

Date: 7 September 2021
Ask For: James Clapson
Direct Dial: 01843 577207
Email: committee@thanet.gov.uk



PLANNING COMMITTEE

15 SEPTEMBER 2021

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 15 September 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, Wing 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 - 8)
To approve the Minutes of the Planning Committee meeting held on 18/8/2021, copy attached.
4. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 9 - 12)
To consider the report of the Deputy Chief Executive, copy attached for Members of the Committee.

For Approval

- 4a **A01 F/TH/21/1087 - GARDEN CENTRE, MONTEFIORE AVENUE, RAMSGATE.** (Pages 13 - 22)
- 4b **A02 F/TH/21/0817 - UPTON COUNTY PRIMARY SCHOOL, EDGE END ROAD, BROADSTAIRS.** (Pages 23 - 46)

Item
No

Subject

4c **A03 F/TH/21/0952 - BOAT PARK, EAST CLIFF PROMENADE,
BROADSTAIRS** (Pages 47 - 56)

For Deferral

4d **D04 F/TH/20/0842 - SEAGULLS CLIFF PROMENADE, BROADSTAIRS.**
(Pages 57 - 86)

4e **D05 F/TH/21/0384 - OLD MOORINGS, GRENHAM BAY AVENUE,
BIRCHINGTON.** (Pages 87 - 98)



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

THANET DISTRICT COUNCIL DECLARATIONS OF INTEREST

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

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

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

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

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.
4. **Complete the declaration of interest form and submit it to Democratic Services.**

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

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

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

An associated person is defined as:

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

An Authority Function is defined as: -

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

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

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

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

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

Gifts, Benefits and Hospitality

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

What if I am unsure?

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

Planning Committee

Minutes of the meeting held on 18 August 2021 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

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

1. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **MINUTES OF PREVIOUS MEETING**

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

4. **SCHEDULE OF PLANNING APPLICATIONS**

(a) **A01 FH/TH/21/0926 - 25A Edith Road, RAMSGATE**

PROPOSAL: Retrospective application for the erection of a single storey side extension for garage.

It was proposed by Councillor Rusiecki, seconded by Councillor Coleman-Cooke and agreed that:

'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 plans numbered: 771C/PL/101, 771C/PL/102, 771C/PL/103, 771C/PL/104 received by the Local Planning Authority on 9th June 2021.

GROUND:

To secure the proper development of the area.

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

GROUND:

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

(b) **R02 F/TH/21/0566 - Ozengell Farmhouse, Haine Road, RAMSGATE**

PROPOSAL: Erection of 2no. 2-storey 3-bed and 4no. 4-bed dwellings with associated parking and landscaping following demolition of existing buildings.

Mr Hare 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 REFUSED for the following reasons:

- 1 The proposed development, due to the lack of a footway link along this part of Haine Road which is partly unlit and subject to the national speed limit of the road, would result in conflict between pedestrians/cyclists and users of the highway, resulting in an unsustainable development due to future occupiers being dependant on private vehicles and an unacceptable impact on highway safety. The development would, therefore, be contrary to policies SP43, QD01, QD02, TP02 and TP03 of the Thanet Local Plan and paragraphs 110, 111 and 112 of the National Planning Policy Framework.'

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

(c) **D03 F/TH/21/0064 - Land Adjacent To 2 Shah Place, RAMSGATE**

PROPOSAL: Erection of three and two storey building containing 3No. 1bed residential dwellings.

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

'To DEFER AND DELEGATE for approval 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 C-110, C-111 B (received 30/06/21), C-112 A (received 30/06/21), C-113 A (received 30/06/21), C-123 A (received 30/06/21), C-124, C-125, C-126 A (received 30/06/21), C-127 A (received 30/06/21), C-128, C-129 A (received 30/06/21) C-130 A (received 30/06/21)

GROUND

To secure the proper development of the area.

3 The building hereby permitted shall be constructed using materials as detailed on drawing C-800 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 The windows in the rear elevation of the building hereby approved (as annotated on drawing C-111 B) 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.

5 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. C-110 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.

6 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) Details of working hours
- (b) Details of plant/including if piling is required
- (c) Timing of deliveries
- (d) Dust control measures

All other matters shall be in accordance with the Document titled Outline Construction Management Plan (dated January 2021).

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.

7 Prior to the first use of the roof terrace/balcony area to unit 1 hereby permitted, privacy screens of a minimum height of 1.8m shall be installed along the rear as shown on the approved plans numbered C-111 B and C-126 A and thereafter maintained.

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 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 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 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.'

Meeting concluded: 7.45pm

THANET DISTRICT COUNCIL

PLANNING COMMITTEE

15th SEPTEMBER 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 and 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:7TH SEPTEMBER 2021

This page is intentionally left blank

THANET DISTRICT COUNCIL

REPORT OF THE DEPUTY CHIEF EXECUTIVE DIRECTORATE

PART A

TO: THE PLANNING COMMITTEE

DATE: 15 September 2021

Application Number	Address and Details	Recommendation
A01 F/TH/21/1087	<p>Garden Centre Montefiore Avenue RAMSGATE Kent CT11 8BW</p> <p>Erection of warehouse building and canopy</p> <p>Ward: Sir Moses Montefiore</p>	Approve
A02 F/TH/21/0817	<p>Upton County Primary School Edge End Road BROADSTAIRS Kent CT10 2AH</p> <p>Erection of new sports hall following demolition of existing sports hall</p> <p>Ward: Viking</p>	Approve
A03 F/TH/21/0952	<p>Boat Park East Cliff Promenade Broadstairs Kent CT10 1EU</p> <p>Change of use of land to storage of boats in association with 1st St Peters-in-Thalet Sea Scouts, stationing of two storage containers for associated maintenance tools and wet kits and erection of boundary fence and gates</p> <p>Ward: Bradstowe</p>	Approve

