would most likely be reflected in an improvement in scheme viability. Whilst the opposite could also occur (the sales values could fall relative to the assumptions made), that is the developer's (applicant's) risk and such factors need to be kept in mind in making an overall assessment of the applicant's position.
- 3.4.9 This application is in outline, and it could be some time before a reserved matters application is submitted and the development starts on site. Detailed design is yet to be agreed. Applying even a very small adjustment to the sales values equates to a large difference in the viability outcome; a change in values of only 1% affects the GDV by £1 million. Therefore, even if all other submitted assumptions are correct, a 3% increase from the assumed sales values (thus a £3 million increase in GDV) would be sufficient to move the viability position from the submitted £1.9 million deficit to a significant surplus. This is something to bear in mind if the Council agrees to a reduced affordable housing provision being fixed at this early stage in the planning process. We will return to this in our conclusions, in the context of our overall view of site viability.

### **3.5 Ground Rents**

- 3.5.1 Ground rents have not been included in the submitted appraisal, on the basis that the Government intends to legislate against the ability to charge ground rents. This argument has been put forward for well over a year now, and the legislation was first proposed in 2017 - yet so far, no legislation has been enacted. It is our view that as a viability assessment is undertaken at the current date, it should reflect the current position. In a majority of cases put to DSP, ground rental income is included in development appraisals



and indeed it is currently still charged on new developments as far as we are aware. The intention to introduce legislation is not the same as actually legislating and as such it is our view that an allowance for revenue associated with ground rents should be included, particularly where a reduced contribution affordable housing is being proposed. However, in some cases it may be appropriate to agree a contribution based on a review of the ground rental situation at the time a scheme comes forward.

3.5.2 It is unclear whether the removal of ground rents, if and when it occurs, will result in an improvement in sales values. Whilst not a principal factor in buyers' decisions to purchase, a development which is able to market the fact that ground rents are not charged might be able to use this as a selling point/incentive compared with properties on the resale market which have a ground rental charge and therefore achieve better sales rates, if not higher values.

3.5.3 We have included a value for ground rents in our appraisal, based on £270 per flat per annum and capitalised at a yield of 5%, reflecting a now view and the regime under which the scheme has been progressed, and applying a slightly higher yield than historically assumed which allows adjustment for the higher risk arising from potential legislation. Applied to the 24 proposed private flats, this adds a total of £107,493 to the GDV, and this approach is consistent with other reviews currently conducted by DSP as well as with a range of submissions that we are receiving for review. For the time being we have not applied any ground rental income to the 24 affordable flats, although under current legislation ground rents could be charged on shared ownership homes.

### 3.6 Gross Development Value – Affordable Housing

3.6.1 Affordable housing has been valued as shown in the following table, which also indicates the proposed values a proportion of the submitted market values.

TYPE	VALUE		
	Per ft <sup>2</sup>	Per m <sup>2</sup>	% of market value
Private	£ 283.00	£ 3,045	100%
AR	£ 140.00	£ 1,507	49%
SO	£ 204.00	£ 2,196	72%
<b>AVERAGE</b>	<b>£ 152.57</b>	<b>£ 1,642</b>	<b>54%</b>

3.6.2 These assumptions are within expected parameters, and we have not adjusted them in our appraisal.

### 3.7 Development Timings

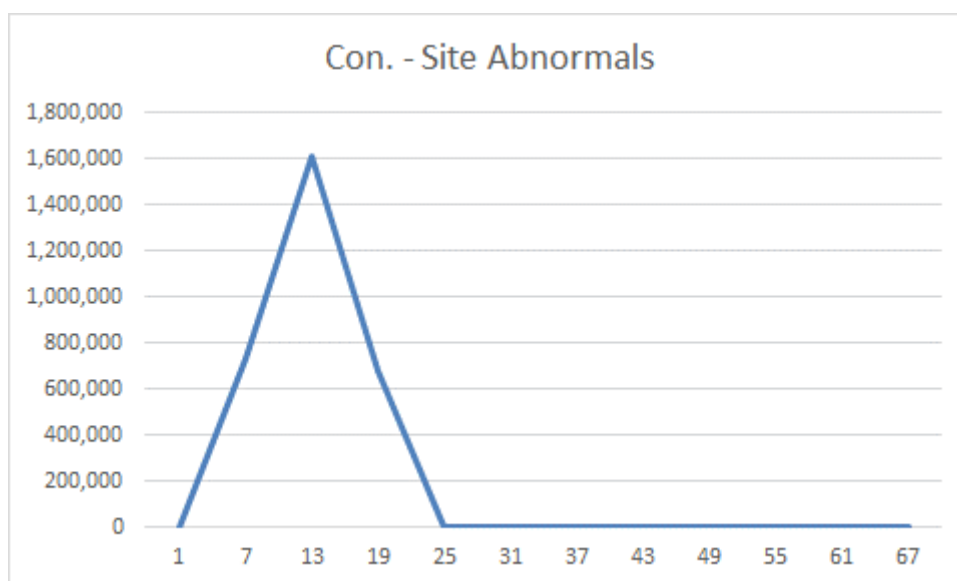
- 3.7.1 Development timings include a 6-month lead-in period, a 58-month construction period with sales beginning at month 18 and taking 50 months (a rate of 8 to 9 units per month). The FVA assumed the site will be brought forward in two sections, with each being phased (however details of phasing are to be confirmed at reserved matters stage).
- 3.7.2 Affordable housing revenue has been spread evenly throughout the construction period to model the manner in which a Housing Association would pay for the units, on the basis that affordable housing will be sold in multiple phased tranches. We consider this assumption to be not unreasonable at this outline stage and for a scheme of this size.
- 3.7.3 We note that the BCIS Duration calculator (rebased to a Thanet location factor) indicates that the site as a whole could be built more quickly – however the build rate will need to align with the site phasing and the ability of the market to absorb the units being released (with two outlets proposed which will be competing with each other). Overall, these development timings appear reasonable at this stage in our opinion.
- 3.7.4 Roughly £9 million of the £20 million submitted infrastructure/abnormal costs are included within the first 50% of the build period. The timing of the development costs within the cashflow is discussed in more detail in 3.9, below.

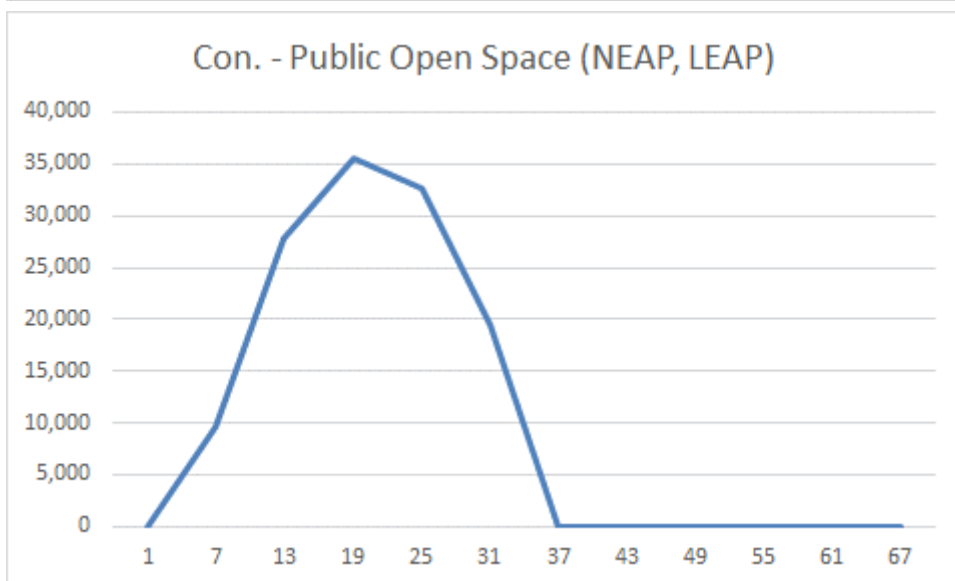
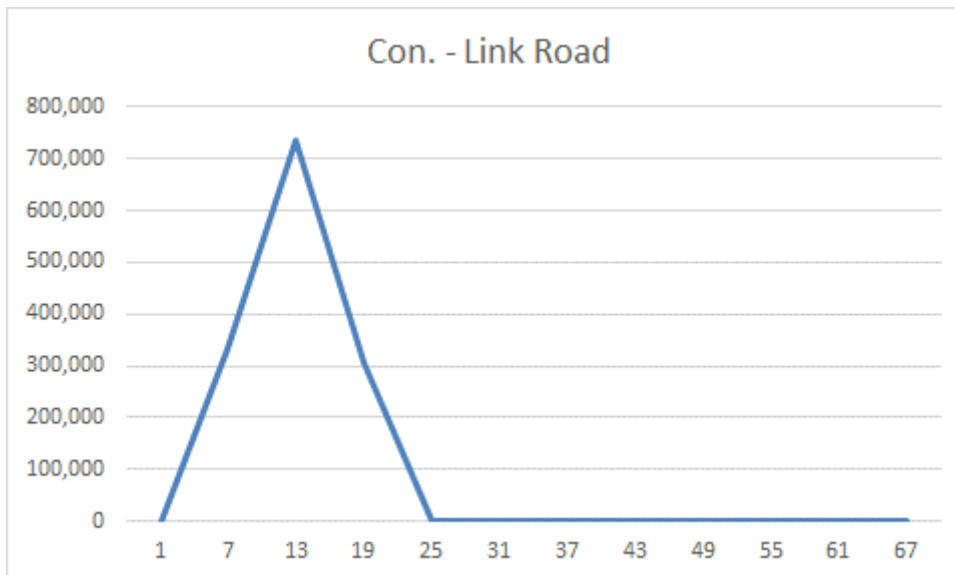
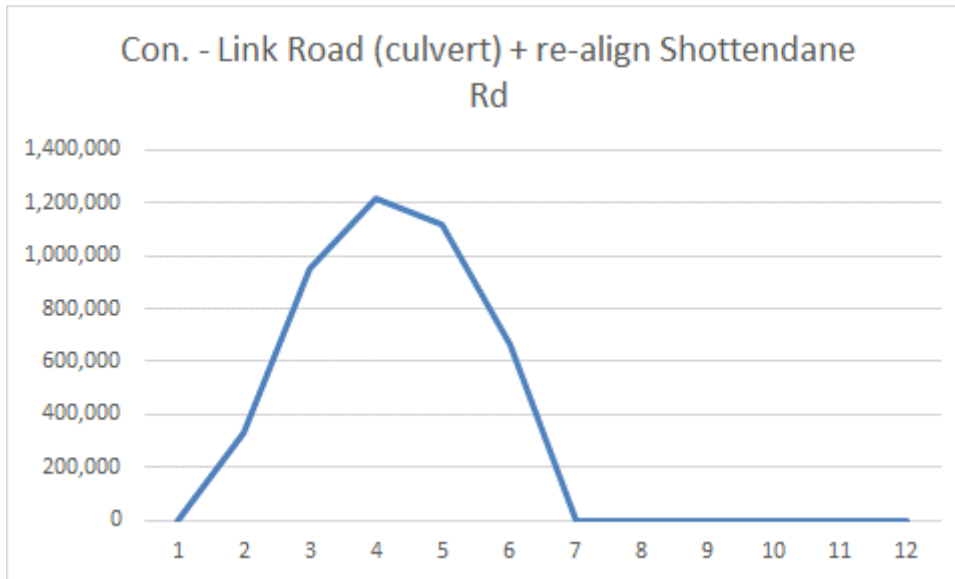
### 3.8 Cost Assumptions - Build Costs & Fees

- 3.8.1 The total submitted construction cost is £76,675,715 inclusive of 5% contingency.
- 3.8.2 The submitted base build costs are stated to have been assumed at BCIS median rates rebased to a Kent location factor, resulting in an average build cost of £1,327/m<sup>2</sup> (£123.28/ft<sup>2</sup>) applied to a gross internal area of 39,270 m<sup>2</sup> (427,677 ft<sup>2</sup>).
- 3.8.3 Communal areas total 462 m<sup>2</sup> (4,973 ft<sup>2</sup>) which indicates a net:gross ratio of 87:13 for the apartments, which is within typical parameters.
- 3.8.4 Additional costs are described as follows within the FVA:

Item	Cost
Standard site works	£1,800,000
Roads and sewers	£3,850,000
Public open space	£600,000
Plot abnormalities	£2,700,000
Site abnormalities	£4,889,470
Link Road	£5,657,500
Garages	£803,500
<b>Total</b>	<b>£20,300,470</b>

- 3.8.5 Construction costs are timed via a standard S curve throughout the construction period, with the exception of the items below, with weekly timings set out in the following graphs of the 67-week project period:





- 3.8.6 Contingency has been added at 5% of works cost which is a fairly typical assumption, and appropriate in our view.
- 3.8.7 Professional fees have been included at 8% of works cost (excluding demolition) which we consider to be a not unreasonable assumption.
- 3.8.8 The submitted cost plan and the above timings have been reviewed by cost consultants ERM Surveyors, whose report is attached as Appendix 2.
- 3.8.9 ERM consider the submitted amounts for construction of the residential units, and the contingency allowance of 5%, to be a suitable assumption. They are broadly in agreement with the additional/abnormal costs; however, their analysis includes some different rates for drainage and highway infrastructure. In particular they have highlighted that they consider the lump sum inserted for "Traffic islands" to be overestimated. Overall, their estimate of gross construction cost is as follows (£3,645,000 lower than the submitted cost):

### **Construction Costs**

Residential Construction Costs	£52,724,020
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### **Additional Costs**

Standard site works	£1,800,000
Roads and sewers	£3,262,500
Public open space	£600,000
Plot abnormalities	£2,643,750
Site abnormalities	£4,889,470
Link roads	£2,829,500
Garages	£803,500
	<hr/>
	£69,552,740
<b>Contingency (5%)</b>	<b>£3,477,637</b>
	<hr/>
<b>Say</b>	<b>£73,030,377</b>

- 3.8.10 We have tested the cost estimated by ERM Surveyors in our appraisal.

### 3.9 Cost Assumptions - CIL / Planning Obligations

- 3.9.1 Thanet DC does not currently have a CIL (Community Infrastructure Levy) in place. A S106 contribution of £2,940,269 has been assumed, which is entered in the cashflow as a single payment at the start of construction. The S106 calculation has been prepared by Gladman and is set out as follows:

Item	Amount	Basis		Total
Secondary Education	£5,176.00	per	applicable house	£2,080,752.00
	£1,294.00	per	applicable flat	£62,112.00
Secondary School Land	£1,511.00	per	applicable house	£607,422.00
	£377.00	per	applicable flat	£18,096.00
Community Learning	£16.42	per	dwelling	£7,389.00
Youth	£65.50	per	dwelling	£29,475.00
Libraries	£55.45	per	dwelling	£24,952.50
Social Care	£146.88	per	dwelling	£66,096.00
Waste	£97.72	per	dwelling	£43,974.00
Health	£0.00	per	occupant	£0.00
Sports	Unknown			-
<b>TOTAL</b>				<b>£2,940,269</b>

- 3.9.2 The Council has confirmed the above figures, and has also provided updated information on planning obligations relating to Health<sup>3</sup>, for which we have included an additional cost of £388,800 in our appraisal, as instructed.

- 3.9.3 We recommend the Council verifies the assumed S106 figure, as any variation in the input amount will affect the viability outcome.

### 3.10 Cost Assumptions - Development Finance

- 3.10.1 Finance costs have been included using a rate of 6.5% including all fees.

- 3.10.2 The interest rate is the cost of funds to the scheme developer; it is applied to the net cumulative negative cash balance each month on the scheme as a whole. According to the HCA in its notes to its Development Appraisal Tool (DAT): *'The rate applied will depend on the developer, the perceived scheme risk, and the state of the financial markets. There is also a credit interest rate, which is applied should the cumulative month end balance be positive. As a developer normally has other variable borrowings (such as an overdraft), or other investment opportunities, then the value of credit balances in reducing overall*

<sup>3</sup> Based on a request from Thanet's Clinical Care Commissioning Group



*finance charges is generally the same as the debit interest charge. A zero rate of credit interest is not generally plausible and will generate significantly erroneous results in a long-term scheme.'*

3.10.3 RICS also points out that it is often the case that schemes are modelled at current costs & values i.e. ignoring inflation (as is the case here). In this case RICS Financial viability in planning Guidance Note states in appendix D 4.5 '*... current values and costs should be used together with a net of inflation finance rate. Such a net of inflation rate would be much lower than a bank rate (which naturally includes inflation expectations)*'.

3.10.4 We consider the submitted finance cost of 6.5% including all ancillary fees to be a reasonable assumption in the current market and we have not adjusted this in our appraisal.

### **3.11 Cost Assumptions - Agent's, Marketing & Legal – Private Residential**

3.11.1 3.5% of total GDV has been assumed for sales and marketing fees in the submitted appraisal. This exceeds the range typically seen, and we have reduced this to 3% in our appraisal.

3.11.2 Legal fees of £850 per unit have been applied in the submitted appraisal. This a fairly typical assumption and we have not adjusted this in our appraisal.

3.11.3 For the affordable homes, a total of £78,831 has been assumed for disposal costs. This equates to £1,752 per affordable home and is within the expected range given that the units are likely to be disposed of in phases and possibly to more than one Registered Provider.

### **3.12 Developer's Risk Reward – Profit**

3.12.1 Profit has been assumed at 17.5% of GDV for the market housing, and at 6% on cost for the affordable housing, which results in a total profit of £19,522,010, equating to a blended rate of 16.97% on the submitted GDV of £115,007,877.

3.12.2 The level of profit assumed viable is a matter of debate but in our experience through both numerous site-specific cases and strategic viability review, typically a profit on GDV of between 15% - 20% for market housing and 6% for affordable housing serves as a typical range considered acceptable to applicants; lower profit levels outside this range

are also encountered. Profit on commercial scheme elements is typically assumed to be no more than 15% on GDV.

- 3.12.3 The RICS Guidance states that: *‘When a developer’s return is adopted as the benchmark variable, a scheme should be considered viable, as long as the cost implications of planning obligations are not set at a level at which the developer’s return (after allowing for all development costs including site value) falls below that which is acceptable in the market for the risk in undertaking the development scheme. If the cost implications of the obligations erode a developer’s return below an acceptable market level for the scheme being assessed, the extent of those obligations will be deemed to make a development unviable as the developer would not proceed on that basis’.*
- 3.12.4 It goes on to state: *‘The benchmark return, which is reflected in a developer’s profit allowance, should be at a level reflective of the market at the time of the assessment being undertaken. It will include the risks attached to the specific scheme. This will include both property-specific risk, i.e. the direct development risks within the scheme being considered, and also broader market risk issues, such as the strength of the economy and occupational demand, the level of rents and capital values, the level of interest rates and availability of finance. The level of profit required will vary from scheme to scheme, given different risk profiles as well as the stage in the economic cycle. For example, a small scheme constructed over a shorter timeframe may be considered relatively less risky and therefore attract a lower profit margin, given the exit position is more certain, than a large redevelopment spanning a number of years where the outturn is considerably more uncertain. A development project will only be considered economically viable if a market risk adjusted return is met or exceeds a benchmark risk-adjusted market return’.*
- 3.12.5 Planning Practice Guidance on Viability states: *‘Potential risk is accounted for in the assumed return for developers at the plan making stage. It is the role of developers, not plan makers or decision makers, to mitigate these risks. The cost of fully complying with policy requirements should be accounted for in benchmark land value. Under no circumstances will the price paid for land be relevant justification for failing to accord with relevant policies in the plan’.* It goes on to state: *‘For the purpose of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies. Plan makers may choose to apply alternative figures where there is evidence to support this according to*

*the type, scale and risk profile of planned development. A lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces risk. Alternative figures may also be appropriate for different development types<sup>4</sup>.*

- 3.12.6 The PPG, as above, although silent in terms of decision making, does set out a range of between 15% and 20% on GDV for market housing; lower for affordable housing in relation to plan making. Given that the NPPF and PPG expect planning applications to be consistent with the plan making stage, it is therefore also appropriate to assume that the range 15% - 20% on GDV (lower for affordable housing) may be considered applicable at the decision taking stage.
- 3.12.7 We consider a profit assumption of 17.5% on GDV for market housing to represent a suitable mid-point in the above range. We also consider the submitted 6% on cost for affordable housing to be a suitable assumption. We have not adjusted the profit assumptions in our appraisal.

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<sup>4</sup> <https://www.gov.uk/guidance/viability#standardised-inputs-to-viability-assessment> - Paragraph: 018 Reference ID: 10-018-20190509

## 4. Recommendations / Summary

- 4.1.1 We consider the submitted approach to assessing viability to be appropriate. We note that the application is in outline only, therefore might be subject to change at reserved matters, which could affect the viability position. As it stands, detailed information relating to many of the costs or indeed the firm scheme proposals is not available. The size of the scheme means that the viability outcome is very sensitive to relatively small looking changes in the assumptions.
- 4.1.2 The majority of the assumptions appear fair at this stage. However, there are aspects that we have queried or where a difference of opinion exists.
- 4.1.3 Reviewing the discussion above, in summary these include:
- Ground rents (see 3.5, above). We have tested the inclusion of ground rents at £270 per annum per private flat, capitalised at a yield of 4.5%.
  - Build costs (see 3.8, above). We have tested a gross build cost (including contingency) of £73,030,377, as estimated by ERM Surveyors (£3,645,000 lower than the submitted build costs).
  - S106 costs (see 3.9, above). We have added £338,000 in costs to our appraisal, based on updated information from the Council on the required planning contributions.
  - Sales/marketing (see 3.11, above). We have reduced the submitted 3.5% on GDV for sales and marketing to 3% total in our appraisal.
  - Sales values (discussed in 3.4, above). We consider the submitted values to be appropriate, however given the scheme is at outline stage we have carried out sensitivity testing on the sales values.
- 4.1.4 Applying the above adjustments to the submitted appraisal (which includes 10% affordable housing) indicates a residual value of £6,271,286 within our DSP trial version.
- 4.1.5 This residual value then has to be compared with the BLV of £4,742,750. Therefore, a surplus of £1,528,536 is indicated.

- 4.1.6 Our appraisal indicates that there is scope for a further contribution (either as on-site affordable housing, or as a financial contribution towards housing or other S106 items) in addition to the S106 contributions set out in 3.10 of this report and the 10% affordable housing proposed.
- 4.1.7 As per the submitted appraisal, we have applied a sensitivity test looking at the effect of an increase or decrease in sales values and build costs. The results are as follows:

<b>Sensitivity testing - (surplus in £ after BLV taken into account)</b>					
	<b>Construction: Rate /ft<sup>2</sup></b>				
	<b>-28.00 /ft<sup>2</sup></b>	<b>-14.00 /ft<sup>2</sup></b>	<b>0.00 /ft<sup>2</sup></b>	<b>14.00 /ft<sup>2</sup></b>	<b>28.00 /ft<sup>2</sup></b>
<b>Sales: Rate /ft<sup>2</sup></b>	<b>95.28 /ft<sup>2</sup></b>	<b>109.28 /ft<sup>2</sup></b>	<b>123.28 /ft<sup>2</sup></b>	<b>137.28 /ft<sup>2</sup></b>	<b>151.28 /ft<sup>2</sup></b>
<b>-5.000%</b>	7,748,060	2,539,825	-2,670,736	-8,224,511	-14,113,883
<b>-2.500%</b>	9,845,307	4,638,298	-570,000	-5,900,171	-11,716,682
<b>0.000%</b>	11,941,712	6,735,659	<b>1,528,536</b>	-3,680,058	-9,347,463
<b>2.500%</b>	14,036,934	8,832,063	3,626,010	-1,581,227	-7,014,944
<b>5.000%</b>	16,131,433	10,927,243	5,722,415	516,361	-4,698,465

- 4.1.8 The outcome of the appraisal is highly sensitive to relatively small changes in either build cost or sales value. Looking at sales values alone, a decrease of 5% from the estimated values would result in a viability deficit of -£2,670,736, which if deducted from the profit allowance would result in an overall profit of just under 15% on GDV (at the lower end of the range suggested in the NPPF and PPG). However, an increase of 5% from the estimated values would result in an increased surplus of £5,722,415 and therefore an overall profit position of close to 22% on GDV, exceeding the suggested range. Therefore, depending on what level of affordable housing provision and S106 contributions are agreed at this stage, the Council may wish to consider whether it would be suitable to put a review mechanism in place.
- 4.1.9 In addition, Paragraph 64 of the revised NPPF and recent Appeal precedent indicates that major developments (i.e. of 10+ dwellings) are expected to provide at least 10% of the proposed homes as 'affordable home ownership' units. The Council may wish to consider the implications for this scheme / application. As proposed, 10% affordable housing is proposed, as per the Council's desired mix of 80% of the affordable housing being for rent, therefore only 2% of the scheme is proposed to be affordable home ownership.



- 4.1.10 We need to be clear our review is based on current day costs and values assumptions as described within our review based on the current scheme as submitted. A different scheme may of course be more or less viable – we are only able to review the information provided.
- 4.1.11 No viability appraisal or review can accurately reflect costs and values until a scheme is built and sold - this is the nature of the viability review process. In this sense, the applicant and their agents are in a similar position to us in estimating positions – it is not an exact science by any means, and we find that opinions will usually vary.
- 4.1.12 As regards the wider context including the economic situation, in accordance with the relevant viability guidance our review is based on current day costs and values – a current view is appropriate for this purpose. Whilst in the short term we may with more time see evidence of negative impacts on viability, it is also possible that we may see some balance for example in terms of development cost levels, Government interventions or other factors. As set out in the PPG, a balanced assessment of viability should consider the returns against risk for the developer and also the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission. DSP will continue to monitor the established appropriate information sources. To assist the Council in its decision-making in this context, where appropriate we have considered the sensitivity of the viability position to variations in key inputs.
- 4.1.13 DSP will be happy to advise further as required.

Review report ends  
October 2020



**Appendix I – DSP appraisal summary (DSPv001)**  
**Appendix 2 – Cost plan review by ERM Surveyors**

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Agenda Item 4  
Annex 3

CONSTRUCTION COST REVIEW

RESIDENTIAL DEVELOPMENT  
SHOTTENDANE ROAD,  
MARGATE, KENT

DIXON SEARLE PARTNERSHIP

DATE: 16.10.2020

2598-ERMC-00-00-CR-Q-001

ermc

## DOCUMENT AUDIT RECORD

### DOCUMENT DETAILS

Document Title	Construction Cost Review
Client	Dixon Searle Partnership
Project Description	Shottendane Road

### DOCUMENT HISTORY

Issue / Revision Reference	Purpose and Description	Originated By	Checked By	Audited By	Date
2598-CR-01	Client issue	AH	SC	KN	16/10/2020

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## INTRODUCTION

ERMC has been commissioned by Dixon Searle Partnership to carry out an independent review of the construction costs used in a 'Financial Viability Assessment', produced by Jones Land LaSalle (JLL) and submitted in connection with a planning application for a proposed residential development at "Land at Shottendane Road", Thanet, Kent.

This report does not consider planning policy or the wider aspects of the Viability Assessment. ERMC's focus is on the submitted build cost assumptions and therefore the outcomes associated with that aspect of the overall viability.

## THE SCHEME

### Site Location and Description

The site is located within the administrative area of Thanet District Council. It measures 19.53ha and is located approximately 1.6km south of the centre of Margate old town and Margate beach, immediately adjacent to the existing built edge of Margate. The Site, which is not publicly accessible, comprises two undulating arable fields either side of Shottendane Road.

The proposed Development comprises up to 450 dwellings of varying sizes, types and tenures (including a proportion of affordable housing); a new distributor link road; vehicular, pedestrian and cycle access provided in the form of two new roundabouts and a further priority junction; retention and enhancement of the majority of trees and hedgerows; new publicly accessible landscaped open spaces and a sustainable drainage system.

The proposed number of units indicates efficient use of the site and provides a dwelling density of 23 dwellings per hectare (dph) based on the gross site area. Thanet District Council's draft policy for the site allocated 550 dwellings for the combined parcels of land. The lower number of dwellings proposed in this application reflects the existing increase in public open space proposed.

## BUILD COSTS

### Proposed Development

Construction costs included in the viability assessment are split between residential and "Additional Costs". Given the outline nature of the planning application the residential costs are derived from a rate per square metre being applied to the gross internal area of an indicative housing mix. The text implies that the "Additional Costs" were provided by an external consultant, but no details are provided. For reference the breakdown is appended herewith (Appendix 3).

The developer has submitted a gross construction cost of Seventy-Six Million, Six Hundred and Seventy-Five Thousand, Seven Hundred and Fifteen Pounds (£76,675,715).

This is broken down as follows:

<b>Construction Costs</b>	
Residential Construction Costs	£52,724,020
<b>Additional Costs</b>	
Standard site works	£1,800,000
Roads and sewers	£3,850,000
Public open space	£600,000
Plot abnormalities	£2,700,000
Site abnormalities	£4,889,470
Link roads	£5,657,500
Garages	£803,500
	<hr/>
	£73,024,490
<b>Contingency (5%)</b>	£3,651,225
Say	<hr/>
	£76,675,715

The residential construction costs have been calculated using BCIS average price data rates applied to the gross internal floor areas of the various dwelling types. The 'Additional Costs' have been split into sub-elements with rates being applied to approximate quantities and lump sums against specific items. These 'Additional Costs' account for just over a quarter of the total.

An allowance for 'Contingency' has been added as percentages to the net totals.

No separate allowances for 'Preliminaries' and/or 'Overheads & Profit' have been identified in the viability assessment, including the Appraisal Summary at Appendix 8. These items are deemed to be included in the BCIS rates per m<sup>2</sup> and it is assumed the rates/lump sums used in the 'Additional Costs' also include the relevant allowances.

A review of the pricing used in the cost estimates is included below.

## COST REVIEW

### Proposed Development

As stated, the residential construction costs used by JLL are derived from BCIS average price data. The base build rate used in the viability assessment is £1,327/m<sup>2</sup>. This is the 'Median' rate for "New build Housing, mixed developments – Generally" rebased to a Kent location. The extract of BCIS data provided does not indicate what date factor has been used but it is assumed to be 2<sup>nd</sup> quarter 2020 to match the date of the assessment. It has not been possible to verify their figure as current data for the same location and date indicates a slightly higher rate of £1,357/m<sup>2</sup>.

BCIS data is produced for individual local authority areas, not just on a wider county basis. Consequently, it is possible to obtain an average price for the Thanet area. The 'Median' rate for "New build Housing, mixed developments – Generally" rebased to 2<sup>nd</sup> quarter 2020 and a Thanet location is £1,320/m<sup>2</sup>, slightly lower than that used. However, for the same date and location, the median rate for all "New Build Housing, mixed developments" is £1,328/m<sup>2</sup>, directly comparable to the rate used. Given the level of design development of the housing element of the scheme the JLL rate used is considered reasonable.

The "Additional Costs" can be split between conventional infrastructure/external works that are required on any similar residential development and 'Abnormal' costs associated with this particular site. The abnormalities noted are the substantial highways works and extra over costs connected with re-profiling the site and

‘abnormal’ foundations. The costs have been calculated by applying rates per metre/square metre to approximate quantities for each element of work and the insertion of lump sums against the larger highway infrastructure elements. Although we have conducted a brief sense check, the review has been carried out on the assumption the quantities used are correct.

The rate used are generally considered reasonable with a few exceptions regarding the drainage (recalculated based on the area of the residential element) and highway infrastructure. We also consider the lump sum inserted for “Traffic islands...” to be inflated. Our adjustments are highlighted on the cost review attached at Appendix 5.

JLL’s viability assessment includes an allowance of 5% of the net build costs for ‘Contingency’. This is considered reasonable.

Considering the comments above our opinion of the construction cost is:

<b>Construction Costs</b>	
Residential Construction Costs	£52,724,020
<b>Additional Costs</b>	
Standard site works	£1,800,000
Roads and sewers	£3,262,500
Public open space	£600,000
Plot abnormalities	£2,643,750
Site abnormalities	£4,889,470
Link roads	£2,829,500
Garages	£803,500
	<hr/>
	£69,552,740
<b>Contingency (5%)</b>	£3,477,637
Say	<hr/>
	£73,030,377

Based on the review of the rates and consequent adjustment of the percentage addition we consider the total cost of the works submitted by the developer to be overstated by at least £3,645,000.

## BENCH MARKING ANALYSIS

To assess whether the submitted construction cost for the dwellings is reasonable a calculated rate per square metre is compared with BCIS average price data, rebased for the relevant location factor and date. In this case the construction cost has been calculated using BCIS data so they can be considered in line with similar residential developments.

The rates used to calculate the “Additional Costs” have been compared with approximate estimating rates contained in the BCIS Major Work Schedule of Rates, again rebased for location and date.

## REPORT SUMMARY

The gross construction cost of the development as submitted by the developer is Seventy-Six Million, Six Hundred and Seventy-Five Thousand, Seven Hundred and Fifteen Pounds (£76,675,715).

Given the level of design development the use of average price data to calculate the construction cost of the dwellings is acceptable.

The “Additional Costs” included reflect the work required but the cost is slightly inflated.

Following our review, we consider a realistic gross construction cost to be Seventy-Three Million, Thirty Thousand, Three Hundred and Seventy-Seven Pounds (£73,030,377).

We consider the overall construction costs submitted by the developer to be overstated by approximately £3,600,000.

## APPENDIX 1 - SCHEDULE OF ACCOMMODATION

### Schedule of Accommodation

Land North and South of Shottendane Road, Margate

Date: June 2020

Code	Beds	Type 1	Type 2	Type – Gladman	Garage Type	Storeys	sqm	sqft	No. Units	Total Sqft
A2	2 bed	House	Mews/Terrace	2 bed mews	-	2 st	63	679	88	59,752
apt	2 bed	Flat	Flat	2 bed apt	-	-	64	690	48	33,120
C	3 bed	House	Mews/Terrace	3 bed mews	-	2 st	89	958	108	103,464
E	3 bed	House	Detached	3 bed det	-	2 st	86	930	10	9,300
F	3 bed	House	Semi-detached	3 bed semi/mews	-	2 st	89	958	43	41,194
I	3 bed	House	Semi-detached	3 bed semi/mews	-	2.5 st	102	1,095	76	83,220
M	4 bed	House	Detached	4 bed det	Integral	2 st	112	1,210	13	15,730
AA	4 bed	House	Detached	4 bed det	s. det	2 st	107	1,152	13	14,976
BB	4 bed	House	Detached	4 bed det	s. det	2 st	119	1,285	5	6,425
G	4 bed	House	Detached	4 bed det	Integral	2 st	97	1,045	13	13,585
K	4 bed	House	Detached	4 bed det	s. det	2 st	108	1,159	14	16,226
P	4 bed	House	Detached	4 bed det	s. det	2 st	125	1,350	13	17,550
P1	4 bed	House	Detached	4 bed det	s. det	2 st	125	1,341	4	5,364
R	4 bed	House	Detached	4 bed det	d. attached	2 st	130	1,399	2	2,798
TOTAL / AVG							1,417	298	450	422,704



## APPENDIX 2 - SITE LAYOUT



Figure 5.3: Illustrative Masterplan.

## APPENDIX 3 – COST ESTIMATE

“Additional Costs” only

<b>Additional Costs above BCIS</b>						
<b>Margate - June 2020</b>						
Items	SQFT	SQM	£PSM/Unit	Within Initial 25%	Within Initial 50%	On going
<b>Standard site works</b>						
Drives/pavings/turf/planting	4844	450	£2,500			£1,125,000
Plot drainage	4844	450	£1,000			£450,000
Double handling topsoil	4844	450	£500			£225,000
<b>Roads and sewers</b>						
On site	23681	2200	£1,750			£3,850,000
<b>Public open space</b>						
NEAP		1	£75,000		£75,000	
LEAP		1	£50,000		£50,000	
LAP		5	£20,000			£100,000
Planting and seeding to POS areas		75000	£5			£375,000
<b>Plot abnormals</b>						
Abnormal foundations						
Driven piling	2422	225	£7,500			£1,687,500
Reinforced strip footings	2422	225	£1,500			£337,500
Deep bore soakaways	1615	150	£3,000			£450,000
Conc bed and surround to drainage in fill	24219	2250	£100			£225,000
<b>Site abnormals</b>						
Earthworks/ cut and fill						
Bulk excavate and cart	1345488	125000	£10	£1,250,000		
Place and compact in layers	1140973	106000	£7	£742,000		
Off site disposal	204514	19000	£35	£665,000		
Retaining walls		1250	£1,500			£1,875,000
Surface water attenuation						
Swales	8999	836	£20	£16,720		
Infiltration trench/ponds	23573	2190	£50	£109,500		
Foul pumping station		1	£200,000	£200,000		
Rising main	2691	250	£125	£31,250		
<b>Link Road</b>						
Traffic islands to Manston Rd and Shottendane Rd		2	£500,000	£1,000,000		
Associated service diversions		1	£250,000	£250,000		
Priority access to Hartsdown Rd		1	£125,000	£125,000		
Link road	7104	660	£3,250		£2,145,000	
Additional depth stone under rds.	80729	7500	£45		£337,500	
Culvert to allow overland flows		1	£50,000		£50,000	
Re-align Shottendane Rd	3767	350	£5,000		£1,750,000	
<b>Garages</b>						
Integral (26)			£6,000			£156,000
Semi-detached/detached (51)						£647,500
<b>Total</b>				<b>£4,389,470</b>	<b>£4,407,500</b>	<b>£11,503,500</b>
<b>Overall Total</b>						<b>£20,300,470</b>
<b>Total per unit</b>						<b>£45,112</b>

## APPENDIX 4 - BCIS AVERAGE PRICES



### £/m2 study

**Description:** Rate per m2 gross internal floor area for the building Cost including prelims.

**Last updated:** 26-Sep-2020 00:47

› Rebased to 2Q 2020 (332) and Thanet ( 107; sample 15 )

Maximum age of results: Default period

Building function (Maximum age of projects)	£/m² gross internal floor area						Sample
	Mean	Lowest	Lower quartiles	Median	Upper quartiles	Highest	
New build							
810. Housing, mixed developments (15)	1,367	697	1,189	1,328	1,494	3,117	1253
810.1 Estate housing							
Generally (15)	1,367	659	1,170	1,320	1,494	4,750	1599
Single storey (15)	1,535	867	1,301	1,474	1,726	4,750	262
2-storey (15)	1,323	659	1,154	1,288	1,444	2,887	1228
3-storey (15)	1,394	849	1,150	1,333	1,566	2,823	104
4-storey or above (15)	2,883	1,392	2,303	2,572	3,869	4,282	5
810.11 Estate housing detached (15)	1,769	1,020	1,338	1,527	1,785	4,750	21
810.12 Estate housing semi detached							
Generally (15)	1,361	802	1,173	1,331	1,495	2,529	378
Single storey (15)	1,506	974	1,287	1,480	1,678	2,529	75
2-storey (15)	1,327	802	1,171	1,306	1,454	2,309	289
3-storey (15)	1,302	972	1,054	1,285	1,388	1,985	14
810.13 Estate housing terraced							
Generally (15)	1,406	849	1,166	1,332	1,547	4,282	313
Single storey (15)	1,585	1,049	1,335	1,493	1,870	2,246	33
2-storey (15)	1,358	861	1,147	1,308	1,497	2,887	230
3-storey (15)	1,401	849	1,136	1,325	1,544	2,823	48
4-storey or above (10)	4,075	3,869	-	-	-	4,282	2
816. Flats (apartments)							
Generally (15)	1,602	798	1,335	1,524	1,801	5,565	908
1-2 storey (15)	1,521	934	1,293	1,455	1,688	2,761	215
3-5 storey (15)	1,577	798	1,329	1,522	1,783	3,396	592
6 storey or above (15)	1,935	1,169	1,579	1,806	2,093	5,565	98



## What is included in the figures from the average prices studies?

23-Jul-2018

What do the costs shown in the BCIS Average prices studies include, and what is excluded?

There are five different average prices studies, and though there are some differences, they generally include and exclude the same things.

	£/m2 study	Functional unit prices	Group element prices	Element cost per m2	Element unit rate study
Preliminaries		Yes			No
Main contractor's overheads and profit		Yes		Depending on how these are shown in the contract documents there may be some main contractor's overheads and profit included	
Risk (client's contingencies)				No	
VAT				No	
Fees				No	
External works and facilitating works				No	
Other development/project costs		No			
Fittings and furnishings		and		Only to the extent that these have been included in the projects included in the sample. Individual projects vary and there will be differences in practice between different employers. Some schemes will be delivered with all fittings and furnishings and others will have little or none and the employer will provide them after the building contract is complete.	
Lifts and features		other		To the extent that these features were included in the projects sampled and will vary by category.	