THANET DISTRICT COUNCIL

REPORT OF THE DEPUTY CHIEF EXECUTIVE DIRECTORATE

PART B

TO: THE PLANNING COMMITTEE

DATE: 15 September 2021

Application Number	Address and Details	Recommendation
D04 F/TH/20/0842	<p>Seagulls Cliff Promenade BROADSTAIRS Kent CT10 3QY</p> <p>Erection of a three storey building containing 8no. 2-bed self-contained flats with underground parking, following demolition of existing dwelling</p> <p>Ward: Kingsgate</p>	Defer & Delegate
D05 F/TH/21/0384	<p>Old Moorings Grenham Bay Avenue BIRCHINGTON Kent CT7 9NN</p> <p>Erection of a 1 storey 1 bed detached dwelling with basement level following demolition of the existing garages</p> <p>Ward: Birchington North</p>	Defer & Delegate

5 Prior to the installation of any external lighting, full details of the external lighting, including their fittings, illumination levels and spread of light shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting installation shall then be carried out in accordance with the approved details.

GROUND

To ensure that light pollution is minimised in the interest of the visual and residential amenities of the area, in accordance with Policy SE08 of the Thanet Local Plan.

6 The use of the warehouse and canopy, hereby approved, shall be limited to purposes associated with and ancillary to the existing Ramsgate Garden Centre and shall at no time be used for independent business or commercial purposes.

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

The wider application site comprises a garden centre and associated development including car park and storage buildings.

The proposed building would be located in the south east corner of the site in an area that is located to the south of the existing car park and is currently in use as a service yard which includes open storage. The site of the proposed building and the wider garden centre site has a commercial character, however outside the site, surrounding development is primarily residential. It should be noted that the properties along Muir Road are set at a lower level than the application site and the properties on Brindle Grove are set on a higher level than the site.

RELEVANT PLANNING HISTORY

F/TH/21/0568 - Erection of single storey building together with erection of canopy. Refused 16 June 2021 for the following reason: "The scale, height and location of the proposed building and its proximity and relationship to the neighbouring residential properties to the west on Brindle Grove and the south on Muir Road would result in an unacceptably overbearing impact to the private amenity spaces of these adjacent neighbours and corresponding loss of outlook, significantly harmful to the amenities enjoyed by the occupiers thereof, contrary to Policy QD03 of the Thanet Local Plan and paragraph 127 of the National Planning Policy Framework."

F/TH/11/0011 - Erection of single storey garden centre building following demolition of existing. Granted 16 March 2011

F/TH/10/1035 - Change of use of land to car valeting operation and erection of shed. Granted 31 January 2011

F/TH/09/0470 - Change of use of land to hand car valeting operation and erection of canopy. Refused 25 September 2009

F/TH/06/0204 - Erection of a timber framed, curved roof, walkway and a timber framed plant shade with curved timber slatted roof to outside plant area. Granted 28 March 2006

F/TH/04/1208 - Erection of two no. pitched curved roof, polytunnels to provide enlargement of horticultural plant shade as an extension to existing polytunnels. Granted 06 December 2004

F/TH/99/0943 - Erection of a detached pitched roof building to replace former kennels to provide ancillary garden sales building. Granted 14 February 2000

F/TH/98/0532 - Enlargement of garden centre building comprising front and side extensions together with a polytunnel addition, creation of new vehicular access in montefiore avenue and closing of existing access points in hereson road; erection of a pitched roof extension to detached ancillary building; alterations and extension to car parking area; erection of new boundary fencing together with canopy entrance features. Granted 08 January 1999

OL/TH/97/0083 - Demolition of existing buildings and redevelopment of site for the purposes of a mixed use leisure development comprising the erection of buildings to provide family entertainment centre; bingo; a nine screen multiplex cinema; and outdoor stage/theatre incorporating video wall (use class d2) restaurants; drive-thru restaurant and themed diner (use class a3); speciality shops (use class a1) together with associated access, car parking and landscaping (outline application). Granted 25 March 1997

F/TH/96/0931 - Use of car park to hold 12 boot fairs per year for charity on Sunday mornings in addition to existing Friday markets. Granted 30 January 1997

F/TH/93/0473 - Use of part of site as caravan sales display area. Granted 19 August 1993

TH/87/1059 - Retention of cafeteria, wool shop and two pet shops operating in contravention of condition 3 upon planning permission TH/86/1047 together with provision of florist, craft shop and fruit and vegetable shop. Granted 27 November 1987

TH/86/1047 - Erection of three retail sales pavilions. Granted 02 February 1987

TH/82/0594 - Retention of greenhouse and temporary building. Granted 05 November 1982

PROPOSED DEVELOPMENT

This application seeks to overcome the reason for refusal on the previous application for a warehouse building with canopy - F/TH/21/0568 with an amended scheme.

The warehouse building proposed in the previous application measured 14.9m wide and 24.7m long. Due to changes in the ground level the highest level of the eaves would be 7m, and the highest overall point would be 8m above ground level. With the canopy extending from the southern side elevation measuring 3.9m high, 5.9m wide and 24.7m long.

The building now proposed would be constructed from a blue brick plinth, grey cladding walls and roof and a grey roller shutter door. An open sided canopy is proposed to be located on the eastern side. The building would have a pitched roof that runs east west and gable ends of the northern and southern sides. The proposed building would measure 19m deep, 16.7m wide, 4.1m to the eaves and 5.4m in total height. The proposed canopy would extend from the rear of the building with a pitched roof following the side elevations and pitch of the main roof and measure 5.8m deep, 16.7m wide, 2.7m to the eaves and 3.6m in total height.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP30 - Biodiversity
SP35 - Quality Development
SP37 - Climate Change
CC01 - Fluvial and Tidal Flooding
GI06 - Landscaping and Green Infrastructure
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
SE05 - Air Quality
TP06 - Car Parking

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site.