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APPENDIX 5 - ERM COST COMPARISON

JLL COSTS							ERM COSTS						DIFFERENCE
Residential Construction costs													
Items	SQFT	SQM	£PSft/Unit	Within Initial 25%	Within Initial 50%	On going	SQFT	SQM	£PSft/Unit	Within Initial 25%	Within Initial 50%	On going	
Dwellings	427677	39732	£1,327			£52,724,021	427677	39732	£1,327			£52,724,021	£0
Total				£0	£0	£52,724,021				£0	£0	£52,724,021	
Overall Total						£52,724,021						£52,724,021	
Total per unit						£117,164						£117,164	

Additional Costs above BCIS  
Margate - June 2020

Items	SQFT	SQM	£PSM/Unit	Within Initial 25%	Within Initial 50%	On going	SQFT	Quantity	£PSM/Unit	Within Initial 25%	Within Initial 50%	On going	
Standard site works							Standard site works						
Drives/pavings/turf/planting	4844	450	£2,500			£1,125,000	4844	450	£2,500			£1,125,000	£0
Plot drainage	4844	450	£1,000			£450,000	4844	450	£1,000			£450,000	£0
Double handling topsoil	4844	450	£500			£225,000	4844	450	£500			£225,000	£0
Roads and sewers							Roads and sewers						
On site	23681	2200	£1,750			£3,850,000	Site area	130500	£25			£3,262,500	£-587,500
Public open space							Public open space						
NEAP		1	£75,000		£75,000			1	£75,000		£75,000		£0
LEAP		1	£50,000		£50,000			1	£50,000		£50,000		£0
LAP		5	£20,000			£100,000		5	£20,000			£100,000	£0
Planting and seeding to POS areas		75000	£5			£375,000		75000	£5			£375,000	£0
Plot abnormalities							Plot abnormalities						
Abnormal foundations													£0
Driven piling	2422	225	£7,500			£1,687,500	2422	225	£7,500			£1,687,500	£0
Reinforced strip footings	2422	225	£1,500			£337,500	2422	225	£1,500			£337,500	£0
Deep bore soakaways	1615	150	£3,000			£450,000	1615	150	£3,000			£450,000	£0
Conc bed and surround to drainage in fill	24219	2250	£100			£225,000	24219	2250	£75			£168,750	£-56,250
Site abnormalities							Site abnormalities						
Earthworks/ cut and fill													£0
Bulk excavate and cart	1345488	125000	£10	£1,250,000			1345488	125000	£10	£1,250,000			£0
Place and compact in layers	1140973	106000	£7	£742,000			1140973	106000	£7	£742,000			£0
Off site disposal	204514	19000	£35	£665,000			204514	19000	£35	£665,000			£0
Retaining walls		1250	£1,500			£1,875,000		1250	£1,500			£1,875,000	£0
Surface water attenuation													
Swales	8999	836	£20	£16,720			8999	836	£20	£16,720			£0
Infiltration trench/ponds	23573	2190	£50	£109,500			23573	2190	£50	£109,500			£0
Foul pumping station		1	£200,000	£200,000				1	£200,000	£200,000			£0
Rising main	2691	250	£125	£31,250			2691	250	£125	£31,250			£0
Link Road							Link Road						
Traffic islands to Manston Rd and Shottendane Rd		2	£500,000	£1,000,000				2	£375,000	£750,000			£-250,000
Associated service diversions		1	£250,000	£250,000				1	£250,000	£250,000			£0
Priority access to Hartsdown Rd		1	£125,000	£125,000				1	£125,000	£125,000			£0
Link road	7104	660	£3,250		£2,145,000		7104	660	£1,200		£792,000		£-1,353,000
Additional depth stone under rds.	80729	7500	£45		£337,500		80729	7500	£45		£337,500		£0
Culvert to allow overland flows		1	£50,000		£50,000			1	£50,000		£50,000		£0
Re-align Shottendane Rd	3767	350	£5,000		£1,750,000		3767	350	£1,500		£525,000		£-1,225,000
Garages							Garages						
Integral (26)			£6,000			£156,000			£6,000			£156,000	£0
Semi-detached/detached (51)						£647,500			£12,696			£647,500	£0
Total				£4,389,470	£4,407,500	£11,503,500				£4,139,470	£1,829,500	£10,859,750	
Overall Total						£20,300,470						£16,828,720	£-3,471,750
Total per unit						£45,112						£37,397	

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### Margate – cost comparison

November 2020

#### Items under dispute

**1. Build costs to construct roads within development parcels (5.5m wide)**

Build cost provide by Gladman is on a 5.5m wide road – breakdown of road construction costs is provided and it is actually undercosted by GDL – rate provide by our QS is £2100 per lin metre which includes the following:-

- Surface water sewers – no attenuation
- Road drainage (gullies and connections)
- Foul water sewers
- Road construction split between tarmac and block paved
  - Tarmac (capping layer/ sub base/ 3 coats tarmac)
  - Block paved (capping layer/ sub base/ base course/ sand paviors)
- 2m wide footpath construction (sub base/ 2 coats tarmac/ Kerbs/ edgings)
- Ducts for road crossings and services
- Streetlights
- Street name plates
- S38/104 supervision fees

Build costs provided by EMRC is an allowance per m2 of developable area which under values site. The GDL road length is based on 5.5m plot frontage of plots. 400 in this case. Omitted apartments areas as will have parking courts.

**2. Cost of additional concrete**

Advise from QS and discussions with contractors is that current rates for additional concrete is currently £125 per m3 – which is above our original allowance.

**3. Build cost for link rd (6.75m wide)**

See current QS breakdown of cost for 6.75m link road inclusions as above.

No allowance for block paviors as assumed that road finish will be asphalt.

Also included allowance for provision of armco barrier along the eastern side of section between Shottendane and Hartsdown Roads due to level difference to balancing pond areas.

Revised rate = £2709 per lin m

**4. Roundabout construction**

Allowance made for construction of roundabouts on existing adopted highways need to include for additional allowances for attendances for the engagement of a contractors approved by KCC highways.

Large amount of traffic management needs to be provided to maintain existing flow though works.

No design works done to date

Full impact of levels unknown at present

Prepared to reduce allowance to £400k each

### 5. **Re-alignment of Shottendane Rd**

Road price allowed by EMRC is way below that expected to construct a road on site within development parcels let alone that to be done on existing highways.

Revised figure from GDL = £4000 per lin m

See QS breakdown

Allowance made for:-

- Base price uses the 6.75m wide road construction

- Diversions of services x5 (Gas x2, electric, BT, water,)

- Highways drainage to be diverted and re-connected

- Cart away surplus contaminated arisings

- Prelims and attendances for KCC approved contractor

- Streetlights

- Traffic management for a 30wk build

## Habitat Regulation Assessment (HRA) Screening Matrix and Appropriate Assessment (AA) Statement for recreational disturbance

IMPORTANT NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information required to complete this process.

<b>Application reference:</b>	OL/TH/20/0847
<b>Application address:</b>	Land On The North West And South East Sides Of Shottendane Road MARGATE Kent
<b>Application description:</b>	Outline application for the erection of up to 450 residential dwellings (including market and affordable housing), structural planting and landscaping, formal and informal public open space and children's play area, sustainable urban drainage, with vehicular access points, including associated ancillary works and operations, from Hartsdown Road, Shottendane Road and Manston Road including access
<b>Lead Planning Officer:</b>	Iain Livingstone
<b>HRA Date:</b>	29.10.2020

Part 1 – Details of the plan or project	
<b>European site or sites potentially impacted by planning application, plan or project:</b>	Thanet Coast and Sandwich Bay SPA and Ramsar site
<b>Is the planning application directly connected to the management of the site?</b>	No

Part 2 – HRA Screening Assessment
<p><b>Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant should provide evidence to allow a judgement to be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA / Ramsar site.</b></p> <p><u>Thanet Coast and Sandwich Bay SPA / Ramsar site</u></p> <p>The Thanet Coast and Sandwich Bay Special Protection Area (SPA) is classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and / or vulnerable in a European context, and also sites that form a critically important network for birds</p>

on migration. The site is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). For clarity, and the purpose of this assessment, 'European Sites' refers to both the SPA and Ramsar Site.

The Thanet Coast and Sandwich Bay SPA is used by large numbers of migratory birds. The site qualifies under Article 4.2 of the Birds Directive through supporting populations of European importance over-wintering Turnstone (*Arenaria interpres*) and European Golden Plover (*Pluvialis apricaria*). Research conducted in 2013 and 2014 found a drop in Turnstone numbers when compared to previous surveys. There is a body of evidence that supports recreational activity causing the disturbance of birds. In particular walking with dogs, predominantly in the intertidal area, close to roosts at high tide and with dogs off leads, are the most common disturbance stimuli. It is also this recreational activity which occurs in the highest volume and which is most likely to increase with increased housing.

Therefore impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

A 7.2km Zone of Influence has been identified to establish which future housing sites are likely to contribute to this recreational impact from a number of visitor surveys carried out since 2011. The proposed development is located within this Zone of Influence.

Following the CJEU ruling, avoidance or mitigation measures cannot be taken into account as part of the application at this stage of the HRA, and must be considered under an Appropriate Assessment stage of the HRA in part 3 of this document.

**Are there any other plans or projects that together with the planning application being assessed could result in a likely significant effect on the site when considered in-combination?**

Yes. All new dwellings built within 7.2km of the Thanet Coast and Sandwich Bay SPA and Ramsar Site, or other developments that could lead to an increased recreational pressure, could combine to have a likely significant effect on the SPA and Ramsar site.

**Would the proposal lead to a likely significant effect on the European sites, without mitigation measures either alone or in-combination? YES / NO (if yes, continue to part 3)**

### Part 3 – Appropriate Assessment

**Appropriate Assessment under Regulation 63(1) – if there are any potential significant impacts, the Applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long-term management, maintenance and funding of any solution.**

The project being assessed would result in a net increase of dwellings within the Thanet Coast and Sandwich Bay SPA and Ramsar site Zone of Influence. In line with Policies SP28 and SP29 of the Thanet Local Plan 2020, based upon the best available evidence a permanent likely significant effect on the SPA and Ramsar Site due to increased recreational disturbance as a result of the new development, is likely to occur. As such, in order to avoid and mitigate for an adverse effect on the integrity of the SPA and Ramsar Site, the development will need to include a package of avoidance and mitigation measures.

Strategic Access, Management and Monitoring Plan for the Thanet Coast and Sandwich Bay SPA/Ramsar

The District Council has produced a Strategic Access, Management and Monitoring Plan for the Thanet Coast and Sandwich Bay SPA and Ramsar Site that will be applied to development within the identified Zone of Influence. Elements within the Plan are:

- Ongoing monitoring and surveys of the site, particularly with regard to visitors and bird numbers, which will be linked to the wardening programme;
- Wardening of the Thanet Coast and Sandwich Bay SPA and Ramsar Site;
- Signage and interpretation;
- Increased education.

The suite of strategic mitigation measures are being delivered through the Thanet Coast project, run by Thanet District Council working in partnership with conservation organisations in East Kent, to ensure that development, considered in-combination, does not have an adverse effect on the integrity of the European site. A per-dwelling tariff has been calculated using the total cost of delivering the mitigation measures in-perpetuity and the planned number of additional dwellings expected to be built in Thanet District.

Natural England has worked with the North-East Kent Local Planning Authorities to support them in preparing the SAMM Plan and the underpinning evidence base. Natural England agree that the mitigation measures to ensure additional impacts from recreational disturbance to the SPA and Ramsar Site are ecologically sound. As such, the Applicant does not need to provide their own evidence base on these aspects. Evidence must be submitted showing that a mitigation contribution payment will be made through a s106 agreement and the agreement will be signed prior to any permission being granted.

The applicant has submitted additional information (8th October 2020) to supplement the information submitted within the Environment Statement (which includes a Habitat Regulations Assessment) for the Council to be able to determine the significance of these impacts and the scope for mitigation. On the basis of the survey data provided in the submission, it is demonstrable that the site does not act as functionally linked land in relation to the designated sites.

In addition to the payment towards the SAMM, conditions would be in place for the landscape strategy to inform subsequent reserved matters applications, with a minimum of 4.4 hectares open space (potentially up to 6.48 hectares proposed), the upgrading of public footpath TM14 and provision of Trim Trail as identified within the submission documents to encourage dog walkers to use the environment created by the residential development. In relation to the potential increased mortality/disturbance at or adjacent to the development site, mitigation is proposed for a Homeowner information pack, specific planting and signage, which would be secured through planning conditions for any approval of the project.

#### **Part 4 – Summary of the Appropriate Assessment - To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England**

##### **Final conclusion:**

Having considered the proposed mitigation and avoidance measures to be provided in-perpetuity through the secured contribution to the access and monitoring measures, as well as planning conditions, Thanet District Council conclude that with mitigation, the project will have no adverse effect on the integrity of the Thanet Coast and Sandwich Bay SPA or Ramsar, either alone or in-combination with other plans or projects.

##### **Natural England:**



**Summary of Natural England's comments (dated 28th October 2020):**

“DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation. With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below. Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on coastal European Sites from increased recreational pressure should be applied to this proposed development at appropriate assessment. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development. Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.”

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**D01**

**OL/TH/20/0847**

**PROPOSAL:** Outline application for the erection of up to 450 residential dwellings (including market and affordable housing), structural planting and landscaping, formal and informal public open space and children's play area, sustainable urban drainage, with vehicular access points, including associated ancillary works and operations, from Hartsdown Road, Shottendane Road and Manston Road including access

**LOCATION:** Land On The North West And South East Sides Of Shottendane Road MARGATE Kent

**WARD:** Salmestone

**APPLICANT:** Gladman Developments Ltd

**RECOMMENDATION:** Defer & Delegate

Defer and delegate for approval subject to the receipt of a legal agreement securing the required planning obligations as detailed in the report and the following conditions:

1 Approval of the details of the layout, scale, 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. Development thereafter shall be carried out in accordance with the approved details.

**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 Any application for approval of the reserved matters for the first phase of the development shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. Any application for approval of the reserved matters for any remaining phases shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission.

**GROUND:** In accordance with Section 92 of the Town and Country Planning Act 1990.

3 Each phase of the development shall be begun within two years of the date of approval of the final reserved matters to be approved for that phase.

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

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4 The phasing of the development shall not be carried out other than in accordance with the approved Phasing Parameter Plan numbered 2019-057-201 Rev A and received on 18th January 2021 subject to any revisions to the approved phasing plan submitted and approved in writing by the Local Planning Authority pursuant to this condition. This condition does not prevent the construction periods of any phase running concurrently with other phases.

**GROUND:** To secure the programming and phasing of, and an orderly pattern to the development in accordance with the phasing arrangements that have been assessed.

5 The reserved matters submitted in accordance with Condition 1 in respect of each phase shall include the following details in respect of that phase to the extent that they are relevant to the reserved matters application in question:-

### Layout

- o The layout of routes, buildings and spaces;
- o The block form and organisation of all buildings;
  
- o The distribution of market and affordable dwellings within that phase including a schedule of dwelling size (by number of bedrooms and floorspace);
- o The location of dwellings designed to seek to meet the Local Planning Authority's Accessible and Adaptable Accommodation;
- o Full details of the approach to cycle parking including the location, distribution, types of rack, spacing and any secure or non-secure structures associated with the storage of cycles and the location and form of open areas;
- o The extent and layout of public open spaces and play space within the phase to be provided following the criteria as stated in Thanet Local Plan 2020 Policy GI04.
- o Full details of measures to prevent the discharge of surface water onto the highway.
- o Details of surface water drainage capable of accommodating for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm. This should be demonstrated within an outline site wide drainage strategy, supported by appropriate ground investigation and calculations.

### Scale and Appearance

Scale, form and appearance of the architecture within each phase, including frontage design and public / private realm definition and boundary treatments.

### Landscaping

The landscape design and specification of hard and soft landscape works within each phase, including details surveys of all trees, shrubs and hedges in that phase, giving details of all trees having a trunk diameter of 75mm or more to include species type, spread of crown, height, diameter of trunk and condition assessment, details of existing trees, shrubs and hedges to be retained and details of new trees, shrubs, hedges and grassed areas to be planted, together with details of the species and method of planting to be adopted, details of

## Agenda Item 4

### Annex 6

walls, fences, other means of enclosure proposed. Any such details shall be accompanied by the Landscape Management Plan and Open Space Specification for that phase.

Each phase of the development shall be constructed and laid out in accordance with those details submitted to and approved in writing by the Local Planning Authority.

**GROUND:** In the interests of achieving sustainable development, in accordance with Thanet Local Plan Policy QD02, and the principles within the National Planning Policy Framework.

6 Any reserved matters applications submitted pursuant to this outline application shall accord with the principles and parameters of the Parameter Plan CSA/4430/122 and Landscape Strategy Plan no. CSA/4430/118 Rev F received 13th November 2020 including any text set out on those Plans to illustrate the development principles).

**GROUND:** For the avoidance of doubt, so as to ensure that any development is in accordance with and within the parameters of that assessed by the Local Planning Authority for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and in the interest of achieving sustainable development, in accordance with Thanet Local Plan Policy QD02, and the principles with the National Planning Policy Framework.

7 The development hereby approved shall be carried out in accordance with the approved plans no. SK09 Rev E received 12th March 2021, SK10 Rev A and SK11 received 7th July 2020, subject to final design and highway authority adoption requirements.

**GROUND:** To secure the proper development hereby approved and in the interests of highway safety and providing adequate safe highways infrastructure and capacity in accordance with Thanet Local Plan Policies SP21 and SP45.

8 Prior to the commencement of each phase, or part thereof, an Open Space Specification for the phase shall be submitted to and approved in writing by the Local Planning Authority, to accord with principles shown in plan no. CSA/4430/118 Rev F. The Open Space Specification shall:

- \* Identify the location and extent of the main areas of formal and informal open space to be provided which shall accord with the details submitted under condition 1;

- \* Outline any local play space to be provided, providing also a detailed specification of any equipped play areas. Such play space shall be provided following the criteria as stated in Thanet Local Plan 2020 Policy GI04 of which at least 36% shall be equipped play area in accordance with the Local Planning Authority's Supplementary Planning Document "Planning Obligations and Developer Contributions - April 2010

- \* Identify how the relevant areas of public open space and play areas are to be laid out, paved, planted or equipped;

- \* Identify and demonstrate the "Trim Trail" proposed through plan CSA/4430/118 Rev F to encourage dog-walking within the site; and

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The landscaped areas, open space and play space in any phase shall be laid out and implemented in accordance with approved plans and shall be permanently retained thereafter and used for and made available for public amenity and play space 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 QD02, GI04 and GI06 of the Thanet Local Plan and guidance within the National Planning Policy Framework.

9 Prior to the commencement of each phase, or part thereof, a Landscape Management Plan for the phase in question shall be submitted to and approved in writing by the Local Planning Authority for all landscaped, open space and play areas identified in the Open Space Specification for the phase 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, open space and play areas within the phase. The approved Landscape Management Plan for each phase 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 and 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 QD02, GI04 and GI06 of the Thanet Local Plan and guidance within the National Planning Policy Framework.

10 No development shall take place until fencing has been erected around the area identified as an Archaeological Exclusion Zone on plan no. CSA/4430/122 Rev C received 13th November 2020, in a manner to be agreed with the Local Planning Authority. The temporary fencing shall be retained for the duration of the construction works in that phase, or part thereof. No development groundworks, landscaping or planting shall take place in the Archaeological Exclusion Zone without the consent of the Local Planning Authority.

**GROUND:** To ensure that due regard is had to the preservation in situ of important archaeological remains in accordance with Thanet Local Plan Policy HE01 and advice in paragraph 189 of the National Planning Policy Framework.

11 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 due regard is had to the preservation in situ of important archaeological remains in accordance with Thanet Local Plan Policy HE01 and advice in paragraph 189 of the National Planning Policy Framework.



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12 Prior to the occupation of any dwelling in a respective phase, a scheme of interpretation that includes information boards in public open space areas in that phase of the development should be agreed with the Local Planning Authority. The scheme should include the location for information boards, their content and timetable for their establishment. The interpretation boards will be established in accordance with the agreed scheme.

**GROUND:** To ensure that due regard is had to important archaeological remains in accordance with Thanet Local Plan Policy HE01 and advice in paragraph 189 of the National Planning Policy Framework.

13 No development shall take place on each respective phase of development until a detailed surface water drainage scheme, to manage surface water run-off from the development (for up to and including the climate change adjusted 100 year storm event) for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the Section 6 of the submitted Flood Risk Assessment (Enzygo, May 2020) and shall also include:

- the phasing for the implementation of the surface water drainage scheme.
- 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 scheme shall be constructed in full accordance with the approved details and shall be managed/maintained in accordance with the approved maintenance and management details for the lifetime of the development.

**GROUND:** To ensure the development is served by satisfactory arrangements for the disposal of surface water and they are incorporated into the proposed layouts, in accordance with Thanet Local Plan Policy CC02.

14 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. 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, in accordance with Thanet Local Plan Policy SE04 and paragraph 180 of the National Planning Policy Framework.

15 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 surface water drainage systems, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority.

**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.

16 No development shall take place until a scheme for sewerage disposal from the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of any additional infrastructure required to mitigate the additional flows created by this development. The development shall be constructed and thereafter maintained in accordance with the approved details.

**GROUND:**

To prevent pollution in accordance with Thanet Local Plan Policy SE04 and guidance contained within the National Planning Policy Framework.

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

(a) Site Characterisation

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

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

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

(b) Submission of remediation scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the Local Planning Authority, if required by part (a) of the condition. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme

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shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### (c) Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of the development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority

#### **GROUND:**

To ensure that the proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

18 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 Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

19 No development shall take place on any phase until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of:

- \* Hours of construction working;
- \* routing of construction and delivery vehicles to/from site,
- \* parking and turning areas for construction and delivery vehicles and site personnel,
- \* timing of deliveries,
- \* measures to control noise affecting nearby residents;
- \* temporary traffic management/signage,
- \* any temporary access arrangements to the site for construction purposes,
- \* wheel cleaning/chassis cleaning facilities;
- \* dust control measures;
- \* lighting control measures;
- \* water quality protection measures;

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- \* precautionary measures to protect Badgers (as per section 7.5.39 of submitted Environmental Statement)
- \* maintenance of vehicular access to Margate Cemetery, Crematorium and Waste & Recycling centre throughout construction.
- \* pollution incident control and
- \* site contact details in case of complaints.

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

**GROUND:** In the interests of highways safety and the residential amenities of nearby residents, in accordance with Policy QD02 and QD03 of the Thanet Local Plan.

20 No development shall take place on any phase (or part thereof) until a Highways Work Phasing Plan, outlining the implementation of highways works detailed in condition 21, has been submitted to and approved in writing by the Local Planning Authority. The Highways Work Plan should include details of the mitigation proposed in that phase (or part thereof) including the new link road through the site plus its associated access points and footways, how these will be completed and made operational. The works shall be carried out in accordance with the agreed phasing plan including the timings for the provision of each respective element of infrastructure.

**GROUND:** In the interests of highway safety and traffic flow, to ensure the sufficient highways infrastructure is provided to serve the development in accordance with Thanet Local Plan Policies SP21 and SP45.

21 No development shall take place in any respective phase, until full final details of the proposed highways works have been submitted to, and approved in writing by, the Local Planning Authority. These details shall include:

- Local distributor standard link road
- Potential 32m Roundabout Junction on Manston Road;
- Potential 40m Roundabout Junction on Shottendane Road;
- Right turn lane Priority Junction on Hartsdown Road.

All submitted details shall substantially accord with the geometrical layout as those submitted in the plans numbered plans no. SK09 Rev E received 12th March 2021, SK10 Rev A and SK11 received 7th July 2020.

These works shall be implemented and operational in accordance with the timings within the Highways work phasing plan in condition 20.

**GROUND:** In the interests of highway safety and traffic flow, to ensure the sufficient highways infrastructure is provided to serve the development in accordance with Thanet Local Plan Policies SP21 and SP45

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22 Details submitted pursuant to condition 1, insofar as they relate to each phase of development, shall include the final route, specification, geometry and waiting restrictions of the link road through the site within the area of deviation shown on the parameter plan. The link road and associated footway/cycleways, should be provided to an acceptable local distributor standard in accordance with the most up to date revision of the Kent Design Guide and include details of the pedestrian crossing provision and bus stop infrastructure where appropriate. These works shall be implemented and operational in accordance with the timings with the Highway Works Phasing Plan.

**GROUND:** In the interests of highway safety and traffic flow, to ensure the sufficient highways infrastructure is provided to serve the development in accordance with Thanet Local Plan Policies SP21 and SP45.

23 Details pursuant to condition 1 above shall include the provision of means and routes of access for pedestrians and cyclists within each phase of the development to and from the surrounding footway and cycleway network. No building within that phase shall be occupied until all such routes and means of access within the phase serving that building 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 SP45 and TP03.

24 Details submitted pursuant to condition 1 in respective of each phase of the development, shall demonstrate safe emergency access to the satisfaction of the Local Highway Authority and Fire Rescue Service.

**GROUND:** In the interests of safe access in new development in accordance with Thanet Local Plan Policy QD02 and paragraph 127 of the National Planning Policy Framework.

25 Details submitted pursuant to condition 1 in respective of each phase of the development, shall include the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking, turning areas and street furniture and bus stops/borders to be laid out and constructed. The details agreed shall be provided and permanently retained.

**GROUND:** In the interests of highway safety and traffic flow, to ensure the sufficient highways infrastructure is provided to serve the development in accordance with Thanet Local Plan Policies SP21 and SP45.

26 Details pursuant to condition 1, insofar as they relate to each phase of development, shall include the provision of adequate secure covered cycle parking facilities within that phase, 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.

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**GROUND:** In the interests of highway safety and to facilitate the use of alternative means of transport, in accordance with Thanet Local Plan Policy TP03.

27 Prior to first occupation of each respective dwelling, the completion of the following works between a dwelling and the adopted highway should have occurred in accordance with details submitted pursuant to condition 1: (a) Footways and/or footpaths, with the exception of the wearing course; (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

**GROUND:** In the interests of safe access in new development in accordance with Thanet Local Plan Policy QD02 and paragraph 127 of the National Planning Policy Framework.

28 Details pursuant to condition 1, shall include details of the number, type and location of Electric vehicle charging points (EVCP) on the basis of 1 Electric Vehicle Charging point per residential property with dedicated parking and 1 in 10 of all non allocated parking. These shall be installed and operational to the specification agreed prior to the occupation of the residential units to which they relate.

**GROUND:** In the interest of air quality and amenity in accordance with SE05 of the Thanet Local Plan and paragraph 181 of the NPPF.

29 Prior to the first submission of any reserved matters application, 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:** In the interests of ensuring appropriate air quality in accordance with SE05 of the Thanet Local Plan and paragraph 181 of the NPPF.

30 Prior to the first occupation of 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 approved in condition 29, 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:** In the interests of ensuring appropriate air quality in accordance with SE05 of the Thanet Local Plan and paragraph 181 of the NPPF.

31 Prior to the submission of the first reserved matters application under condition 1, a Ecological Design Strategy, addressing ecological enhancement and mitigation across the whole site as outlined in Section 7 of the submitted Environmental Statement shall be



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submitted to and approved in writing by the Local Planning Authority. The Ecological Design Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints
- c) Detailed design(s) and/or working method(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Persons responsible for implementing the works; and
- h) Details of initial aftercare and long term maintenance and management.
- i) Details of provision of calcareous grassland on site as outlined in 7.8.3 of the applicant's Environmental Statement.

The Ecological Design Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**GROUND:** In the interests of preserving and enhancing biodiversity and ecological potential, and to adequately integrate the development into the environment, in accordance with Policies QD02 and GI06 of the Thanet Local Plan and the National Planning Policy Framework.

32 Details pursuant to condition 1 above shall demonstrate compliance and alignment with the agreed Ecological Design Strategy as approved in condition 31.

**GROUND:** In the interests of preserving and enhancing biodiversity and ecological potential, and to adequately integrate the development into the environment, in accordance with Policies QD02 and GI06 of the Thanet Local Plan and the National Planning Policy Framework.

33 Prior to the commencement of each phase, or part thereof, 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 lighting columns, the extent/levels of illumination over the site and on adjacent land and measures to contain light within the curtilage of the site. The lighting scheme submitted must demonstrate that the lighting design will accord with the details set out in sections 7.5.31, 7.5.32 and 7.5.33 of the Environmental Statement; Chapter 7 (Wardell Armstrong June 2020). The development shall be implemented in accordance with the approved scheme and thereafter maintained as agreed.

**GROUND:** In the interests of minimising light pollution, to safeguard the amenities of the locality and to mitigate the impact on biodiversity, in accordance with policy SE08 of the Thanet Local Plan and paragraph 175 of the National Planning Policy Framework.

34 Details pursuant to condition 1, insofar as they relate to each phase of development, shall include an explanation of how the proposed layout meets Secure by Design, in accordance with advice received from Kent Police.

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**GROUND:** To ensure the proper development of the site without prejudice to the amenities of the occupants, in accordance with Thanet Local Plan Policies QD02 and QD03.

35 No phase of the development shall commence until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted in that phase have been submitted to, and approved in writing by, the Local Planning Authority. The phase shall be carried out using the approved materials.

**GROUND:** In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan.

36 Details pursuant to condition 1 shall show no development on land identified as "Safeguarded land for potential future road" on plan no. CSA/4430/122 received 13th November 2020.

**GROUND:**

In the interests of safeguarding strategic routes for the provision of key road schemes, in accordance with Policy SP47 of the Thanet Local Plan.

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

**GROUND:** To serve the future occupants of the development in accordance with Thanet Local Plan Policy SP14 and the guidance within the National Planning Policy Framework.

38 Prior to the commencement of any highways works, a Parking Restriction Strategy, detailing the full extents of the proposed Traffic Regulation Order for double yellow lines on Hartsdown Road and the internal link road infrastructure, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Strategy shall be progressed through the applicant's best endeavours.

**GROUND:** In the interests of highway safety.

39 Prior to the occupation of any dwelling hereby approved, a final Travel Plan, to substantively accord with the Framework Travel Plan June 2020 by Iceni Projects and a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority. The agreed programme shall thereafter be implemented in full.

**GROUND:** To facilitate the use of alternative means of transport in accordance with Policy TP01, SP43 and the advice contained within the NPPF.

40 Details pursuant to condition 1 for the relevant phase adjacent to designated footpath TM14 shall show the footpath retained and identify access points onto and connection with pedestrian routes through the proposed development.

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**GROUND:** To facilitate the use of alternative means of transport and retention and potential upgrading of TM14, in accordance with Thanet Local Plan Policies TP03 and SP21 and guidance within the National Planning Policy Framework.

41 Prior to the occupation of any dwellings within each respective phase, a copy of a Homeowner information pack, setting out measures to encourage considerate pet ownership, minimising light spill and not causing excessive and extended noise, information on how residents can minimise their impact on the surrounding wildlife, such as breeding birds and providing information on the European designated sites in the locality and their significance, shall be submitted to and approved in writing by the Local Planning Authority. This as agreed shall be provided to occupiers of each new dwelling at the point of occupation.

**GROUND:**

To ensure satisfactory mitigation measures in accordance with Policy SP28 of the Thanet Local Plan, and guidance within the National Planning Policy Framework.

42 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes unless otherwise agreed in writing with the Local Planning Authority.

**GROUND:**

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

43 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

**GROUND**

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

44 The details to be submitted in pursuant of condition 1 above shall show all units in compliance with the Nationally Described Space Standards as set out within Policy QD04 of the Thanet Local Plan; and accessible and adaptable accommodation provided in accordance with Policy QD05 of the Thanet Local Plan.

**GROUND:**

To achieve high standards of living accommodation in accordance with Policies QD03, QD04 and QD05 of the Thanet Local Plan

### SITE, LOCATION AND DESCRIPTION

The application site measures some 19.5 hectares and is located on the southern settlement edge of Margate and is two arable fields. The northern field appears an elongated, L-shaped parcel that has boundaries adjoining Shottendane Road and Hartsdown Road, wrapping around Shottendane Farm to the east. The southern field forms a broadly square-shaped field, located between Shottendane Road and Manston Road, with its eastern / south east boundary abutting the built development of Firbank Gardens and Sycamore Close. The site is divided through its centre by Shottendane Road, which largely runs southwest to the north-east, to the junction with Hartsdown Road, Tivoli Road, College Road and Nash Road (locally known as Coffin House Corner).

A residential area is situated to the northeast of the southern parcel, whilst a cluster of residential properties and some farm buildings are located to the southwest. Shottendane Farm is located adjacent to the eastern boundary of the northern parcel. Hartsdown Road is located to the north-east of the site, with Margate Football Club approximately 80m to the north. Hartsdown Park and Tivoli Park are located adjacent to Margate Football Club and are separated by a Public Right of Way (PRoW). The town of Margate is located beyond. Agricultural land lies to the northwest, west and south of the proposed development site. Further to the north west sits the suburban village of Garlinge and the residential areas located within its southern extent. To the immediate south is the Cemex Margate Concrete Plant and the Margate Refuse and Recycling Centre. Margate Cemetery is located to the south-east beyond Manston Road, which runs along the south-eastern border of the site.

### RELEVANT PLANNING HISTORY

There is no relevant planning history for the application site.

### PROPOSED DEVELOPMENT

The application is an outline application with access points at site boundaries to be considered at this stage with all other matters (appearance, landscaping, layout and scale) reserved for future consideration. It is for the erection of up to 450 residential dwellings (including market and affordable housing), structural planting and landscaping, formal and informal public open space and children's play area, sustainable urban drainage, with vehicular access points, including associated ancillary works and operations, from Hartsdown Road, Shottendane Road and Manston Road including access.

Although the application is in outline form, an indicative masterplan has been submitted to demonstrate how the 450 residential units could be accommodated within the site. A series of parameter plans has also been submitted. These plans show areas of open space/landscaping throughout the development including areas of landscaping to the edges of the site. The parameter plans show areas with taller buildings concentrated around the centre of the site and lower dwellings adjacent to the boundaries of the site. These will be described in more detail below in the Character and Appearance section of the report. The overall density of the residential development of the site is 34 dwellings per hectare - but this will vary in the different areas of the site.

The proposal also includes highway works including the provision of a distributor link road and new roundabouts on Shottendane Road and Manston Road and access arrangements from the existing highway network to the proposed development site. These will be considered in more detail in the Highway section of the report.

The application is accompanied by an Environmental Statement as required under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan 2020**

SP01 - Spatial Strategy - Housing  
SP10 - Margate  
SP13 - Housing Provision  
SP14 - General Housing Policy  
SP21 - Strategic Housing Site - Land North and South of Shottendane Road  
SP22 - Type and Size of Dwellings  
SP23 - Affordable Housing  
SP24 - Development in the Countryside  
SP25 - Safeguarding the Identity of Thanet's Settlements  
SP26 - Landscape Character Areas  
SP27 - Green Infrastructure  
SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
SP30 - Biodiversity and Geodiversity Assets  
SP31 - Biodiversity Opportunity Areas  
SP34 - Provision of Accessible Natural and Semi-Natural Green Space, Parks, Gardens and Recreation Grounds  
SP35 - Quality Development  
SP36 - Conservation and Enhancement of Thanet's Historic Environment  
SP37 - Climate Change  
SP38 - Healthy and Inclusive Communities  
SP41 - Community Infrastructure  
SP43 - Safe and Sustainable Travel  
SP44 - Accessible Locations  
SP45 - Transport Infrastructure  
SP47 - Strategic Routes  
E02 - Home Working  
E03 - Digital Infrastructure  
E16 - Best and Most Versatile Agricultural Land  
H01 - Housing Development  
GI04 - Amenity Green Space and Equipped Play Areas  
QD01 - Sustainable Development  
QD02 - General Design Policies  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable Accommodation  
HE01 - Archaeology

HE03 - Heritage Assets  
CC02 - Surface Water Management  
SE04 - Groundwater Protection  
SE05 - Air Quality  
SE06 - Noise Pollution  
SE08 - Light Pollution  
CM02 - Protection of Existing Community Facilities  
TP01 - Transport Assessments and Travel Plans  
TP02 - Walking  
TP03 - Cycling  
TP04 - Public Transport  
TP06 - Car Parking

### NOTIFICATIONS

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

Fifty representations objecting to the proposal have been received with some people writing in more than once. They make the following summarised comments.

- Affect local ecology
- Close to adjoining properties
- Development too high
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase danger of flooding
- Increase in traffic
- Increase in pollution
- Loss of light
- Loss of parking
- Loss of privacy
- Noise nuisance
- Not enough information given on the application
- Out of keeping with the character of the area
- Application will lead to more congestion at Coffin Corner
- Lack of community facilities for existing residents let alone additional residents
- The density of the proposed development should be reduced
- The combined impact on traffic and other issues on the surrounding area from this and nearby proposals will be unacceptable
- Shottendane Road needs widening
- There are many community facilities in the area generating traffic (eg school, crematorium, cemetery and refuse tip). The impact on these needs to be monitored
- Congestion is already common on the surrounding road network without this development



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- Increased water runoff created by this development
- In the application site part of the land given to the community by the Hartsdown family?
- Why do more houses need to be built?
- This is one of the driest areas in UK - development will increase the demand for water
- New development should be in small numbers on brownfield sites to encourage its integration
- Overdevelopment
- No bus service to help address highway concerns
- Site is in a semi rural area with diverse wildlife populations, therefore, there would be a loss of wildlife habitat
- Inadequate public transport provision
- Manston Road floods in times of heavy rain
- More open space needed on the development
- Impact on property prices - will we be compensated for any loss
- Loss of views from existing dwellings
- No benefits to the existing community from this development
- Increase in crime
- Farm land should be retained especially given the pandemic
- Potential for emergency vehicles to be caught on traffic congestion given the increase in traffic from this development
- Impact on residential amenity during construction works
- Unlikely that existing local residents will be able to afford the so called affordable homes, so other people will be drawn to the area
- Overlooking
- Increased risk of flooding
- Total housing allocation for Thanet is too high
- Thanet is losing its charm due to overdevelopment
- You cannot undo a large housing estate once built
- Potential for trespass onto surrounding agricultural land
- Bridleways and footpaths will be lost to urban sprawl
- Residents in the proposed development will be reliant on the car as no local facilities
- Why are no additional community facilities proposed in the development
- Proposed affordable housing is only 10% which is way below the national average. Has this been challenged by the Council?
- Why is housing development being allowed to proceed when the road infrastructure is not in place?
- The construction of the inner ring road is dependent on developers building sections through their development sites - will the road ever be completed?
- What will happen if cricket balls get hit onto the road?
- When will the community woodland be planted?
- Will the proposed drainage system be able to cope with sustained rainfall?
- Intrusion into open countryside on the edge of the urban area
- Archaeological remains could be disturbed,
- Increase in noise, dust and pollution

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- Irreparable damage to existing hedgerows
  - Thanet, and particularly Birchington and Westgate, is shouldering a disproportionate number of houses to fulfil a national strategy
  - Leasehold properties can cause problems and should not be part of this development
  - Thanet is in danger of becoming one big housing estate
  - Proposed development will impact on the ability of local farmers to farm their land and other vehicles will get in the way of agricultural traffic
  - Loss of trees
  - The topography of the site is highly challenging
  - Houses on the higher areas of land will be particularly visible
  - Plans do not allow for adequate softening of the development edges
  - Adequate wintering bird surveys have not been completed so the potential impact of the development on the Golden Plover has not been properly assessed.
  - Development is financially unviable despite already providing a decreased proportion of affordable housing
  - Development is contrary to the provisions of the Local Plan and the National Planning Policy Framework
  - Councils should not be held to ransom over the amount of affordable housing which can be delivered on housing sites
  - Local Plan policies require new development to integrate on to the landscape - this is not the case with this development
  - Original notification letters about this development from the council referenced its location incorrectly. Although this was remedied, it is not clear that all residents received the amended letter
  - If water cannot drain from the application site due to development problems will be caused elsewhere
  - Why are people still homeless in Thanet when there is all this house building?
  - There is no need for this development as there are at least 2 existing housing developments between Shottendane Road and Westwood Cross
  - Need to preserve existing outdoor spaces not build on them
  - SSSI coastline already under pressure from increased visitor numbers
  - Renowned long views will be lost
  - Upland chalk area, which is highlighted as significant in character, will be lost
  - Loss of food security at the expense of housing
  - New housing and roads will cause additional light pollution
  - There has already been a huge loss of jobs in the area due to Covid 19.
- Representations objecting to the application have also been received from a planning consultant acting on behalf of some of the local residents. Their comments are summarised below.
- Status of the submitted masterplan is unclear
  - Plans indicate that the proposed highway would cut through the site in the area most at risk of flooding
  - Impact of the highway proposals on Shottendane Road not adequately addressed

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- Trees and hedges will be destroyed along Shottendane Road, although the retention of landscaping is extolled as a virtue of the scheme
- The major area of open space/children's play area are located in the area most at risk of flooding and therefore less suitable for recreational use
- Much of the proposed open space within the scheme will be provided due to issues such as archaeology, flood risk or the fact that they are expensive or difficult to develop rather than as a virtue of the scheme
- Landscaping is not sufficient to mitigate the impact of the proposed development on the surrounding area
- Housing layout needs to be more imaginative to minimise its impact
- Getting to play areas and open spaces will require people (including children) to cross roads - a highway safety issue
- Only 10% affordable housing proposed which fails to meet the Local Planning Authority's 30% for new developments
- The policy allocation states that the site will provide 550 new homes - only 450 being delivered creating a shortfall
- No single storey units proposed within the development
- The assumptions in the viability assessments need checking
- Development is contrary to Local Plan policies and the scheme as submitted would lose Thanet 100 new homes overall and 120 new affordable units for local people.

One neutral representation was also received on the application which stated that there was a need for a construction management plan to be produced to avoid impacting on the existing nearby facilities.

#### **Thanet Campaign for the Protection of Rural England (CPRE):** update comment

Given the current economic situation there will likely be post brexit and covid reexamination of major highway infrastructure such as Thanet Parkway;

Thanet has an impractical and unsustainable target for housing;

The Local Plan needs an early radical review, which cannot be done whilst there is uncertainty about Manston Airport;

TDC Cabinet has launched a 6 week consultation on a review of the Council's Statement of Community Involvement; and

It would seem sensible and appropriate to defer consideration of the three development proposals at Shottendane, Westgate/Garlinge and Birchington.

Initial Comment Reject this application:

- Not be consistent with the Adopted Local Plan
- Not provide 30% affordable housing
- be unlikely to provide under S106 agreements an acceptable contribution to Local Public Infrastructure and it would be premature insofar that the major Highway Proposals associated with the Proposed Development could not be guaranteed
- premature until the implications of Surface Water Drainage have not been sufficiently addressed or assessed

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- premature until the implications of Foul Water Drainage have been sufficiently addressed or assessed particularly in conjunction with potential sequential development in Garlinge /Westgate

**British Horse Association:** Horse riding is a sport which engages a high population of people living with disabilities, women and participants over the age of 45. Nearly 40% of those do not participate in any other form of physical activity. The contribution of equestrianism to the economy is also far from insignificant.

Thanet is a district with a high density of horse riders, carriage drivers and associated equestrian businesses. We would ask for some benefits from the proposed development for example the upgrade of footpath TM14 to unrestricted bridleway status and CIL monies could be utilised to improve the off road network for higher status users of the public rights of way network for new and existing residents.

**Margate Civic Society:** Object to the application on the following grounds.

- Now a greater appreciation of the climate problem;
- Traffic congestion remains unresolved and this development will exacerbate this situation. The effect of the airport decisions on transportation is still unclear;
- There is a pressing need for affordable social housing. Thanet is a low income area with many private renters approaching retirement as well as issues resulting from the pandemic;
- Not much sign of housing commensurate employment;
- Loss of prime agricultural land should be a last resort; and
- At present, this is the wrong development in the wrong place.

**Margate Cricket Club:** Not currently objecting to this development, provided that our two concerns are accounted for and actioned.

The possible risk of increased flooding to the area which could affect our playing field and ability to play cricket and facilitate other leisure activities. I do note on the plans the installation of a basin, but we are unsure whether this will be enough to avoid flooding.

The sighting of the vehicle, cycle and pedestrian access and proximity of the housing to our land boundary (right hand side as you stand from Hartsdown Road), raises concerns as to the safety of residents, vehicles, houses etc within this planned development from cricket balls which can cause severe damage to both property and life. For planning to be approved we feel the following condition should be applied which is for the developer and builders to supply, erect and maintain within the development land boundary side a suitable netting structure along the entire length of the boundary that was referred to previously. We suggest this be at an approximate height of 20 meters due to how high cricket balls can be hit, and for this to be discussed and agreed with our management committee to ensure suitability and effectiveness. Other clubs in Kent based in residential areas have similar provisions in place and we do not feel that these essential safety measures should be a financial liability to us given that we have been established in this location for many years.

### CONSULTATIONS

**Historic England:** No comment.

**Natural England:** Originally raised concerns that a Habitats Regulation Assessment had not been submitted and additional information was required in relation to wintering birds.

Following the submission of additional information from the applicants, Natural England advise that they do not object to the granting of this permission. Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on coastal European Sites from increased recreational pressure should be applied to this proposed development at appropriate assessment. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development. Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this is appropriate.

**Environment Agency:** This site overlies a chalk aquifer, any pathways for contamination must be strictly controlled to avoid pollution of the principle aquifer.

Developments should not be brought forward until relevant upgrades in main sewer provision are made for new development areas. Cesspits and septic tanks pose a risk to water quality in principal and secondary aquifers and cumulative impacts of new developments must be considered. Multiple single discharges to ground cannot fall under the binding rules exemptions and developments of more than one property will not be considered for individual discharges to ground in principle. In addition all risks from potential contamination must be identified so that appropriate action can be taken. Therefore, in completing any site investigations and risk assessments the applicant should assess the risk to groundwater and surface waters from any unexpected contamination which may be present and where necessary carry out appropriate remediation.

Planning permission could be granted for the proposed development subject to planning conditions relating to unexpected contamination and surface water infiltration. Without these conditions, the proposed development poses an unacceptable risk to the environment and we would object to the application.

**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. Please note:

- The 100 mm diameter foul rising main requires a clearance of 3 metres either side of the rising main to protect it from construction works and to allow for future access for maintenance.
- The public water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future access for maintenance.

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- No development or tree planting should be carried out within 3 metres of the external edge of the public rising main without consent from Southern Water.
- No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public rising main and public water main.
- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of the construction works.

Should planning approval be granted then Southern Water recognises its obligations under the new charging regime to provide capacity in the existing sewerage system to accommodate the needs of the proposed development. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works

Programme. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (If any) and to design such works in the most economic manner to satisfy the needs of existing and future Customers.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local

Planning Authority should:

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

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

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and



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surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

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

Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: A formal application for connection to the water supply is required in order to service this development.

**KCC Flood and Water Management:** Kent County Council as Lead Local Flood Authority have the following comments:

The application is supported by a Flood Risk Assessment Report (Enzygo, May 2020). The major risk of flooding to the site is from surface water, with flow path in the northern parcel of the site. In addition to utilising Environment Agency surface water flood maps, the applicant has presented a surface water model of the site to confirm the overland flow paths within the site, overlaid with the proposed layout of the site, demonstrating how the proposed development interacts with the flood paths.

The drainage strategy proposes to utilise infiltration to drain surface water runoff as summarised below:

**Residential dwellings SUDS:** It is proposed that plot soakaways will serve the individual dwellings, to be designed for the 1:100 year rainfall event plus climate change. We welcome the mitigation measures set out in Section 5 of the Flood Risk Assessment report to protect the residential dwellings from flooding.

**Highway:** It is proposed to drain surface water runoff from highway to soakaway trench, to be designed for the 1:30 year event and located within the low risk flow path zone. In Section 5 of the Flood Risk Assessment report, the applicant proposes that highway routes through the surface water flood path could be raised using a series of box culverts to allow free conveyance under the highway and minimise floodplain displacement. We have no objection to the proposals, however we would recommend that during detailed design, the applicant takes into consideration requirements outlined in the informative section below.

Should your local authority be minded to grant permission for this development, we would recommend the following conditions:

Condition:

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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 of within the curtilage of the site 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.

Reason:

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.

Condition:

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.

Reason:

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

Condition:

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.

Reason

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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.

### Informative

#### 1. Highway Design

##### Design criteria

The proposed SUDs for highway runoff is to be designed for the 1:30 year event. The applicant shall refer to SUDs Policy 2 of Kent County Council (KCC) Drainage and Planning Policy document (available at [www.kent.gov.uk](http://www.kent.gov.uk)) for design requirements for rainfall events between 1:30 and 1:100 year events for highways.

KCC recommends that at detailed design, the proposal should consider the requirements of SUDS Policy 2 with supporting information.

##### Highway drainage maintenance

The applicant is proposing box culverts for section(s) of the highway. If the proposed highway or sections of it are proposed to be adopted, then any associated culverts will be under the maintenance of KCC drainage team. We recommend that the applicant has early consultation with KCC drainage team regarding the design culverts, to capture their requirements in regard to the maintenance of all drainage assets.

#### 2. Exceedance Routes

At the detailed design stage, we would expect to see detailed exceedance plans provided, indicating the extent of flooding with reference to actual proposed levels. It should be ensured that key access routes are not blocked and that no property flooding occurs in these areas. All exceedance must be contained within the site boundary to ensure that there is no increase in flood risk elsewhere. We expect that optimisation could be made to the drainage networks to reduce exceedance volumes where it is necessary to do so.

**KCC Ecology:** We have reviewed the ecological information submitted in support of this outline planning application and advise that sufficient information has been provided by the applicant. We are satisfied with the results of the further surveys which concluded that terrestrial protected species, e.g. reptiles and dormice, are unlikely to be present.

##### Thanet and Canterbury SAMMS

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 Strategy (SAMMS) 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 SAMMS, there is a need for an appropriate assessment to be carried out as part of this application.

#### Bats and Lighting

The static bat surveys recorded at least six bats species, including the uncommon Nathusius' Pipistrelle. Whilst bats are unlikely to be roosting on-site, the results show that foraging and commuting bats are utilising the site. As such, the most significant impact on bat activity is likely to be from lighting once the development is operational.

Sections 7.5.31 to 7.5.33 outline the principles to limit the impact of lighting, which we advise are appropriate. To ensure that the proposed lighting measures are implemented in alignment with the lighting plan at each reserve matters phase, we advise that a condition is attached to planning permission (if granted). Suggested wording:

At each reserve matters phase, it will be demonstrated that the lighting design will accord with the details set out in sections 7.5.31, 7.5.32 and 7.5.33 of the Environmental Statement; Chapter 7 (Wardell Armstrong June 2020). The agreed details will be implemented thereafter.

#### Breeding Birds

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. We suggest the following informative is included with any planning consent:

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

Once operational, breeding birds are likely to be impacted by recreational disturbance and cat predation. To address this, it is proposed that a 'New Homeowner Information Pack' (NHIP) will be given to all new homeowners, which we are highly supportive of. The pack will include information on how residents can minimise their impact on the surrounding wildlife, such as breeding birds.

#### Ecological Enhancements

In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. The proposed landscape plan outlines the open areas, habitat creation and enhancement features. This includes:

- Wildflower meadow creation, with appropriate seed mixes supplied;
- Native hedgerow and boundary vegetation;
- Gaps in closeboard fencing to allow movement of species like hedgehogs;
- Provision of bird and bat boxes.

We would strongly recommend that all ornamental planting is replaced by native planting to ensure maximum biodiversity value can be gained, and that bird boxes (bird bricks) are integrated within the fabric of the new builds.

To ensure that enhancements are implemented, we advise that an ecological enhancement plan is secured via an attached condition (if planning permission is granted). In addition to the proposals cited above, the plan should also include appropriate management prescriptions. Suggested wording:

Prior to the start of works (including site clearance), a site-wide ecological enhancement plan will be submitted to, and approved by, the local planning authority. The plan will include details of enhancements within the built area and open space, and associated management prescriptions.

We advise that a reserve matters condition is included to ensure the agreed measures are implemented. Suggested wording:

At each reserve matters phase, the submitted plans will demonstrate alignment with the agreed outline ecological enhancement plan, as part of condition X.

**KCC Public Rights of Way and Access Service:** Public Footpath TM14 would appear to be directly affected by or abuts the proposed development. The location of the path is indicated on the attached extract of the Network Map. The Network Map is a working copy of the Definitive Map. The existence of the Public Right of Way (PROW) is a material consideration.

As a general statement, the KCC PROW and Access Service are keen to ensure that their interests are represented with respect to our statutory duty to protect and improve PROW in the County. The team is committed to achieve the aims contained within the KCC Rights of Way Improvement Plan (ROWIP). This aims to provide a high-quality PROW network, which will support the Kent economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent a great place to live, work and visit.

KCC PROW have no objection to the application, however as per our response of 25th August 2020, request the following is conditioned in the event of the application being approved:

Prior to a determination of the application the following is requested:

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- A scheme of access / construction is agreed to clarify the path alignment, surfacing, width and signage
  - Delivery of this agreed scheme before construction commences.
  - The applicant considers the improvements detailed below regarding the wider improvements to the PROW network. We request that the applicant also investigates providing monetary contribution towards this provision. This would enable improvements onsite and offsite to mitigate the impact of this application and make it more sustainable
- Impact on Public Footpath TM14

The PROW network is a valuable resource that provides significant opportunities for outdoor recreation and active travel. We would request that the applicant clarifies the alignment of the site boundary in relation to the route of TM14, as there are conflicting plans and references within the documents of the application. (Vol.2 Appx 10 2.19 of the Transport Assessment vs Development Framework Plan, Illustrative Master Plan). KCC PROW would advise early engagement and would be happy to attend on site if necessary, in order to resolve this matter. We are still awaiting engagement with the applicant.

We welcome the intention to provide improvements to TM14, (ref. Transport Assessment Vol.2 Appx. 10). KCC PROW would propose upgrading to a Public Bridleway, allowing pedestrian and cycle use, providing active travel connectivity towards Margate centre as well as providing a significant link in the surrounding network which is also well used by equestrians. We would also advise access from the development onto TM14 which would be resolved with the issue of alignment. Without such access, the applicants stated objectives to “encourage active modes of travel for all users by offering safe and viable alternatives” would not be realised.

Following clarification of the PROW alignment, if the route is indeed outside the development boundary, KCC PROW would intend to approach the landowner regarding upgrade to Public Bridleway. This would provide a significant link in the area network which is currently well established by all users. We would request contribution by s106 for improvements to the route as above, an estimate of which would be £68-70,000 to include clearance, resurfacing, width definition and signage as detailed in the above-mentioned scheme of access / construction.

#### Impact on wider PROW network

KCC policy is to meet future demand by providing well planned new provisions, including green infrastructure to facilitate sustainable travel patterns. The PROW network provides an important element of this infrastructure and to this end, we examine all applications with regard to the wider area. It is therefore imperative that we use this opportunity to provide sustainable access from the site to employment, school and recreation for pedestrians and cyclists.

As correctly identified in the Planning Statement there are multiple PROW in the proximity of the development site, namely Public Footpaths TMX15, TM13 and Public Bridleways TM11 and TM15. The network here is well used by all modes and the development provides a huge opportunity to invest in Active Travel using the already available network to encourage walking and cycling, reducing pressure on roads especially the rural lanes and strengthening

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connections into Margate. The leisure opportunities are of a similar significance, with connectivity to National Cycle Routes and the proximity to the coast, with increased pressure on the English Coast Path, the Viking Coastal Path, and greater access to the tourism amenities so vital to the District. As referenced in the Framework Travel Plan, the new residents of the development and current residents of the area are “well located to take advantage of existing local services” of which the PROW network is a significant asset.

KCC PROW would therefore request that contributions are made to wider improvement for surfacing, upgrading and enhancement of the above routes. Appx 1 of the Planning Statement s106 Draft Head of Terms – accordingly we request a specific category for Public Rights of Way within the Highways and Public Transport section.

Please make the applicant aware that any proposed work on the surface of the paths must be approved and authorised by the Highway Authority, in this case Kent County Council's Public Rights of Way and Access Service. PROW diversions or extinguishments should be considered at an early stage. Where it is probable that consent will be granted, it is sensible to initiate consultation on proposed alterations to the path network as soon as possible. It is important that Thanet District Council are able to make the necessary Orders at the point at which consent is given.

**KCC Archaeology:** “As you know I have previously provided advice prior to application (response dated 14th November 2019 to submitted Scoping Report) and have been involved in extensive discussion with the applicant's archaeological consultant and agreed and monitored archaeological survey and evaluation of the proposed development site. I advised that issues concerning the effects of development on built heritage assets and their setting should be led on by the council's conservation team and will therefore concentrate this response to the archaeology of the site.

#### Summary of Scoping Advice with respect to Archaeology

In response to the Scoping Report I highlighted that the site lies in an area which is rich in archaeology, explained the significance and unique character of the archaeology of Thanet and described known highlights for baseline evidence in the site and its surroundings. I explained that given the archaeological potential of the site it will be important to establish where archaeology will have an influence on development planning.

I welcomed that Archaeology and Heritage was to be scoped in as a topic in the EIA and advised that:

- Baseline Conditions for archaeology should be established through a programme of initial desk-based assessment, geophysical survey and trial trench evaluation;
- The desk-based assessment should include up to date mapping of cropmarks and adjacent site features and should be modelled on topography of the site and its surroundings. Geophysical survey should be added to that model;
- Trial trenching is needed to test the model;
- Following all stages of advance fieldwork the desk based assessment should be updated, the archaeology potential modelled using all sources and a statement of significance produced in accordance with current Historic England guidance that can be used to inform discussions on the master planning of development and the EIA.



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- It would be important to set out in the study the impact of development on the setting of undesignated heritage assets and highlighted the barrows and early medieval cemeteries known on the southern parcel of development.
- The EIA should set out how the impacts will be mitigated through masterplan design and / or subsequent investigation.
- The development proposals should include consideration of what additional benefits can emerge from archaeological works for example on site interpretation.

#### The Application

The submission includes the following documents in connection with the archaeology of the site:

Environment Statement Vol 1 Chapter 9 Archaeology & Cultural Heritage -

Environment Statement Vol 2 Appx 9.1 Archaeology & Cultural Heritage Legislation, Policy & Guidance –

Environment Statement Vol 2 Appx 9.2 Criteria for Defining Significance of Effect

Environment Statement Vol 2 Appx 9.3 Heritage Assessment

Environment Statement Vol 2 Appx 9.4 Geophysical Survey Report

Environment Statement Vol 2 Appx 9.5 Archaeological Evaluation Report

Environment Statement Vol 2 Appx 9.6 Archaeological Watching Brief Report

The applicant and their heritage consultant have responded well to my advice on the Scoping Report. The submission includes a comprehensive desk based heritage assessment that has taken account of the survey and trial trenching works and identified the archaeological potential of the site and its significance. In summary:

The south eastern area of the site includes the remains of a Bronze Age barrow cemetery which was later the focus of an early medieval cemetery. This can be seen on aerial photographs and the presence of a ring ditch and one burial was picked up in the evaluation. The barrow cemetery and the main part of the medieval cemetery lies on the south boundary and extends out of the site. It is sited to be prominent on a ridge overlooking land to the south. An early medieval cemetery had previously been excavated on Manston Road and may have been associated with the remains found in the site. A Neolithic pit was also found during evaluation trenching in the south eastern area of the site. Although undesignated the archaeological remains in the south eastern area of the site can be considered of a significance that merits preservation in-situ.

Archaeological remains elsewhere within the development site include a small group of pits of possible Neolithic date and an enclosure and field boundaries of Iron Age date. The site also included evidence of the former brickworks and brickearth extraction. The central part of the development site along Shottendane Road was found to include deeper deposits of colluvium while archaeological remains on the upper slopes were shallower.

Table 9.1 in vol 1 Chapter 9 of the EIA details the consultation undertaken with myself during and following the archaeological work and the outcome of discussion. I have, as described, advised that the south eastern area of the site where the Bronze Age barrow cemetery and

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the Early Medieval cemetery is located should be preserved in-situ while other areas of archaeology be subject to a programme of archaeological investigation and recording should planning permission be granted. An 'Archaeological Exclusion Zone' was proposed by the applicant to cover the archaeological constraints in the south east of the site which I agreed was appropriate. This is illustrated in Figure 5 of Appendix 9.3

#### Safeguarding of Archaeological Remains

The proposal to preserve the archaeology in the south eastern part of the site is welcome. The Archaeology Exclusion Zone that was proposed has been incorporated in an area of open space in this area of the site. This is illustrated in the parameters plan (Appendix 1.3). In this area below ground impacts will be avoided (including tree planting) and it is understood that the area will be set as meadow or grassland. This is reflected in the Landscape Strategy Plan dated May 2020 (CS/4430/118). Maintaining this area as grassland will benefit the buried heritage assets in removing further plough attrition and also preserves elements of the setting of the former barrows and cemeteries located on the prominent ridge overlooking land to the south. I agree that there may be some negligible impact on setting with the introduction of built form in views the north west but in my view this is offset by the benefits to the heritage assets from the open space proposals.

I recommend that any forthcoming consent provision is made to secure the preservation of archaeological remains in the area identified as an 'Archaeological Exclusion Zone'. The area should be fenced off during construction works to avoid accidental damage and the details of how it will be preserved during landscaping works specifically agreed. This can be secured through an appropriately worded condition and I suggest the following wording:

No development shall take place until fencing has been erected around the area identified as an Archaeological Exclusion Zone on drawing XXXX, in a manner to be agreed with the Local Planning Authority. No development groundworks, landscaping or planting shall take place in the Archaeological Exclusion Zone without the consent of the Local Planning Authority.

Reason : To ensure that important archaeological remains are preserved in-situ in the development and not adversely affected by construction works.

#### Archaeological Investigation and Recording

Elsewhere on the site development works will likely impact on archaeological remains. The archaeological assessment, survey and evaluation has not identified any further remains that warrant preservation in-situ measures and I am satisfied that these can be mitigated through an appropriate scheme of archaeological investigation and recording. Such further archaeological works which will likely comprise a combination of strip, map and sample excavation and targeted watching brief works. This can be secured through the following condition for a programme of archaeological works:

AR1 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

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

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

#### Interpretation

As mentioned in the submission there is an opportunity for interpretation of the archaeology of this site, in particular the Bronze Age barrows and early medieval cemetery and the former brickworks in the public open space areas of the development. It would be appropriate to require a scheme of interpretation through information boards as part of the development. I would recommend that a condition is included that secures an appropriate scheme of archaeological interpretation and suggest the following wording:

Prior to development a scheme of interpretation that includes information boards in public open space areas of the development should be agreed with the Local Planning Authority. The scheme should include the location for information boards, their content and timetable for their establishment. The interpretation boards will be established in accordance with the agreed scheme.

Reason: To ensure that the archaeological interest of the development site is appropriately interpreted and presented in the public realm.

**KCC Highways:** Thank you for your consultation in relation to the above outline planning application for the consideration of access. I have the following comments to make with respect to highway matters :-

#### Transport Assessment

The Transport Assessment (TA) demonstrates that across the study area the proposed development will lead to both net reductions in traffic flows and additional traffic pressure, due to the redistribution of background traffic on the local highway network as a result of on-site road infrastructure provision. This application includes the provision of key highway infrastructure required by the Thanet Transport Strategy (TTS), which supports the growth earmarked within the adopted Local Plan, namely two strategic link roads and new junctions appropriate to such, providing a valuable contribution towards the future capacity and resiliency of the local highway network. In time this infrastructure will help to on manage traffic pressure at the existing constrained junction of Coffin House Corner and along the busy A28 Corridor. The package of road interventions included within the TTS, are commonly referred to as the Inner Circuit Route Improvement Strategy (ICRIS).

Conversely, as anticipated, the development is likely to lead to an increase in traffic movements on the Shottendane Road corridor, largely attributable to enabled through movements rather than new movements that are generated by site-specific trips. Therefore, it is appropriate for this application to be viewed within the context of the ICRIS, which in time will provide strategic improvements to this part of the network, increasing the capacity of this link and managing increases in traffic flows. As improvements come forward, there is

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likely to be a marked improvement to highway network resiliency that will benefit the whole District.

This application must therefore be considered within the context of the emerging TTS. In this case we would not consider it appropriate to address all the residual impacts of the proposed development in every location, as this would fail to acknowledge the balance with benefits it offers to the network as the Local Plan growth is realised.

It is worth noting that one potential area of interest that must be balanced is the impact of development on the Manston/Shottendane Road junction (which modelling outputs suggest will be under increased queueing and delay), although it should be further acknowledged that this junction forms part of the ICRIS and is therefore due to be upgraded in the future. Therefore, the most appropriate strategy would be to undertake a single improvement scheme that is compatible with the longer term, at an appropriate juncture. The Highway Authority would not consider it an efficient use of developer contributions to reactively make ad hoc improvements at this time. It would be more appropriate to employ such funds flexibly considering the network as a whole and support the emerging ICRIS.

Please note that this position will need to be reviewed as residual impacts of each strategic development site is considered throughout the lifetime of the current Local Plan and any subsequent review. It is important to highlight that the TA provides a robust assessment as it is modelled on the 550 homes in the original strategic allocation, not the maximum of 450 now coming forward under this proposal and essentially represents a 'worst-case scenario' on which we can make a case for this site to support the Strategy to an appropriate degree. Taking the above in account, an appropriate Section 106 obligation in the form of a monetary contribution to the ICRIS would be necessary and appropriate in the view of the Highway Authority. We are confident that on balance, given the scale and nature of the development, the combination of and an appropriate contribution and the on-site infrastructure as offered constitutes suitable mitigation across the network for the proposed development.

It would be essential in our view that any such contributions can be applied flexibly by the Highway Authority to effectively accommodate any changes in local circumstances over the timescale of the proposed development build-out. This acknowledges that the appropriate contributions from this development would support part of a larger framework of measures across the TTS and any ad-hoc improvements that may be required to mitigate the highway impacts, should future needs and residual impacts dictate.

#### Masterplan

Based on the plans submitted, we are satisfied with the alignment of the internal link roads and note that the applicant has offered additional land to assist in the provision of future highway improvement schemes in relation to the Inner Circuit Strategy. It is essential that the relevant land parcels within the application red line are secured through appropriate provisions within the Section 106 agreement, with the ability of the KCC as the Local Highway Authority to call upon these without charge, should external funding opportunities accelerate the delivery of on-site infrastructure (directly by KCC).

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We recommend that the location and form of pedestrian/cycle crossing points required by us along the link roads should be secured with any planning conditions.

It will be necessary for the Section 106 agreement to include a requirement for all internal spine roads and associated junctions and infrastructure to be subject to a Section 38 highway agreement. This is essential to secure the consistency and deliverability of the ICRIS in the future.

#### Phasing Plan

The phasing plan has been resubmitted and now indicates that the complete link road between Manston Road and Hartsdown Road, including the roundabout on Shottendane Road is to be provided within the first two phases of development, meaning that the benefits attributable to the internal link road and this section of the ICRIS may be experienced earlier in the build-out of development. We would, however, recommend that a suitable housing trigger be negotiated through the Section 106 agreement for the delivery of the link road in a timely manner to mitigate the impact of development as these first phases build out.

#### Site Accesses

The Highway Authority is satisfied that suitable access points have been offered to serve this development and to accommodate the additional flows and types of vehicular traffic that will utilize this section of the ICRIS. The provision of new roundabout junctions on Manston and Shottendane Road, as well as the proposed priority junction with right-turn lane on Hartsdown Road have all been subject to a Stage 1 Road Safety Audit and addressed in the designer's responses, which we are in agreement with. Matters which would be subject to detailed design under a S278 agreement have also been identified, in particular the final form of pedestrian/cycle facilities at these junctions. The Highway Authority require confirmation that the Local Planning Authority (LPA) are comfortable with this approach within the framework of the NPPF, which defines access as "accessibility to and within the site, for vehicles, cycles and pedestrians in terms of positioning and treatment of access and circulation routes and how these fit into the surrounding access network". The views of the LPA in relation to this specific point would be welcomed. We require further flexibility through the Section 106 process to enable KCC Highways to progress this section of the ICRIS, along with the associated access junctions, in the event of an existing external funding bid (the Major Road Network fund) coming forward.

We would further recommend that a parking restriction strategy for the new Hartsdown Road priority junction should be required by way of condition, to ensure that appropriate extents of a Traffic Regulation Order are agreed with the Highway Authority, in order to prevent significant displacement of parked vehicles associated with the nearby Margate Football ground on match days.

#### Bus Access

The site remains outside of the preferred maximum walking distance for public transport access (400m is the optimal walking distance for convenient access) and there are as of yet no clear proposals from the applicant to improve public transport accessibility. Therefore, in

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the short/medium term it is possible that the attractiveness of bus travel may be reduced. Whilst the walking distance to local bus stops is not the only factor that will have a bearing on bus patronage, it remains an extremely influential one.

It is unlikely, given the limited scale of the development that local bus providers would be able to deliver a bespoke commercially sustainable service to this site, although in the longer term, delivery of the ICRIS will provide the opportunity for local bus services to be enhanced in relation to this site, in a more commercially sustainable way. On balance, taking the ICRIS into account, at this stage we do not consider that the less optimal bus access arrangements would be objectionable on this occasion, however we would recommend that the Section 106 agreement has the flexibility to spend the appropriate financial contribution on pump-priming bus services if it is viewed by us that such will mitigate the impact of the development, until such time as the ICRIS facilitates new commercially viable bus services.

Further to this, it is important that the future needs of bus stopping provision are considered within the internal link road arrangement and indicative future locations identified through an appropriately worded condition.

#### Framework Travel Plan

Generally, we are satisfied with the scope of the submitted framework, although we would welcome the inclusion of any additional measures to encourage modal shift away from the private car. Typically for larger housing developments sustainable measures such as electric cycle provision, cycle hire, car sharing schemes, electric pool cars, bus vouchers are considered, and we would welcome further input into the final agreed Travel Plan, the production of which can be attached by way of condition to any planning approval.

Further to the previously stated Section 106 requests, we would further recommend the following matters are dealt with by appropriately worded conditions attached to any approval:

-

- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
  - Routing of construction and delivery vehicles to/from site
  - Parking and turning areas for construction and delivery vehicles and site personnel
  - Timing of deliveries
  - Provision of wheel washing facilities
  - Temporary traffic management/signage
  - Any temporary access arrangements to the site for construction purposes.
- Provision of measures to prevent the discharge of surface water onto the highway.
- The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking, turning areas and street furniture and bus stops/borders to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
- Full design and geometrical details of the internal link road within the area of deviation allowed for within the parameter plans to be provided to the LPA and

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approved in writing prior to the commencement of the development. This should include pedestrian crossing provision and bus stop infrastructure where appropriate.

- Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling, in accordance with details to be submitted to and approved by the Local Planning Authority:
- Footways and/or footpaths, with the exception of the wearing course; (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
- Provision of appropriate footway/cycleway links to the existing footway for each phase of the development in accordance with details to be submitted to and approved by the Local Planning Authority.
- The applicant is to submit a Parking Restriction Strategy, detailing the full extents of the proposed Traffic Regulation Order for double yellow lines on Hartsdown Road and the internal link road infrastructure, prior to the commencement of any works. This should consequently be agreed by the Highway Authority and progressed through the applicant's best endeavours.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and permanent retention of the vehicle parking spaces and/or garages in accordance with details to be submitted to and approved by the Local Planning Authority.

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

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site."

**Kent County Council:** 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.



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

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

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements.

Secondary Education - £5,176.00 per applicable house and £1294.00 per applicable flat. Towards the new Thanet Secondary School;

Secondary Land - £1,511.11 per applicable house and £377.78 per applicable flat. Towards the new Thanet secondary school land acquisition cost.

Special Education Needs and Disability Schools - £1051.82 per applicable house and £262.96 per applicable flat. Towards the expansion of existing special needs schools.

(applicable housing excludes 1 bed units of less than 56sqm gross internal area and any sheltered accommodation).

Community Learning - £16.42 per dwelling. Total £7,389.00. Towards additional classes and resources at Margate Adult Education Centre.

Youth Service - £65.50 per dwelling. Total £29,475.00. Towards additional equipment and resources for Thanet youth Services.

Libraries - £55.45 per dwelling. Total £24,952.50. Towards additional stock, services and equipment at Margate Library.

Social Care - £146.88 per dwelling. Total £66,096.00. Towards specialist accommodation in Thanet. All homes built as wheelchair accessible and adaptable dwellings in accordance with building regulations part M 4(2).

Waste - £92.72 per dwelling. Total £41,724.00. Towards materials recovery facility and improvements at Margate Household Waste and Recycling Centre.

Broadband - Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details. Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF.

**Kent Fire and Rescue:** The off site access requirements of the Fire and Rescue Service have been met.

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**Kent Police:** We have reviewed this amended outline application with regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

The Applicants/agents have not yet consulted us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behavior (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We refer them to SBD Homes 2019 in order that they can produce a suitable Designing Out Crime Plan. The points in our previous response have not been addressed.

This is a significant site and therefore layout, permeability, lighting, parking and physical security must be addressed before Reserved Matters.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

**Kent and Medway Clinical Commissioning Group:** NHS Kent and Medway Group (CCG) has delegated co-commissioning responsibility for general practice services in Thanet Kent and is the body that reviews planning applications to assess the direct impact on general practice.

I refer to the above outline planning application which concerns the proposed residential development comprising up to 450 new dwellings.

The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution.

In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) requests for development contributions must comply with the three specific legal tests:

1. Necessary
2. Related to the development
3. Reasonably related in scale and kind

We have applied these tests in relation to this planning application and can confirm the following specific requirements.

General Practice - Total chargeable units - 450. Total £388,800.00. Towards creating capacity at the Limes Medical Practice or within the Primary Care Network.

This proposal will generate approximately 1080 new patient registrations when using an average occupancy of 2.4 people per dwelling. The proposed development falls within the current practice boundary of The Limes Medical Practice.

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There is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises. Whilst it is not possible at this time to set out a specific premises project for this contribution we can confirm that based on the current practice boundaries we would expect the contribution to be utilised as set out above. Any premises plans will include the pooling of S106 contributions where appropriate.

General practice premises plans are kept under regular review as part of the GP Estates Strategy and priorities are subject to change as the CCG must ensure appropriate general medical service capacity is available as part of our commissioning responsibilities.

Planning for growth in general practice is complex; physical infrastructure is one element but alongside this workforce is a critical consideration both in terms of new workforce requirements and retirements. Any plans developed need to support delivery of sustainable services for the future.

In addition to the above we request that any agreement regarding a financial contribution:

- Allows the contribution to be used towards new general practice premises in the area serving this population (should GP Estates Strategy identify future requirement) and not just limited to the practices detailed above.
- Allows the contribution to be used towards professional fees associated with feasibility or development work for existing or new premises.
- Supports the proactive development of premises capacity with the trigger of any healthcare contribution being available linked to commencement or at an early stage of development.

The CCG is of the view that the above complies with the CIL regulations and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services.

**TDC Planning Policy:** It is noted that the application provides for less than the housing capacity identified in the Local Plan, under Policy SP21. There are two points I would make about this:

Firstly, the housing numbers set out in the Local Plan are necessarily estimates based on anticipated land take of dwellings (including estimates of development densities); other built elements of the scheme; infrastructure and open space, and so on. Inevitably, some sites will accommodate more dwellings and some less than the estimated capacities set out in the Local Plan, but usually this will balance out over the Plan period.

Secondly, in the case of this site, one of the primary reasons for its allocation was that it plays a key role in helping to deliver the wider Inner Circuit (the new inner relief road that seeks to reduce pressure on the existing urban road network)(Policy SP47). Because of the nature and topography of the site, the provision of the new road links appears to have impacted on the capacity of the site, but the delivery of these road links is critical to the functioning of the Inner Circuit.

As long as there is no reasonable means of increasing the level of housing provision at the site, I do not consider this to be an issue that should alter the in-principle policy position in relation to the site.

I also note that the application provides a level of affordable housing that does not meet the normal policy requirement for new development. This is obviously regrettable, but as set out above, the priority provision to be made on this site is new road links, and I am also aware that there are other significant calls on contributions and obligations for this site.

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I am not in a position to comment in detail on the submitted viability assessment, but if it has been independently verified, then I think we would have to accept this on this occasion.

**TDC Conservation Officer:** “The land on the North West and South East side of Shottendane Road is currently an undeveloped green field site which was allocated for housing through strategic local planning policies. Nearby to the site there are numerous listed properties ranging from Grade II\* to Grade I, with the closest assets being Shottendane Farmhouse as well as numerous listed assets incorporated into Margate Cemetery Site at varying distances around 1.5km from the site.

Thanets adopted Local Plan, policy HE02, states within Section 7 ‘The character, scale and plan form of the original building are respected and the development is subordinate to it and does not dominate principal elevations.’ As well as Section 8 which states ‘Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the [conservation] area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.’

Additionally under the Listed Buildings and Conservation Areas Act 1990, Section 16 Paragraph 2, In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As well as Section 66 Paragraph 1 which states when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Reviewing the outline application which has been submitted it is evident that an attempt has been made to create visual as well as physical barriers between the development proposed and the heritage assets within close proximity of the site.

Shottendane Farmhouse, at present exists, secluded amongst its site and largely encompassed by other typical smaller scale ‘farm buildings’ and general paraphernalia as well as large amounts of vegetation and landscaping. This application looks to retain such vegetation whilst stepping back the proposed development physically from the listed property by orienting the proposed so that the gardens back onto the existing tree line. In principle I believe this positioning of the properties is an acceptable distance from the heritage asset whilst not directly negatively impacting its setting.

Margate Cemetery encompasses 11 different listed assets and structures within its grounds. The closest of which to the proposed development sits as an access gate from Shottendane Road and is a set of historic gates affronting the cemetery listed in 2003. Due to the presence of this asset the development has responded by setting back quite considerably the proposed scheme as detailed in their design access and heritage statement as ‘out of respect for the cemetery and its heritage assets’. It instead proposes to utilise the space for new landscaping reflective of that that already exists in the area as well as lining of Shottendane Road. This boundary keeping and clear separation from the heritage assets is

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a sympathetic approach to the constraints of the site and one I believe to be respectful of their setting and character.

Noted within the design access and heritage statement that the site is known to have a high level of archaeological remains, including Iron Age Finds, as well as two barrows and prehistoric remains all found at varying locations. Should this application be approved then I believe an archaeological watching brief should be carried out whilst excavations are underway. Under the NPPF National Guidance section 189 it states 'As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.' I appreciate that an assessment has taken place as part of this outline application and if areas of archaeological interest are impacted by proposed works further field assessments should be undertaken.

Looking at the proposed building heights, although they are not being defined by this application, I can acknowledge that it has been proposed through their design to lessen their impact to the heritage assets through their gradual increase towards the centre of the site, away from the listed assets. However I would further encourage that this is in fact implemented when the style and scale of the proposed dwellings is configured, should this application be approved, and that where possible all impacting properties, in close proximity to the heritage assets, should be retained at no taller than 2 storeys. I note in particular the section close to the East of Area A, as per figure 5.9 of the Design and Access Statement which extends upward to a 3 storey building. Foreseeing the design of properties, although also not applicable under an outline application, I would advise that they are somewhat reflective of the historic character found prevalent throughout Margate and referenced within the Design Access and Heritage Statement.

There will of course be an adjustment in the sense of openness and agricultural character of the area around the site if this application was to be approved. However through review of the proposal and as aforementioned above I believe this to have a less than significant impact to that of the setting of the multiple heritage assets by nature of the developments orientation and stepping in of the siting of proposed dwellings. By nature of the size of this proposal there will of course be some harm caused however not that of a level to the detriment of the historical character and appearance of the surrounding environment, for these reasons I do not object to this application or the work proposed."

**TDC Housing:** As per Thanet District Council's Local Plan (adopted July 2020), SP23 requires residential schemes of 10 or more units to provide 30% of the dwellings as affordable housing, including extra care facilities falling under the Use Class C3. To be policy compliant, a contribution of 30% affordable housing (AH) across the 450 units (whole site) is required. The 30% AH shall be split 70% Affordable Rent (AR) and 30% Shared Ownership (SO) which equates to 135no. AH units - split 94no. AR and 31no. SO. However, the exact tenure can be confirmed during the course of the application process.

Upon review of the submitted Planning Statement (Nov 2020), the level of affordable housing proposed does not align with the above policy. Therefore,

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it is strongly recommended that the viability appraisal is assessed by an independent 3rd party viability assessor.

**TDC Environmental Health:** Environmental Statement - Chapter 11 Air Quality Assessment. The assessment has been carried out in accordance with Defra's Technical Guidance LAQM TG(16) and the conclusions that operational impacts are negligible are accepted. However, the site will also require that an Emissions Mitigation assessment is undertaken and offsetting measures incorporated into the development. I understand that dwellings will be fitted with low NoOx boilers but must also incorporate Electric Vehicle charging points. A construction management plan must also include measures to minimise dust and noise nuisance.