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

- Close to adjoining properties
- Development too high
- Scale of the building
- Change in levels to neighbouring properties
- Conflict with local plan
- General dislike of proposal
- Information missing from plans
- Loss of privacy
- Loss of light
- Noise nuisance
- Noise from forklifts
- Out of keeping with character of area
- Over development
- Increased flood risk
- Proposed hours of use
- Employees on the site

- Increase in traffic
- Inadequate access
- Highways and pedestrian safety
- Increase of pollution
- Light pollution
- Not enough info given on application
- Use of the proposed building as a warehouse/distribution centre
- Impact upon property values

Ramsgate Town Council - Objects to this application on the grounds of the impact on neighbouring properties; the bulk of the proposed building is overbearing on the adjacent residential dwelling; out of keeping with the residential area and against the Local Plan.

CONSULTATIONS

KCC Highways - "The site of the proposed building is already used for external storage, and the proposed building does not increase the retail floor area or remove existing parking. I therefore have no objections in respect of highway matters."

TDC Environmental Health Officer - Final comment - "I had concerns over the potential noise nuisance as the proposed warehouse will be made from metal cladding and this along with the proposed doors and roller shutter have the potential to cause a noise nuisance.

I am happy to amend my suggested hours to reflect 7am until 6pm daily; however, the applicant should be aware that any complaints of noise from the premises will be investigated under nuisance legislation."

Initial comment - "My main concern over this application would be possible noise nuisance from the use of the building as the site plans show that the warehouse will be erected on the boundary with noise sensitive dwellings. With that in mind I would suggest that the use of the building and any deliveries servicing the building are conditioned by time. I would suggest the times conditioned are:

8am to 6pm Monday to Saturday

10am to 4pm Sunday

The plan does not show the installation of any lighting. I would suggest that careful consideration be given to the placement of any lighting installed on or around the warehouse to minimise possible light nuisance being caused to neighbouring properties."

COMMENTS

The application has been called to Planning Committee by Cllr Hopkinson for Members to consider the impacts of the height of the proposed warehouse and potential noise impacts from the proposed development.

Principle

The application site comprises an existing garden centre located within the urban confines of Ramsgate.

The principle of erecting an ancillary building within the curtilage of an existing commercial premises is considered acceptable subject to all other material considerations.

Character and Appearance

The proposed building would be located 140m from the boundary of the site with Montefiore Avenue, 65m from the boundary with Hereson Road. From the south and east public views of the building would be between the dwellings fronting Muir Road and Brindle Grove. There is limited separation distance between the groups of terraced properties on Muir Road and, whilst development is more spacious in Brindle Grove, the building would be visible between numbers 23 and 24 Brindle Grove. The highest point of the building would be set 15m from the boundary of the site with Brindle Grove and given the location of the building behind these existing dwellings and outbuildings, and the existing commercial context of the site, the proposed building is not considered to be highly prominent or incongruous from these views. Whilst the proposed building is large in scale, given these large separation distances and the commercial nature of the site the building is not considered to be highly prominent or incongruous in views from these roads.

The proposed solar panels are shown to be integrated within the pitch of the roof and therefore do not add any significant bulk or mass to the building.

It is therefore considered that whilst visible from the public realm the proposed building would not have a significantly harmful impact upon the character and appearance of the area to warrant refusal and would therefore comply with policy QD02 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

At the closest point there would be a separation distance of 1.5m from the proposed building and canopy to the boundary of the site with the properties on Brindle Grove, 4.5m to the boundary with the properties on Muir Road and 25m to the boundary with the properties on Hereson Road.

Given the separation distance to the properties on Hereson Road the proposed building is not considered to result in any significant loss of light or sense of enclosure to these dwellings.

Brindle Grove is set at a higher level than the application site with a change in levels of approximately 1m and there is currently a high level fence on this boundary. The closest neighbouring properties on Brindle Grove are numbers 23 and 24. Number 23 is set at an angle to the boundary with the application site and is set 7m from the boundary. The rear elevation of number 24 faces the boundary of the site with a separation distance of 15m. The main building would be set 7m from this boundary and, as noted above due to the design of

the building, the ridge would be 15m from this boundary. Given the design of the roof, the change in levels and the separation distances the proposed building is not considered to result in any significant loss of light or sense of enclosure to the neighbouring properties on Brindle Grove.

The properties on Muir Road are set at a lower level than the application site. The proposed building would angle away from the boundary with the properties on Muir Road resulting in a separation distance of 4.5m at the front and 13m at the rear of the canopy. The ridge of the building would be approximately 8m from this boundary. The closest property on Muir Road is 14m from the boundary with the application site and therefore at the closest point there would be a total separation distance of 18.5m to the proposed building. Given this separation distance and position of the building to the north of these properties the proposed building is not considered to result in a significant increase in loss of light or sense of enclosure to warrant refusal of the application.

Two pairs of pedestrian doors and a roller door are proposed in the front elevation and one pair of pedestrian doors is proposed in the rear elevation. No other openings are proposed around the building. It is therefore considered that given the existing use of the site and the arrangement of openings the proposed development would not result in any significant overlooking or loss of privacy to the neighbouring residential properties.

Concerns have been raised by local residents about noise and disturbance from the proposed development including the use of forklifts and the potential for the warehouse to be used as a distribution centre. Environmental Health initially raised concerns about the impact of the proposed warehouse on surrounding noise sensitive dwellings on the basis that the warehouse is metal with a roller shutter door. They initially requested a condition that would restrict the operation of the warehouse (including deliveries) to 8am to 6pm Monday to Saturday and 10am to 4pm Sunday.

It is evident that the area proposed for the warehouse is currently utilised for open storage of stock and also waste storage and there is nothing to prohibit the use of forklifts or other vehicles operating in this area. It is considered that there would be some level of existing noise associated with this area currently. It is also noted that there are no current restrictions on hours of the application site or deliveries/vehicle movements to and from the site. The applicants advise that the erection of a building on the site would create a buffer to some extent for noise generated on the site and that they accept a restriction on hours of operation for the warehouse and deliveries beyond the hours of 7am to 6pm daily and that they would accept a condition linking the use of the warehouse to the Ramsgate Garden centre.

Given the unrestricted use that can currently take place on the application site, it is considered that the proposal would formalise it and bring certainty to hours of operation for surrounding occupiers. Environmental Health have agreed to the hours proposed by the applicant and it is considered that this should be secured via a condition together with a condition linking the proposed warehouse to the Ramsgate Garden Centre.

It is, considered that with the proposed safeguarding conditions, that there would be no adverse impact on the residential amenities of surrounding occupiers from the proposal,

especially when considered against the unrestricted use of the site that could currently take place.

Transportation

The proposed building would be located away from the boundary of the site with the highway, in an area that is currently used for open storage and does not result in any increase in retail sales space or the loss of any existing parking. The proposed building would be for uses ancillary to the existing uses on the site and on this basis the Kent County Council Highways Officer has raised no objection to the proposed development. It is therefore considered that given the location and proposed use of the building it is not considered to result in any significant increase in demand for on street parking or harm to highway safety.

Other Matters

The existing site is hard surfaced and used for open storage. It is therefore considered that the proposed development would have no significant impact upon biodiversity.

The proposed building would be for general storage and preparation of plants for sale within the existing garden centre. These activities already occur on the site and therefore the proposed building is not considered to have any significant impact upon drainage or water supply in the area.

Given the existing hard surfacing to the site the proposed building is not considered to result in any significant increase in risk of flooding.

Given the existing use of the site for open storage the proposed development is not considered to result in any significant increase in pollution.

The applicant's agent has confirmed that the proposed building would be for use by Ramsgate Garden Centre similar to the existing open storage and would not be part of a wider distribution network. If alternative uses of the building are proposed in the future further applications for planning permission may be required.

Whilst the proposed development may result in an increase in employees on the overall site this is unlikely to be a significant change given that the building is to help facilitate the existing use on the site.

The impact of a development upon property values is not a material planning consideration and cannot be considered in the determination of this application.

Conclusion

Given the location of the proposed building set away from the boundaries with the properties on Muir Road and Hereson Road and the overall height and shallow pitch of the roof at the rear limiting the height on the boundary with Brindle Grove the proposed building is not considered to result in any significant impact upon the character and appearance of the

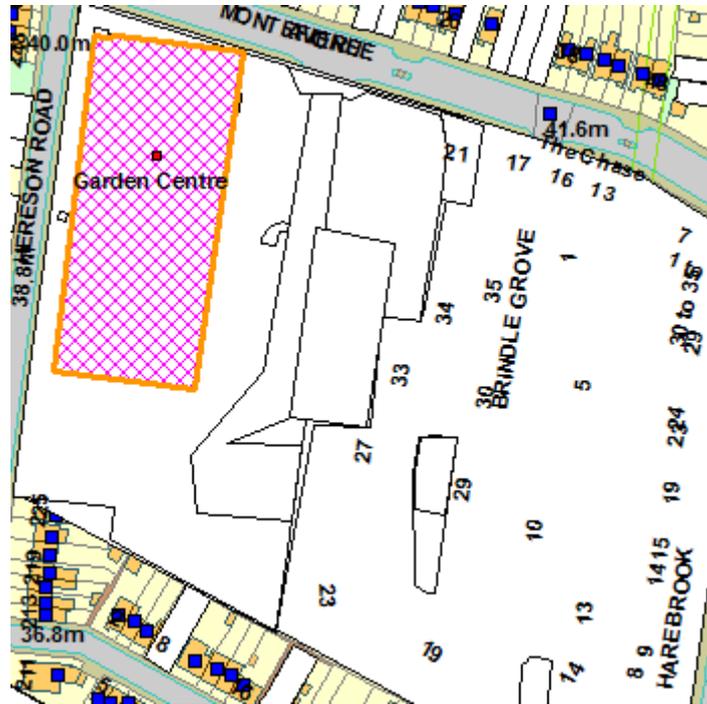
area. Furthermore the site is currently used for open storage with no restrictions on times of operation and deliveries, it is therefore considered that whilst this proposal would introduce some formality to the use of the area, subject to the agreed times of operation and deliveries, the proposed development would not result in any significant harm to the living amenity of the neighbouring property occupiers. The use of the proposed building in association with and ancillary to the existing garden centre and due to its scale and position is not considered to result in any significant harm to highway safety. It is therefore recommended that members approve this application.

Case Officer

Duncan Fitt

TITLE: F/TH/21/1087

Project Garden Centre Montefiore Avenue RAMSGATE Kent CT11 8BW



A02

F/TH/21/0817

PROPOSAL: Erection of new sports hall following demolition of existing sports hall

LOCATION: Upton County Primary School Edge End Road BROADSTAIRS
Kent CT10 2AH

WARD: Viking

AGENT: Mr Stephen Pester

APPLICANT: Mrs M Lewis

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 2005-MEB-XX-00-DR-A-3-103 Rev B, 2005-MEB-XX-00-DR-A-3-100 Rev B, 2005-MEB-XX-00-DR-A-3-302 Rev D, 2005-MEB-XX-00-DR-A-3-104 Rev P1, 2005-MEB-XX-00-DR-A-3-102 Rev G, 2005-MEB-XX-00-DR-A-3-303 Rev A, and 2005-MEB-XX-00-DR-A-3-305 Rev B, received 28th July 2021; the air conditioning specification documents received 2nd August 2021; and the new pitch layout details, received 23rd August 2021.

GROUND;

To secure the proper development of the area.

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

GROUND;

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

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 (these will need to avoid school drop-off and pick-up periods)
- (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 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

GROUND;

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

6 Within 3 months of works commencing a plan demonstrating what ecological enhancements will be incorporated into the site must be submitted to the LPA for written approval. The plan must be implemented as approved. This shall also include details of three replacement trees, their species, and location, as agreed in writing by the applicant's agent.

GROUND;

In accordance with the requirements of the National Planning Policy Framework and policies SP30 and QD02 of the Thanet Local Plan.