The following conditions are suggested:

#### STANDARD AIR QUALITY MITIGATION

Residential of 10 or more units:

All gas-fired boilers to meet a minimum standard of <40mgNOx/kWh

1 Electric Vehicle charging point per dwelling with dedicated / allocated parking or 1 charging point per 10 spaces (unallocated parking)

EV Charger details to be provided:

Prior to the erection of the building(s) hereby approved, written and illustrative details of the number, type and location of Electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the local planning authority before any of the units are first brought into use. The EVCP shall be maintained and kept in good working order thereafter as specified by the manufacturer.

#### EMISSIONS MITIGATION ASSESSMENT

Prior to the commencement of 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.

#### EMISSIONS STATEMENT

Prior to the first use of 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.

### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental

Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; lighting control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

**TDC Contamination:** It appears that the assessment of the land undertaken to date only relates to 'agricultural land'. Our historic mapping database indicates that there is an old brick field (date of mapping: 1834-1893) to the South of Shottendane Farm, within the application area (see attached); and a cemetery or graveyard in close proximity to the East of the development.

As such, the assessment of the land quality must include surveys of potential contaminative features of concern; including a preliminary risk assessment of potential impacts on new residential receptors and sensitive groundwater resources from identified sources. Further intrusive investigation may also be required to confirm the existence of complete pollutant linkages associated with these former/current land uses.

This information can be secured via planning condition.

### COMMENTS

The application has been called to Planning Committee by Cllr Candy Gregory on the grounds of loss of farmland, highway safety and capacity issues, impact on community facilities and flood risk.

### **Principle**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The application site is non previously developed land, but within the settlement as defined by the Thanet Local Plan 2020. Policy SP01 of the Local Plan (Spatial Strategy - Housing) states that the primary focus for new housing development in Thanet is the urban area. Policy H01 (Housing Development) states that permission for new housing development will be granted on sites allocated for this purpose and on non allocated sites within the confines of the urban area and villages. The application site is a Strategic Allocation within the Local Plan under policy SP21 - Land north and south of Shottendane Road. The wording of this policy is set out in full below:



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*“Land is allocated for up to 300 dwellings at land north of Shottendane Road, and up to 250 dwellings at land south of Shottendane Road, with an approximate average density of 35 dwellings per hectare net.*

*Proposals will be judged and permitted only in accordance with a Masterplan for the whole site which should include:*

- 1) a minimum of 4.4 ha of open space – this may be spread over both sites but must be readily accessible to both sites;*
- 2) linkages to new and existing public transport infrastructure, including bus and rail services;*
- 3) a local distributor link road between Shottendane Road and Manston Road, including new roundabouts on Shottendane Road and Manston Road and a new junction with Hartsdown Road;*
- 4) the reconfiguration of the Coffin House Corner signal controlled junction and the Manston Road and Shottendane Road junction;*
- 5) Provision for the retention and/or upgrading of designated footpath TM14;*
- 6) a proportionate contribution to necessary off-site highway improvements in accordance with Policy SP47.*

*Masterplanning will be informed by and address:*

- 1) pedestrian and cycle access between the two sites;*
- 2) appropriate landscape treatment in order to provide an appropriate transition between the development and the adjacent open countryside;*
- 3) A Heritage Impact Assessment to assess effects on St Johns Cemetery and sites/memorials within it and consideration of the setting of Shottendane Farm House;*
- 4) an assessment of potential implications of policies CSW16 and DM8 of the Kent Minerals and Waste Local Plan (or subsequent revision) and the need (if any) to mitigate any potential impacts on waste management capacity;*
- 5) the capacity of any utility services and infrastructure and any need (and provision of) improved or additional infrastructure (as may be advised or reasonably required by service providers).*

*All development proposals must be planned and implemented in a coordinated manner and accompanied by an infrastructure delivery and phasing plan.*

*Proposals will be accompanied by a Transport Assessment which shall:*

- 1) assess the impact of development on the local road network;*
- 2) identify measures to promote multi-modal access, including footway and cycleway connections, an extended bus service accessible to the residential development and rail linkages.”*

Given the site's allocation within the Local Plan, the development of the site for residential development is acceptable in principle subject to the criteria within the policy being met, which will be assessed within this report.

It is noted that the policy proposes 550 dwellings on the site (300 dwellings to the north of Shottendane Road and 250 to its south) and the application before us for consideration application proposes a total of 450 dwellings. The applicants advise that the reduction in the

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number of units proposed has followed an iterative design process that has taken account of relevant policy, opportunities, and constraints (including technical constraints), as well as the surrounding landscape context, to allow the site to accommodate the expectations of the relevant allocation policy

The Council's Policy Team have considered this reduction in numbers and advises that the housing numbers set out in the Local Plan are necessarily estimates based on factors such as anticipated land take of dwellings (including estimates of development densities); other built elements of the scheme; infrastructure and open space. Inevitably, some sites will accommodate more dwellings and some less than the estimated capacities set out in the Local Plan, but usually this will balance out over the Plan period. In the case of this site, it is agreed that one of the primary reasons for its allocation was that it plays a key role in helping to deliver the wider Inner Circuit (the new inner relief road that seeks to reduce pressure on the existing urban road network)(Policy SP47). Specific factors have been demonstrated by the applicant to impact the capacity of the site, due to the nature and topography of the site and the provision of the new road links. On this basis the reduction in the number of proposed dwellings from the allocation is considered appropriate when balanced against the delivery of critical road links and the drainage requirements of development on this site. Therefore, there is no in principle objection to this reduced provision of dwellings.

#### *Loss of Agricultural Land*

The NPPF states where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. It is noted that the glossary of the NPPF defines best and most versatile land as land in grades 1, 2 and 3a of the Agricultural Land Classification.

Policy E16 of the Local Plan relates to best and most versatile agricultural land and states

"Except on sites allocated for development by virtue of other policies in this Plan, planning permission will not be granted for significant development which would result in the irreversible loss of best and most versatile agricultural land unless it can be clearly demonstrated that: 1) the benefits of the proposed development outweigh the harm resulting from the loss of agricultural land, 2) there are no otherwise suitable sites of poorer agricultural quality that can accommodate the development, and 3) the development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land."

The application site comprises undeveloped greenfield land, still actively in use for agricultural purposes. A series of soil tests were undertaken by the applicants and confirms that 50% of the site is grade 3a, 49% grade 3b and 1% non agricultural. Given this only 50% of the application site comprises best and most versatile agricultural land. The site is a Strategic Allocation for residential development in the Local Plan where the loss of agricultural land has been considered and weighed against the need for housing through the policy process. Therefore policy E16 does not apply to this proposal, and the general presumption to safeguard best and most versatile agricultural land does not apply to this site.

### *Phasing and Timing*

The applicant has indicated in their submitted documents and phasing parameter plan that they intend to deliver the development in four phases. Phase 1A would be to the north west part of the site (essentially an L-shaped area running from Hartsdown Road to adjacent to Firbank Gardens to the south) and would include the new roundabout on Shottendane road. Phase 1B would be the majority of land to the east of Shottendane Road and would include a new roundabout on Manston Road. Two smaller phases 2 and 3 are then proposed. Phase 2 being the north eastern area of the application and phase 3 straddling Shottendane Road to the east of the application site.

Officers consider that the proposed phasing plan is acceptable in that it would allow for the development of highways infrastructure internally to serve the new development as construction increases. It is considered appropriate to impose a condition to secure the phasing of the development in this manner.

The applicant has requested that if permission is granted that 5 years in total should be provided for which all applications for the approval of reserved matters must be made (with the first reserve matters within 3 years following approval), rather than the statutory 3 years for all submissions. Given the number of units proposed, to provide flexibility within the current economic circumstances and the potential interdependence with highways funding (discussed below in the Planning Obligations section), that in the event that permission is granted 5 years for submission of reserved matters applications would be appropriate in accordance with Section 92 (4) of the Town and Country Planning Act.

### *Mix and Type of Units*

The application is in outline form and, therefore, the exact unit sizes or types are not being agreed at this stage. Policy SP22 (Type and Size of Dwelling) states that proposals for housing development will be expected to provide an appropriate mix of market and affordable housing types and sizes having regard to the SHMA recommendations as may be reviewed or superseded. The Council will encourage proposals for residential development to incorporate a higher ratio of houses to flats. Given the application is at outline stage, the submission does not fix the detail of the mix and type of unit to be provided, and this would need to come forward as part of the reserved matters application. Given the size of the application site, it is considered that the application would be able to meet the requirements of Policy SP22 in providing a mix of size and type of dwellings.

Policy QD05 of the Local Plan sets out the Council's policy in regard to accessible and adaptable accommodation, with-10% of new build developments will be expected to be built in compliance with building regulation part M4(2) (accessible and adaptable) and within any affordable provision, 5% should be wheelchair accessible homes complying with building regulations part M4 (3) (wheelchair user). This would be conditioned to be provided within any subsequent reserved matters applications.

### **Character and Appearance**

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Paragraph 127 of the National Planning Policy Framework (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. Whilst Paragraph 170 of the NPPF stipulates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The Planning Practice Guidance (PPG) states where appropriate, Landscape Character Assessments should be prepared to complement Natural England's National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place.

Policy QD02 of the Thanet Local Plan outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

The site lies within the Undulating Chalk Farmland Character Area, which is characterised as a particular landscape feature in Thanet and consists of four landscape character areas: C1: St Nicholas-at-Wade Undulating Farmland, C2: Central Thanet Undulating Farmland; C3: St Peter's Undulating Farmland; and C4: Newlands Farm. The application site is C2 - Central Thanet undulating Farmland. Some of these character areas are important for their long distant views to the marshes and sea while in others the agricultural land performs a settlement separation function. These areas of high quality agricultural land are of value for farmland and roosting coastal birds. The openness and undeveloped character of the farmland contributes to the essentially rural character and relatively dark skies.

Policy SP26 of the Thanet Local Plan states that development proposals should demonstrate how they respect and respond to the character, key sensitivities, qualities and guidelines of the relevant landscape character areas, as detailed in the Landscape Character Assessment (LCA), and that all development should seek to avoid skyline intrusion and the loss or interruption of long views of the coast and the sea.

A Landscape and Visual Impact Appraisal has been submitted with the application. The site is broadly representative of the wider landscape which, as described in the local landscape character assessment, is open, large scale farmland which intensively farmed and has few hedgerows and vegetation along the field boundaries. The character of the site is influenced by stark urban edges, nearby residential edges and busy roads and is separated from the wider arable landscape by the cluster of built form to the immediate southwest. The level of hedgerow vegetation on some of the field boundaries, together with the adjacent built up area and undulating landform of the wider landscape, mean that views of the site are generally contained to the neighbouring areas. There are some middle and longer distance partial views available from vantage points to the southwest. These views are generally

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limited to within 1.5 to 2km of the site, with intervening land form and field boundary vegetation preventing views from further afield. The development will result in the loss of arable farmland and this is considered to be a significant effect upon the landscape character of the site during construction and immediately following construction. However hedgerow, tree and wildflower meadow planting enhancement is proposed within the landscape strategy plan around all edges of the site , which will mitigate the effects on the wider landscape character by breaking up views of the proposed development with structural planting.

Given the proximity to the site, receptors such as Shottendane Road, Manston Road, the residential properties on Manston Road, Firbank Gardens, Sycamore Close and Shottendane Farm and the residential property at St John's Cemetery are likely to experience views of construction activities and of the proposed development following construction. Given that currently the site is open farmland, the proposed change to residential on this allocated housing site would inevitably result in landscape change from adjoining roads. In the applicant's Landscape visual impact assessment, the effects of these views are considered to be significant, however with the proposed planting this will reduce landscape harm from the development. It is considered that the establishment of mitigation planting will reduce the majority of visual impacts to avoid significant harm to the landscape character areas. However, given the proximity of public footpaths TM14 (on the southern boundary), TM12 (alongside the Cricket Club) and TM13 (a short distance west of the site) to the site, significant visual effects of local significance will be experienced.

Overall, it is considered that the proposal would have a noticeable visual impact from the change of use of the site from arable to residential, but that the most noticeable impact would be during the construction phases and immediately following them with the impact of the development being mitigated overtime by maturing of landscaping with the site and to its edges. It is also noted that long distance views of the site are limited due to the intervening built form, established landscape boundaries and the undulating topography of the surrounding area, but that there would be significant views from public vantage points such as footpaths adjoining/in close proximity to the site, although these will be mitigated to some extent when planting becomes established. On the whole it is considered that given the above, there would be limited impact upon the skyline, and long distance views across the site would be limited by landscaping to the edges of the application site and throughout the development along with the low density nature of the proposed development. The impact upon the Landscape Character Area from the development of the site is therefore considered to be acceptable.

The assessment has taken into account the opportunities and constraints of the area, along with a sensitive design approach, to create a landscape strategy for the site, which proposes to limit harm to the setting of the site, and the views from the surrounding area. The strategy seeks to create a landscaping buffer along the boundaries of the site, strengthening boundary vegetation with native species that also benefit biodiversity; retain and connect onto existing footpath/bridleway/cycle links; create features as part of the surface water management scheme; provide public open spaces, and other tree/hedgerow planting within the site to enhance the landscape setting of the site; along with other ecological enhancements. This strategy is supported, and it is therefore recommended that the

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landscaping scheme submitted with any future reserved matters application be based upon these landscape strategy principles.

The proposed development is therefore considered to comply with Policy SP26 of the Thanet Local Plan, and paragraph 170 of the NPPF.

#### *Design, layout and density*

The application site comprises agricultural land to the north and south of Shottendane Road with vehicular access points proposed from Shottendane Road, Manston Road and Hartsdown Road. There is some existing residential development and other development bordering/and or in fairly close proximity to the application site so the development of the site for residential would appear in keeping with the surrounding character of the area.

The application is in outline with all matters reserved except for access. Consequently details of the proposed appearance, layout and scale of the residential development are not for consideration at this stage. An illustrative masterplan has been provided to demonstrate that the proposed numbers of dwellings, open space and accompanying infrastructure can fit within the site. The application has also been supported by a number of parameter plans which show building heights, green infrastructure, phasing and the proposed land uses across the site.

The application site as a whole measures some 19.5 hectares in total, with some 6.3 hectares of the site to be open space/green infrastructure which would leave a developable area of some 13.2 hectares. Up to 450 dwellings are proposed within this application, so this would give a gross density of some 23 dwellings per hectare (dph) and a net density of some 34 dwellings per hectare on the developable area of the application site. Whilst it is noted that these densities are lower than the approximate average density of 35 dwellings per hectare set out in the policy, this is due to the fact that a lower number of dwellings is proposed than within the allocation. It is not considered that the proposal makes inefficient use of the application site and this matter has been considered earlier in this report. It is considered that these densities would be sympathetic to the open rural character and setting of the surrounding area. The illustrative masterplan shows that at a density of 23 dph, areas of open space can be achieved to the north and south of the site, together with landscaped buffers to the edges of the application site and areas of informal open space and play provision provided within the developable area. This low density provision will therefore enable a good quality form of development to be achieved within the site, with many soft landscaping enhancements.

The roads surrounding the development contain a mix of styles of buildings including detached, semi detached and terraced properties. Given the size of the application site it is considered that a variety of building types could be achieved across the site, including terraced, semi-detached and detached units, and potentially some flatted development. The different unit types could be spread across the site preventing a concentration of any particular unit type within a single area. As such, it is considered that the space within the site would allow for a development to come forward through reserved matters that provides a range of unit types in keeping with the surrounding pattern of development. For this reason it

is not considered that any future development is likely to cause harm to the character and appearance of the area, subject to detailed design at reserved matter stage.

#### **Building Heights**

No details on house designs have been provided at this stage. The parameter plans show that the proposed development would predominantly take the form of two storey dwellings with some areas of the site having some higher buildings (2 and half storey with some limited 3 storey buildings). These areas are to the middle of the site and around the main road links through the site.

Officers consider that this approach would reflect the scale and pattern of existing development in the local area and is considered appropriate. Building heights would be controlled through planning conditions in relation to the heights parameter plan which reflects the design and access statement, in order that any reserved matters application must accord with these design principles.

#### **Green Infrastructure**

Policy GI04 of the Thanet Local Plan requires that new residential development make provision for appropriate amenity green space and equipped play areas to meet the standards set in tables 10, 11 and 12 within the policy. In this instance, given that the development proposes some 450 residential units, there would be a requirement for the development to provide Local Areas of Play, Local Equipped Areas of Play, Multi Use Games Area and a contribution towards a Neighbourhood Equipped Area for play (NEAP).

Policy SP21 states that the allocated scheme should provide a minimum of 4.4 hectares of open space which may be spread over both sites (north and south of Shottendane Road) but must be readily accessible to both sites.

The proposal is for 450 no. units, resulting in a predicted population of 1080 (based on a predicted occupancy of 2.4 people per dwelling). Using this figure, the following open space provision within the site is required (under table 12 of the Local Plan): 0.6 hectares of amenity green; 0.25 hectares of children's playspace; 1.8 hectares of semi-natural greenspace; and 0.2 hectares of allotment space. The green infrastructure will be an important part of a successful scheme given that the site adjoins the open countryside. The submitted plans indicate a linear park within the northern part of the site which would be semi rural in character to help integrate the proposed development with the open countryside beyond. A network of green corridors spread throughout the site allowing for informal play areas and 2 equipped play areas (one located centrally within the site and 1 in an area of open space adjacent to Manston Road). An archaeological exclusion zone, which can be used for landscaping purposes only is also proposed to the south of the application site. Whilst allotments have not been shown on the proposed landscape strategy plan, the extent of open space would allow for the provision of a policy compliant amount within the larger areas.

In all, the proposed development would provide some 6.3 hectares of formal and informal open space which would exceed the 4.4 hectares of open space required within the



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allocation. The parameter plans submitted show the open space to be distributed throughout the site and accessible to future occupiers of both sides of the site (north and south) as required by Policy SP21, as well as surrounding residents, with local equipped areas of play located on each parcel of land ensuring sufficient distribution for new residents.

On the basis that the number of units proposed can be achieved alongside the necessary open space requirements, the proposed development is considered to comply with Policy GI04 of the Thanet Local Plan. Planning conditions seeking details of the open space specification and a landscape management plan prior to the commencement of each phase are recommended to be imposed in line with local policies. Details of long term maintenance arrangements for all open space is required to be provided and would be secured through the associated Section 106 agreement.

An arboricultural impact assessment has been carried out in relation to the site and its surroundings. 24 individual trees, 27 groups and 9 sets of hedgerows were assessed predominantly as category B trees, meaning moderate quality where retention is desirable. The proposal highway access proposals including the realignment of Shottendane Road and the new roundabout, fundamental for residential development of the allocation, results in the loss of 6 individual trees, 11 groups and one hedgerow. However the proposal would provide the potential for a significant increase in tree cover on the site, mitigating the loss and providing enhancement through new tree and hedgerow planting on the boundaries of the site, along the link road and Shottendane Road, planting within the linear park and open space (with indicative species provided on the Landscape Strategy Plan) whilst protecting existing trees on adjacent site including those subject to Tree Preservation Orders on Margate Cricket Club. Overall the proposal will be able to provide net arboricultural gain across the site whilst providing an appropriate balance between development requirements and retention of trees, in accordance with the principles of Policy GI06 of the Thanet Local Plan.

#### **Impact upon designated heritage assets**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers in assessing application for planning permission which affects a listed building or its setting, to pay special attention to the desirability of preserving or enhancing the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF 2019 states that when considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 193). The NPPF goes on to state in paragraph 196 states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. HE02 states that within conservation areas, development proposals which preserve or enhance the character or appearance of the area will be permitted and states that where proposals are for extensions that they will be granted where The character, scale and plan form of the original building are respected and the extension is subordinate to it and does not dominate principal elevations, 8) Appropriate materials and detailing are proposed and the extension would not

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result in the loss of features that contribute to the character or appearance of the conservation area.

The impact of the proposed development on nearby heritage assets were assessed within the Environmental Statement (ES) which accompanied the application and included a Heritage Assessment. It identified that the proposal would affect four heritage assets - St John's Cemetery (which is a non designated heritage asset, but has grade II listed gates and gate piers), Shottendane Farmhouse (grade II listed), Railway convalescent Home (Grade II) and Church of St John the Baptist (grade I). The Heritage Assessment concludes that the development of the site "would potentially result in some limited, negligible (less than substantial), harm to the Grade II listed Gates and Gatepiers at St John's Cemetery, and negligible harm to the significance of the non-designated cemetery as a whole. Development would not adversely impact the significance of listed buildings in the interior of the cemetery including two Grade II listed chapels, a Grade II listed war memorial, and Grade II\* and Grade II listed tombs. Development would alter agricultural land in close proximity of the Grade II listed Shottendane Farmhouse to open space and built form. This would potentially result in less than substantial harm to the significance of the farmhouse, towards the lower end of this harm spectrum. Any harm to the Grade II listed Railway Convalescent Home (also known as Shottendane Nursing Home) would be de minimis. Taking into account current design proposals, development would not adversely impact the significance of the Grade I listed Church of St John the Baptist. Development would not adversely impact any other designated heritage assets in the wider area."

Both Historic England and the Council's Conservation Officer have reviewed the application. Historic England have advised that they do not wish to provide detailed comment on the application and that advice should be taken from the local Conservation Officer. The Conservation Officer acknowledges that the proposed development has sought to create visual as well as physical barriers between it and the heritage assets within close proximity of the site commenting that:

*"Shottendane Farmhouse, at present exists, secluded amongst its site and largely encompassed by other typical smaller scale 'farm buildings' and general paraphernalia as well as large amounts of vegetation and landscaping. This application looks to retain such vegetation whilst stepping back the proposed development physically from the listed property by orienting the proposed so that the gardens back onto the existing tree line. In principle I believe this positioning of the properties is an acceptable distance from the heritage asset whilst not directly negatively impacting its setting. Margate Cemetery encompasses 11 different listed assets and structures within its grounds. The closest of which to the proposed development sits as an access gate from Shottendane Road and is a set of historic gates affronting the cemetery listed in 2003. Due to the presence of this asset the development has responded by setting back quite considerably the proposed scheme as detailed in their design access and heritage statement as 'out of respect for the cemetery and its heritage assets'. It instead proposes to utilise the space for new landscaping reflective of that that already exists in the area as well as lining of Shottendane Road. This boundary keeping and clear separation from the heritage assets is a sympathetic approach to the constraints of the site and one I believe to be respectful of their setting and character."*

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The Conservation officer also welcomed the fact that building heights increase from the edges of the site towards its centre away from heritage assets and concluded that the proposed development would result in an adjustment in the sense of openness and agricultural character of the area around the site. However any impact from the development is considered to be less than significant impact to that of the setting of the multiple heritage assets by nature of the developments orientation and stepping in of the siting of proposed dwellings. By nature of the size of this proposal, there will of course be some harm caused however not that of a level to the detriment of the historical character and appearance of the surrounding environment.

The views of the Conservation Officer are noted and it is recognised that development on the application site will have some impact on the setting of nearby heritage assets. It is, however, noted that the site is allocated for development in the Local Plan and its impact on designated heritage assets would have been considered during the allocation process. The applicants have sought to minimise the impact on the heritage assets surrounding the site as far as possible at this stage and given the outline nature of the application, it is considered that a form of development could be achieved which would minimise the impact on the setting of the listed farmhouse and surrounding buildings together with its significance. On this basis, this aspect is considered to be acceptable subject to the open space as shown on the Landscape strategy plan being provided with a detailed determination at reserved matter stage.

In principle, the indicative site parameter layout plans shows that the number of dwellings can fit on the site alongside a significant degree of informal and formal open space which is in context and will help to assimilate the development into the countryside, with detailed plans to be submitted at the reserved matters stage.

#### **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. Paragraph 127 states that decisions should ensure development creates, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users. Policy QD02 of the Thanet Local Plan outlines that new development should be compatible with neighbouring buildings and spaces, and should be inclusive in its design for all users. It should improve people's quality of life by creating safe and accessible environments and promote public safety and security. Policy QD03 outlines that new development must not lead to unacceptable living conditions through overlooking, noise, vibrations, light pollution, overshadowing, loss of natural light or a sense of enclosure. Policy QD04 states that new dwellings must accord with the National Described Space Standards (March 2015). Policy GI04 states that new family dwellings (those with 2 or more bedrooms) will be expected to incorporate garden space in order to provide a safe "doorstep play area for young children. With doorstep playspace being defined as playspace for young children which is immediately adjacent to, closely visible and safely accessible from the dwellings served.

#### *Neighbouring occupiers*

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As the application is in outline with all matters reserved with the exception of access; appearance, layout, scale and landscaping would be considered at the Reserved Matters stage. Notwithstanding this, careful consideration would need to be given to privacy and separation distances between existing and proposed dwellings given the range of different heights of dwellings surrounding the site. This may ultimately affect the type of dwelling proposed in particular circumstances. However, it is considered that the applicant can develop a range of design solutions to protect the residential amenities of surrounding residents.

The nearest residential properties are those located within Firbank Close and Sycamore Close with some residential development on Shottendane Road and Manston Road. It is clear that the introduction of built form on the application site would have the potential to alter the outlook from some of these properties which is currently of open agricultural land. There is, however, no right in planning terms to a particular outlook and views cannot be protected. It is considered given the scale and nature of the application site that a scheme could be developed at reserved matters stage to minimise the impact on the residential amenities of surrounding occupiers.

The nearest properties along Shottendane Road and those in Sycamore Close are two storey with some bungalows, whilst those in Firbank Gardens are bungalows.

The application is in outline form only, so the precise layout and scale of dwellings in relation to neighbouring properties is not known at this stage. The parameter plans do, however, identify areas of different building heights. This highlights that the majority of the proposed residential units, particularly in areas close to the edges of the application site and existing residential development will be limited to 2 storey with some limited 2 and a half storey dwellings. In areas centrally located within the development, the parameter plans show buildings of 2 and 2 and a half storey with limited 3 storey units proposed at key locations. These restrictions mean that the scale of development submitted through any future reserved matters scheme will not significantly impact upon the neighbouring occupiers, in terms of loss of light, outlook or creating a sense of enclosure. This maximum storey height restriction is therefore supported. The parameter plan also shows open space separation between the site boundaries and the proposed development parcels, allowing for both separation distance but also intervening landscaping to alleviate any impacts. The detailed relationship between proposed properties and existing in regards to privacy will be assessed at reserved matters stage, however the parameters of development indicate that this can be achieved without resulting in significant harm to occupiers.

Concern has been raised by neighbours regarding the potential for additional noise and disturbance from the proposed development. Given the distances to the nearest residential properties and the fact that the application site straddles Shottendane Road which is a well used main road in its own right, it is not considered that vehicle movements in and out of the proposed access or within the development would cause significant noise and disturbance to neighbouring occupiers. Whilst layout is not being agreed at this stage, the parameter plans indicate that there is plenty of space for landscaping buffers along the boundaries of the site with neighbouring occupiers, which will help with limiting any noise and disturbance from the development. It is noted that there would be some disruption to the residential amenities of residents either in the surrounding area and potential residents on earlier phases of the site

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during construction works. These works would, however, be temporary and would be controlled by a construction management plan to minimise disturbance to residents.

Due to the limited layout, scale, and design information currently available at this outline stage, the impact upon neighbouring residents can not be assessed in detail; however, given the low density nature of the scheme, the distances available between the proposed development and neighbouring properties, and the heights proposed on the parameter plan, it is considered that the proposed development is unlikely to have any significant impact upon the living conditions of neighbouring occupiers, in accordance with Policy QD03 of the Thanet local Plan, and paragraph 127 of the NPPF.

#### *Future occupiers*

The residential amenities for future occupiers also fall to be assessed. As set out above, this is an outline application with only parameter plans submitted at this stage. It is, however, noted that the parameters for the development indicate a large amount of open space spread throughout the site and to its boundaries, as well as enhancements to the road network. Whilst an illustrative masterplan showing a potential layout has been provided, the detailed layouts of the residential areas has not been provided for consideration at this stage so comment regarding the design, appearance provision of private amenity spaces for gardens as well as the necessary parking, waste and recycling requirements of the proposed development cannot be made until reserved matters stage. Given the scale and nature of the application site it is considered that a development could be secured at the reserved matters stage to provide a high standard of accommodation for its future occupiers and a planning condition will require compliance with Policy QD04 for dwellings to meet the Nationally Described Space Standards .

#### **Highways and Transportation**

Policy SP21 states that the proposal for the site must provide “linkages to new and existing public transport infrastructure, including bus and rail services, a local distributor link road between Shottendane Road and Manston Road, including new roundabouts on Shottendane Road and Manston Road and a new junction with Hartsdown Road, the reconfiguration of the Coffin House Corner signal controlled junction and the Manston Road and Shottendane Road junction, the provision for the retention and/or upgrading of designated footpath TM14 and a proportionate contribution to necessary off-site highway improvements in accordance with Policy SP47(Strategic Routes). Within the master planning for the site, appropriate pedestrian and cycle access between the two sites (either side of Shottendane road). Is required.

As set out above, this application seeks to agree the principle of up to 450 residential dwellings (including market and affordable housing), with vehicular access points, including associated ancillary works and operations, from Hartsdown Road, Shottendane Road and Manston Road with all matters reserved except access.

The proposed highway works have been the subject of detailed discussions with both the Council and KCC as the Local Highway Authority and form part of the strategic highway

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infrastructure works for the district. These strategic works are safeguarded by Policy SP47 (Strategic Routes), which states:

*“The following areas, as shown on the Policies Map, are safeguarded for the provision of key road schemes and junction improvements, to support the implementation of the Thanet Transport Strategy, including land at: 1) Birchington strategic housing site 2) B2050 Manston Road, Birchington 3) Shottendane Road (from Birchington to Margate) 4) Shottendane Road-Manston Road - Hartsdown Road housing site 5) Nash Road-Manston Road housing site 6) Nash Road, Margate 7) Nash Road-Westwood strategic housing site 8) Manston Court Road/Star Lane (from Haine Road, Westwood to B2050 Manston Road) 9) From Columbus Way to Manston Road, Birchington The following strategic routes are sufficient in their existing form to provide for the growth envisaged in the Plan.*

*However, if further development is permitted, including further development at Manston Airport, which has a material impact on the capacity or operation of these routes, the Council will require alternative on-site highway provision where appropriate and/or proportionate contributions towards any improvements or changes to the existing routes which is thereby necessitated: 1) B2050 Manston Road (from Manston Court Road to Spitfire Junction 2) B2190 Spitfire Way (from Spitfire Junction to Columbus Avenue junction). Junction/traffic management improvements are required at the following junctions to ensure the fully effective functioning of the Inner Circuit. Development that compromises the ability to deliver such improvements will not be permitted:*

*1) Victoria Traffic Lights 2) Coffin House Corner Traffic Lights*

*The Council expects all new development to make a proportionate contribution to the provision of this key infrastructure.*

*In the event that there is any delay in site acquisition or assembly in relation to any of the schemes identified in Policy SP47, the Council will, in conjunction with the County Council, make interim highway arrangements to enable allocated development schemes to proceed.”*

Proposed highway works include the provision of a distributor link road between Shottendane Road and Manston Road, new roundabouts on Shottendane Road and Manston Road and a new junction with Hartsdown Road.

#### *Highway Capacity*

Concerns have been raised by local residents that the proposed development would result in increased congestion on roads surrounding the site.

A Transport Assessment (TA) and other information relating to highways including a stage one safety audit and a travel plan have been submitted to support the application.

The TA considered the likely transport related effects of the proposed development including, amongst others, changes in traffic flows, public transport and highway safety. It concludes that the increase in traffic on the local road network as a result of the development is considered to be minimal and the new link road will provide an attractive

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route in and out of Margate and would attract traffic from a wider area, minimising the highway impact on other roads and junctions in the surrounding area. Furthermore the provision of the link road and its associated roundabouts is a key section of Thanet's Strategic Highway network (Inner Circuit), which is safeguarded to support the implementation of the wider transport strategy to support the growth within the Local Plan under Policy SP47.

KCC Highways have reviewed the submitted highway information. They agree the findings of the TA and emphasise the importance of the proposed link road enabling through movements as part of the Inner Circuit Route Improvement Strategy (ICRIS), with the road providing strategic improvements to this part of the network and contributing to a marked improvement to highway network resiliency that will benefit the whole district. Based on the plans submitted, they are satisfied with the alignment of the internal link roads and note that the applicant has offered additional land to assist in the provision of future highway improvement schemes in relation to the Inner Circuit Strategy. Following initial concerns raised about the delivery of this key infrastructure, a phasing plan has been submitted which indicates that the complete link road between Manston Road and Hartsdown Road, including the roundabout on Shottendane Road, is to be provided within the first two phases of development, with the roundabout on Shottendane Road to be provided in the first phase of development. This means that the benefits attributable to the internal link road and this section of the ICRIS may be experienced early in the build-out of the development. They conclude that, taking this into account, an appropriate Section 106 obligation in the form of a monetary contribution to the ICRIS would be necessary and appropriate and that, on balance, given the scale and nature of the development, the combination of and an appropriate contribution and the on-site infrastructure as offered constitutes suitable mitigation across the network for the proposed development. In line with the overall phasing plan submitted, the proposed work to the network will need to be phased appropriately to minimise disruption to the network whilst ensuring that the new development is served by the new road network at the appropriate time. Therefore a phasing plan for the highways mitigation will be required prior to the submission of the first reserved matters application.

The provision of the link road and roundabouts accord with the provisions of Policy SP21. The policy also requires the reconfiguration of the Coffin House Corner signal controlled junction and the Manston Road and Shottendane Road junction. This work is part of the planning obligations of a separate planning application (OL/TH/16/1765 - resolution to grant with Section 106 yet to be agreed at the time of writing) however given the direct link to this site, it is considered that any highway contribution from the proposed development (under Policy SP47) could be utilised towards this work.

KCC, as the Highway Authority, also confirm that they are satisfied that suitable access points have been offered to serve this development and to accommodate the additional flows and types of vehicular traffic that will utilise this section of the ICRIS.

Given the above mitigation proposals, there is no empirical evidence to suggest that on balance the development would result in network capacity issues to cause severe congestion as to warrant refusal of the application on this ground. It is also noted that the provision of the portion of the link road (as part of the Thanet Transport Strategy) will not come forward without the associated residential development to enable this provision. The



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proposed works and financial contribution towards future off site highway works, are, therefore, considered to mitigate the impact from this development whilst contributing a key new piece of infrastructure towards the Thanet Transport Strategy. On this basis the development would accord with Policy SP21 on highways grounds and Policy SP47 and the matter of planning obligations is discussed later in this report.

#### *Highway Safety*

A Stage 1 Road Safety Audit has been carried out by the applicant and submitted as part of the Transport Assessment. This has assessed the access point junctions on Shottendane Road, Manston Road and Hartsdown Road, with requested changes by KCC to the proposed junction on Hartsdown Road (providing a priority right-hand turn lane for traffic travelling south-west). KCC have raised no objections to the designs of the junctions at this stage in the process (including the visibility for vehicles), with a planning condition proposed to ensure substantial compliance with the submitted drawings (allowing for KCC Highways to make minor adjustments through the Section 278 process under the Highways Act). It is therefore considered that safe routes for vehicles, pedestrians and cyclists can be secured via appropriate conditions and informatives. A construction highway management plan will be required prior to any development to ensure appropriate management of the construction period including vehicle routing, loading and unloading, parking and other related requirements are secured. Given the location of the eastern extent of the highways works on Manston, adjacent to both Margate Cemetery, Crematorium and the Waste and Recycling centre, specific consideration should be given to ensure vehicular access to these facilities for the community can continue throughout construction of the development. Therefore, subject to safeguarding conditions, it is not considered that there would be any adverse effect from the proposed development on highway safety.

#### *Public Rights of Way and Walking and Cycling*

There is an existing public footpath (TM14) to the southern boundary of the site. The alignment of this footpath would not change as a result of this proposed development. Policy SP21 states that this footpath should be retained and/or upgraded as part of development on the application site. KCC's Public Rights of Way Team have advised that they would like to see this footpath upgraded to a bridleway together with a financial contribution towards things such as clearance, resurfacing and signage. Given the constraints already on the application site, the applicants are not proposing to upgrade the footpath as part of this application. It is noted that the scheme would, however, see the footpath retained in its current form which would ensure that the proposed development complies with the requirements of Policy SP21 in that regard. A condition is proposed for the relevant reserved matters application on land adjacent to the footpath required to show the footpath retained and identify access points onto and connection with pedestrian routes through the proposed development. The requested contribution is discussed within the Planning Obligations section of the report below.

The application submission shows walking, cycling and public transport as integral parts of the draft masterplan for the site, new walking and cycling links both within the site and providing connecting to the surrounding networks. An initial travel plan has been submitted encouraging sustainable travel with a final travel plan to be conditioned. It is proposed for a

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new cycleway adjacent to part of Shottendane road and on the new link road through the site and adjacent to the linear park, which will promote cycling routes and facilitating access in accordance with Policy TPO3.

Whilst the detailed layout will be considered through respective reserved matters applications, the parameter plans and illustrative masterplan demonstrate that the development can provide satisfactory transport infrastructure for non-private vehicle movement to meet the requirements of future residents.

#### *Public Transport*

The site is within a mile of Margate train station, with the majority of dwellings within 20minutes walking distance of the station. The site is not ideally located in relation to existing commercial bus services. Generally it is reasonable to seek a maximum walking distance of 400 metres for all dwellings to bus stops (to encourage sustainable travel) and there are no clear proposals from the applicant to improve public transport accessibility. Public transport can be accessed from various bus stops in the surrounding area however, the closest stop (Beatrice Road) is some 850 metres from the application site. KCC have commented that “in the short to medium term it is possible that the attractiveness of bus travel may be reduced” and that “this may have an impact on the level of traffic generated from the site” in this period.

Notwithstanding the above, it is considered unlikely that bus providers would be prepared to deliver a bespoke service to the development currently proposed and there is the potential for the walking distance to bus stops to be improved subject to the delivery of previously agreed bus access solutions in nearby strategic housing sites. In the longer term, delivery of the Thanet Transport Strategy (TTS), (specifically the Inner Circuit which includes the Shottendane Road to Manston Road link), will provide opportunities for local bus services to be enhanced in relation to this site in a commercially sustainable way. On balance, whilst it is considered that current bus services in the area are below optimal, it is not considered that this matter alone is sufficient to resist the proposed development given the scope for future bus improvements as part of commuted/future growth on this site and adjacent development.

Overall, KCC Highways has worked closely with the applicants in developing this package of highway works and support the scheme as submitted as it would provide the opportunity to manage new traffic flows in the area whilst providing substantial benefit to the strategic highway network through the proposed delivery of the new link road between Hartsdown Road, Shottendane Road and Manston Road. This is supported by the Thanet Local Plan and KCC Highways strategy to manage growth in the district until 2031.

In terms of the detailed design, the applicants have advised that they intend to meet KCC Highways guidance in relation to car and cycle parking and this will be submitted for assessment at the reserved matters stage. Safeguarding conditions have been proposed by KCC Highways and these are considered to be necessary to ensure that the development comes forward in the interests of highway safety and traffic flow, and to ensure that highways infrastructure is provided to serve the development.

#### **Archaeology**

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The paragraphs of the NPPF relevant to the protection of heritage assets, including archaeology, have been set out earlier in the report. Policy HE01 of the Local Plan which relates specifically to Archaeology, states that the Council will promote the identification, recording, protection and enhancement of archaeological sites, monuments and historic landscape features, and will seek to encourage and develop their educational, recreational and tourist potential through management and interpretation. Planning permission will be refused without adequate assessment of the archaeological implications of the proposal. Development proposals adversely affecting the integrity or setting of Scheduled Monuments or other heritage assets of comparable significance will normally be refused. Where the case for development which would affect an archaeological site is accepted by the Council, preservation in situ of archaeological remains will normally be sought. Where this is not possible or not justified, appropriate provision for investigation and recording will be required. The fieldwork should define: 1) the character, significance, extent and condition of any archaeological deposits or structures within the application site; 2) the likely impact of the proposed development on these features; 3) the means of mitigating the effect of the proposed development. Recording should be carried out by an appropriately qualified archaeologist or archaeological contractor and may take place in advance of and during development. No work shall take place until a specification for the archaeological work has been submitted and approved by the Council. Arrangements must also be in place for any necessary post- excavation assessment, analysis and publication of the results, and deposition of the archive in a suitable, accessible repository.

Thanet is rich in archaeology and, as the site has been in agricultural use and, therefore largely undisturbed for a number of years, it is considered that there is the potential for archaeological remains to be present on the application site.