7 Prior to the first use of the building hereby approved, a sound limiting device shall be installed. All live and recorded music must be played through the sound limiter. The overall Music Noise Level (Leq 5mins) must not exceed 10dB below the Background Noise Level (LA90) without the Music Noise Level present, in each octave band at the nearest noise sensitive location. This shall be maintained for the lifetime of the development unless otherwise agreed in writing by 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.

8 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2012 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

GROUND;

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

9 Prior to the first use of the sports hall hereby permitted, the affected football pitch shall be re-provided on a west/east axis, with a minimum 3m clear safety run off area from all perimeter lines, in accordance with the submitted pitch run-off plan received 23rd August 2021.

GROUND;

To ensure that there is no loss of playing pitches as a result of the development in accordance with Policy GI05 of the Thanet Local Plan.

10 All external lighting on the building hereby approved shall be turned off when the building is not in use. Where this is not possible motion-sensored lighting shall be used, unless otherwise agreed in writing by the Local Planning Authority.

GROUND;

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

11 The building hereby approved shall not be used other than between the hours of 08:00AM and 16:15PM by the School Monday to Friday during term time, 16:30pm and 22:00PM by the community Monday to Friday during term time, 09:00AM to 22:00PM Monday to Friday during school holidays, and 08:00AM and 22:00PM Saturdays and bank holidays, and 09:00AM and 20:00PM on Sundays.

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 During periods of hire, the existing school car park shall be made available for all attendees and parties using the hall hereby approved and shall be available during for the duration of the use.

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, and to ensure no additional parking pressure in the surrounding area.

SITE, LOCATION AND DESCRIPTION

Upton School is an established primary school site on the western side of Edge End Road. It is bounded by low and colourful fencing and much of the site is obscured by a large degree of tree cover and natural vegetation particularly to the front boundary. Other parts of the school site are largely obscured from the roads surrounding it by significant tree coverage to the north and west. A public footpath runs behind the site.

RELEVANT PLANNING HISTORY

F/TH/20/1507 - Erection of a new sports hall following the demolition of existing - Granted 05/03/2021

M/TH/00/0821 - Location of sectional classroom building in place of three mobile classrooms and location of sports store (retrospective)

PROPOSED DEVELOPMENT

This application follows the previously approved application reference F/TH/20/1507, which granted permission for the erection of a new sports hall following demolition of the existing sports hall, and sited in the same location as the existing sports hall.

This application seeks permission for the erection of a new sports hall, following the demolition of the existing sports hall, but in an alternative location to the previously approved sports hall. The application is a result of the previous scheme being determined as an unviable scheme due to problems with unsuitable bearing conditions within the ground, making it unviable for construction.

The proposed sports hall was originally proposed to be horizontally sited and located within the field to the north of the complex of school buildings, detached from the existing school buildings, just west of the existing pathway to Broadstairs Road. The position of the proposed sports hall has been amended during the course of this application and the sports hall has now been rotated 90 degrees so that it is now vertically sited, which has reduced the extent of the building facing Edge End Road, with the smaller element of the building located closest to Edge End Road. The proposed material finish has been amended and the base colour of the sports hall building will now be cream plastisol coated steel, with vertical timber cladding to the external elevations of the smaller element of the building, together with vertical timber cladding strips to the eastern front elevation of the main body of the building.

The sports hall building is the same size and general design as the previously approved sports hall. The sports hall would be a large detached, functional building which would measure approximately 7.9m to the highest point of its main body, and see a smaller length of development beyond this to the rear measuring approximately 3.6m high. The widest part of the structure would be 17.4m wide, with the smaller rear element measuring around 10m wide. The main body of the sports hall will measure a depth of 17.4, and the rear section a depth of 12.2m, a total of 29.6m. The building would contain a large sports hall with two courts, and the smaller rear element would host changing facilities, toilets, a store room and a kitchenette.

The building would be predominantly for the upgrading of existing sport provision for the school, but would also be open to members of the public and groups outside of school hours.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP12 - Broadstairs
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP37 - Sustainable Development
SP38 - Healthy and Inclusive Communities
SP43 - Safe and Sustainable Travel
SP44 - Accessible Locations
GI05 - Protection of Playing Fields and Outdoor Sports Facilities
HE01 - Archaeology
QD01 - Sustainable Development
QD02 - General Design Principles
QD03 - Living Conditions
SE06 - Noise Pollution

SE08 - Light Pollution
CM01 - Provision of New Community Facilities
CM02 - Protection of Existing Community Facilities
CC02 - Surface Water Management
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking
TP08 - Freight and Service Delivery

Broadstairs and St Peters Neighbourhood Plan 2021

BSP3 - Protecting and providing Important Trees
BSP6 - Sustaining Community Facilities
BSP9 - Design in Broadstairs and St Peter's

NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice posted close to the site. 8 letters of objection were received in response to the original proposal. The letter raise the following concerns:

- Understand the need for a modernised sports facility at the school. However, the proposed new location is far removed from the previously approved position that it renders much of the formerly supplied reasoning invalid.
- The previously approved sports hall building would have been seen against the established school buildings, and sited a significant distance from the schools boundaries. This location also minimised the impact on any neighbouring properties.
- The proposed new position places the large sports hall building up front and removed from the cluster of established school buildings, making it very perceivable from Edge End Road. The existing tree coverage will not screen the building fully, as they are deciduous and the building will therefore be extremely visible 6 months of the year.
- The proposed new position separates the building from the rest of the school buildings, making it much more prominent from public viewpoints.
- The proposed scale and design of the sports hall would be overbearing and have a detrimental visual impact on the character and appearance of the area. This will be further highlighted given the proposed sapphire blue colour.
- The proposal will result in significantly increased noise and disturbance.
- Specifications of the air conditioning units have been provided, but there is no confirmation on where they will be positioned and the level of noise they will generate.
- The hall will be available for external hire outside of school hours and regularly up to 10pm, noise generated by private hirers will be much more impactful to residents due to the close proximity of the new location, especially if windows and doors are opened and sound systems or speakers are used.
- Concern that the proposal will generate more parking demand which will not be able to be met by the school's existing car park. Users of the school and pool routinely park on the road, and the proposal will increase the existing parking pressure.