The applicants have undertaken a series of archaeological investigations across the site including a desk based assessment and field evaluation (including geophysical survey and trial trench evaluation). The survey work carried out highlighted that there were areas of archaeology within the site including particular remains in the south eastern area of the site which have been assessed as having medium significance. It is proposed that this area would be left free of development with opportunities for improved interpretation of the remains. Archaeological remains have also been identified in the central and northern parts of the site. These are stated as having low archaeological significance and it is proposed that these remains will be investigated and recorded in manner agreed with the Council's archaeological advisor.

KCC Archaeology reviewed the submitted archaeological work and advise that the submitted archaeological survey work is comprehensive. They confirm that the approach proposed by the applicants of preserving the archaeological remains in the south east of the site in situ and that the other remains identified on site do not warrant preservation in situ. It is recommended that provision is made to secure the area proposed to the south east of the site as an 'Archaeological Exclusion Zone', with no development coming forward on this land and protection during construction works, with the investigation and recording of the other remains within the site.

It is considered that the proposed safeguarding conditions would allow the archaeological assessed as having medium archaeological significance to be preserved in situ on site without any below ground impact and the other archaeological remains (identified as having low archaeological significance) to be investigated and appropriately recorded. Given this it is considered that any impact from the proposed development on archaeology would be appropriately managed and mitigated with safeguarding conditions, in accordance with Policy HE01 of the Thanet Local Plan.

### **Ecology and Biodiversity**

Paragraph 170 a) of the NPPF states planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan). The NPPF goes on to state at paragraph 170 (d) states that opportunities to incorporate biodiversity improvements in and around development should be encouraged, especially where this can secure measurable net gains for biodiversity.

Thanet Local Plan Policy SP30 (Biodiversity and Geodiversity Assets) states development proposals will, where appropriate, be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets. Sites should be assessed for the potential presence of biodiversity assets and protected species. For sites where important biodiversity assets, including protected species and habitats including SPA functional land, or other notable species, may be affected, an ecological assessment will be required to assess the impact of the proposed development on the relevant species or habitats. Planning permission will not be granted for development if it results in significant harm to biodiversity and geodiversity assets, which cannot be adequately mitigated or as a last resort compensated for, to the satisfaction of the appropriate authority.

The application is supported by a phase 1 habitat survey and subsequent surveys in relation to bats, reptiles, wintering birds and the land itself, with desk studies into the statutory designated sites of international, national and county levels of importance within 10km of the site. These are The Thanet Coast Special Area of Conservation (SAC), The Thanet Coast and Sandwich Bay Special Protection Area (SPA)/Ramsar site and the Sandwich Bay SAC, The Thanet Coast Site of Special Scientific Interest (SSSI), and the Thanet Coast Marine Conservation Zone (MCZ). One non-statutory designated site was assessed at Chalkhole Farm Roadside Nature Reserve (RNR). The application site is assessed as comprising two arable fields, with vegetation including dense scrub, woodland, scattered trees and grassland whilst supporting protected habitats and species (including birds and hedgehog). The ecological assessments concluded that subject to the implementation of mitigation measures, habitat planting and strengthening etc, it is considered that the development will have a beneficial effect on local wildlife at the site or site local level, with specific measures required on site and in proactive mitigation to ensure that effects on the designated sites (including recreational pressure and nitrogen deposition from increased traffic). These include:

- Specific lighting scheme to minimise impact on bats and nocturnal wildlife at both construction and operational phase, with bat boxes provided.

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- New Homeowner Information Park provided to new residents, including measures regarding pets, lighting, noise.
- Strengthening boundary vegetation through native infill planting, with open grassland and wildflower meadow to benefit chalk grassland species and pollinating insects.
- Specific construction protection measures for Badgers, planting of new native hedgerow, shrub and grassland planting for hedgehogs (including holes in boundary fences for roaming).
- Habitat enhancement for nesting birds, in particular on the south-west boundary of the site and including bird boxes.
- Calcareous grassland compensation areas on site to offset any additional nitrogen deposition from development.
- Contribution towards the Strategic Access Management and Monitoring Plan and provision of Trim Trail and open space on site to result in no additional recreational pressure on the Special Protection area.

KCC Ecology, as the Council's competent experts, have advised that the ecological information submitted is appropriate and are satisfied with the results of the further surveys which conclude that terrestrial protected species eg. reptiles and dormice are unlikely to be present. They advise that conditions should be attached to any grant of planning permission to ensure that the mitigation measures outlined are secured, with a detailed strategy for providing and managing the enhancement required. It is proposed to secure this prior to the first submission of a reserved matters application, to ensure that all measures are designed into the detailed layout/landscaping etc.

Concerns were raised initially by Natural England on lack of sufficient information in relation to wintering birds. This queried whether sufficient survey data had been provided to determine if the application site formed functionally linked land for golden plover or other birds associated with the designated sites at the Thanet Coast. Further information was provided by the applicant's environmental consultants, including separate survey work than provided within the Environmental Statement (2019/20) and providing more information about the condition of the site during the survey work. Following re-consultation on this additional work, Natural England has confirmed that they raised no objection to development of the site on these grounds, and the information is considered sufficient to conclude that the site does not act as functionally linked land for golden plover or other birds associated with the Thanet Coast and Sandwich Bay Special Protection Area, and the Thanet Coast SSSI.

European sites are afforded protection under the Conservation and Habitats and Species regulations 2010 (as amended the Habitat Regulations) and there is a duty placed upon the competent authority (in this case TDC) to have regard to the potential impact that any project may have on those sites. 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. 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) an appropriate assessment for every application proposing an increase in residential units must be undertaken and a financial contribution is required for all

additional residential development to contribute to the district wide mitigation strategy. This approach is set out in the Local Plan under Policy SP29 (Strategic Access Management and Monitoring Plan (SAMM)). The applicant has agreed to pay the required contribution, with specific measures provided (and to be secured by condition) on site including a linear park with trim trail throughout the northern section of the site to create on-site routes for dog-walkers. Both Natural England and KCC Biodiversity have been consulted on this application. Following the submission of additional information, they raise no objection to the impact of the development on the statutory nature conservation sites subject to the mitigation outlined.

Given the above, it is considered that the development of the site, with the appropriate safeguarding conditions, would not have an adverse effect on biodiversity and protected species. Subject to mitigation, no adverse effect will occur on the integrity of the protected sites in proximity to the application site, either alone or in combination with other projects or plans. The amount of open space on the site also provides the opportunity for an enhancement of biodiversity through the introduction of native landscaping in accordance with paragraph 175 of the NPPF, as well as detailed measures to enhance the environment for protected species. This will be secured by condition to subsequently be outlined at reserved matters stage with the submission of landscaping details.

#### **Appropriate Assessment**

The Council have undertaken an Appropriate Assessment reflecting all of the information provided and the confirmation of the provision of the financial contribution towards the SAMM. Having considered the proposed mitigation and avoidance measures to be provided in perpetuity in addition to the scale of onsite open space provision proposed and specific mitigation on site, the conclusion of the assessment is that with mitigation and imposition of safeguarding conditions, the project will have no adverse recreational effects on the integrity of the identified European sites alone or in-combination with other proposed development. Natural England have raised no objections to this assessment and therefore the proposed development, subject to the mitigation measures set out, is not restricted by the Conservation of Habitats and Species Regulations 2017. This appropriate assessment is appended at Annex 5.

#### **Contamination**

Paragraph 170 e) of the NPPF states planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Policy SE03 (land affected by contamination) states that development on land known or suspected to be contaminated or likely to be adversely affected by such contamination will only be permitted where: 1) an appropriate site investigation and assessment (agreed by the Council) has been carried out as part of the application to establish whether contamination is present and to identify any remedial measures necessary to ensure that the site is suitable for the

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proposed end use; 2) the proposed remedial measures would be acceptable in planning terms and would provide effective safeguards against contamination hazards during the development and subsequent occupation of the site. Planning conditions will be attached to any consent to ensure that remedial measures are fully implemented, before occupation. In the case of sites where contamination is only considered to be a possible risk, a site investigation will be required by condition.

The Council's Contamination Officer has reviewed the application and notes that historic mapping shows an old brickfield within the application site and a cemetery/graveyard close to the east of the development. They, therefore, advise that a preliminary risk assessment should be carried out for potential impacts on new residential receptors and sensitive groundwater resources from these sources. They advise that this information could be secured via a planning condition and as such, it is noted that this is not an objection to the principle of residential development on the site.

Given the above, it is considered that subject to the imposition of safeguarding conditions, there would be no adverse contamination impacts from the proposed development in the area or for future occupiers of the site.

#### **Air Quality**

The UK Air Quality Strategy Regulations 2010 is the method for implementation of the air quality limit values in the UK and provides a framework for improving air quality and protecting human health from the effects of pollution. Paragraph 181 of the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan. Policy SE05 of the Council's Local Plan relates to Air Quality and states that all major development schemes should promote a shift to the use of sustainable low emission transport to minimise the impact of vehicle emissions on air quality. Development will be located where it is accessible to support the use of public transport, walking and cycling. New development must ensure that users are not significantly adversely affected by the air quality and include mitigation measures where appropriate. All developments which either individually or cumulatively are likely to have a detrimental impact on air quality, will be required to submit an Air Quality and/or Emissions Mitigation Assessment, in line with the Air Quality Technical Planning Guidance 2016 and any subsequent revisions. The Air Quality Assessment should address the cumulative effect of further emissions. The Emission Mitigation Assessment should address any proposed mitigation measures through good design and offsetting measures that would prevent the National Air Quality Objectives being exceeded or reduce the extent of the air quality deterioration. These will be of particular importance within the urban AQMA, associated



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areas and areas of lower air quality. Proposals that fail to demonstrate this will not be permitted.

An Air Quality Assessment was submitted to support the application. It states that the site is partially within an Air Quality Management Area (AQMA) declared on the basis of annual average pollution levels. The evaluation of key potential effects has shown that, provided suitable precautions are made in the planning and execution of the construction phase of the development, significant effects on local air quality will be not significant. The assessment has also shown that any increases in pollutant concentrations as a consequence of road traffic associated with the Proposed Development will be considered to be negligible and not significant

The Council's Environmental Health Team assessed the submitted Air Quality Assessment and advise that it has been carried out in accordance with Defra's Technical Guidance. They note, however, that the site will also require that an Emissions Mitigation Assessment (which shall include a damage cost assessment) is undertaken and offsetting measures incorporated into the development. They recommend a condition to that effect is imposed on any grant of planning permission, along with conditions relating to the submission of an emissions (providing details of how the air quality damage costs are to be used to achieve air quality improvements from the development during construction and when in operation), electrical vehicle charging and a construction management plan. The construction management plan should include measures outlined in the dust mitigation assessment carried out within the Environmental Statement.

It is considered appropriate to secure the submission of the emissions strategy prior to any reserved matters application as it will inform the development of the detailed design for the site.

Given, the above, it is considered that the development of the site, with the appropriate safeguarding conditions, would not have an adverse effect on air quality in the district.

#### **Flood Risk and drainage**

Paragraph 155 of the NPPF refers that inappropriate development in areas at risk of flooding should be avoided. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Policy CC02 (Surface Water Management) states that "New development is required to manage surface water resulting from the development using sustainable drainage systems (SuDs) wherever possible. SuDs design, together with a robust long term maintenance plan should be included as an integral part of the master planning and design process for new development and should, wherever possible, incorporate multi-functional benefits for people and wildlife.

The application includes a flood risk assessment, a desk based study to establish the baseline of the water environment, consideration of proposed mitigation and quantification of significance of impact at construction and operational phase of development..

#### *Surface water drainage*

The majority of the site lies in Flood Zone 1, thus is at a low risk of flooding. A surface water model has been carried out in the masterplanning of the site, which demonstrates that a combination of the topography and existing flows during prolonged or intense rain events creates a water flow pathway through the northern section of the site (between Hartsdown Road and Shottendane Road). The existing pathway has been incorporated in the proposal through precluding residential development on the surface water pathway, whilst proposing SUDS to retain run-off on site temporarily in basins before infiltration into the existing watercourses. Plot soakaways would service individual dwellings with highway drainage directed to a soakaway trench in the northern parcel, with an infiltration basin as an additional stage of runoff treatment. This would attenuate a 1 in 30year event, with soakaway testing results used to calculate the size of the required basin (total volume 836 cubic metres). KCC as the Lead Local Flood Authority have reviewed the information and conclude that issues relating to flooding and drainage can be dealt with via the imposition of conditions on any grant of planning permission, requiring a detailed surface water drainage scheme, and subsequent verification report. to be submitted and agreed, with surface water infiltration controlled in accordance with the approved details. For storm events in excess of the standard, finished floor levels of new dwellings would be set above existing levels to mitigate the residual risk of overtopping.

#### *Foul Drainage and network capacity*

In accordance with criteria in Policy SP21, a report into the network capacity for foul water infrastructure has been submitted with the application. This proposes to utilise an existing connection point on Shottendane Road with all sewers to be built for adoption by Southern Water through an agreement pursuant to the Water and Infrastructure Act 1991. Through the separate legislation, Southern Water has the ability to require network reinforcement to ensure network performance is not detrimentally affected. Within the site additional drainage infrastructure will be required to serve the development, and a condition restricting occupation of the development until sewerage infrastructure is provided is requested by provider Southern Water. Each phase would be restricted in occupation until the infrastructure for that phase has been agreed and provided by condition, to ensure no pollution or flooding would result from the development.

The applicant has identified that during construction, activities such as the potential spillage of pollutants, the introduction of impermeable surfaces (i.e roads), piling and excavation and the change in topography have the potential to affect surface water quality, groundwater levels, flood risk and cause disturbance or contamination within the aquifer located below the site. Therefore the Construction Environmental Management Plan will need to ensure that best practice is employed as outlined in the flood risk assessment to protect water quality.

Subject to safeguarding conditions, the impact upon flood risk is considered to be acceptable, and in accordance with Policy CC02 of the Thanet Local Plan; and adequate infrastructure to serve the development is considered to be achievable.

#### **Crime and Disorder**

The NPPF requires that decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The application is in outline and at this stage raises no issues regarding crime and disorder. Secured by Design principles which will be conditioned to be addressed as part of the Reserved Matters application

### **Planning Obligations**

#### *Policy Background*

The relevant Local Plan Policies for considering this site in terms of planning obligations are Policy SP41 (Community Infrastructure) and SP23 (Affordable Housing). Policy SP41 states that development will only be permitted when provision is made to ensure delivery of relevant and sufficient community and utility infrastructure. Where appropriate, development will be expected to contribute to the provision of new, improved, upgraded or replacement infrastructure and facilities. Policy SP23 states that for developments of the scale proposed shall be required to provide 30% of dwellings as affordable housing, with the requirement only reduced if meeting it would demonstrably make the proposed development unviable. The site allocation policy SP21 for the site also requires a “proportionate contribution to necessary off-site highway improvements in accordance with Policy SP47”.

Decisions on planning applications must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. Paragraph 57 of the National Planning Policy Framework outlines that it is up to an applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage, and the weight to be given to a viability assessment is a matter for the decision maker having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

In this instance, the applicant has submitted a viability assessment and stated, upon submission, that the application would not, in their view, be able to provide a fully policy compliant scheme in regard to planning obligations, including on site affordable housing provision. It, therefore, falls to consider the submitted viability evidence and the requested contributions/obligations by Thanet Local Plan Policies and Kent County Council as infrastructure provider.

#### *Viability*

Decisions on planning applications must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. Paragraph 57 of the National Planning Policy Framework outlines that it is up to an applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage, and the weight to be given to a viability assessment is a matter for the decision maker having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

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Assessing viability requires a realistic understanding of the costs and the value of development in the local area and an understanding of the operation of the market, and should be based on current costs and values. A site is viable if the value generated by its development, the Gross Development Value (GDV), exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken. The accepted methodology for assessing this is the residual land value method. This calculates the estimated GDV from the development, subtracts the development cost (including the developer's profit at an agreed level) and compares this residual land value against a Benchmark Land Value (BLV). The BLV is established on the basis of the existing use value of the land plus a premium for the landowner, with the premium required to provide a reasonable return to induce a landowner to sell the site for development or develop the site whilst reflecting the implications of site-specific infrastructure costs.

A viability assessment was submitted by the applicant which is provided at Annex 1. The assessment takes into account local market evidence of sales values and estimated development costs including site-specific road infrastructure. This assessment has been independently assessed by the Council's appointed viability consultant, who has provided comments to the Council (Annex 2). Subsequent to this report, a further review of the road infrastructure costs was commissioned by the applicant, with the findings reviewed by a quantity surveyor on behalf of the Council's appointed viability consultant. The final comments on the viability work from the Council's consultants has been received which will be discussed below.

The Council's appointed consultants for this application also carried out the strategic planning work on the viability of the Thanet Local Plan on behalf of the Council and this work was subject to examination as part of the Local Plan adoption process.

Below is a summary of the main points of the assessment carried out by independent assessor, and the view of officers in relation to this assessment:

The Benchmark Land Value (BLV) submitted considers the site (18.97 hectares excluding highway land) as agricultural land plus a premium to incentivise the landowner to develop the site. In this instance, a rate of £250,000/ha (£100,000 per acre) has been submitted, which has been agreed by the Council's appointed consultants, providing the figure of £4,742,750. This figure has been set taking into account strategic level viability studies, the site circumstances and policy requirements and this figure is considered suitable by officers to compare against the residual land value.

As the application has been submitted in outline form, the detailed values of expected sales has been conducted using an illustrative accommodation mix for market housing and affordable housing. This mix has an increased amount of larger properties than the mix recommended in the Strategic Housing Market Assessment (stated in Policy SP22), for example providing 55% of market dwelling as 3 bed units when the recommended range is 30-35%. This is considered to therefore be a robust mix to assess a best case for GDV. In terms of the values stated, the range of values have been considered to be evidenced when taking account of the location of the site and type of accommodation in the indicative mix. The conclusion of the independent review is that the values reflected are not unreasonable (average value of £3,045/m<sup>2</sup>), but that the viability could understandably fluctuate (either up

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or down) with smaller percentage changes to sales values. On this point the report suggests consideration of a review mechanism once the scheme's design is finalised with reserved matters submission/approval (this is discussed later in the report). The average value for the affordable housing has been modelled at 54% (on the basis of an affordable-need compliant 70/30 split of the affordable provision between affordable rent and shared ownership) which is considered acceptable.

For cost assumptions, the use of the Building Cost Information Service (BCIS) median rate rebased for Kent has been considered acceptable (average cost £1,327/m<sup>2</sup>), with a contingency rate for all building costs of 5% agreed. Initially, there was divergency between cost assumptions for drainage and highway infrastructure (in particular costs of construction of estate roads, link road, roundabouts, and re-alignment of Shottendane Road, report appended at Annex 3). Submission of further information (provided at Annex 4) subsequently led to an increase in the cost estimates with the Council consultants viability appraisal, predominantly due to the clarification of the units of measurement. This reduces the cost disparity between the appraisals from £3,645,000 to £340,185. This disparity in theoretical 'saving' in cost has been accommodated within the appraisal by increased Section 106 contributions above those modelled in the applicant's appraisal. Therefore, there is now agreement regarding the modelled highways infrastructure costs within the appraisal, with particular importance on the abnormal highway costs as a result of the topography and drainage requirements of the site.

A developer profit allowance of 17.5% of GDV of the market housing and 6% on the affordable housing has been assumed within the viability report, with a total profit of £19,522,010. This is within the range of 15%-20% profit that is considered to be reasonable to enable the development to be delivered under the NPPG, in the current economic circumstances.

The applicant's viability appraisal made provision for contributions covering all requested Kent County Council (KCC) obligations towards Secondary Education (covering provision of new secondary school project and land), Community learning, youth, libraries, social care and waste, which totalled £2,940,269. An identified additional cost for a contribution requested for Healthcare provision of £388,800 from the development was included in the appraisal by the Council's viability consultants. In addition, a request for a contribution toward Special Education Needs and Disability schools totalling £435,453.72 has been received from KCC. The policy required mitigation toward increased recreational pressure at designated sites (the Strategic Access Monitoring and Mitigation plan) totalling £157,500 was not included in the assessment (required by Policy SP29), nor was any provision for an off-site contribution to the Thanet inner circuit. The inclusion of these contributions would further decrease the viability of the development, and the inclusion of all planning obligations discussed in the following section.

Following the review of the applicants review and the Council's consultant running their own scenario, then the residual land value when accounting for values and costs indicate a deficit against the Benchmark Land Value (which has itself been considered reasonable) on the basis of 10% affordable housing provision on site. This viability would be further compromised by the inclusion of the additional requests for contributions by KCC and policy compliance with Policies SP21 and SP29. Therefore, in the interests of delivering the

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allocated housing site and given the site specific costs and viability appraisals carried out, it is appropriate to secure 10% affordable housing on this basis, in accordance with Policy SP23.

### *Infrastructure Obligations*

As outlined above, even with a reduction in on-site affordable provision, the evidence before the Council shows that on the absence of current evidence, the development would not be able to accommodate all the requested financial planning obligations required through Thanet Local Plan policies. Below is a table summarising all the requested financial contributions for the development.

<b>Requestor</b>	<b>Contribution per dwelling</b>		<b>Contribution for 450 dwelling scheme</b>
KCC Secondary Education	£5,176	per applicable house	£2,080,752.00
	£1,294	per applicable flat	£62,112.00
KCC Secondary School Land	£1,511.11	per applicable house	£607,466.22
	£377.78	per applicable flat	£18,133.44
KCC Special Educational Needs provision	£1,051.82	per applicable house	£422,831.64
	£262.96	per applicable flat	£12,622.08
KCC Community Learning	£16.42		£7,389.00
KCC Youth	£65.50		£29,475.00
KCC Libraries	£55.45		£24,952.50
KCC Social Care	£146.88		£66,096.00
KCC Waste	£92.72		£41,724.00
Health (CCG)	£864.00	per plot	£388,800.00
TDC SAMMs	£350.00	Average per plot	£157,500.00

Regulation 122 of The Community Infrastructure Levy (CIL) 2010 (as amended) states that a planning obligation may only constitute a reason for granting a planning permission for the development if the obligation is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development proposed. It is considered that the above requests comply with regulation 122 of the CIL regulations.

A financial contribution has also been requested by the Public Rights of Way team by KCC for £68-70,000 towards upgrading the public bridleway, for clearance, resurfacing, width definition and signage. This has been considered in the highways section above.

The strategic allocation policy for the site requires a proportionate contribution to necessary off-site highway improvements (the Thanet transport strategy as outlined in Policy SP47). Applying the apportionment work carried out with the Local Plan in 2019, the proportionate

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cost for the highway contribution linked to this strategic allocation would total £2.46million (approx).

A total planning obligation 'pot' of £3,329,096 has been allocated in the viability assessment toward community infrastructure. In addition, a highways cost within the viability appraisal has been removed which made provision for the realignment of Shottendane Road through the development, which amounted to £1,000,000, and other stated contributions from KCC have been included within the applicant's submitted amount for planning obligations. This means the total available planning obligation figure, on the basis of the viability evidence and applicants submission, is £4,919,853.88.

The contribution towards the SAMMs (to ensure compliance with the Council's Appropriate Assessment) is required to be secured, with the healthcare contribution requested by NHS also secured. This leaves £4,373,553.88 remaining for use to provide community and highway infrastructure.

The Council has discussed the provision of community and highways planning obligations with KCC in light of the viability evidence. On the basis that the site is allocated for housing and would provide key sections of infrastructure, it is important for both authorities to adopt a flexible approach to obligations to ensure that this strategic development is delivered, whilst ensuring that the impacts from the development are acceptably mitigated. Therefore, a per unit "KCC community and highways" obligation will be secured, calculated as £9719.01 per unit, which will be payable to the Council and secured towards the identified projects within the KCC response. This planning obligation will be held and released to KCC upon agreement between KCC Development contributions team, KCC Highways and the Council, to ensure the maximum benefit can be secured for the contribution (for example if forward funding secured national funding for an identified project). This will be on a priority basis to be agreed between the Councils, with education and highways the main priorities due to the scale of the requests for both receive and to ensure sufficient mitigation is in place for the impacts on the development on the community.

This approach provides flexibility in responding to the viability issues of the development of the site in securing required planning obligations, whilst still ensuring that housing and infrastructure delivered through the development of this allocated site occurs. Therefore the proposal is considered to be in accordance with Policies SP41 and SP47 of the Thanet Local Plan.

#### *Review mechanism and Major Road Network bid*

Given the outline nature of the development, the size of the scheme (meaning it will come forward in stages/phases) and the reduction in provision of affordable housing on site, it is considered necessary to require a mechanism for the review of the viability of the scheme at defined points throughout the development within the required Section 106 agreement. It is proposed for a review of viability to occur prior to the occupation of 200th dwelling and the 400th dwelling, with any surplus split 50/50 between developer and the Council. Any additional financial contribution received would be secured towards the provision of off-site affordable housing in the district.



## Agenda Item 4

### Annex 6

Currently Kent County Council have a funding bid for the A28 Major Road Network being considered for the Department of Transport. This, if successful, would result in grant money for the implementation of the Thanet Transport Strategy, which incorporates strategic improvements/realignments and junctions along the A28 Shottendane Road corridor. In regard to this proposal, the grant would result the works to Shottendane road (including the roundabout), Manston Road (including the roundabout) and the two link roads between Manston Road, Shottendane Road and Hartsdown Road being provided by KCC Highways (using the grant money), with a percentage of match-funding to be provided by the developers of this site. This would result in savings to the developer if these works were majority funded by the grant, over and above the current viability position outlined above. Therefore a separate mechanism is required to secure a financial contribution totalling the agreed cost of providing this road infrastructure (or any part of the road infrastructure provided by the grant), minus any required match funding for the bid or any other external funding, towards community and highways infrastructure projects as identified in the KCC consultation response and off-site affordable housing in the district. The trigger for this mechanism should be prior to the implementation of an approved reserved matters application/phase of development, to ensure that a developer knows prior to starting whether the road will be provided by KCC and to accept the level of contribution payable, with the amounts payable upon completion of the relevant section of infrastructure (with occupancy of a specified number of units limited until payment is made). The total savings (if all elements of the bid were provided by KCC) could total £3,696,480 (minus match funding) and therefore this mechanism is considered appropriate to secure necessary planning obligations as identified above.

#### **Heads of Terms**

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

- 10% affordable housing on site (70% affordable rent, 30% shared ownership or future affordable housing product)
- £4,373,553.88 towards community and highways infrastructure, to be utilised towards following projects:
- Off-site contribution to Strategic Route highway improvement as outlined in Policy SP47 of the Thanet Local Plan;
- the new Thanet Secondary school and associated land acquisition;
- expansion of an existing special needs school serving this development in Thanet;
- additional resources at Margate Adult Education Centre;
- additional equipment and resources for the Thanet Youth service;
- additional stock, services and resources at Margate Library;
- specialist care accommodation in Thanet;
- Materials Recovery Facility and improvements at Margate HWRC;
- upgrading TM14 route.
- £388,800 towards creating capacity at the Limes Medical Practice or within the Primary Care Network

## Agenda Item 4

### Annex 6

- Contribution in accordance with Policy SP29 for the Strategic Access Management and Monitoring Plan.
- Review mechanism requiring two additional assessments of development viability to be submitted and agreed prior to the occupation of 200th dwelling and the 400th dwelling, with updated values and cost information at that time, with 50% of any surplus provided the Council for use towards off-site affordable housing in the district within a stated timescale.
- Review mechanism requiring an assessment of development viability in the event of Major road network or other infrastructure funding prior to implementation of each phase (as shown on parameter plan or as agreed) to, with updated values and cost information at that time, with any highway cost savings through grant provided in full to the Council prior to the occupation of any unit in that phase. The obligation shall be utilised towards the community and highways infrastructure as defined above.
- Section 106 agreement to include a requirement for all internal spine roads and associated junctions and infrastructure to be part of an agreement under Section 38 of the Highways Act 1980 with KCC Highways.
- Safeguarding of land required to deliver the link roads and Shottendane Road improvements to enable KCC to deliver the infrastructure in the event that external funding is secured. Relevant land should be transferred to KCC at no/nominal cost (i.e £1 if there needs to be a value) at the written request of KCC.
- In the event that the link road is delivered by the developer, the developer to enter into an agreement under Section 38 of the Highways Act 1980, to ensure the adoption of the link road infrastructure. This is to secure consistent highway network access and management in the future.

#### **Other Matters**

Policy SP21 requires an assessment of potential implications of policies CSW16 and DM8 of the Kent Minerals and Waste Local Plan and the need (if any) to mitigate any potential impacts on waste management capacity. The development will not impact on the operation of the Margate Household Waste Recycling Centre on Manston Road (subject to safeguarding conditions including consideration of access to the facility during construction), and KCC have been consulted and requested a contribution from the development towards improvements at the facility. Therefore this matter has been sufficiently dealt with by the proposal.

Concerns have been raised by local residents that not enough information is given on the application. No details or additional information has, however, been received as to what information is considered to be missing. It is noted that this is an outline application with all matters other than access reserved for future consideration so some details (such as the exact location, design and scale of individual dwellings) are not available at this stage, this would however, come forward at reserved matters stage and local residents would be able to comment at that stage. Officers consider that they have sufficient information at this stage to determine the outline application under consideration.

## Agenda Item 4

### Annex 6

Concerns have also been raised about the impact of the proposed development on property prices in the surrounding area. This is not a material planning consideration.

Local residents have also commented that leasehold properties cause problems and should not be part of the development. It is not normally the place for the Local Planning Authority to control the proposed tenure of dwellings other than in particular circumstances. There is a requirement for affordable housing to come forward as part of this development and the type and tenure of that would be controlled through an affordable housing scheme as part of the S106 agreement. There is, however, no reason to suggest that people in leasehold dwellings are more inclined to anti-social behaviour than occupiers of other types of dwellings and even there are other bodies which would deal with issues like anti-social behaviour.

The potential for trespass onto surrounding agricultural land as a result of the proposed development has been raised. There is no reason to link the proposed development with anti-social behaviour such as trespass and, as set out above, there are other bodies which would deal with such issues should they arise.

Concerns have also been raised about the compatibility of the cricket club and proposed residential development adjoining it. This matter does not affect the consideration of this outline application, but would need to be considered at the detailed reserved matters stage.

Any covenants on the application site would be a civil matter and not considered as part of the determination under planning legislation.

### **Conclusion**

The site is allocated for residential development under Local Plan Policy SP21 and full weight should be given to this policy. The proposal would provide 450 dwellings on this strategically allocated housing site whilst providing key infrastructure as part of the Thanet Transport Strategy. The application has been demonstrated to accord with principles of the site specific policy SP21, whilst adapting to site specific requirements regarding drainage, archaeology and delivery of road infrastructure which will bring forward less dwellings that are allocated for the site. This has also resulted in a reduction in the planning obligations available from the proposed development towards affordable housing, off-site community and highways contributions. This reduction has been assessed in detail and the viability assessment given significant weight, taking account of the specific circumstances of the site, when assessing the application, and review mechanisms are considered to be appropriate to strengthen the Council's ability to seek compliance with Policies SP23, SP41 and SP47 over the lifetime of the project.

The provision of up to 450 dwellings would make a significant contribution to the District's Housing supply, supporting the economic and social dimensions of sustainable development, with employment provided through construction of the site. This contribution to supply should be given great weight given that the Council has not met the Housing Delivery test. The proposed housing development must therefore be viewed in the context of the test in Paragraph 11 of the NPPF, with any adverse impacts of granting permission having to

## Agenda Item 4

### Annex 6

significantly and demonstrably outweigh the benefits from the scheme to withhold permission.

The provision of the link road from Manston Road to Hartsdown Road will provide clear and demonstrable benefits to the district's transportation network, whilst accommodating additional traffic created from the proposal. Whilst below the policy requirement, the proposal will also provide social benefit through 10% on site affordable housing provision and the creation of a contribution pot to facilitate the delivery of both community and highways projects in the district (with the provision of review mechanisms to ensure policy compliance of the lifetime of the development).

On the environmental dimension of sustainable development, the development would result in the loss of agricultural land and countryside, however, this has been agreed through the Local Plan adoption process. The amount of development proposed on the site can be accommodated without resulting in significant harm to the character and appearance of the area, and in principle the development will not result in significant harm to the living conditions of surrounding residential occupiers with detailed considerations of this at the reserved matters stage. The development has made provision through the submitted parameter plans and Landscape Strategy to provide suitable provision and location of open space and landscaping provision on site to mitigate the change in the landscape, whilst providing biodiversity enhancements which are to be secured by condition. Specific measures with regard to surface and foul drainage, archaeology, contamination, ecology will be secured by condition to ensure compliance with Local Plan Policy and national guidance. The impacts on St Johns Cemetery and the setting of Shottendane Farm House has been taken into account in the development of the parameter plans, with the less than substantial harm mitigated through proposed open space location, retained landscaping and distance between heritage assets and proposed built development.

Overall when considering the Local Plan and National Planning Policy framework as a whole, the proposal constitutes sustainable development, with the identified environmental harm outweighed by the significant economic and social benefits from the proposed development of the allocated housing site. Therefore it is recommended the Members defer and delegate the application to officers for approval, subject to the receipt of a satisfactory Section 106 agreement to secure the required planning obligations within 6 months of this resolution.

#### **Case Officer**

Annabel Hemmings

#### **Background Papers:**

Annex 1 - Applicants Viability Appraisal

Annex 2 - DSP Viability Review

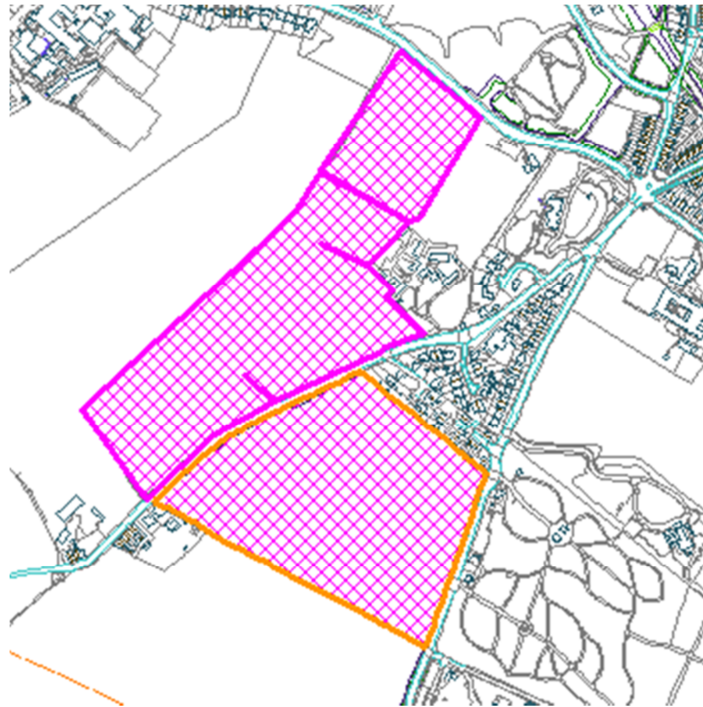
Annex 3 - Highways Cost review

Annex 4 - Applicant response on Highways cost

Annex 5 – Habitat Regulation Assessment

TITLE: OL/TH/20/0847

Project Land On The North West And South East Sides Of Shottendane Road  
MARGATE Kent





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Robert Black  
Gladman

Our ref      SP/EC  
Direct line    02070875492  
Mobile        07808102333  
[edmund.couldrey@eu.jll.com](mailto:edmund.couldrey@eu.jll.com)

07 June 2021

Dear Robert,

### **LAND AT SHOTTERDANE ROAD, MARGATE – VIABILITY DISCUSSIONS & ADDITIONAL AFFORDABLE PROVISION**

#### **Introduction and Background**

JLL provided a Financial Viability Assessment dated June 2020 in support of planning the proposed scheme at Shottendane Road, Margate. This was reviewed on behalf of Thanet District Council (“TDC”) by Dixon Searle Partnership (“DSP”) in October 2020. The majority of assumptions adopted by JLL were considered appropriate by DSP, though some assumptions were disputed. Following discussions these differences were resolved.

Based upon these revised assumptions the scheme, with a 10% provision of affordable housing, resulted in a Residual Land Value (“RLV”) below that of the agreed Benchmark Land Value (“BLV”). On this basis the scheme and provision of 10% affordable housing was presented to members at planning committee.

#### **Updated Assumptions**

The proposed scheme was presented to the Planning Committee in April 2021. Members resolved to defer the application for further consideration of the affordable housing offer. In particular, it was considered that the viability assessment was somewhat out of date, having been conducted in June 2020, and that the sales price increases and build cost inflation that have taken effect since this date should be taken into consideration. As a result, we have considered these changes and the impact on the affordable housing offer.

##### *House Prices*

We have reviewed the Nationwide’s House Price Index data quarterly indices for the Outer South East. This demonstrates that there has been a 5.6% increase in house prices for the region between Q2 2020 and Q1 2021 (the latest dataset). We have rounded to 6% and reflected this in our overall GDV for the private sale units. This has increased the total GDV for the site which we have reflected in our updated appraisal which can be found appended to this letter.

##### *Build Costs*

We have reviewed the RICS’s Building Cost Information Service (BCIS) Private Housing Construction Price Index which shows a 3% increase in costs between Q2 2020 and Q1 2021. We have reflected this in our updated appraisal which is appended.





### Update Appraisal and Additional Affordable Housing

Based upon the above we have calculated that the scheme would provide **an additional 5% affordable housing, (15% overall)**, whilst maintaining a similar RLV, which equates to circa 68 affordable units. We have appended a summary of our appraisal to this letter. See appendix 1.

This is also on the basis that the level on contributions payable via S106 remains the same as presented in the Heads of terms that were before the Planning Committee in April 2021. This includes retaining the affordable housing tenure split of 80% affordable rent and 20% shared ownership.

### Viability Reviews

At present, in the absence of secured funding, the scheme will need to deliver major infrastructure improvements within the development including the link road. This is reflected in the viability assessment results. However, should Major Road Network ('MRN') funding be granted towards these works then the costs will effectively be released to Kent County Council and Thanet District Council under the review mechanisms agreed within the Heads of Terms for the S106 Agreement.

Firstly, in the event of MRN or other infrastructure funding prior to implementation of each phase (as shown on parameter plan or as agreed), a reassessment of development viability is required with updated values and cost information at that time. Any highway cost savings through grant will be provided in full to the Council prior to the occupation of any unit in that phase. The obligation shall be utilised towards the community and highways infrastructure as defined above.

Secondly, a review mechanism requiring two additional assessments of development viability shall be submitted and agreed prior to the occupation of the 200th and 400th dwelling, with updated values and cost information at that time. This occurs whether MRN funding is secured or not. The predefined distribution of any surplus will be provided to the Council for use towards off-site affordable housing in the district within a stated timescale.

As such there is a strong likelihood that additional contributions from the scheme will be provided to the community during the course of the development.

We trust the above is clear but are happy to answer any queries you may have.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Edmund Couldrey', with a long horizontal flourish extending to the right.

Edmund Couldrey MRICS  
Director, JLL

Q1 1993 =100	OUTER S EAST		OUTER MET		LONDON		SOUTH WEST		WALES		SCOTLAND		N IRELAND		UK	
	£	INDEX	£	INDEX	£	INDEX	£	INDEX	£	INDEX	£	INDEX	£	INDEX	£	INDEX
Q1 2012	196097	360.1	243969	352.1	293375	438.2	182272	337.8	129682	267.8	135242	257.8	109562	316.9	162722	324.6
Q2 2012	198112	363.8	249067	359.4	302399	451.7	186172	345.1	131840	272.3	136182	259.5	110422	319.4	164955	329.1
Q3 2012	200276	367.8	247386	357.0	301168	449.9	186366	345.4	132385	273.4	132273	252.1	107719	311.6	163910	327.0
Q4 2012	198009	363.6	246453	355.6	300361	448.7	184625	342.2	131630	271.8	131795	251.2	104282	301.6	162924	325.0
Q1 2013	197564	362.8	247830	357.6	306919	458.4	184591	342.1	132971	274.6	128594	245.1	108610	314.1	163056	325.3
Q2 2013	202132	371.2	253913	366.4	318214	475.3	188923	350.2	133432	275.6	134611	256.6	108116	312.7	167294	333.7
Q3 2013	207129	380.4	261090	376.8	331338	494.9	191422	354.8	137169	283.3	135192	257.7	108671	314.3	170918	341.0
Q4 2013	213007	391.2	267682	386.3	345186	515.6	195196	361.8	139722	288.6	136729	260.6	111612	322.8	174444	348.0
Q1 2014	217534	399.5	273998	395.4	362699	541.8	198325	367.6	139911	288.9	138386	263.7	114495	331.2	178124	355.3
Q2 2014	230409	423.1	295543	426.5	400404	598.1	207420	384.4	145812	301.1	141872	270.4	117150	338.8	186544	372.1
Q3 2014	234370	430.4	298558	430.8	401072	599.1	209121	387.6	144096	297.6	142288	271.2	119782	346.5	188810	376.7
Q4 2014	235538	432.5	301612	435.2	406730	607.5	210847	390.8	141631	292.5	142527	271.6	120685	349.1	189002	377.0
Q1 2015	235747	432.9	306931	442.9	408780	610.6	209585	388.4	139171	287.4	140180	267.2	121052	350.1	188566	376.2
Q2 2015	244119	448.3	315620	455.5	429711	641.9	215363	399.2	144701	298.8	140512	267.8	126525	366.0	194258	387.5
Q3 2015	247286	454.1	326785	471.6	443399	662.3	219781	407.3	146854	303.3	140402	267.6	127562	369.0	195733	390.5
Q4 2015	251296	461.5	334532	482.7	456229	681.5	218905	405.7	142622	294.5	139801	266.4	128481	371.6	197044	393.1
Q1 2016	255325	468.9	344371	496.9	455984	681.1	221703	410.9	141525	292.3	139911	266.7	123225	356.4	198564	396.1
Q2 2016	265638	487.8	354787	512.0	472384	705.6	227447	421.6	145973	301.5	141245	269.2	128562	371.8	204238	407.4
Q3 2016	267151	490.6	358153	516.8	474736	709.1	229907	426.1	146172	301.9	143275	273.1	130581	377.7	206346	411.6
Q4 2016	268656	493.4	357331	515.6	473073	706.6	228611	423.7	146049	301.6	142895	272.3	129385	374.2	205937	410.8
Q1 2017	271655	498.9	356812	514.9	478782	715.2	233665	433.1	143236	295.8	143964	274.4	127921	370.0	206665	412.3
Q2 2017	274836	504.7	362338	522.9	478142	714.2	237525	440.2	148018	305.7	143673	273.8	133449	386.0	209971	418.9
Q3 2017	277519	509.6	365584	527.6	471761	704.7	240832	446.4	149970	309.7	146022	278.3	133659	386.6	211672	422.3
Q4 2017	277030	508.7	361598	521.8	470922	703.4	239576	444.0	150885	311.6	146578	279.4	131989	381.8	211433	421.8
Q1 2018	277242	509.1	363263	524.2	473776	707.7	240361	445.5	151971	313.8	144250	274.9	137965	399.0	211792	422.5
Q2 2018	281752	517.4	365514	527.5	468845	700.3	243182	450.7	153964	318.0	148161	282.4	136211	394.0	214578	428.1
Q3 2018	279858	513.9	364309	525.7	468544	699.9	245434	454.9	154881	319.9	149161	284.3	139374	403.1	216103	431.1
Q4 2018	277117	508.9	356531	514.5	466988	697.5	244304	452.8	156891	324.0	147856	281.8	139599	403.8	214178	427.3
Q1 2019	274122	503.4	355978	513.7	455594	680.5	241683	447.9	153287	316.6	147728	281.6	142484	412.1	212694	424.3
Q2 2019	277227	509.1	358850	517.8	465722	695.7	245767	455.5	160407	331.3	148783	283.6	143343	414.6	215910	430.7
Q3 2019	278134	510.8	358833	517.8	460686	688.1	246658	457.2	159355	329.1	150410	286.7	144053	416.7	216805	432.5
Q4 2019	274316	503.7	357665	516.1	458363	684.7	248238	460.1	159322	329.0	151952	289.6	141015	407.9	215925	430.7
Q1 2020	278838	512.1	358996	518.1	460266	687.5	245326	454.7	163076	336.8	148893	283.8	143438	414.9	217911	434.7
Q2 2020	282936	519.6	364529	526.0	475448	710.2	251392	465.9	162089	334.7	154695	294.8	143437	414.9	220133	439.1
Q3 2020	291404	535.1	376682	543.6	480857	718.3	260316	482.5	165423	341.6	153347	292.3	146152	422.7	224337	447.5
Q4 2020	296291	544.1	377677	545.0	486562	726.8	264512	490.3	169846	350.8	156768	298.8	149382	432.1	229819	458.5
Q1 2021	298804	548.7	379058	547.0	482576	720.8	263033	487.5	174777	360.9	159221	303.5	154012	445.5	231644	462.1

## BCIS Private Housing Construction Price Index #861

Base date: 1998 mean = 100 | Updated: 15-Mar-2021 | #861

Date	Index	Sample	Percentage change		
			On year	On quarter	On month
2Q 2019	221	Firm 17	4.2%	0.9%	
3Q 2019	221	Firm 18	3.3%	0.0%	
4Q 2019	223	Firm 19	2.8%	0.9%	
1Q 2020	225	Firm 13	2.7%	0.9%	
2Q 2020	225	Firm 16	1.8%	0.0%	
3Q 2020	226	Firm 17	2.3%	0.4%	
4Q 2020	229	Provisional 19	2.7%	1.3%	
1Q 2021	233	Forecast 18	3.6%	1.7%	

Shottendane Rd, Margate - 10% AH  
Scenario 1A - 100% Kent Contribution & PC Tenure  
6% PS GDV increase  
3% BC increase

**APPRAISAL SUMMARY**

Annex 7 **LICENSED COPY**

**Shottendane Rd, Margate - 10% AH**  
**Scenario 1A - 100% Kent Contribution & PC Tenure**  
**6% PS GDV increase**

**Appraisal Summary for Phase 1**

Currency in £

**REVENUE**

Sales Valuation	Units	ft²	Sales Rate ft²	Unit Price	Gross Sales
PS units	405	388,258	299.64	287,253	116,337,650
AH units	45	34,446	154.95	118,608	5,337,358
Ground Rents (Apartments)	1	0	0.00	107,493	107,493
<b>Totals</b>	<b>451</b>	<b>422,704</b>			<b>121,782,501</b>

**NET REALISATION**

**121,782,501**

**OUTLAY**

**ACQUISITION COSTS**

Residualised Price (48.14 Acres @ 88,808.83 /Acre)	4,275,257	
		4,275,257
Stamp Duty	203,763	
Effective Stamp Duty Rate	4.77%	
Agent Fee	64,129	
Legal Fee	21,376	
		289,268

**CONSTRUCTION COSTS**

Construction	Units	Unit Amount	Cost	
Garages	77 un	10,748	827,605	
Standard Site Works	1 un	1,854,000	1,854,000	
Road and Sewers	1 un	4,486,076	4,486,076	
Public Open Space (NEAP, LEAP)	1 un	103,000	103,000	
Public Open Space (LAP, planting)	1 un	468,650	468,650	
Plot Abnormals	1 un	2,838,938	2,838,938	
Site Abnormals	1 un	3,104,904	3,104,904	
Site Abnormals - Retaining Walls	1 un	1,931,250	1,931,250	
Link Road(access, diversions, islands)	1 un	1,931,250	1,931,250	
Link Road (culvert) + re-align Shottendane Rd	1 un	2,648,624	2,648,624	
<b>Totals</b>			<b>20,194,297</b>	
	<b>ft²</b>	<b>Build Rate ft²</b>	<b>Cost</b>	
Construction Costs	427,677	126.98	54,305,741	
Contingency		5.00%	3,725,002	
				78,225,040

**Section 106 Costs**

KCC Contributions	4,373,554	
Thanet Contributions	546,300	
		4,919,854

**PROFESSIONAL FEES**

Professional Fees	8.00%	5,960,003	
			5,960,003

**MARKETING & LETTING**

PS - Marketing	1.50%	1,745,065	
			1,745,065

**DISPOSAL FEES**

PS - Sales Agent Fee	1.50%	1,745,065	
AH - Sales Agent Fee	1.00%	53,374	
PS - Sales Legal Fee	405 un	850.00 /un	344,250
AH - Sales Legal Fee		0.50%	26,687
			2,169,375

**FINANCE**

Debit Rate 6.500%, Credit Rate 1.000% (Nominal)			
Land		1,536,725	
Construction		2,004,038	
Other		(40,266)	
<b>Total Finance Cost</b>			<b>3,500,498</b>

**APPRAISAL SUMMARY**

Annex 7 **LICENSED COPY**

**Shottendane Rd, Margate - 10% AH**  
**Scenario 1A - 100% Kent Contribution & PC Tenure**  
**6% PS GDV increase**

**TOTAL COSTS** 101,084,360

**PROFIT** 20,698,142

**Performance Measures**

Profit on Cost%	20.48%
Profit on GDV%	17.00%
Profit on NDV%	17.00%

Shottendane Rd, Margate - 15% AH  
Scenario 1A - 100% Kent Contribution & PC Tenure  
6% PS GDV increase  
3% BC increase

**APPRAISAL SUMMARY**

**Shottendane Rd, Margate - 15% AH**  
**Scenario 1A - 100% Kent Contribution & PC Tenure**  
**6% PS GDV increase**

**Appraisal Summary for Phase 1**

Currency in £

**REVENUE**

Sales Valuation	Units	ft²	Sales Rate ft²	Unit Price	Gross Sales
PS units	382	369,851	298.95	289,440	110,565,950
AH units	68	52,853	155.91	121,181	8,240,311
Ground Rents (Apartments)	1	0	0.00	107,493	107,493
<b>Totals</b>	<b>451</b>	<b>422,704</b>			<b>118,913,754</b>

**NET REALISATION**

**118,913,754**

**OUTLAY**

**ACQUISITION COSTS**

Residualised Price (48.14 Acres @ 60,075.37 /Acre)	2,892,029	
Stamp Duty	134,601	2,892,029
Effective Stamp Duty Rate	4.65%	
Agent Fee	43,380	
Legal Fee	14,460	
		192,442

**CONSTRUCTION COSTS**

Construction	Units	Unit Amount	Cost	
Garages	77 un	10,748	827,605	
Standard Site Works	1 un	1,854,000	1,854,000	
Road and Sewers	1 un	4,486,076	4,486,076	
Public Open Space (NEAP, LEAP)	1 un	103,000	103,000	
Public Open Space (LAP, planting)	1 un	468,650	468,650	
Plot Abnormals	1 un	2,838,938	2,838,938	
Site Abnormals	1 un	3,104,904	3,104,904	
Site Abnormals - Retaining Walls	1 un	1,931,250	1,931,250	
Link Road(access, diversions, islands)	1 un	1,931,250	1,931,250	
Link Road (culvert) + re-align Shottendane Rd	1 un	2,648,624	2,648,624	
<b>Totals</b>			<b>20,194,297</b>	
	<b>ft²</b>	<b>Build Rate ft²</b>	<b>Cost</b>	
Construction Costs	427,677	126.98	54,305,741	
Contingency		5.00%	3,725,002	78,225,040

**Section 106 Costs**

KCC Contributions	4,373,554	
Thanet Contributions	546,300	
		4,919,854

**PROFESSIONAL FEES**

Professional Fees	8.00%	5,960,003	5,960,003
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**MARKETING & LETTING**

PS - Marketing	1.50%	1,658,489	1,658,489
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**DISPOSAL FEES**

PS - Sales Agent Fee	1.50%	1,658,489	
AH - Sales Agent Fee	1.00%	82,403	
PS - Sales Legal Fee	382 un	850.00 /un	324,700
AH - Sales Legal Fee		0.50%	41,202
			2,106,794

**FINANCE**

Debit Rate 6.500%, Credit Rate 1.000% (Nominal)			
Land		1,029,230	
Construction		2,059,684	
Other		(14,675)	
<b>Total Finance Cost</b>			<b>3,074,238</b>



**APPRAISAL SUMMARY**Annex 7 **LICENSED COPY**

Shottendane Rd, Margate - 15% AH  
Scenario 1A - 100% Kent Contribution & PC Tenure  
6% PS GDV increase

**TOTAL COSTS** 99,028,889

**PROFIT** 19,884,865

**Performance Measures**

Profit on Cost%	20.08%
Profit on GDV%	16.72%
Profit on NDV%	16.72%

Shottendane Rd, Margate - 19% AH  
Scenario 1A - 75% Kent Contribution & PC Tenure  
6% PS GDV increase  
3% BC increase

**APPRAISAL SUMMARY**

**Shottendane Rd, Margate - 19% AH**  
**Scenario 1A - 75% Kent Contribution & PC Tenure**  
**6% PS GDV increase**

**Appraisal Summary for Phase 1**

Currency in £

**REVENUE**

Sales Valuation	Units	ft²	Sales Rate ft²	Unit Price	Gross Sales
PS units	365	356,065	298.57	291,260	106,310,050
AH units	85	66,639	154.74	121,314	10,311,719
<b>Totals</b>	<b>450</b>	<b>422,704</b>			<b>116,621,769</b>

**Rental Area Summary**

	Units	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Ground Rent	23	270	6,210	6,210

**Investment Valuation**

<b>Ground Rent</b>				
Market Rent	6,210	YP @ PV 3yrs 10mths @	5.0000% 5.0000%	20.0000 0.8294
				103,014

**GROSS DEVELOPMENT VALUE**

**116,724,783**

**NET REALISATION**

**116,724,783**

**OUTLAY**

**ACQUISITION COSTS**

Residualised Price (48.14 Acres @ 59,116.51 /Acre)		2,845,869	
Stamp Duty		132,293	2,845,869
Effective Stamp Duty Rate	4.65%		
Agent Fee	1.50%	42,688	
Legal Fee	0.50%	14,229	
			189,211

**CONSTRUCTION COSTS**

Construction	Units	Unit Amount	Cost
Garages	77 un	10,748	827,605
Standard Site Works	1 un	1,854,000	1,854,000
Road and Sewers	1 un	4,486,076	4,486,076
Public Open Space (NEAP, LEAP)	1 un	103,000	103,000
Public Open Space (LAP, planting)	1 un	468,650	468,650
Plot Abnormals	1 un	2,838,938	2,838,938
Site Abnormals	1 un	3,104,904	3,104,904
Site Abnormals - Retaining Walls	1 un	1,931,250	1,931,250
Link Road(access, diversions, islands)	1 un	1,931,250	1,931,250
Link Road (culvert) + re-align Shottendane Rd	1 un	2,648,624	2,648,624
<b>Totals</b>			<b>20,194,297</b>
	ft²	Build Rate ft²	Cost
Construction Costs	427,677	126.98	54,305,741
Contingency		5.00%	3,725,002
			78,225,040

**Section 106 Costs**

KCC Contributions	3,280,166
Thanet Contributions	546,300
	3,826,466

**PROFESSIONAL FEES**

Professional Fees	8.00%	5,960,003
		5,960,003

**MARKETING & LETTING**

PS - Marketing	1.50%	1,594,651
		1,594,651

**DISPOSAL FEES**

**APPRAISAL SUMMARY**

**Shottendane Rd, Margate - 19% AH**  
**Scenario 1A - 75% Kent Contribution & PC Tenure**  
**6% PS GDV increase**

PS - Sales Agent Fee		1.50%	1,594,651	
AH - Sales Agent Fee		1.00%	103,117	
PS - Sales Legal Fee	365 un	850.00 /un	310,250	
AH - Sales Legal Fee		0.50%	51,559	
				2,059,577
<b>FINANCE</b>				
Debit Rate 6.500%, Credit Rate 1.000% (Nominal)				
Land			987,162	
Construction			1,811,811	
Other			(15,996)	
Total Finance Cost				2,782,978
<b>TOTAL COSTS</b>				<b>97,483,793</b>
<b>PROFIT</b>				<b>19,240,989</b>
<b>Performance Measures</b>				
Profit on Cost%		19.74%		
Profit on GDV%		16.48%		
Profit on NDV%		16.48%		

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THANET DISTRICT COUNCIL

PLANNING COMMITTEE

23 JUNE 2021

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 and via [thanet.gov.uk](http://thanet.gov.uk) and [gov.uk](http://gov.uk))

1. Thanet District Council Local Plan
2. Cliftonville Development Plan Document
3. Broadstairs and St Peters Neighbourhood Plan
4. The National Planning Policy Framework and the National Planning Practice Guidance issued by the Ministry of Housing, 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 via the Council's website <https://planning.thanet.gov.uk/online-applications/> or 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 via the Council's website <https://planning.thanet.gov.uk/online-applications/> )

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:14TH JUNE 2021

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THANET DISTRICT COUNCIL

REPORT OF THE DEPUTY CHIEF EXECUTIVE

PART A

TO: THE PLANNING COMMITTEE

DATE: 23 June 2021

Application Number	Address and Details	Recommendation
A01 F/TH/21/0148	<b>3 The Knot 20 Beach Road Westgate On Sea Kent CT8 8AD</b>  Change of use of Microbrewery to flexible use comprising Education Facility F1(a), Medical Facility E(e) and Public House and Microbrewery (Sui Generis)  Ward: Westgate-on-Sea	Approve
A02 F/TH/21/0705	<b>Ellington Park Ramsgate Kent CT11 9TL</b>  Installation of floor mounted Air Source Heat Pump and protective surround to rear elevation of cafe  Ward: Central Harbour	Approve
A03 F/TH/20/1044	<b>60 Northumberland Avenue MARGATE Kent CT9 3BJ</b>  Erection of a two storey 5 bed dwelling following demolition of existing bungalow  Ward: Cliftonville East	Approve
A04 L/TH/21/0548	<b>Croquet Lawns Royal Esplanade RAMSGATE Kent CT11 0HE</b>  Application for Listed Building Consent for resurfacing of roof/promenade area of croquet club with asphalt following the removal of existing asphalt	Approve



## Agenda Item 5

### Annex 1

Ward: Cliffsend And Pegwell

THANET DISTRICT COUNCIL

REPORT OF THE DEPUTY CHIEF EXECUTIVE

PART B

TO: THE PLANNING COMMITTEE

DATE: 23 June 2021

Application Number	Address and Details	Recommendation
R05 F/TH/21/0312	<b>14 St Johns Avenue RAMSGATE Kent CT12 6HE</b>  Erection of 1No. two storey 2 bed dwelling with associated landscaping and erection of 1.5m high cycle store to rear  Ward: Newington	Refuse Permission

THANET DISTRICT COUNCIL

REPORT OF THE DEPUTY CHIEF EXECUTIVE

PART C

TO: THE PLANNING COMMITTEE

DATE: 23 June 2021

Application Number	Address and Details	Recommendation
D06 F/TH/21/0144	<b>Land Rear Of 4 To 10 Station Road BIRCHINGTON Kent</b>  Erection of 2No two storey 3-bed semi-detached dwellings  Ward: Birchington South	Defer & Delegate for approval

**A01**

**F/TH/21/0148**

**PROPOSAL:** Change of use of Microbrewery to flexible use comprising Education Facility F1(a), Medical Facility E(e) and Public House and Microbrewery (Sui Generis)

**LOCATION:**

3 The Knot 20 Beach Road Westgate On Sea Kent CT8 8AD

**WARD:** Westgate-on-Sea

**AGENT:** Mr Alex Richards

**APPLICANT:** Pinnacle Leisure Limited

**RECOMMENDATION:** Approve

Subject to the following conditions:

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

**GROUND:**

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

2 The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered 23106A\_511 Revision P1 (23/03/21), and 23106A/11 Revision C.

**GROUND**

To secure the proper development of the area.

3 No seating (tables, chairs or benches) associated with the Public House and Microbrewery premises shall be placed on the forecourt area to the front of the licensed premises at any time.

**GROUND**

In the interests of residential amenity in accordance with policy QD03 of the Thanet Local Plan.

4 No deliveries to the site associated with the Public House and Microbrewery premises shall be received outside of 09:00am to 17:00pm Monday to Friday.

**GROUND**

In the interests of residential amenity in accordance with policy QD03 of the Thanet Local Plan.

5 Prior to installation of any new plant and equipment associated with the brewing of alcohol in the basement of the sui generis use (drinking establishments), the occupant or operator shall provide the local planning authority with an operational plan. No installation of new plant and equipment shall commence until the operational plan has been agreed in writing by the local planning authority. The operational plan shall include information (but not limited to):

- a. A plan of the basement area with plant and equipment position shown
- b. List of equipment to be used in the brewing process and its sound power level.
- c. A noise management plan for plant and equipment. This is to include planned mitigation if it is identified as required.
- d. An odour management plan for the brewing equipment and process. This is to include planned mitigation if it is identified as required.

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

### **GROUND**

In the interests of residential amenity in accordance with policy QD03 of the Thanet Local Plan.

6 Prior to the commencement of the sui generis use hereby approved, a noise protection scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and maintained at all times thereafter.

### **GROUND**

To minimise the disturbance of noise that could be caused to incoming occupiers of unit 4 from the adjoining 'Micro-pub' in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF

7 The use of the premises hereby approved shall not be used other than between the hours of 8am until Midnight Monday to Saturday and 10 am until 22.30pm on a Sunday.

### **GROUND**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

8 The area shown on the approved plan numbered 23106A\_511 Rev P1 for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

### **GROUND**

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF.

9 Prior to the first use of the development, the secure cycle parking facilities, as shown on approved drawing no. 23106A\_511 Rev P1 shall be provided and thereafter maintained.

### **GROUND**

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

### **INFORMATIVES**

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

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

Within one month of the commencement of the use of the basement and ground floor hereby permitted, the Local Planning Authority shall be informed of the use class being utilised for each of the units.

### **SITE, LOCATION AND DESCRIPTION**

The application site comprises the former The Knot Public House/Restaurant/B&B Hotel- which has now been converted into residential apartments and a micro pub and brewery in part of the ground and basement of the building. The latter uses have never been implemented.

The building itself comprises a two and a half storey building with semi-basement level. The building is constructed in brick, which has been painted white and black. The site is located in the Westgate Conservation Area.

The site is bounded on three sides by roads; Beach Road, Beach Rise and Old Boundary Road. The surrounding area is predominantly residential in character; to the north, west and south. To the east of the site are tennis courts and Old Boundary Road leads to a car park owned by Thanet District Council, both are outside the Conservation Area.

## RELEVANT PLANNING HISTORY

F/TH/18/1529 Part retrospective change of use from Public House and the erection of a three storey extension to rear to facilitate conversion into 4No. 1-bed flats, 3No. 2-bed flats, 1No 3-bed flat and 2No 2-bed maisonettes with associated parking, bin and cycle stores. Refused - Appeal dismissed

F/TH/17/1729 Variation of conditions 2 and 14 of planning permission F/TH/16/0423 'Change of use from Public House to 4No. 1-bed flats, 3No. 2-bed flats and 3 letting rooms with associated parking, bin and cycle stores, together with micro pub on ground floor and the erection of a first floor extension and erection of 3no. town houses with associated gardens and parking' to allow alterations to materials, access arrangements parking and bin storage Granted 01/02/2018

F/TH/17/0899 Change of use from Public House to 4No 1 bedroom flats, 3No 2 bedroom flats, 1No 3 bedroom flat and 3 letting rooms with associated parking, bin and cycle stores, together with micro pub on the ground floor and the erection of 2 and 3 storey rear extensions and alterations to the existing roof. Granted 05/09/2017

F/TH/16/0423 Change of use from Public House to 4No. 1-bed flats, 3No. 2-bed flats and 3 letting rooms with associated parking, bin and cycle stores, together with micro pub on ground floor and the erection of a first floor extension and erection of 3no. town houses with associated gardens and parking. Granted 21/06/2016

## PROPOSED DEVELOPMENT

Full planning consent is sought for the change of use to flexible use comprising Education Facility F1(a), Medical Facility E(e) and Public House and Microbrewery (Sui Generis).

The supporting statement details that it is proposed to maintain the existing brewery use as one of the uses. It is proposed that the site could accommodate a doctors surgery or dentist which would have an additional health care facility which would benefit the local community and in addition an education facility for young people. These are examples of uses suggested by the applicant.

The application is for the change of use only and no external alterations are proposed.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan**

SP38 - Healthy and Inclusive Communities  
SP43 - Safe and Sustainable Travel  
SP44 - Accessible locations  
QD02 - General Design Principles  
QD03 - Living Conditions  
CM01 - Provision of New Community Facilities  
CM02 - Protection of Existing Community Facilities

HE02 - Development in Conservation Areas  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

## NOTIFICATIONS

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

Three representations were received (including two letters from the same person). The concerns can be summarised as follows:

- Close to adjoining properties
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Loss of parking
- Loss of privacy
- Noise nuisance
- Over development
- Strain on existing community facilities
- Traffic or Highways
- Codicil on land stating that there must be a hostelry on the site
- Should be residential

**Westgate Town Council:** Objection with the following material planning considerations:- highway issues; incompatible or unacceptable uses and general over development. It does not comply with the Local Plan CM02 policy.

## CONSULTATIONS

**KCC Highways :** I am satisfied that the additional information provided addresses the concerns raised in my previous response.

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

Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans (ref 23106A\_511 Rev P) prior to the use of the site commencing.

Provision and permanent retention of the cycle parking facilities shown on the submitted plans (ref 23106A\_511 Rev P) prior to the use of the site commencing.

**INFORMATIVE:** Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all



necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

Initial comment - Requested more information in respect of each use to enable a full assessment to be made.

**TDC Conservation Officer:** No objections.

**TDC Environmental Health:** I note that conditions were added to the most recent consent F/TH/17/0899 and the following conditions should be transferred to any consent:

Condition 7 - Tables, chairs, benches

Condition 8 - Deliveries

Condition 9 - Plant and equipment

Condition 10 - Noise Protection scheme

The proposed mixed use of this facility makes it difficult to anticipate environmental issues, particularly around possible noise. I would suggest that opening times are conditioned and I would suggest that these be 8am until Midnight Monday to Saturday and 10 am until 22.30pm on a Sunday. This would tie in with the microbrewery which I believe would constitute the biggest concern.

### COMMENTS

This application is referred to the Planning Committee at the request of Cllr Sam Bambridge to consider the acceptability of the proposed uses (particularly in relation to policy CM02) and whether they are compatible and highway issues.

The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

### **Principle**

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The application site lies within the urban area of Westgate, and is considered to be sustainably located within the district.

The proposal seeks to change the use of a micro pub and brewery to a flexible use including education centre, medical facility and microbrewery.

Policy SP38 details proposals will be supported that:

- 1) bring forward accessible community services and facilities, including new health facilities;
- 2) safeguard existing community services and facilities;
- 3) safeguard or provide open space, sport and recreation;
- 4) promote healthier options for transport including cycling and walking;
- 5) improve or increase access to a healthy food supply such as allotments, farmers' markets and farm shops;
- 6) create social interaction and safe environments through mixed uses and the design and layout of development;
- 7) create greener neighbourhoods and improve biodiversity and access to nature

Policy CM01 relates to the provision of new community facilities this details new, or extensions of, or improvements to existing community facilities will be permitted provided they meet a number of criteria.

Policy CM02 relates to the Protection of Existing Community Facilities and it is considered that a micro pub would be classed as a community facility. This policy states:

Proposals which would result in the loss of a community facility will not be permitted unless it can be demonstrated:

- 1) There is alternative local provision which is accessible to the local community and the proposal will not undermine the ability of the community to meet its day to day needs; or
- 2) Every reasonable attempt has been made to secure an alternative community use and the site is not viable for redevelopment to provide alternative community facilities;
- 3) Alternative provision of at least equivalent, or where possible, improved community benefit is provided in a convenient accessible location to serve the existing community.

The proposal is for a flexible use comprising Education Facility F1(a), Medical Facility E(e) and Public House and Microbrewery (Sui Generis). The premises could therefore operate within any of these uses.

The preamble to policy CM01 - provision of new community facilities- defines community facilities, at paragraph 17.5. This states these can be local and village shops, meeting places, sports venues, nurseries, cultural buildings, public houses, places of worship, public rights of way, other local services including those for education and medical purposes, which enhance the sustainability of communities and residential environments”.

The uses proposed would therefore fall within this definition and thus the community use of part of this building will be retained. Accordingly it is considered that the proposal would be in accordance with policy CM01 and CM02 of the Local Plan, retaining community uses on site.

## **Character and Appearance**

The impact the proposed scheme may have upon the character and appearance of the area and in particular the Westgate Conservation Area as designated heritage assets falls to be assessed.

The National Planning Policy Framework (NPPF) also states that when considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The NPPF goes on to state that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

Policy SP36 of the Council's Local Plan is a strategic policy which states that the council will support, value and have regard to the historic or archaeological significance of Heritage Assets. Policy HE02 relates specifically to new developments in conservation areas. It states that within conservation areas, development proposals which preserve or enhance the character or appearance of the area will be permitted and when relating to proposals to extend existing buildings within the conservation area that the character, scale and plan form of the original building are respected and the extension is subordinate to it and does not dominate principal elevations and appropriate materials and detailing are proposed and the extension would not result in the loss of features that contribute to the character or appearance of the conservation area.

In terms of the use, at present the approved use is that of a micropub/brewery and, as such, there would potentially be visiting members of the public during the day and evening hours. The proposed uses would also see visiting members of the public - albeit the medical and educational uses would likely be during daytime hours. Due to the nature of these uses, they are likely to have users arriving at set times- booked appointments and lessons times. Whilst this use, particularly in relation to the educational use would see a number of users arriving at the same time it is not considered to alter the character of the arriving through the activity on site.

The property is a traditional building, within the setting of the Westgate Conservation Areas. No external alterations are proposed through this application. The Conservation Officer has confirmed that the change of use is unlikely to have an impact on the nearby conservation area.

Given the above, it is not considered that the proposal would have an adverse impact on the character or appearance of the host building, its conservation area setting or the wider surrounding area.

## **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.

Policy QD03 states all new development should:

- 1) Be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.
- 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04.
- 3) Residential development should include the provision of private or shared external amenity space/play space, where possible.
- 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

The site is within a predominantly residential area, and the site is within an existing building that is used for residential with the exception of this unit. The proposed use could have an impact upon residential amenity.

In terms of assessing the effects of the proposal on residential amenity, the relevant factors are those of noise, odour and general disturbance.

Condition 7, 8, 9, 10 of the 2017 application; planning reference F/TH/17/0899 related to prohibiting the siting of seating on the forecourt area, limiting delivery times, installation of plant and equipment, and that the scheme should be dealt in full accordance with a noise protection scheme. Environmental Health have requested that these conditions be attached to any consent granted. Officers considered that it would be reasonable to impose the same conditions as attached to the original planning permission, however, a new noise protection scheme would need to be submitted as this could not be linked and would involve different potential noise sources. The applicant has agreed that a noise protection scheme can be required by condition.

In terms of opening hours TDC Environmental Health have looked at the worst case scenario in terms of noise and disturbance and suggest that a condition be imposed relating to opening hours 8am until Midnight Monday to Saturday and 10 am until 22.30pm on a Sunday. This would tie in with the public house/micro brewery which would potentially generate the most amount of noise.

In summary it is considered that the proposal would be acceptable in terms of policy QD03 subject to condition.

### **Transportation**

The original approval provided parking spaces to the rear of the site. The agent has confirmed that it will be used as a medical facility containing one treatment room. In terms of the educational use the agent has confirmed the intended users are children that would be able to independently access the site via walking and cycling. The applicant's intention is to

partner with local schools and providers in this regard. It would be ages of GCSE (15 years) and above to provide supplementary curricular activity and tutoring e.g. core subjects, music and languages.

The car parking plan submitted with this application shows 9 parking spaces and two visitor spaces.

KCC have requested conditions to ensure that the vehicle parking spaces and cycle parking facilities are provided and retained as shown on the submitted plans.

Officers consider the relatively small scale of the floor space and the sustainable nature of the location in transport terms. Even if this were not fully the case, ample car parking facilities are prevalent in the vicinity and would adequately cater for any such demand.

The impact upon highway safety and parking from the proposal is therefore considered to be acceptable.

### **Conclusion**

It is considered that the proposed uses would retain a community facility in accordance with the Local Plan and policy CM02. Furthermore the proposal would not result in harm to the character of the area or impact adversely on residential amenity, subject to condition. Matters relating to highways can be safeguarded by condition.

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

### **Case Officer**

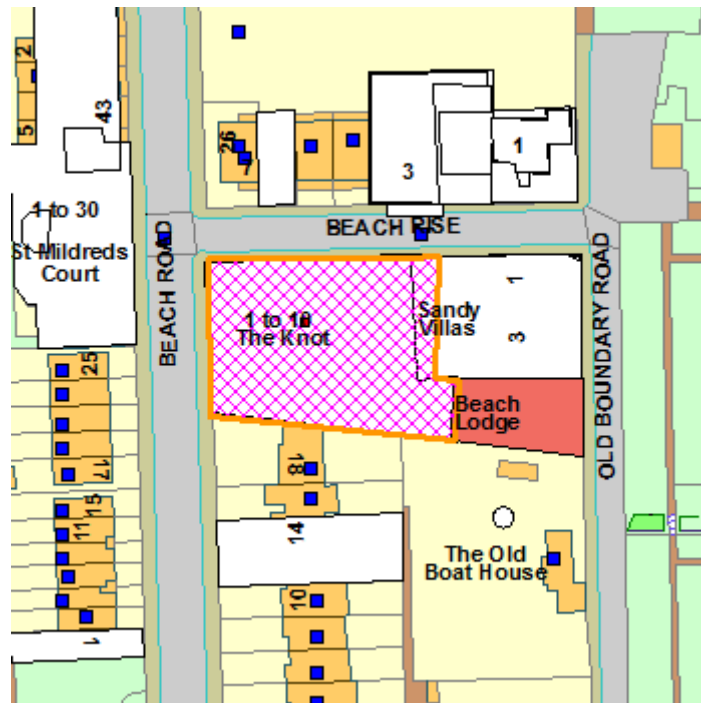
Gill Richardson

TITLE:

F/TH/21/0148

Project

3 The Knot 20 Beach Road Westgate On Sea Kent CT8 8AD



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**A02**

**F/TH/21/0705**

**PROPOSAL:** Installation of floor mounted Air Source Heat Pump and protective surround to rear elevation of cafe

**LOCATION:** Ellington Park Ramsgate Kent CT11 9TL

**WARD:** Central Harbour

**AGENT:** Gareth Leggeat

**APPLICANT:** Thanet District Council

**RECOMMENDATION:** Approve

Subject to the following conditions:

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

**GROUND:**

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 23302A P02 Rev P2 and the manufacturers details received, 07 May 2021.

**GROUND;**

To secure the proper development of the area.

**INFORMATIVES**

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

**SITE, LOCATION AND DESCRIPTION**

The application site is located within the grounds of Ellington Park, close to the northern boundary of the park and Park Road and comprises a building currently under construction that was approved as part of application F/TH/18/0410. Specifically this application relates to the rear elevation of this building which is located on the northern side and to the south of the boundary wall adjacent to Park Road.

**RELEVANT PLANNING HISTORY**



F/TH/18/0410 - Erection of single storey amenity building including community cafe, kitchen and toilets. Granted 17 May 2018.

NM/TH/14/0638 - Application for non material amendment to planning permission F/TH/13/0287 to allow siting of 2No. Containers. Granted 10 October 2014.

F/TH/13/0287 - Temporary siting of a container unit for community and retail use. Granted 18 July 2013.

F/TH/12/0552 - Erection of single storey building following demolition of existing. Granted 06 September 2012.

F/TH/07/0921 - Erection of a single storey extension. Granted 18 September 2007.

F/TH/92/0241 - Erection of single storey side and rear extensions to bowls pavilion. Granted 20 May 1992.

F/TH/90/1190 - Erection of public conveniences. Granted 20 December 1990.

### PROPOSED DEVELOPMENT

The proposed development is the installation of floor mounted air source heat pump and protective surround to the rear elevation of cafe.

The air source heat pump would be constructed from metal with fans and vents for air intake and discharge. The pump would be enclosed within a perforated metal cage.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan**

SP27 - Green Infrastructure  
SP30 - Biodiversity  
SP32 - Protection of Open Space and allotments  
SP35 - Quality Development  
SP37 - Climate Change  
GI06 - Landscaping and Green Infrastructure  
SE05 - Air Quality  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions

### NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site.

No responses have been received.

## CONSULTATIONS

**TDC Environmental Health Officer** - I have assessed the specification provided for the unit and do not have any comments to add for this application.

## COMMENTS

This application is brought before members as the application has been made by Thanet District Council.

### **Principle**

The site lies within Ellington Park which is defined protected open space under policy SP32 of the Thanet Local Plan. This policy states that "Proposals which would result in the loss of protected open space or allotments as shown on the policies map either through built development or a change of use will only be permitted if:

- 1) In relation to open space It is for an open recreation or tourism use and is of appropriate scale and design for its setting. Any related built development should be kept to the minimum necessary to support the open use, and be sensitively located; or
- 2) In relation to both open space and allotments there is an overriding a need for development that outweighs the need to protect the open space or allotment which cannot be located elsewhere. In this case provision of alternative open space or allotment of at least an equivalent size and quality must be provided in a suitable nearby location; or
- 3) an assessment has been undertaken which clearly shows that the open space or allotments are no longer required; and
- 4) In all cases, there would be no material harm to the contribution the protected open space makes to the visual or recreational amenity of the area.

New development that is permitted by virtue of this policy should make a positive contribution to the area in terms of siting, design, scale, use of materials and biodiversity."

This application relates to the extension and alteration of an amenity building that has recently been approved within the park. This building expands the facilities within the park and air source heat pumps are considered to be a sustainable way of heating the building. The impact of the development in terms of siting, design, scale, use of materials and biodiversity will be assessed below. The principle of development is therefore considered to be acceptable subject to all other material considerations.

### **Character and Appearance**

The proposed air source heat pump and enclosure would be located on the rear elevation of the building close to an area that has been approved for bin storage. Views of the pump and enclosure could be obtained from the rear and west of the building, however, it would be set

at a low level and is considered to be typical of development seen at the rear of commercial buildings such as this.

### **Living Conditions**

The proposed enclosure would measure 1.3m wide, 1.3m high and 0.6m deep and the air source heat pump would be located within this enclosure.

The closest residential property is located on the northern side of Park Road which is a busy main road. Whilst there would be some noise associated with the operation of the pump, given the approved building, the nearby main road and the separation to the closest neighbouring dwelling this is not considered to result in significant noise and disturbance.

Given the location and scale of the proposed development it is not considered to result in any significant harm to the living amenity of the neighbouring residential property occupiers.

### **Transportation**

The proposed development is located away from the boundary of the site with the highway and does not increase the floor space of the approved building. It is therefore considered that the proposed development would have no significant impact upon demand for on street parking or harm to highway safety.

### **Biodiversity**

The proposed air source heat pump and enclosure would be located at the rear of the approved building and within an area that was previously hard surfaced. Whilst there would be some noise associated with the operation of the pump, given the approved building and the nearby main road this is not considered to result in significant harm to biodiversity.

### **Conclusion**

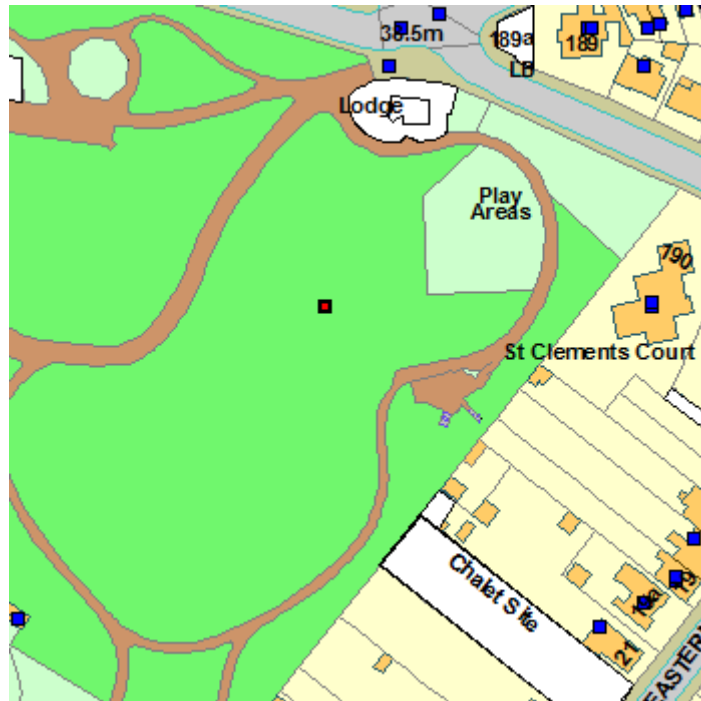
Given the scale and location of the proposed air source heat pump and enclosure this development is considered to be of appropriate scale and design for its setting, sensitively location would support the use of the open space in conjunction with the approved building without resulting in any significant harm to the character and appearance of the area, the living conditions of nearby residential property occupiers, highway safety and biodiversity.