- Concern the proposal will generate additional traffic and vehicular movements in the vicinity.
- There should be parking restrictions on Edge End Road to address the impact of parking associated with the school and proposed sports hall such as a residents

3 letters of representation were received in response to the amended proposal, all of which were received from the same person.

The comments highlight the satisfaction with the amended plans, which have addressed the neighbours concerns, but raise further points in disagreement with the Sport England comment.

Broadstairs and St Peters Town Council: The Planning Committee of the Town Council has considered this application and resolved unanimously to recommend approval with the following concerns: The applicant considers further mitigating measures for neighbouring properties through natural planting, screening and the colour of the building. A condition of any approval by the Local Planning Authority should be that the path is closed out of school hours and the opening hours of the hall are restricted so that external lights are turned off in the evening.

CONSULTATIONS

Environmental Health:

Final Comment 03/08/2021 (In response to additional information): The proposals will satisfy EH concerns and sufficiently mitigate noise impact.

Original Comment 01/06/2021: Thank you for consulting EH on the application for the 'Erection of new sports hall'

Although location 4 has least impact on neighbours because it benefits from greater distance there is still a possibility of noise impacts if windows and doors are left open to ventilate the sports hall.

The new position does not benefit from any screening from existing buildings. As it is a sports hall it will require adequate ventilation / air conditioning and these details should be provided along with this application.

Sport England:

Final Comment 23/08/2021: I have reviewed the correspondence between the council and Sport England. I have also reviewed the additional information/plans provided.

I can see that it has been shown the re-provided 5x5 mini-soccer pitch can be accommodated in the area of playing field to the north of the proposed new facility. However, it will be provided on a east to west orientation, rather than the north to south orientation as referred to in previous correspondence. The wording of the proposed condition that Sport

England has asked for will therefore need to be amended to reflect the new orientation of the pitch.

Subject to the above, Sport England is content to withdraw its objection, as the application is considered capable of meeting our E5 exception. This states:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

Updated comment in response to amended scheme 11/08/2021: It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and Sport England's Playing Fields Policy, which is presented within its 'Playing Fields Policy and Guidance Document': https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

Assessment against Sport England Policy

The proposal is for a new sports hall to be constructed on part of the playing field currently accommodating one of several football pitches. The pitches are used by the school and also by Ramsgate Town Youth FC. The proposal as originally submitted, proposed to re-provide the affected pitch on a north south orientation and on that basis, Sport England having consulted with the Football Foundation and, subject to a condition requiring the re-provision of the pitch as proposed prior to the commencement of the use of the proposed sports hall, had no objection to the proposal.

The amended drawings 3-100 Rev B and 3-102 Rev G, July 2021, show the proposed building is now to be rotated by 90o such that it may now extend into the part of the playing field where the affected playing pitch was to be re-provided. In the absence of evidence that the existing pitch can be satisfactorily retained with 3m clear runoffs in its current location in the amended scheme or, that it can be satisfactorily re-provided on the remaining playing field Sport England must object to the application as it has been amended because it does not meet any of our Playing Field Policy exceptions.

Sport England would be happy to remove our objection if that evidence can be provided.

Conclusion

In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).

Original Comment 11/06/2021:

Sport England - Statutory Role and Policy

The site forms part of, or constitutes a playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (NPPF) (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

all or any part of a playing field, or
land which has been used as a playing field and remains undeveloped, or
land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

The Proposal and Impact on Playing Field

The proposal is for the construction of a new sports hall to replace the school's existing poor quality hall. It would be sited to the north side of the existing school buildings, and on the eastern side of the school's playing field. This part of the playing field is marked out as one of seven junior football pitches on the site. The proposal as discussed within the design and

access statement is to re-orientate and re-provide this pitch on a north south axis, maintaining 3m safety run offs on each perimeter line.

Assessment against Sport England Policy/NPPF

The proposal relates to the construction of a new sports hall on the existing playing field. The sports hall will provide much improved facilities for indoor sports for pupils together with changing rooms that could also be used in connection with the community use of the natural turf football pitches. The existing pitch affected by the sports hall will be re-provided and therefore there would be no net loss of existing pitch capacity on the playing field.

Consequently, Sport England is of the view that the proposal meets exception 5 of our playing fields policy, in that:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

In assessing this application, Sport England has consulted with the Football Foundation. It has commented that the football pitches are used by Ramsgate Town Youth F.C., that has a good relationship with the school. The proposed pitch arrangement would continue to meet the requirements of the club. The FF requires that the pitch must retain a minimum 3m run off in the same surface as the playing area and that this must remain clear of obstructions. The site operator should undertake a risk assessment to ensure that the run off areas are safe and do not pose a risk of harm to a player or spectator.

Conclusion

Further to the above assessment, Sport England does not wish to raise an objection to this application. Subject the following condition;

Prior to the first use of the sports hall, the affected football pitch is to be re-provided on a north / south axis with a minimum 3m clear safety run off areas from all perimeter lines in accordance with Fig. 04 of the design and access statement.

Reason: To ensure that there is no loss of playing pitches as a result of the development in accordance with development plan policy **

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

KCC Ecology and Biodiversity:

Final Comment 23/08/2021: We reviewed the revised site plan and we are satisfied the following comments we provided in June are still valid - we have no further comments to make.

Condition Suggestions

Ecological Enhancements

Within 3 months of works commencing a plan demonstrating what ecological enhancements will be incorporated into the site must be submitted to the LPA for written approval. The plan must be implemented as approved.

Lighting

We recommend that the site wide lighting condition requires the lighting plan to follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals.
<https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lightingcompressed.pdf?mtime=20181113114229>

Original Comment 11/06/2021: No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that the proposed development has limited potential to result in ecological impacts and as such we are satisfied that there is no requirement for an ecological survey to be carried out.