### **Case Officer**

Duncan Fitt

TITLE: F/TH/21/0705

Project Ellington Park Ramsgate Kent CT11 9TL



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**A03**

**F/TH/20/1044**

**PROPOSAL:** Erection of a two storey 5 bed dwelling following demolition of existing bungalow

**LOCATION:** 60 Northumberland Avenue MARGATE Kent CT9 3BJ

**WARD:** Cliftonville East

**AGENT:** Claire Langridge

**APPLICANT:** Mr Marc Rattigan

**RECOMMENDATION:** Approve

Subject to the following conditions:

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

**GROUND:**

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 18.045-10A, 18.045-11A received 08 March 2021, 18.045.12B received 15 March 2021 and 18.045-13 received 22 February 2021.

**GROUND;**

To secure the proper development of the area.

3 The external materials and external finishes to be used in the development hereby approved shall accord with the proposed materials and external finishes as annotated and illustrated on the approved plan numbered 18.045-12B received 15 March 2021.

**GROUND**

To secure a satisfactory external treatment in the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan and advice contained within the NPPF.

4 The first and second floor windows in the western rear elevation and the first floor window in the northern side elevation of the dwelling hereby approved shall be non-opening up to a height of 1.7m above internal finished floor level and provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first occupation of the development hereby permitted and permanently retained thereafter.

### **GROUND**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

5 No further enlargements or alterations to the dwellinghouse or erection of outbuildings whether approved by Class B, or E 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;**

To ensure a satisfactory external treatment, in the interests of the visual amenities of the locality and to safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policies QD02 and QD03 of the Thanet Local Plan.

6 No further first floor windows shall be installed or inserted into the western elevation of the dwellinghouse whether approved by Class A 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;**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

### **SITE, LOCATION AND DESCRIPTION**

60 Northumberland Avenue is an early/mid 20th century single storey detached chalet bungalow with accommodation in the roof space set on a corner plot fronting Northumberland Avenue to the east and abutting Northdown Road to the south. The application property is sited in an alternative arrangement to surrounding development, set back from the building line to Northdown Road, with its side garden provided to the south adjacent to Northdown Road, and the application property extending to the western side boundary and partially to the northern rear boundary, bounded by a high front and side boundary wall.

The surrounding area is characterised by single and two storey early/mid 20th century dwellings, set in largely regular linear plots with moderate rear gardens, and are set back from the road following consistent building lines, with open frontages.

The Northdown Road frontage is characterised by two storey semi-detached dwellings of similar, varied designs, characterised by bay window projections and gable features to the front elevation, set under predominantly hipped pitched roofs. Northumberland Avenue has a greater variety of property types, with detached, semi-detached two storey dwellings and a later 20th century flat block in the vicinity. Immediately adjacent to the application property to the north is a moderate two storey semi-detached dwelling.

## PROPOSED DEVELOPMENT

The application proposes the erection of a two storey detached dwelling following the demolition of the existing bungalow. The proposal has been amended during the course of this application.

The original proposal proposed the erection of a large two storey detached dwelling with accommodation within the roof served by dormers sited in a similar position to the existing bungalow, with a large single storey front/side projection sited adjacent to Northumberland Avenue to provide a garage and swimming pool. The proposed dwelling was characterised by gabled roof forms, modern windows, and was proposed to be finished in render, with aluminium windows and a slate roof.

The amended scheme has reduced the scale and built form of the proposed dwelling, altered its design, and has omitted the side/front projection adjacent to Northumberland Avenue, which has been replaced by a single storey side extension forward of the Northdown Road elevation, which is designed to appear as a conservatory to host the proposed swimming pool.

The dwelling will address both Northumberland Avenue and Northdown Road, designed with a front gabled projection to the front elevation, with a curved corner to its south side elevation fronting Northdown Road. The dwelling will contain predominantly horizontally proportioned fenestration, with a modest rear dormer and rooflights to the front, and will be set under a hipped pitched roof. The dwelling is proposed to be finished in either white or cream coloured render, set under a red/brown concrete interlocking tile roof, with grey aluminium windows and doors.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2020**

SP01 - General Housing Policy  
SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
HO1 - Housing Development  
GI04 - Amenity Space/Equipped Play  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
TP03 - Cycling  
TP06 - Car Parking

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted near the site. No letters of representation were received in response to the original scheme.



Neighbouring property occupiers were re-consulted on the amended scheme on 18 March 2021. One letter of objection was received in response to the amended scheme. This letter stated the following points:

- In the process of selling our home and believe the new owners should have the chance to accept or decline the proposals.
- Do not want this proposal to jeopardise the sale of house.

### CONSULTATIONS

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

### COMMENTS

This application has been taken to Planning Committee as the applicant is a member of the Council.

The main considerations 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**

Policy HO1 of the Thanet Local Plan states that residential development on non-allocated sites within the confines of the urban area can be granted where it meets other relevant Local Plan policies. As the scheme comprises the replacement of an existing dwelling within the urban confines it is considered to comply with the principle of this policy. It will also be consistent with the objectives of the National Planning Policy Framework in relation to the presumption in favour of sustainable development.

The proposed development is therefore considered to be acceptable in principle, subject to the assessment of all other material planning considerations.

#### **Character and Appearance**

The National Planning Policy Framework states that development should be sympathetic to local character and the surrounding built environment, establish and maintain a strong sense of place. Policy QD02 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 surrounding area is characterised by single and two storey semi-detached and detached 1930's style dwellings with regularity in their design, scale, form and use of materials and the pattern of development. The application property is sited in an alternative position from the surrounding pattern of development, set to the rear of the plot, back from the Northdown Road building line, with its amenity space provided to the south adjacent to Northdown Road, rather than to the rear.

The proposed dwelling will retain its existing position and siting to the north west corner of the plot, and will therefore not meaningfully alter its relationship with the surrounding built environment in this regard.

The proposed dwelling is of a moderately larger scale and footprint in comparison to its immediate neighbours. The built form of the proposed dwelling has been reduced through amendments, including a reduction in the size of the single storey elements and the hipped formation of the roof, which provides a greater sense of space and separation at roof level to the adjacent neighbours. The re-siting of the side/front extension to the southern elevation, its reduction in size and its horizontal orientation has minimised the built form of this element and has retained the characteristic openness to the side of the dwelling, adjacent to Northumberland Avenue. The corner plot and alternative siting of this dwelling is considered capable of accommodating this somewhat larger dwelling and its moderate/larger scale is not uncommon in the surrounding wider area.

The proposed dwelling is sited adjacent to two storey development either side and to the rear and will be a reduced height to the adjacent neighbour to the west, as the land level falls to the east along Northdown Road, and will be a comparable, albeit slightly taller, height to the adjacent dwelling on Northumberland Avenue. As such, the proposed two storey scale and height is considered to be suitably compatible with its immediate environment.

The proposed single storey projection to the southern elevation will introduce an uncommon form/feature to the Northdown Road frontage. The proposed dwelling is alternatively sited and differs from the regular pattern of development in this row. This projection will be a moderate depth, meaningfully set back from the frontage of the adjacent neighbour to the west, and a relatively modest height of 2.5m to the eaves, set under a glazed hipped pitched roof, containing a large extent of glazing to the front and side elevations. The proposed predominant glazed finish will provide this projection with a more lightweight appearance, and its height and scale will be relatively modest and clearly subservient to the dwelling, only modestly exceeding the height of the front boundary wall to the eaves, which will limit its prominence. As such, this element is considered to be suitably proportional to the host property and would not appear significantly out of keeping with the character and appearance of the area.

The design of the dwelling proposes a more modern, alternative approach than the surrounding 1930's dwellings, whilst referencing common design features and forms in the locality such as the gable front projection and the hipped pitched form of the roof. The proposal is considered to provide a suitably cohesive design, and will be finished in a light render to the elevations and a brown/red tiled roof, which will accord with the surrounding material palette. As such, the design of the dwelling is considered to provide an alternative, yet suitably related design for this corner plot location.

Given the larger scale and alternative siting/design of the proposed dwelling in relation to the surrounding development and the exposed location of the side garden in the locality, it is considered appropriate to remove some permitted development rights to safeguard the character and appearance of the area. This is limited to further roof expansion and outbuildings, due to the prominent location of the dwelling.

The proposed development is therefore considered to be acceptable in terms of the character and appearance of the area, in accordance with Policy QD02 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

The proposed dwelling will be sited in a similar position to the existing chalet bungalow to the north west corner of the application site. The dwelling will maintain the existing position of single storey development to the north western boundaries, set under a flat roof, which is not considered to significantly alter the existing relationship with the adjacent neighbours either side.

The two storey body of the dwelling will be set off the western side boundary by approximately 2.5m, with a separation distance of approximately 4.5m to the adjacent neighbour to the west. The dwelling will extend a height of approximately 5.2m to the eaves, set under a hipped pitched roof which will pitch away from surrounding adjacent neighbours. Whilst the proposal will increase the height and built form of the existing dwelling and is sited adjacent to the western boundary, which extends alongside the garden of the adjacent neighbour to the west, this will be an addition to an existing situation, which given the separation distances provided and the hipped form of the roof, is not considered to result in significant harm to the living conditions of the adjacent neighbour to the west deriving from the built form.

The two storey built form of the dwelling will be set off the northern rear boundary by approximately 0.5m, with a separation distance of approximately 3m to the side elevation of the adjacent neighbour to the rear. The two storey body of the proposed dwelling will largely align with the two storey side elevation of this adjacent neighbour, which does not appear to contain side windows which are the sole windows serving primary habitable rooms. In addition, the proposal will be an increase on an existing relationship. Given the siting of the proposed dwelling in relation to the adjacent neighbour, the separation distance between, and the form of the dwelling, the proposal is not considered to result in significant harm to the living conditions of the adjacent neighbour to the north deriving from the built form.

In terms of overlooking, the proposed first and second floor window to the western rear and first floor window to the northern side elevation is proposed to serve a bathroom and ensuite, and will be obscured glazed and non-opening up to a height of 1.7m above internal finished floor level, which will be secured by condition. This will prevent harmful overlooking to the adjacent neighbours. A window is proposed to the ground floor rear elevation, however the ground floor location of this window and the presence of existing relatively high boundary treatment will prevent harmful overlooking from this window. All other windows/doors will face towards the roads, and will replace an existing first floor window to the eastern side elevation, which shall not result in harmful overlooking.

In terms of the living conditions for future occupants, the proposed dwelling will exceed the relevant Nationally Described Space Standards. All primary habitable rooms will be provided with sufficient light, outlook and ventilation. The application site contains an existing

moderate side garden which will provide sufficient doorstep play space and is capable of accommodating refuse storage.

Given the potential for a further rear dormer effectively being located facing the rear gardens of properties on Northdown Road, it is required to remove permitted development rights for alterations to the roof as this could result in overlooking to the neighbouring properties. Due to the same reasons, a condition to remove the ability to insert any further first floor windows in the western elevation facing the garden of no. 367 is considered necessary to safeguard privacy of neighbouring properties.

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 QD03, QD04 and GI04 of the Thanet Local Plan, and the National Planning Policy Framework.

### **Highways**

The proposed dwelling will utilise the existing access via Northumberland Avenue and will be provided with off street parking to accommodate 2No. Vehicles. This would not alter the existing access and would provide an acceptable provision of off road parking to serve the dwelling, and there is capacity for on-street parking within the surrounding area. The proposed dwelling is therefore considered to be acceptable in terms of highway safety and highway amenity, in accordance with Policy TP06.

The proposal is capable of comfortably accommodating cycle storage within the rear garden, in accordance with Policy TP03.

### **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 and an appropriate assessment has been carried out on this basis.

As the application proposes the erection of a dwelling following the demolition of the existing bungalow, the proposal does not involve the provision of an additional dwelling, and therefore no mitigation is required in this instance.

### **Conclusion**

Overall the amended scheme is considered to be a compatible form of development within the area, which has an acceptable impact upon the living conditions of adjacent neighbours, highway safety and amenity, and provides a satisfactory standard of amenity for future occupiers. The proposed amended development is therefore considered to be acceptable and in accordance with the relevant Thanet Local Plan policies and the National Planning Policy Framework.

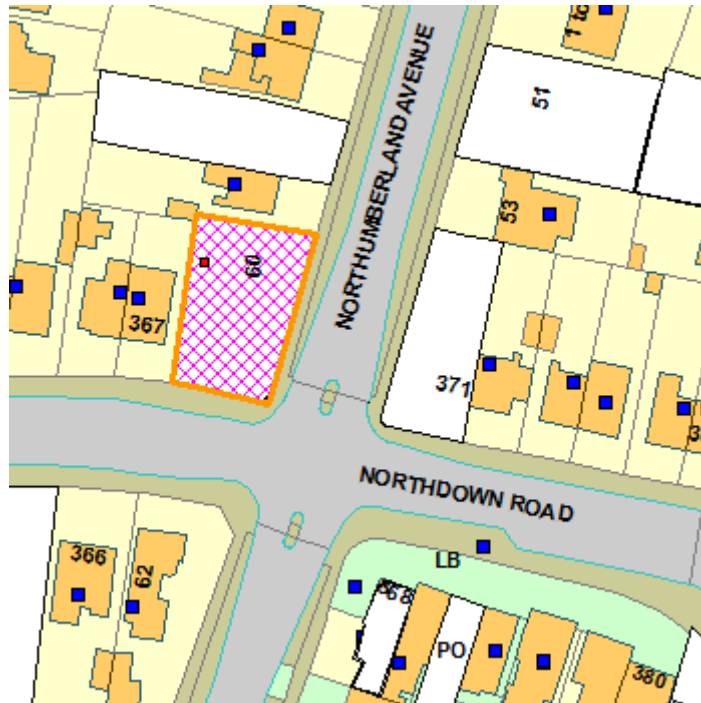
It is therefore recommended that members approve this application, subject to safeguarding conditions.

### **Case Officer**

Jenny Suttle

TITLE: F/TH/20/1044

Project 60 Northumberland Avenue MARGATE Kent CT9 3BJ



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**A04**

**L/TH/21/0548**

**PROPOSAL:** Application for Listed Building Consent for resurfacing of roof/promenade area of croquet club with asphalt following the removal of existing asphalt

**LOCATION:**

Croquet Lawns Royal Esplanade RAMSGATE Kent CT11 0HE

**WARD:** Cliffsend And Pegwell

**AGENT:** No agent

**APPLICANT:** Thanet District Council

**RECOMMENDATION:** Approve

Subject to the following conditions:

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

**GROUND;**

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered CR/21-22/107/01 and the Design, Access and Heritage, Statement received 22 April 2021.

**GROUND;**

To secure the proper development of the area.

**INFORMATIVES**

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

**SITE, LOCATION AND DESCRIPTION**

The site is located on the southern side of Royal Esplanade between the junctions with Warre Avenue and Stancomb Avenue. The Croquet Pavillion is a single storey building with columns that is sunken into the promenade so from the northern side a terraced area is accessible from Royal Esplanade, similar to the nearby Bowls Pavilion.



This application relates to the roof and steps of the building that are visible from Royal Esplanade.

### RELEVANT PLANNING HISTORY

F/TH/09/0070 - Removal of condition 2 attached to planning permission F/TH/03/1180 to allow planning permission for the existing equipment store. Granted 18 March 2004

F/TH/03/1181 - Erection of a storage building, adjacent to the existing temporary and permanent storage buildings. Granted 15 March 2004.

F/TH/03/1180 - Variation of condition 2 attached to planning consent F/TH/02/0114 to allow for an extended period for the siting of the existing equipment store. Granted 15 March 2004.

L/TH/03/0946 - Internal and external alterations to provide for disabled access to pavilion, including creation of new entrance to lawn elevation, and provision of disabled W.C. Granted 05 November 2003.

F/TH/02/0114 - Erection of a detached, single storey, equipment store. Granted 28 March 2002.

L/TH/01/0395 - Erection and temporary display of 2 no. 3.6m x 0.6m advertisement banners fronting royal esplanade for a 3 week period each year for 5 years. Granted 22 June 2001.

A/TH/01/0394 - Erection and temporary display of 2 no. 3.6m x 0.6m non- illuminated advertisement banners fronting royal esplanade for a 3 week period each year for 5 years. Granted 22 June 2001.

### PROPOSED DEVELOPMENT

This is an application for Listed Building Consent for resurfacing of roof/promenade area of croquet club with asphalt following the removal of existing asphalt.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan**

SP36 - Conservation and Enhancement of Thanets Historic Environment

HE03 - Heritage Assets

QD02 - General Design Principles

### 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.

No responses have been received.

**Ramsgate Heritage and Design Forum** - No comment

## CONSULTATIONS

**TDC Conservation Officer** - Following a review of the scheme I would like to state that I have no objections to the proposed scheme.

## COMMENTS

This application is brought before members as the application has been made by Thanet District Council.

## ANALYSIS

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when 'considering whether to grant listed building consent for any works the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Paragraph 192 of the National Planning Policy Framework requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage asset, and the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF requires that where a development causes substantial harm, or less than substantial harm but where the harm is not outweighed by public benefit, permission should be refused.

Policy SP36 sets out that the Council will support, value and have regard to the historic or archaeological significance of Heritage Assets by protecting the historic environment from inappropriate development, encouraging new uses to bring listed buildings back into use and encouraging their survival and maintenance without comprising the conservation or significance of the asset and supporting development that is of a high quality design and supports sustainable development. Policy HE03 sets out that the Council supports the retention of local heritage assets, including structures, features and gardens of local interest. Proposals that affect both designated and non-designated heritage assets will be assessed by reference to the scale of harm or loss of the significance of the asset in accordance with the criteria set out in the NPPF.

This application proposes to replace the existing asphalt roof covering with a new asphalt roof covering to match. Initially there may be some difference in appearance due to the weathering of the material, however asphalt roof coverings have a limited lifespan and the applicant has indicated that the existing roof is cracked and split resulting in water ingress to the room below. The Conservation Officer has raised no objection to the proposed development and whilst the replacement of the roof may result in some harm to the historic fabric, this is considered to be less than substantial and weighed against the public benefits of maintaining the designated heritage asset, this harm is considered to be outweighed. It is therefore considered that the proposed development would comply with policies HE03 and QD02 of the Thanet Local Plan and the National Planning Policy Framework.

## **Conclusion**

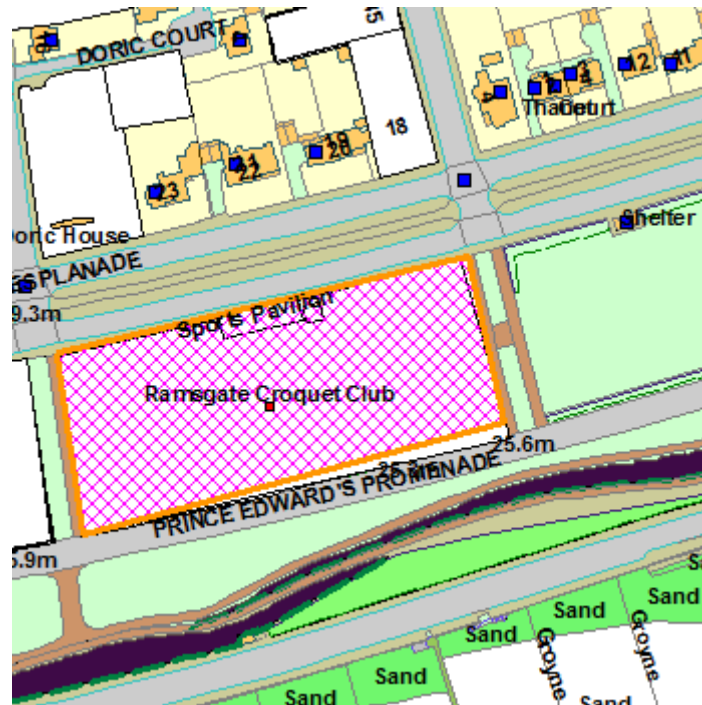
Listed building consent should be granted.

**Case Officer**

Duncan Fitt

TITLE: L/TH/21/0548

Project Croquet Lawns Royal Esplanade RAMSGATE Kent CT11 0HE



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**R05**

**F/TH/21/0312**

**PROPOSAL:** Erection of 1No. two storey 2 bed dwelling with associated landscaping and erection of 1.5m high cycle store to rear

**LOCATION:** 14 St Johns Avenue RAMSGATE Kent CT12 6HE

**WARD:** Newington

**AGENT:** Mr Doug Brown

**APPLICANT:** Mrs Lane

**RECOMMENDATION:** Refuse Permission

For the following reasons:

1 The proposed development by virtue of its location, siting, layout, form, and relationship with numbers 13 and 14 St Johns Avenue, would be out of keeping with the predominant pattern and rhythm of development in this location, failing to relate to surrounding development and built form or to strengthen links to adjacent areas. It would have no active relationship with the primary street frontage, and fails to incorporate appropriate soft landscaping. Cumulatively these changes would result in inappropriate development, significantly harmful to the character and appearance of the area, and contrary to the aims of policy QD02 of the Thanet Local Plan and paragraphs 127 and 130 of the NPPF.

2 The proposed dwelling, by virtue of its two storey built form and relationship with the adjacent dwelling at No. 14 St Johns Avenue, would result in unacceptable changes to the window arrangement of the first floor front bedroom, adjacent to the area for development, reducing light and outlook. This is considered to be harmful to the amenities enjoyed by the occupiers thereof, contrary to the aims of policy QD03 of the Thanet Local Plan and paragraphs 117 and 127 of the NPPF.

3 The overall internal floorspace would be below the standards set out in policy QD04 of the Thanet Local Plan and the Nationally Described Space Standards. This would result in a poor standard of accommodation, contrary to the aims of the above and paragraph 127 of the NPPF.

4 The proposed development would 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.S

## SITE, LOCATION AND DESCRIPTION

St John's Avenue is a long residential street running through the middle of a housing estate in an area of Ramsgate known as Newington. It connects the estate with New Haine Road to the west and Newington Road (via Bush Avenue) to the east, and runs through an area known locally as 'The Centre' where local buses stop and a convenience shop is located.

The area comprises a well-designed housing estate constructed around the 1950s, with public open space across various parts, play parks, a school and nursery, two convenience stores, and formerly a public house and other shops.

The estate is characterised by three or four different housing types, being largely two storey properties with an open and spacious feel between them. Houses vary between semi-detached pairs, either in groups of rendered hipped roof dwellings set at angles to the highway with a flat roof side projection set back, or hipped roof pairs with a front flat roof projection mirroring the neighbouring property. Other properties further southwest were designed in small clusters of four, terraced or link detached with a flat roof front projection. To the east along St Johns Avenue a small number of other properties are set in a cluster of four terraces with brick frontages set under a pitched roof.

The Centre and the areas to the immediate north and some parts of the south and west of St Johns Avenue have been developed over the last 10 years to provide new housing. This new housing is largely a mix of two and two and half storey dwellings, with either red or sandy brick appearances and slate pitched roofs for the most part. Some of the properties have render and cladding as features, and the larger properties along St Johns Avenue appear with a central flat roof element (and dormer above). This new residential development is largely arranged in a terraced form and provides space between the old and new dwelling types to allow their distinctive styles and forms to be clearly understood and appreciated.

The application site comprises the majority of the side garden of No. 14 St Johns Avenue. Number 14 St Johns Avenue is a two storey semi-detached property set within a large, wide plot close to The Centre. It has a rendered finish with a hipped roof, matching the neighbouring pair, and a flat roof side projection set back. To the west of this is No. 49 St Johns Crescent, the first property heading westwards to form part of the newer redevelopment of the area. This is a semi-detached two and a half storey red brick property with front facing gable and a bay projection. Owing to the large gap between Nos. 14 St Johns Avenue and 49 St Johns Crescent, and the location of No. 14 on the curve of the street heading into Kimberley Road, there is a good transition between the old and new building types in this location.

## RELEVANT PLANNING HISTORY

Planning permission was previously sought (reference F/TH/19/1743) for the erection of 1No. two storey, three bedroom detached dwelling on this site. The application was considered by the Council and refused on 13 February 2020 for the following reasons:

The proposed development by virtue of the location, scale, design, form, siting and layout of the proposed dwelling would result in a cramped and discordant form of development within the street scene, which would result in the loss of the separation and transition space the application site currently provides between the original built environment to the east and the comprehensive modern re-development to the west. The proposal would be out of keeping with the spacious character and pattern of development to the east and would fail to relate or integrate with the design, character and local distinctiveness of the surrounding built environment. The proposal is therefore considered to be contrary to Policy D1 of the Thanet Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.

The proposed dwelling, by virtue of its two storey built form and proximity to and relationship with the adjacent dwelling to the east (14 St Johns Avenue) would result in an unacceptable sense of enclosure to, and corresponding loss of light and outlook from the adjacent property, significantly harmful to the amenities enjoyed by the occupiers thereof, contrary to Policy D1 of the Thanet Local Plan and paragraph 127 of the National Planning Policy Framework.

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 paragraph 176 and 177 of the NPPF and the Habitats Directive.

A further application was submitted in respect of another three bed dwelling (reference F/TH/20/0296) and was also refused on 27 April 2020 for the following reasons:

The proposed development by virtue of the location, scale, design, form, siting and layout of the proposed dwelling would result in a cramped and discordant form of development within the street scene, which would result in the loss of the separation and transition space the application site currently provides between the original built environment to the east and the comprehensive modern re-development to the west. The proposal would be out of keeping with the spacious character and pattern of development to the east and would fail to relate or integrate with the design, character and local distinctiveness of the surrounding built environment. The proposal is therefore considered to be contrary to saved policies D1 and D2 of the Thanet Local Plan, draft policy QD02 of the Draft Local Plan, and paragraphs 127 and 130 of the National Planning Policy Framework.

The proposed dwelling, by virtue of its two storey built form and proximity to, and relationship with, the adjacent dwelling at No. 14 St Johns Avenue, would result in an unacceptable sense of enclosure to the neighbouring occupiers in this location, harmful to the amenities enjoyed by the occupiers thereof, contrary to the aims of saved policy D1 of the Thanet Local Plan, draft policy QD03 of the Draft Local Plan and paragraphs 117 and 127 of the NPPF.

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.

Both decisions were appealed, combined, and dismissed (references APP/Z2260/W/20/3247840 and APP/Z2260/W/20/3251852 refer - Annex 1). This application follows the Council's refusal to grant planning permission previously by reducing the number of bedrooms proposed in the dwelling and making the new dwelling attached to the existing properties rather than detached.

### PROPOSED DEVELOPMENT

The proposal is for the erection of a two storey 2 bed dwelling with associated landscaping and cycle store.

The proposed dwelling would be rendered with a plain tile roof and upvc fenestration. It would have an entrance hall, WC, kitchen/diner and living room and two bedrooms and a bathroom at first floor level. It would be served by a garden and off street parking.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan**

SP01 - Spatial Strategy - Housing  
SP11 - Ramsgate  
SP22 - Type and Size of Dwellings  
SP28 - Protection of International and European Designated Sites  
SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
SP30 - Biodiversity and Geodiversity Assets  
SP35 - Quality Development  
SP43 - Safe and Sustainable Travel  
HO1 - Housing Development  
GI01 - Protection of Nationally Designated Sites and Marine Conservation Zones  
GI04 - Amenity Green Space and Equipped Play Space  
CC02 - Surface Water Management  
QD01 - Sustainable Development  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking  
SE04 - Groundwater Protection Zones

### NOTIFICATIONS

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

**Ramsgate Town Council:** No comment.

## CONSULTATIONS

**The Environment Agency:** "We have reviewed the information submitted and due to the scale, nature and setting of this proposal and the supporting information submitted, we do not object to the proposal in principle providing the following conditions are placed on any permitted development.

### Condition

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.

### Reasons

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 National Planning Policy Framework."

**Southern Water:** Southern Water requires a formal application for a connection to be made to the public foul sewer. The Council's Building Control Officers should be asked to comment on the adequacy of soakaways to dispose of surface water. The site is within a groundwater protection zone and the Environment Agency should be consulted.

## COMMENTS

This application was called to Planning Committee at the request of Cllr Everitt for Members to consider the merits of the provision of an additional dwelling against the impact on the appearance of the area.

The main considerations are the impact on the character and appearance of the area, living conditions of neighbouring and future property occupiers, flood risk and drainage, highway safety and planning obligations.

### **Principle**

Policies SP01 and HO1 of the Thanet Local Plan state that the primary focus for new housing development for Thanet is in the urban area. The site lies within the defined settlement of Ramsgate and there would be no in-principle conflict with the above policies. Policy QD02 sets out that residential development on garden land will be permitted where not judged harmful to the local area. Again, there is no in-principle objection to the provision of new housing here, subject to a detailed assessment below.

### **Character and Appearance**

Paragraph 117 of the National Planning Policy Framework (NPPF) states that planning decisions should promote the 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. Paragraph 127 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 development of poor design that fails to take opportunities for improving the character and quality of an area and the way it functions.

Policy QD02 of the Thanet Local Plan outlines that the primary planning aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme. It also outlines that for residential development on garden land works should not be harmful to the local area in terms of character residential amenity, and the intrinsic value of the site as an open space where this is not worthy of retention.

The covering letter for the application states that this proposal overcomes the reasons for refusal on the previous applications by designing a dwelling that would appear as an extension to the donor dwelling at No. 14 St Johns Avenue. The scheme proposes a dwelling set back around 1.7m from the front building line of No. 14 and extending around 5.8m from its flank wall across the frontage. It would be set down from No. 14 with a hipped roof to match, and be finished in white render. The entrance door would be located to the side of the property, along with a relocated entrance for No. 14, which would see the loss of its existing porch and front door and a new entrance in the street-facing facade of the proposed dwelling. The rear would have a narrower appearance with a hipped roof.

This new dwelling would be out of keeping with the predominant pattern and rhythm of development in this location, being neither semi-detached nor forming part of a terrace that respects the typical layout and clustered design seen elsewhere in the area, having a significant setback and wide roof proportion compared to other dwellings. The design has tried to create a false impression of an extension and this creates a confusing overall development. The entrance arrangement would be unconventional for visitors or members of the public, with the 'front door' appearing to serve a single dwelling but serving No. 14 and a side door serving the proposed dwelling. This is more like the type of arrangement found for flatted accommodation and not independent dwellings. The proposed dwelling would, therefore, have no active entrance and relationship with St Johns Avenue as would usually be expected. It would fail to relate to surrounding development and built form in terms of the layout arrangement and would fail to strengthen links to adjacent areas, contrary to the aims of policy QD02 of the Thanet Local Plan and the guidance contained in the NPPF. There would be no soft landscaping, and little consideration has been given to the finish and introduction of the property from St Johns Avenue in terms of the external space. The

pattern of fenestration would be irregular for a new dwelling linked to the type at No. 14 with no visual consistency.

Number 14 is a semi-detached dwelling at around 6.6m in width. The proposed 'extension' would be some 5.7m in width across the frontage, and whilst it has been set down and set back, this would still visually compete with the donor dwelling. The proposed plans indicate a white render finish at odds with the grey painted finish of No. 14, and whilst this could be overcome by condition, it would still be a development that is too large for the intended use. Separate parking, arrangements, garden space, bin facilities and other domestic paraphernalia will visually separate the two sites, along with suspected future house numbers for identification and boundary treatments (which have already been erected on site segregating the two properties and are likely to require changing to accommodate the new entrance exposition, creating an odd proportion and visual appreciation of the front of the building). Changes to Number 14 would also mean an odd relationship between the entrance and the living room window, with the new built form cutting into the existing opening.

It has already been determined previously in the previous appeal (Annex 1) that the space to the side of No. 14 is an important gap providing a transition between the older and newer housing types within The Centre and on the outskirts of it. It is likely that a new dwelling within this gap will not be able to overcome the design concerns inherent in a constrained space like this, and despite the current application seeking to come away from the boundary with No. 49 St Johns Crescent (the newer style development), there is still considered to be a conflict with local and national policy objectives.

Overall the works are considered to be harmful to the character and appearance of the area, and contrary to the aims of policy QD02 of the Thanet Local Plan and paragraphs 127 and 130 of the NPPF.

### **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. Paragraph 127 states that decisions should ensure development creates, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users. Policy QD02 of the Thanet Local Plan outlines that new development should be compatible with neighbouring buildings and spaces, and should be inclusive in its design for all users. It should improve people's quality of life by creating safe and accessible environments and promote public safety and security. Policy QD03 outlines that new development must not lead to unacceptable living conditions through overlooking, noise, vibrations, light pollution, overshadowing, loss of natural light or a sense of enclosure. New development should be of an appropriate size and layout to facilitate comfortable living conditions in accordance with policy QD04 and should provide for clothes drying facilities and waste disposal. Policy GI04 outlines that new residential development will make provision for appropriate amenity green space and equipped play areas. Family dwellings will be expected to incorporate garden space in order to provide safe doorstep play areas for young children. Family dwellings are considered to be those with two or more bedrooms.

The Nationally Described Space Standards break down the technical requirements that must be met for new dwellings. They require that a 2 bed 4 person dwelling have an internal floor area of no less than 79 sq.m and a 2 bed 3 person dwelling would have an area of no less than 70 sq. m. Double rooms are required to have a minimum floor area of 11.5 sq.m and a minimum width of 2.75m and single rooms 7.5 sq.m with a width of 2.15m.

The overall internal floorspace would be around 66 sq. m, below the standard expected regardless of whether the proposed bedrooms were intended to be singles or doubles and the works would therefore create a standard of accommodation below the expected level. All habitable rooms would benefit from light, outlook and ventilation.

A garden area is proposed to the rear, with cycle storage facilities, bin storage and washing facilities. Whilst the proposed bin storage areas would be more than 15m from the collection vehicle passing point, there is considered to be sufficient space to the front of the site as to prevent harm to the aims of policy QD03(4).

In terms of the changes to No. 14 St Johns Avenue, it appears that development would come approximately 1.6m further forward than the existing two storey side projection. The existing ground floor window would be retained but the majority of this would be covered over by the proposed new entrance and frontage of the new dwelling. Given that this is a secondary window this is not considered to be a harmful change of neighbouring living conditions, but again demonstrates that overall the proposal would result in a diminished quality here. The first floor window serving the front bedroom would also be dramatically covered / reduced in size and there are inconsistencies between the floorplans for the existing and proposed dwelling as to whether a landing window would be created at No. 14 which would cut into this bedroom opening further. The submitted floor plans for the existing dwelling at No. 14 indicate that the footprint of the proposed dwelling would leave only a 0.3m wide opening to serve this bedroom which is not considered to be sufficient to serve a habitable room and would create an awkward and contrived relationship between spaces and dwellings.

To the rear development would extend around 2.7m beyond the neighbouring rear wall, at a two storey height. Given the lack of habitable rooms adjacent to this area, and the orientation of sunlight, the works are not considered significantly harmful enough as to warrant refusal of the application by themselves. There would be some late afternoon shading likely to rooms in this location but given the current layout and uses, the works are considered to have an acceptable impact.

A cycle store is proposed on the side boundary to the rear of the site. No elevations have been provided but it has been indicated that the works would involve a 1.5m high structure. Given the height and permitted boundary treatment heights up to 2m for rear gardens, these works are unlikely to result in any harm.

To the west with No. 49 St Johns Crescent, the proposed dwelling would be set some 3.8m back from the neighbouring front building line and 5.6m from the flank wall. Development would extend around 1.2m beyond the neighbouring rear wall and would have a gap of between 1.2m and 1.4m to the common boundary in this location. There is a single ground

floor flank window at No. 49 that would not be impacted by the new built form given the setback proposed. This window appears to serve the same room as the front bay and any new associated domestic paraphernalia that might be placed in this location or vehicles would be unlikely to result in any new overshadowing, overlooking, loss of outlook or sense of enclosure in this location.

To the rear, development would sit approximately 17.4m from the boundary and away from the neighbouring properties in Colombo Square, and would therefore be unlikely to result in any new sense of enclosure, overbearing, loss of light or loss of outlook.

Overall the works are considered to have some harmful impact on the living conditions of the occupiers of No. 14 St Johns Avenue whilst not providing a suitable standard of accommodation as a new dwelling, and would therefore be contrary to the Policies QD03 and QD04 of the Thanet Local Plan and paragraph 127 of the NPPF.

### **Flood Risk and Drainage**

Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from those areas at highest risk (whether existing or future). Reference to the Environment Agency's flood map suggests that the site is within Flood Zone 1, and is thus at a low risk of flooding.

Although there would be additional built form in this location, it is unlikely that a single dwelling would lead to a large increase in flood risk in this low risk area, and drainage could have been dealt with by condition and would therefore not need to form a reason for refusal.

The site lies within a groundwater protection zone. Policy SE04 relates to groundwater protection and states that in these areas development will only be permitted where there is no risk of contamination. The submitted application form states that the method for the disposal of foul sewage is unknown. Southern Water state that a formal application would be required for a connection to the mains sewer and should the application have been recommended for approval a condition or informative could have addressed measures for the provision of appropriate disposal of foul sewage and would therefore not need to form a reason for refusal of the application. The Environment Agency requested a condition surrounding unsuspected contamination in the event of approval which again, could have been dealt with if the application were recommended for such.

### **Highways**

Paragraph 102 of the NPPF requires that transport issues be considered at the earliest stages of plan-making and development proposals. Paragraph 110 states that development should give priority to pedestrian and cycle movements, facilitate access to public transport, address the needs of people with disabilities and allow for efficient delivery of goods or access by service and emergency vehicles. Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy TP03 of the Thanet Local Plan states that new development will be expected to consider the need for the safety of cyclists and incorporate facilities for cyclists into the design of new and improved roads. New residential development will be expected to provide secure facilities for the parking and storage of cycles which are proposed to the rear of the site.

Policy QD02 outlines that new development proposals should incorporate a high degree of permeability for pedestrians and cyclists and provide safe and satisfactory access for pedestrians, public transport and other vehicles. Policy TP06 outlines that proposals for development will be expected to make satisfactory provision for the parking of vehicles. Suitable levels of provision are considered in relation to individual proposals, taking into account the type of development proposed, the location, accessibility, availability of opportunities for public transport, likely accumulation of parking and design considerations.

The proposal incorporates a hard surface to the front of the dwelling and space for two vehicles. There is an existing dropped kerb in this location which could serve the site, however this would remove the designated off-street parking provision for No. 14 St Johns Avenue. It is possible that the intention may be for the parking area to serve both properties, which again would lead to confusion about the type and amount of accommodation here, however on balance the site is suitably located, in close proximity to bus services and Ramsgate Train station. There is unrestricted off-street parking and the loss of parking at No. 14 is not considered harmful enough as to result in a reason for refusal.

Given the large amount of space to the front of the site there would be sufficient visibility splays and turning space for vehicles and as a result the works are not considered to result in any new harm to parking pressure in the area or to highway safety.

Cycle storage is proposed to the rear of the site in accordance with policy TP03.

### **Planning Obligations**

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) policy SP29 of the Thanet Local Plan requires a financial contribution for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

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 recreational activities) and to comply with the Habitat Regulations a financial contribution is required to contribute to the

district wide mitigation strategy. This is currently in the form of £320 per 2 bedroom dwelling which is usually secured by an undertaking from the applicant to pay the required contribution.

An undertaking has been sought but has not been received. In the absence of an acceptable form of securing the mitigation to relieve the impact of the recreational pressure, the proposed development would be contrary to paragraphs 170, 176 and 177 of the NPPF and the Habitats Directive.

### **Conclusion**

Overall there is no in-principle objection to the provision of a new dwelling on garden land within the urban area, however this is a small plot with an important function providing a transition between old and new parts of the Newington estate area, and this space has an intrinsic value worthy of retention from the amount of built form proposed.

The overall design put forward in this application is discordant and at odds with the pattern of development in the area, whilst infilling an important gap in the streetscene as identified by the Planning Inspector in the previous appeal decision (at Annex 1). The changes would be likely to cause some limited harm to the living conditions of future occupiers of No. 14 St Johns Avenue by virtue of the changes to windows and mutual arrangement of openings between dwellings, whilst it would not meet the standard for new accommodation in terms of size.

No mitigation has been provided to address the likely impact of the development on the SPA, despite this being sought, and there would be identifiable harm to the nature conservation interests of the District if the development were approve

Paragraph 11 of the NPPF requires a presumption in favour of sustainable development which applies to applications involving the provision of housing, unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits of doing so. In this case it is recognised that the Council has recently failed the Housing Delivery Test, however the proposed development would provide one additional dwelling towards the housing supply that would give rise to a modest economic benefit through the construction process and future occupiers' contribution to the local economy. The scale of the harm to the character and appearance of the area, the harm to the living conditions of future occupiers, along with the lack of suitable mitigation for the additional recreational pressure upon the Special Protection Area is considered to significantly and demonstrably outweigh the modest benefits of the additional single dwelling in this location. It is therefore concluded that the proposal would not represent sustainable development when assessed against the policies of the NPPF as a whole. As a result the application is recommended for refusal.

### **Case Officer**

Victoria Kendall

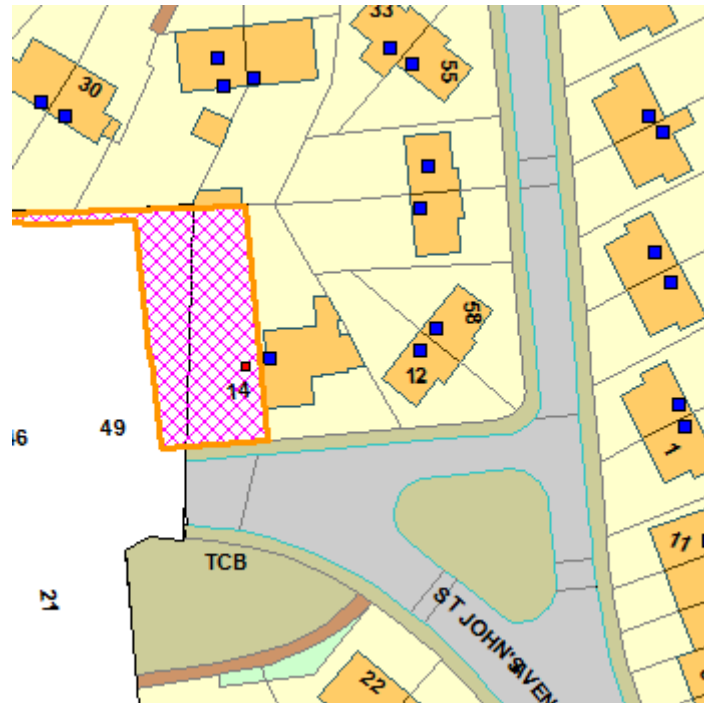


TITLE:

F/TH/21/0312

Project

14 St Johns Avenue RAMSGATE Kent CT12 6HE



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## Appeal Decisions

Site visit made on 12 October 2020

**by Nicola Davies BA DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 October 2020**

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### **Appeal A Ref: APP/Z2260/W/20/3247840**

**14 St Johns Avenue, Ramsgate CT12 6HE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs S Lane against the decision of Thanet District Council.
  - The application Ref F/TH/19/1743, dated 18 December 2019, was refused by notice dated 13 February 2020.
  - The development proposed is erection of new two bedroomed detached house.
- 

### **Appeal B Ref: APP/Z2260/W/20/3251852**

**14 St Johns Avenue, Ramsgate CT12 6HE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs S Lane against the decision of Thanet District Council.
  - The application Ref F/TH/20/0296, dated 26 February 2020, was refused by notice dated 27 April 2020.
  - The development proposed is erection of 2 storey detached dwelling.
- 

### **Decision**

1. Appeals A and B are dismissed.

### **Preliminary Matters**

2. As set out above there are two appeals at this address. Given that the nature of the proposals is similar, I have dealt with both proposed developments in this single decision letter.
3. Policies D1 and D2 of the Thanet Local Plan 2006 referred to by the Council in its reasons for refusal have been superseded by Policies QD02 and QD03 of the Thanet District Council Local Plan (the Local Plan) 2020 which has been adopted since the appeals were submitted. Policies QD02 and QD03 of the new Local Plan were only cited within the refusal reasons within the Council's decision notice relating to Appeal B. However, as the Council's refusal reasons in both appeals are almost identical, it would be appropriate to consider both appeals against Policies QD02 and QD03 that form the Council's current development plan and policy context. Both main parties were given the opportunity to comment on the relevance of the new Plan policies.

### **Main Issues**

4. The main issues in these cases are the effect of the proposal upon: -
  - a) The character and appearance of the area;

- b) The living conditions of existing adjoining occupiers at 14 St Johns Avenue; and
- c) The Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI).

## Reasons

### *Character and appearance*

- 5. Part of this residential estate comprises houses constructed around the 1950s that are characterised by three or four different housing designs, being mainly two-storey semi-detached properties within the vicinity of the appeal site. Over recent years the area immediately west of the appeal site has been redeveloped. This new housing is of modern design forming mainly terraces of two and two and a half storey properties. This has created two locally distinctive styles and forms of development either side of the appeal site and within the surrounding area. Both the older and modern layouts have a sense of spaciousness.
- 6. The appeal site forms part of a gap between the older and newer developments. This gap is important as it provides sufficient separation that facilitates a visual transition between the respective estate design styles.

### *Appeal A*

- 7. The detached dwelling would be located in the side garden of 14 St Johns Avenue. The design of the proposed dwelling would not reflect that of the properties either side or elsewhere within the vicinity of the appeal site. Its narrow appearance and close proximity to the side boundary of the site and the existing dwelling, No 14, would create a dwelling of cramped appearance within its plot. Being a detached property, the dwelling would have an uncharacteristic appearance when viewed in the context of the properties within the surrounding area. As such, a narrow detached dwelling would be markedly out of keeping with the distinctive character and appearance of the properties either side, as well as the existing development in the surrounding area. Furthermore, I do not consider its design appearance would create a development that would represent an appropriate visual transition between architectural styles. Consequently, taking these matters collectively the proposed dwelling would be visually harmful to the character and appearance of the area.
- 8. In addition to the above, the proposed dwelling would occupy part of the important gap and remove a significant part of the existing space between the older and newer developments that facilitates the current successful visual transition between developments within the estate street scene. This would be a further harm arising from the proposal to the character and appearance of the area.
- 9. I have been directed to a dwelling granted planning permission adjacent to 73 St Johns Avenue and a location plan and a photograph of that property has been provided. The development in that area is more varied to that surrounding the appeal site and the design of that dwelling has taken cues from an adjoining property. This has resulted in a development that would sit comfortably visually between older and newer developments. I have also been

referred to a development adjacent to 89 St Johns Avenue. However, that site relates to a corner plot. This site has an entirely different context. Therefore, I do not consider those developments highlighted are directly comparable to proposal Appeal A that is before me.

### *Appeal B*

10. Apart from the recessed green painted element the design and form of the main part of the proposed dwelling would not reflect that of the properties either side or elsewhere within the vicinity of the appeal site. The low eaves and roof dormer positioned on the eaves, would have the appearance of a one and a half storey dwelling. Therefore, the proposal would have an uncharacteristic appearance when viewed in the context of the properties in the area.
11. Furthermore, although detached by design, the recessed element would give the visual impression of attachment to No 14 and create a development that would read as a terrace with No 14 and its adjoining semi-detached property. In this context and given the limited plot width compared to that of No 14 and its adjoining property, the dwelling would have a narrow squeezed into the site appearance. The siting of the proposal close to No 14, together with its mix of modern materials and design features, would not create a dwelling that would visually integrate with No 14 and its adjoining semi-detached property, or indeed the more recent development to its west.
12. Consequently, both architecturally and physically the proposed dwelling would be noticeably out of keeping with the distinctive appearance of developments either side and within the surrounding area. Similarly to Appeal A, it would occupy the important gap and remove a significant part of the existing space between the older and newer developments that facilitates the current successful visual transition between developments within the estate street scene.
13. For these reasons, I conclude that both proposed developments (Appeals A and B) would be harmful to the character and appearance of the area. The proposals would, therefore, conflict with Policy QD02 of the Local Plan that seeks, amongst other matters, development to relate to its surroundings, form and layout and to strengthen links to the adjacent areas, paying particular attention to the context and identity of its location, scale, massing, rhythm, layout and use of materials.

### *Living conditions*

#### *Appeal A*

14. To the side of No 14 are a number of windows. Although the proposed dwelling would be set back from the front building line of No 14 it would be within close proximity to the windows at the side of this property.
15. The dwelling would be clearly visibly and dominant in the outlook from the internal living spaces of No 14 and would create a sense of enclosure within habitable rooms. Even if the rooms benefit from more than one window the development would be dominant in the outlook from the side windows. It would also likely reduce sunlight to these rooms. Such internal living spaces are environments in which the occupiers of No 14 are likely to spend a significant amount of their time and are living spaces that the occupiers should

reasonably expect to enjoy. The proposed development, being dominant in outlook and reducing sunlight to habitable rooms, would have a detrimental effect upon the living environment of the existing occupiers at No 14. For this reason, the proposed development would be harmful.

16. The Appeal A proposal would, therefore, conflict with Policy QD03 of the Local Plan that seeks, amongst other matters, development to be compatible with neighbouring buildings and not to lead to unacceptable living conditions through loss of natural light or sense of enclosure.

#### *Appeal B*

17. This proposed dwelling would be set back further from the front building line of No 14 more so than that of the dwelling proposed within Appeal A. Whilst the dwelling would project forward of the side recess at No 14 this would not be so far as to be prominent in the outlook from habitable rooms. Furthermore, the dwelling would not significantly impede sunlight to the internal living spaces of No 14.
18. Whilst I have found in favour of the living condition in respect of Appeal B, for the above reasons, I conclude that the proposed development would be harmful to the living conditions of the existing adjoining occupiers at 14 St Johns Avenue in relation to Appeal A.

#### *SPA and SSSI - Appeals A and B*

19. The Council has identified a likely significant impact upon the Thanet Coast and Sandwich Bay SPA and Sandwich Bay and Hacklinge Marshes SSSI as a result of increased recreational activity arising from new residential development and related population growth. The need for mitigation has been acknowledged by the appellant. A willingness to secure a financial contribution by means of a Unilateral Obligation to subsidise the District wide mitigation strategy has been provided. Notwithstanding this, given that I am dismissing the appeals for other reasons it has not been necessary for me to consider this matter in any further detail or require an appropriate assessment to be undertaken to assess the development's effect upon the integrity of the protected habitats.

#### *Other matters*

20. A dwelling would make a small contribution to meeting the District Council's housing requirements. Notwithstanding this, the Council has recently adopted its new Local Plan and, as such, has an up to date development plan with a settlement hierarchy in place to deliver new development in a sustainable way.

#### **Conclusion**

21. Having regard to the above findings, appeals A and B should be dismissed.

*Nicola Davies*  
INSPECTOR

**D06**

**F/TH/21/0144**

PROPOSAL: Erection of 2No two storey 3-bed semi-detached dwellings

LOCATION: Land Rear Of 4 To 10 Station Road BIRCHINGTON Kent

WARD: Birchington South

AGENT: Hume Planning Consultancy Ltd

APPLICANT: Mr Dickinson and Mr Retallick

RECOMMENDATION: Defer & Delegate

Defer and Delegate for approval subject to the satisfactory completion of unilateral undertaking within 6 months securing the required planning obligations as set out in the report and the following conditions:

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

## **GROUND**

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

2 The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered P01 Rev D (received 11/05/21), P02, P03, P04, P05 and P06 Rev B (received 11/05/21).

## **GROUND**

To secure the proper development of the area.

3 Prior to the construction of the external surfaces of the development hereby approved samples of the materials, including flint panels, roof slates, brick work and sills 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 unless otherwise agreed in writing by the Local Planning Authority.

## **GROUND**

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

4 Prior to the installation of any external windows and doors, joinery details at an appropriate scale of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be carried out concurrently with the development and fully implemented prior to the first occupation of any part of the approved development.

## **GROUND**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with advice contained within the National Planning Policy Framework.

5 Prior to the installation of the rainwater goods, details including the material and a sectional profile shall be submitted to and approved in writing by the Local Planning Authority. The rainwater goods shall be installed in accordance with the approved details.

### **GROUND**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with advice contained within the National Planning Policy Framework.

6 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 protect the district's groundwater, in accordance with Policy SE04 of the Thanet Local Plan, and the advice contained within the National Planning Policy Framework.

7 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 QD02 and GI04 of the Thanet Local Plan

8 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the 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, neighbour amenity and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

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

- (a) Routing of construction 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

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

### **GROUND**

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

10 Prior to the construction of the development a highway condition survey for highway access routes shall be undertaken and submitted to the Local Planning Authority. Following the construction of the development, a further highway condition surveys for highway access routes shall be undertaken and submitted to the Local Planning Authority with full details of works to rectify any damage caused by construction vehicles related to the development. The works as agreed shall be carried out prior to the first occupation of the dwellings hereby approved.

### **GROUND**

In the interests of highway safety, in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF.

11 Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the first occupation of the dwellings hereby approved.

### **GROUND**

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

12 No further hardstandings (other than shown on the approved plans) whether approved by Schedule 2 Part 1 Class F 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 highway safety, in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF.

13 Prior to the commencement of development, a non-native species plan will be submitted to, and approved by, local planning authority. The plan will detail the containment, control and removal of the non-native species identified in the Preliminary Ecological



Appraisal (Native Ecology July 2020). The measures shall be carried out in accordance with the approved plan.

### **GROUND**

To protect against invasive species and in the interest of improving biodiversity in accordance with Policy SP30 of the Thanet Local Plan, and the advice as contained within the National Planning Policy Framework.

14 From the commencement of works (including site clearance), all precautionary mitigation measures for hedgehogs will be implemented in accordance with the details contained in sections 9.6 and 9.7 of the Preliminary Ecological Appraisal (Native Ecology July 2020).

### **GROUND**

In order to safeguard protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and advice as contained within the NPPF.

15 Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include recommendations in section of the Preliminary Ecological Appraisal (Native Ecology July 2020). The approved details will be implemented and thereafter retained.

### **GROUND**

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

16 The glazing to be installed in the windows of bedroom 3 of unit 1 shall be fitted with acoustic glazing (or other agreed type) and acoustic trickle vents. These measures should be maintained for the life of the development.

### **GROUND**

To safeguard the residential amenities in accordance with Policy QD03 of the Thanet Local Plan.

17 The development hereby permitted shall be constructed to a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes.

### **GROUND**

All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and have resilience to function in a changing climate, in accordance with Policy QD01 of the Thanet Local Plan.

18 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

### **GROUND**

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

### **INFORMATIVES**

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

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

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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

### **SITE, LOCATION AND DESCRIPTION**

The application site relates to land to the rear of nos. 4-10 on the southern side of Station Road, Birchington. The site is accessed between nos. 10 and 12 Station Road (Village Bakery and Funky Divas), by an unmade track. At the present time the site has an unkempt

appearance and has two existing buildings at the western end of the site, one is constructed in flint and brick work with a corrugated roof the other is a timber shed.

To the northern side of the site is the back of properties that front Station Road, these predominantly have commercial at ground floor and residential above. To the western side of the site is Alma Cottages. The site is bounded to the church - All Saints Parish Church, by an existing brick wall (southern boundary of site). This building is listed (Grade II \*). Furthermore the southern (rear) and western boundary of the site abuts the Birchington Conservation Area.

### RELEVANT PLANNING HISTORY

F/TH/15/0646 Erection of 1no. two storey dwelling with associated parking and access  
Granted 15.10.2105

### PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of 2no two storey 3 bed semi-detached dwellings.

The proposed dwellings are positioned so that they have a staggered front elevation - forming a z shape. The dwellings do not have identical front and rear elevations - one having a gable to the front (unit 1) and other flush (unit 2), however, the rear elevation is the opposite unit 1 being flush and unit 2 with the gable projection. The proposed properties both have chimney detailing to the roof and also brick arches and quoins. The plans indicate that the materials to be used in the construction would be blue/grey slates, flint panels, stock bricks and white timber doors and windows. Each dwelling would comprise a hall, WC, utility room and open plan kitchen/living area on the ground floor with 3 bedrooms and a bathroom on the first floor.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan**

SP01 - Spatial Strategy - Housing  
SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
SP30 - Biodiversity and Geodiversity Assets  
SP35 - Quality Development  
SP36 - Conservation and Enhancement of Thanet's Historic Environment  
SP43 - Safe and Sustainable Travel  
H01 - Housing Development  
GI04 - Amenity Green Space and Equipped Play Areas  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
HE02 - Development in Conservation Areas  
HE03 - Heritage Assets

TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

### NOTIFICATIONS

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

Four representations were received (two representations from one resident). The concerns raised can be summarised as follows:

- Close to adjoining properties
- Development too high
- Inadequate access
- Inadequate parking
- Increase in traffic
- Increase of pollution
- Loss of light
- Loss of privacy
- Loss of parking
- More open space needed on development
- Noise nuisance
- Not enough info given on application
- Out of keeping with character of area
- Strain on existing community facilities
- Traffic or Highways
- Concerns about the state of the access
- Access not owned by the applicants
- Development will breach a covenant
- Not acceptable or in keeping with the conservation area
- Concern about fire safety
- Affect on ecology
- Loss of church views
- Concerns where site notice posted (Station Road)
- Impact on residents who have disabilities

**Birchington Town Council:** A request will be made for the application to be called in.

### CONSULTATIONS

**Historic England:** On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

**Environment Agency:** We have not received any information on the foul drainage proposed for this development.

Drainage may be restricted in a source protection zone or over an aquifer where groundwater is at shallow depths. Foul drainage should be discharged to mains sewers where possible. If alternatives are being explored the developers should check the .Gov website for Binding Rules information for small scale non mains discharges. Submissions to the LPA should include all relevant information on foul drainage proposals.

Developments where there is available connection to foul sewer cannot generally use non mains drainage.

We would require details of all proposed foul and surface water drainage to be clarified and submitted with this application. Otherwise we would seek a foul drainage strategy condition.

**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.

- The 175mm and 225mm diameter gravity foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

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.

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

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways.

**KCC Highways:** Final comments - Further to my previous comments dated 22nd March on the above planning application and additional consultation I am satisfied with the plans as now presented, which is a proposal for a car-free development. Given the issues previously raised with the access and the highly sustainable nature of the site, I would consider this arrangement to be appropriate. I can therefore confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no further objection on behalf of the local highway authority.

Submission of a Construction Management Plan before the commencement of any development on site to include the following:

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

Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development.

Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.

Removal of permitted development rights to prevent the future creation of hard standing areas to the front of the properties for the purpose of vehicle parking serving the dwellings.

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

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

**Initial Comments** - I note that although the application land is currently used for informal parking, this is not a trip generator in its own right, as opposed to the proposed dwellings. I therefore recommend that this application be refused on highway grounds for the following reason(s) -

The pedestrian visibility available over land within the applicants and/or the highway authority's control is insufficient for the development proposed, to the detriment of highway safety.

The proposals will result in an increase in use of the existing sub-standard access which also precludes the two-way movement of vehicles, to the detriment of highway safety.

The road providing access to the site is not of the condition nor maintained to the standard necessary to accommodate the volume and type of traffic likely to be generated by the proposed development.

Whilst I have objections to the current proposals in respect of highway matters it may be possible to overcome those objections if the following amendments were made -

The development offered as a car-free development owing to its highly sustainable location, with proximity to shops, services, schools, employment and public transport.

**KCC Ecological Advice Service:** We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided.

Whilst we consider a lighting condition (for foraging and commuting bats) excessive for this application, as recommended in the report, consideration should be given to light spill regarding the southern boundary of the site.

### Thanet and Canterbury SAMMS

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 Strategy (SAMMS) 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 SAMMS there is a need for an appropriate assessment to be carried out as part of this application.

### Invasive Species

Virginia creeper, an invasive plant species listed on Schedule 9 of the Wildlife and Countryside Act (WCA) 1981 (as amended), has been identified as present on-site. As it is an offence to introduce, plant or allow the spread of any Schedule 9 species, the report recommends that measures should be taken to remove this species from site.

To secure compliant removal of this species, we advise that a condition is attached to any granted planning permission. Suggested wording:

Prior to the commencement of development, a non-native species plan will be submitted to, and approved by, local planning authority. The plan will detail the containment, control and removal of the non-native species identified in the Preliminary Ecological Appraisal (Native Ecology July 2020). The measures shall be carried out in accordance with the approved plan.

### Hedgehogs

As a priority species (under the NERC Act 2006) with the potential to be on-site, the report has recommended that precautionary mitigation measures are enacted for hedgehogs. This includes carefully removing dense vegetation and providing escape from/coverings of excavations overnight during construction.

To secure these measures for hedgehogs, we advise that a condition is attached to any granted planning permission. Suggested wording:

From the commencement of works (including site clearance), all precautionary mitigation measures for hedgehogs will be implemented in accordance with the details contained in sections 9.6 and 9.7 of the Preliminary Ecological Appraisal (Native Ecology July 2020).

### 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. 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. We suggest the following informative is included with any planning consent:

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

### 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 suitable enhancements, such as native planting and provision of bird/bat boxes.

To secure the implementation of enhancements, we advise that a condition is attached to any granted planning permission. Suggested wording:

Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include recommendations in section of the Preliminary Ecological Appraisal (Native Ecology July 2020). The approved details will be implemented and thereafter retained.

**TDC Conservation Officer:** Land Rear to 4 - 10 Station Road is a small site behind the main commercial thoroughfare of Birchington, which is currently somewhat ill maintained and



unused. Although not directly cited within Birchington Conservation Area it is adjacent to it as well as also neighbouring the Grade II\* All Saints Church.

Thanets recently adopted Local Plan, policy HE02, states within Section 7 "The character, scale and plan form of the original building are respected and the development is subordinate to it and does not dominate principal elevations." As well as Section 8 which states "Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted."

Under the Listed Buildings and Conservation Areas Act 1990, Section 16 Paragraph 1 states "when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

This application is for the construction of two dwellings upon the proposed site. Previously an application was authorised for the site, reference F/TH/15/0646, which was for one singular dwelling. The site as it currently exists is poorly maintained and cluttered with a variety of waste items.

The scale of the proposed dwelling is reflective of the application which had already received approval, as well as the neighbouring terrace Alma Cottages. This approach of matching the scale of the existing built form of the street scene assists somewhat in its effective incorporation without appearing out of place. The scale is also somewhat subservient to that of the houses fronting Station Road itself.

The design of the proposed is that of a more traditional influence with the use of sympathetic materials which would be expected within the conservation environment. Originally in 2015 a more contemporary design approach was taken initially, this was adapted before it was approved to be more reflective of the traditional environment too. Although not directly cited within the conservation area, this approach further assists in improving any perceivable views to the surrounding environment, again improving its successful integration. Given the constraints of the site and its confined access abilities I believe that this is a much more effective approach rather than that of a contemporary nature. Overall I would consider that there is reduced impact to the neighbouring conservation area caused through this application and that appropriate materiality and design have been proposed to reduce the harm here where possible.

I do however consider there to be a somewhat greater level of impact caused to the nearby Grade II\* listed church given that this proposal is sited directly adjacent to its boundary wall and whilst being somewhat visible to its setting. This is largely caused through the general presence of the development and that it will be visible from within the church grounds. It would also be in filling a void that otherwise would have been empty space, as far as evidence suggests has not ever been substantially constructed upon. That being said, as mentioned above the area as it currently exists is of general poor maintenance, and although not developed structurally, still appears poor and somewhat neglected. The implications from

this development are imposed to the rear of the church site and do not impact its approach and fronting visual splays, or the views of its front or side elevations. It is not until the site is circulated through that the proposed scheme will be visible and therefore I do not consider its setting to be substantially negatively affected.

Overall I consider this application to be one of balance in terms of positive impacts outweighed by negative implications of the proposed semi detached development. The scheme will most definitely be visible from within the church grounds, somewhat altering the setting of the listed asset. However I would be of the opinion that mitigation measures have been made to reduce this harm where possible through the appropriate use of scale, design and materiality. The existing boundary wall is being retained through the development and no substantial harm is being caused to the setting of the nearby listed asset. Therefore I believe that the proposed scheme meets with national and local guidance and I do not object to the application proposed.

If this application was to be authorised the following should be met with condition -

Any details of proposed landscaping or hardstanding should be provided

Details of proposed windows and doors should be met through scaled drawings

Details of flint panels, roof slates, brick work and sills should be provided through samples.

Details of rainwater goods or drainage materials should be provided

**TDC Environmental Health:** The application is to build two dwellings on a piece of redundant land to the rear of Birchington HighStreet (Station Road).

When visiting the site my only concern is the planned development's proximity to the rear garden of 2 Station Road Birchington. This appears to be a garden (No.2) connected to a hospitality use and has the benefit of a premises licence under the licensing act 2003. The licence itself runs until midnight. To protect the amenity of the new occupant of the planned development I request the following measures.

Firstly, the boundary between the planned development and the garden of No.2 Station Road is to be separated by a 2 metre close-boarded fence (or other agreed barrier). This should be erected before occupation of the planned development and maintained for the life of the development.

Secondly I request that the glazing in the windows of bedroom 3 of unit 1 are fitted with acoustic glazing (or other agreed type) and acoustic trickle vents are also fitted to that window. These measures should be maintained for the life of the development. This window in particular will face onto the garden of No.2 at close quarters more than any other and so requires a higher level of protection. The trickle vent will allow an exchange of air without the need for windows to be opened in most situations.

**TDC Biodiversity and Horticultural Officer** The site clearly has little implication for existing trees and as the tree report indicates the only tree on site has been previously badly pruned and is, therefore, of minimum value in relation to a development going forward.

It would be good to see some fastigate/columnar trees being added within the development, for example, along the boundaries where the lawn is specified and within the car park area

boundary points away from the houses specified. tree examples *Betula pendula fastigiata* 'Obelisk', *Prunus* 'Spire' *Fagus sylvatica* 'Dawyck'. These being columnar/fastigate in habit will have limited light implication to the site but achieve softening structural elements and aesthetic values.

The points raised below in the Native Ecology/Ecological Appraisal are positive recommendations that would be great to see enshrined within the soft landscaping elements of the development as they will both clearly enhance biodiversity and increase the aesthetics of the site.

**10. SUGGESTED ENHANCEMENT MEASURES NATIVE AND NECTAR RICH PLANTING**  
**PLAN 10.1** It's Recommended that any planting plans around new buildings include native, flower rich species, including those that flower in the late and early seasons to enhance the biodiversity value of the site. **10.2** The inclusion of climbing plants would add sheltering opportunities for invertebrates and birds. They can also produce nectar rich flowers for butterflies, bees and hoverflies and fruit for birds and small mammals. **10.3** The inclusion of herbs, such as lavender and sage, would provide nectar for an array of invertebrate species, including bees, butterflies and moths. Providing a range of herb plants would ensure flowering throughout the seasons. The inclusion of plants that produce scent at night would attract night flying invertebrates and as such would also provide foraging opportunities for bats.

**BATBOXES 10.4** Development provides an opportunity to enhance the site for bats via provision of roosting opportunities. **10.5** Integrated bat boxes, such as a 1FR Schwegler Bat Tube, or similar, could be installed on new buildings within the Site. Integrated bat boxes should be primarily located on the south and west facing aspects but can also be installed on different elevations to provide a variety of different environmental roost conditions. Alternatively, bat access tiles can be incorporated into roof elevations of the new houses.

**BIRD BOXES 10.6** Bird boxes, including for house sparrow and starlings, could be integrated into new houses. **10.7** Woodcrete exterior or integrated terrace boxes for house sparrows could be incorporated into the new houses. Boxes should be located 2-4m in height and arranged so that loose colonies of house sparrows are encouraged. Open fronted woodcrete nest boxes could also be installed on house elevations. Bird boxes should be located close to eaves and on the north or east elevations to avoid direct sunlight

### COMMENTS

This application is referred to the Planning Committee at the request of Cllr Braidwood, for Members to assess the impact of the proposed development on the special architectural and historic importance of the character and appearance of the conservation area. The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area, impact upon designated heritage assets, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

### Principle

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material

considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. 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 issues such as the impact upon the countryside, sustainability of the site, character and appearance of the proposed development and highway safety.

The site lies within the urban confines, in a highly sustainable location, to the rear of shops and services in Station Road, Birchington; the main shopping street in Birchington.

Policy HO1 of the Thanet Local Plan states that residential development on non-allocated sites within the confines of the urban area can be granted where it meets other relevant Local Plan policies. The application site is located within the urban confines of Ramsgate and would therefore accord with Policy HO1.

The principle of the development is therefore considered to be acceptable, subject to the consideration of all other material planning considerations.

### **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 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 place that are safe, inclusive and accessible.

Policy SP35 relates to the quality of development and states that new development will be required to be of high quality and inclusive design. Policy QD01 relates to sustainable design and sets out that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gasses and have resilience to function in a changing climate. Policy QD02 is a general design policy and sets out that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects. External spaces, landscape, public realm, and boundary treatments must be designed as an integral part of new development proposals and coordinated with adjacent sites and phases.

The site is located behind commercial properties in Station Road, Birchington, accessed along a single lane track leading to Alma Cottages - a terrace of 4 flint cottages. The site is located to the east of these cottages. The site is bounded by the Conservation Area to the west (which includes Alma Cottages), to the east and south (including the churchyard of the Grade II\* Listed church). The site is screened to some degree by trees and vegetation at the boundary with the churchyard, and cannot be seen from Station Road given the intervening buildings fronting Station Road.

The proposal is for two semi-detached two storey dwellings. The proposed units would have both front and rear gardens - the front gardens mainly being laid to grass and the rear having hardstanding for a patio area. Parking for the units has now been removed from the scheme. The semi-detached houses have been designed to be of the same height as the terrace that it would be seen in conjunction with, having a traditional appearance and proposing vernacular materials, including flint. In terms of positioning in the plot, the two dwellings are staggered partially to one another; with unit 1 being slightly further forward. In terms of internal layout the dwellings have open plan living/kitchen/dining room areas at ground floor and a W.C. and utility room. On the first floor there are three bedrooms and a family bathroom.

As detailed above the units will not be visible from Station Road due to their position behind buildings which front Station Road. Views of the dwellings would be seen from the access leading to Alma Cottages. Unit 2 which would be seen in context with 4 Alma Cottages would be in-line with this dwelling and terrace which it forms part of, this is considered appropriate. The proposed dwellings are not a mirror image of each other; unit 1 having a projecting gable to the front elevation, but have a traditional form, with chimney detailing, a vernacular material palette and appropriate cottage style fenestration to accord with the general design context. It is therefore considered that the design and appearance of the dwellings would accord with policy QD02 of the Local Plan.

The site is not within the Birchington Conservation Area - but is adjacent to it. Furthermore the site is adjacent to the Grade II\* listed church - All Saints.

Policy SP36 of the Council's Local Plan is a strategic policy which states that the council will support, value and have regard to the historic or archaeological significance of Heritage Assets. Policy HE02 relates specifically to new developments in conservation areas. It states that within conservation areas, development proposals which preserve or enhance the character or appearance of the area will be permitted and when relating to proposals to extend existing buildings within the conservation area that the character, scale and plan form of the original building are respected and the extension is subordinate to it and does not dominate principal elevations and appropriate materials and detailing are proposed and the extension would not result in the loss of features that contribute to the character or appearance of the conservation area. Policy HE03 states proposals that affect both designated and non-designated heritage assets, will be assessed by reference to the scale of harm, both direct and indirect, or loss to, the significance of the heritage asset.

In line with paragraph 192 of the NPPF (2019) and the Planning (Listed Buildings and Conservation Areas) Act (1990), there is a legal duty to protect listed buildings and their setting. S.66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) states "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority should have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historical interest which it possesses." The setting of a heritage asset is defined in the glossary of the NPPF (2020) as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

The NPPF makes it clear that the extent of the setting of a heritage asset is not fixed and may change as the asset and its surroundings evolve.

### *Setting of the Listed Building*

Consideration has been given to any impact upon the Grade II\* listed church located to the south of the application site. Both units 1 and 2 would be adjacent to the boundary wall to the church/graveyard which would be retained as part of the proposal. It is appreciated that the site is screened to some degree by trees and vegetation at the boundary with the churchyard. When the site visit was conducted it was apparent that the site is currently not maintained - and was partly overgrown. Given the scale of development that is reflective of both Alma Cottages and a dwelling approved on the site in 2015 (F/TH/15/0646) and traditional design and materials of the proposed dwellings it is considered that it assimilates well in terms of its position adjacent the Conservation Area. The Conservation Officer has confirmed that the design approach taken on this current application reduces the harm to the adjacent Conservation Area in comparison to the earlier approved scheme.

In terms of the listed building, the built form will be closer than the existing buildings on site to the Grade II\* listed church and the boundary wall and, thereby, the perceived level of harm to the designated historic asset is greater than the current situation. The Conservation Officer considers that this is largely caused through the general presence of the development and that it will be visible from within the church grounds.

Weight is attached to the fact that the proposal is to the rear of the church and it would not impact its approach or front or views from its sides which are seen from the road. The proposed development would only be visible to the rear upon entering the site and, as such, it is not considered that the proposed development would have a significant adverse effect on the setting of the listed church. It is appreciated that the approval of this development would alter the setting of the church, it is however, considered, that the carefully designed scheme is appropriate in terms of its scale, design and materials. The Conservation Officer concurs with this view.

In summary the proposal is considered to accord with the character and appearance of the area and would not harm the adjacent Conservation Area. Whilst there would be some harm to the Grade II\* listed church this would be less than substantial as it would be to its rear and would still safeguard the principal views and vistas of the church from its main approaches. It is therefore considered that the proposal is acceptable in terms of Local Plan policies SP35, SP36, QD02, HE02 and HE03 together with the advice contained within the National Planning Policy Framework.

### **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.

Policy QD03 of the Local Plan relates to living conditions and states all new development should: 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04. 3) Residential development should include the provision of private or shared external amenity space/play space, where possible. 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

The proposed dwellings would not be served by any parking spaces, but would have a front and rear garden area. The parking spaces for the units were negotiated out of the scheme due to highway concerns; see highway section.

Doorstep playspace is required for all 2-bed units or more under Policy GI04 of the Thanet Local Plan, along with refuse storage, clothes drying and cycle storage space. The dwellings would have modest rear amenity spaces, however, they are of a sufficient size to incorporate an outside seating area and play area, and thus considered to comply with the policy requirements. The front properties have integral refuse and bicycle storage areas.

In terms of the living conditions of the future occupiers of the proposed dwellings, Policy QD03 requires new development to be of an appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in Policy QD04, which are the National Described Space Standards (March 2015). Paragraph 127 of the National Planning Policy Framework requires development to provide a high standard of amenity for existing and future users, with all windows serving primary habitable rooms required to provide an acceptable level of outlook, natural light and ventilation for the rooms. It is considered that the rooms within the proposed dwellings would be light and well ventilated and meet the space standards required by policy QD04.

The drawings submitted show there is approximately at least 11 metres from the forward most part of the dwellings to the rear of dwellings in Station Road, however, these are the single storey elements at ground floor that serve the commercial elements. At first and second floors the distance is greater with a minimum of nearly 18m of separation between residential windows. This level of separation is considered acceptable and would not result in a direct overlooking into habitable rooms which would result in harm to the residential amenities of adjoining occupiers

It is also considered that there is sufficient separation space and given the orientation not to result in loss of light or overshadowing to the properties which front Station Road.

With regard to no. 4 Alma Cottages, this has no windows at the first floor within its flank elevation. The proposed property adjacent to tno. 4 (unit 2) is also in-line with this property in terms of its front and rear wall. Given the positioning of the dwellings to one another and that neither the proposed dwelling or the existing, have first floor openings would result in an acceptable relationship in terms of overlooking, loss of light or overshadowing.

The proposed development is therefore considered to be acceptable in terms of the living conditions of adjacent neighbouring properties, in accordance with Policy QD03 of the Thanet Local Plan and para 127 National Planning Policy Framework.

### **Transportation**

Paragraph 108 of the NPPF says that in assessing applications for development it should be ensured that:

Appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;

Safe and suitable access to the site can be achieved for all users; and

Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

The original plans showed that each dwelling would have a parking space to its frontage. Whilst the site area is sometimes used for informal parking, currently KCC Highways advised that this is not a trip generator as would be the case for the proposed dwellings. Due to this layout and the access into the site an objection was raised by KCC Highways on the basis that the pedestrian visibility available over land within the applicants and/or the highway authority's control is insufficient for the development proposed, to the detriment of highway safety, the proposal would result in an increase in use of the existing sub-standard access which also precludes the two-way movement of vehicles, and the road providing access to the site is not of the condition nor maintained to the standard necessary to accommodate the volume and type of traffic likely to be generated by the proposed development.

Due to this objection the applicant revised the plans removing off street parking for the properties. Given the location of the site- to the rear of the main shopping street in Birchington, close to public transport links and other services it is considered that the site is highly sustainable and therefore would not require any parking.

The plans were amended to make the development car-free as such all the issues raised have been resolved. Conditions are recommended by KCC Highways including a construction management plan, highway condition surveys for highway access routes (to enable repairs resulting directly from the development to be carried out, cycle parking facilities and removal of permitted development rights to prevent the future creation of hard standing areas to the front of the properties for the purpose of vehicle parking serving the dwellings.

The proposed development is therefore considered to be acceptable in terms of highway amenity and highway safety, in accordance with Policy TP03 and TP06 of the Thanet Local Plan.

### **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 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.

This application includes a draft Unilateral Undertaking which provides the required financial contribution for the 2no three bed residential units to mitigate the additional recreational pressure on the SPA area. The applicant's agent has confirmed their commitment to provide this in due course.

### **Other matters**

#### *Ecology*

The NPPF states at paragraph 170 that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF then states at paragraph 175 that "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

The application is accompanied with a Preliminary Ecological Appraisal, this concluded that there were no bats or signs of bats were found within the buildings, the existing buildings on site provide negligible suitability for roosting bats and the site offers low suitability for foraging. In addition it was concluded that dormice, otters, water voles, reptiles, great crested newts are unlikely to be present. The presence of the occasional badger could not be ruled out; it also appears that an animal burrow likely to be used by a fox is present within a building on site. Habitats within the site and surrounding area provide foraging and sheltering opportunities for hedgehog, which may be present. Whilst there are unlikely to be schedule 1 birds nesting on the site, it is suitable for common and widespread bird species as well as those listed as red and amber within the Birds of Conservation Concern. In addition the site is likely to provide suitable habitat to support a range of common and widespread invertebrates, but protected or rare invertebrates are unlikely to be present. The appraisal also concludes that it is not necessary to carry out further survey work for flora although a Virginia Creeper (invasive species) is present within the site.

KCC Ecological Advice Service have advised that sufficient information has been provided, they advise that a condition is attached to any consent granted that requires the removal of the Virginia creeper, site clearance, ecological enhancements and an informative relating to breeding birds

Conditions are imposed to ensure that the development achieves a water efficiency standard of 110litres/person/day and energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes as required by policies QD01 and QD04 of the Thanet Local Plan.

In respect of trees, the application is supported by a tree report, this details 5 of the trees surveyed are outside of the site (T1-T6) and one within the site (T6 *Prunus spp*). The report details that T6 is small, poorly formed, moribund specimen that has been unsympathetically pruned and will be removed for the development. The report also notes that a new hard surfacing will partially occupy the root protection area of T2, T4 and T5- but will be designed for light pedestrian traffic and be dry jointed in order to allow the ingress of adequate air and moisture to the soil profile.

The Councils Tree Officer accepts the report submitted but advises that some fastigate/columnar trees being added within the development, for example, along the boundaries where the lawn is specified and within the car park area boundary points away from the houses specified would be beneficial. He also advises that the recommendations within the Ecological appraisal should be included within any approval.

A third party has raised the issue of disabled access, reference is made to policy QD05 (Accessible and Adaptable Accommodation) this requires:

- 1) 10% of new build developments will be expected to be built in compliance with building regulation part M4(2) accessible and adaptable dwellings;
- 2) 5% of the affordable housing units on housing developments will be expected to be built in compliance with building regulations part M4(3) wheelchair user dwellings.

Given the size of the proposal two dwellings- there is no requirement to provide affordable housing and furthermore it is not considered appropriate to require one dwelling (50%) to comply with building regulation part M4(2).

It is confirmed that a covenant on the land which may preclude development would be a civil matter. It is also confirmed that there is no right to a view.

### **Conclusion**

The site is sustainably located within the urban confines. The proposal for the erection of 2no. dwellings are considered to be in accordance with Policy HO1 of the Thanet Local Plan. The amended scheme is considered to be a suitably compatible form of development adjacent to the Conservation Area and Grade II\* listed church, which has an acceptable impact upon the living conditions of adjacent neighbours, highway safety and amenity, and provides a satisfactory standard of amenity for future occupiers. On this basis it is recommended that the application is deferred and delegated to officers for the completion of a unilateral undertaking to secure the SAMM contribution.

### **Case Officer**

Gill Richardson

TITLE: F/TH/21/0144

Project Land Rear Of 4 To 10 Station Road BIRCHINGTON Kent