We have taken this view because the proposed development is entirely located within an existing sports field which is managed as short grassland - therefore limiting the opportunities for protected/notable species to be present within the footprint of the proposed development site.

Lighting

It's likely that the site will be used by foraging bats and if the proposed development will result in an increase in lighting the proposals are likely to have will have a negative impact on foraging/commuting bats. We advise that any lighting scheme must be designed to be sensitive towards bats and minimise light spill and recommend that when the hall is not operational the lighting must be switched off to ensure that there is periods of darkness. If security lighting is required we recommend that it is on a motion sensor to ensure that it is only switched on when required.

We recommend that any lighting condition requires the lighting plan to follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals.
<https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lightingcompressed.pdf?mtime=20181113114229>

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity".

The bat report submitted as part of application F/TH/20/1507 made recommendation to enhance the site for biodiversity and we advise that those recommendations are also appropriate for this proposal. We advise that if planning permission is granted a condition requiring details of ecological enhancements is included - suggested wording at the end of the report

KCC Archaeology: Thank you for consulting on the above application. The school lies in an area with potential for the discovery of Iron Age and Roman remains as was seen to the south at Vale Road. I understand that the new sports hall is to be built on existing playing field areas and therefore in a location that has been relatively undisturbed by recent development. Given the potential for new development to affect archaeology I would recommend that in any forthcoming permission provision is made for a programme of archaeological works through the following condition:

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 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.

KCC Flood and Water Management:

Final Comment 04 August 2021: We have no further comment to make on this proposal and would refer you to our previous response on 21 July 2021.

Updated Comment 21 July 2021:

Kent County Council as Lead Local Flood Authority have reviewed the latest documentation provided (21/07/2021) and have the following comments to provide: Within our previous consultation response (14/06/2021), we requested that Appendix D is provided and that the m5-50 value within the Causeway calculations are updated. Appendix D of the ground investigation report has been provided to demonstrate the findings and we would consider this addressed.

The Causeway Calculations provided with the latest suite of information has not updated the m5-60 value however, It is noted that the soakaway proposed will be deeper than the original trial pit test (2.25 m > 1.6 m bgl) and as such it is expected that the rate of infiltration will only improve within the underlying chalk. In light of this, we remove our previous request for this to be provided and now have no further requirements.

Should the application be approved, we would request that our verification condition is attached to this application. The verification report is used to demonstrate that the drainage system has been installed as approved at planning and that the installation of the soakaway can be captured and entered into our database of critical drainage assets

across Kent. A copy of the condition wording can be found below:

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 that the drainage system constructed is consistent with that which was 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:

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.

Original Comment 15/06/2021: Kent County Council as Lead Local Flood Authority have reviewed the drainage documentation in support of the new sports hall and can provide the following comments:

1. It is understood from the Flood Risk Assessment and Sustainable Drainage Strategy report that the proposal to manage runoff from the new sports hall is to be directed to a dedicated soakaway.

To support the use of a single soakaway, ground investigations including infiltration testing have been undertaken. The results of the infiltration testing are to be included within the appendices (Appendix D) however, it appears that these have not been provided. We would therefore seek that these are included alongside the ground investigation report.

2. Supporting Causeway Flow calculations have been provided to demonstrate the systems design against varying storm events (2,30,100 year). We note that the FSR rainfall methodology has been used and an M5-60 value of 20.0mm has been entered. As per KCC's Drainage and Planning Policy Statement (December 2019), we would encourage the use of FEH 2013 rainfall methodology instead. If FEH datasets cannot be used then we would seek that the M5-60 value is increased to 26.25mm.

Increasing of the M5-60 value may indicate flooding/ exceedance of the drainage network for the most serious events (100+40%). Exceedance of the system is accepted for extreme events but it must be demonstrated that the flooded volume is contained safely onsite until levels within the network recede.

In light of the two points above, we would advise that these two points are addressed before the application is decided.

KCC Highways:

I refer to the above planning application and confirm I have no objection in principle in respect of highway matters. It is not clear if the new sports hall will be available for community use outside of school times but if it is, the existing parking facilities within the school site should also be made available and this should be secured by condition.

A Construction Management Plan should be required by condition, 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 (these will need to avoid school drop-off and pick-up periods)
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

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>

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.

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

COMMENTS

This application is reported to Planning Committee at the request of Councillor Saunders in order for Members to consider the effect of the proposed development on the character and appearance of the area, the quality of the design, whether any harm is caused to neighbouring amenity with regards to an overbearing impact/loss of outlook and increased noise and disturbance.

Principle

This application follows the previously approved application for the erection of a sports hall reference F/TH/20/1507 which found the development to be acceptable in principle. This application proposes a revised location for the proposed sports hall.

Paragraph 92 of the National Planning Policy Framework (NPPF) states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities, and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs, among other considerations.

Policy SP38 of the Local Plan (Healthy and Inclusive Communities) states that the Council will work with relevant organisations, communities and developers to promote, protect and improve the health of Thanet's residents, and reduce health inequalities. 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.

The proposal relates to a replacement sports facility within the grounds of an established school. Policy CM01 of the Thanet Local Plan sets out that proposals for new, or extensions of, or improvements to existing community facilities will be permitted provided they are of a scale to meet the needs of the local community and in keeping with the character of the area, are provided with adequate parking and operational space, are accessible by walking or cycling to the local community, are located within or adjacent to the community they serve, would not significantly impact upon the amenity of neighbouring residents, either provide or have the ability to provide broadband facilities to create community hub networks and provide flexible business space. Policy CM02 seeks to protect existing community facilities and does not permit the loss of community facilities unless it falls within one of the exceptions.

Policy BSP6 of the Broadstairs and St Peters Neighbourhood Plan sets out that new community facilities or those gaining planning permission for such use will be supported.

Paragraph 97 of the NPPF states that existing open space should not be built on unless this is surplus to requirements, the loss would be replaced or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. Policy GI05 of the Thanet Local Plan sets out that built development on playing fields will not be permitted unless one of the following applies; it can be demonstrated that there is an excess of provision in the area, that the proposed use is ancillary to the primary playing field, that land is incapable of forming a pitch, the provision would be replaced, or the development is for an indoor or outdoor facility, the provision of

which would be of sufficient benefit to sport and recreation as to outweigh any detriment caused. The loss of the playing field should not be detrimental to the character of the area.

The proposed development will result in the alteration of the layout and arrangement of the existing pitches, but will not result in the loss of any external pitches, with the existing 5x5 mini football pitch accommodated and re-provided in the area of playing field to the north of the proposed sports hall on an east to west orientation. The re-provision of this pitch would be secured by condition should permission be granted. Sports England have raised no objection to the revised scheme, as the application is considered capable of meeting their E5 exception which states: 'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

The proposed development would replace the existing sports hall with a larger sports hall, which will provide a new and improved facility, with the larger sports hall capable of benefiting the local community as well as the school, in accordance with the aims of policy CM02. The proposal would result in the loss of part of the existing playing field, with a reduction of around 433sq.m of external space. However, it appears that if the works were approved, there would remain sufficient outdoor pitches and space to serve the school and wider community. The new larger indoor facility is considered by both Officers and Sport England to provide sufficient benefit to sport and recreation as to outweigh the detriment caused by the loss of some of the outdoor space, and subject to a condition surrounding a clear 3m run-off between the new facility and retained pitch, there is no policy conflict here and no in-principle objection.

The main considerations are the impact on the character and appearance of the surrounding area, the living conditions of neighbouring occupiers, ecology and biodiversity, flood risk and drainage, archaeology, highway matters, and other matters.

Character and Appearance

Paragraph 127 of the NPPF states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place. Policy QD02 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.

The proposal is for the erection of a replacement sports facility. The existing facility is situated behind a large brick building housing a swimming pool, and appears more akin to an agricultural building or polytunnel, with corrugated sheeting and low ceiling heights. It sits inside the building line of the swimming pool and in close proximity to existing classrooms.

The proposed replacement would be a larger and more modern development incorporating changing facilities, storage, and kitchen space. The proposed sports hall would have an 'L shaped layout' with the smaller element of the building which accommodates the kitchen, changing rooms, W.C's etc. projecting beyond the main body of the sports hall.

School sites often begin their life as planned developments, but over time the needs of schools often change, along with funding availability, local demand and other factors, which lead to an evolutionary approach to their development and built form. Although the proposed building would be materially different to anything in the site already, or the surrounding area, it would be read within its context, and against the backdrop of the evolution of the site as a whole.

The existing school buildings are single storey in scale and are located within a general complex of buildings off-centre within the application site. The proposed sports hall will be detached from this complex and located to the north of the existing school buildings, within part of the school playing field.

The development has been amended through the course of the application, and the siting of the proposed sports hall has been rotated 90 degrees so that it is vertically positioned, rather than horizontally as originally proposed. The smaller element of the building will now be sited closest to the front boundary of the application site, facing Edge End Road, with the main body of the sports hall located to the rear. The colour and finishes of the sports hall have also been amended, with the base colour of the sports hall to be cream, with elements of vertical timber cladding.

The revised vertical position of the sports hall has minimised the extent and body of built development facing Edge End Road, and will better relate to the layout and position of the complex of school buildings, sited adjacent to, and largely mirroring the position of the existing swimming pool building for example. This will allow the development to be seen more within the context of the existing complex of school buildings, and has reduced the prominence and built form of the development from the primary public view from Edge End Road.

The amended colour and finish of the school building will provide a more unassuming and less prominent base colour to the building, with the proposed elements of vertical timber cladding providing a feature and articulation to the principal elevation.

A street scene elevation has been provided with the revised scheme. The proposed sports hall will be considerably set back from the front boundary of the application site, set behind the existing car park, existing earth bunds and row of trees, which will reduce its visibility to a degree.

The revised location and position of the sports hall, and its detachment from the complex of school buildings will result in a greater impact to the character and appearance of the area in comparison to the previously approved scheme. Whilst the proposal will form a fairly prominent, large detached building in relation to the existing school buildings, such buildings are an expected feature of school sites, and there are several examples within Thanet of similar arrangements. The proposed sports hall has been specifically designed to be taller than the average building on site because it has a specific and different use. The position of the building has been revised to reduce its prominence and impact as far as reasonably possible within the parameters set, and the colour and finish of the building has been amended which will further reduce its prominence, whilst providing a sufficient degree of

articulation to the principal elevation. The proposed building is therefore not considered to be unduly harmful or out of keeping with the character and appearance of the area, given its revised location, design and the context of the application site.

The site is outside of the green wedge by more than 400m and the proposal would have limited visibility from it. Any harm likely to occur from such limited/glimpsed views, or when inside the site, are likely to be outweighed by the public benefits of providing a usable, accessible, and community based sporting facility.

Overall the new facility would be large but set back and sited in a position which suitably relates to the existing complex of school buildings, allowing the development to be seen in the context of existing built development. The development is functional and related to the use of the school, where such piece-meal development is expected over time. The replacement building would have a large benefit for the school and the local community and the is therefore considered to comply with the aims of policies CM01, GI05, and QD02 of the Thanet Local Plan, the policies of the Broadstairs and St Peter's Draft Neighbourhood Plan and the guidance 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 CM01 of the Thanet Local Plan sets out that proposals for new, or extensions of, or improvements to existing community facilities will be permitted provided they would not significantly impact upon the amenity of neighbouring residents. Policy QD02 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.

Concern has been raised by neighbouring occupiers regarding the proximity of the proposed development, and the potential for noise and disturbance. The originally submitted plans showed the proposed development much closer to neighbouring properties, when compared to the previously approved scheme, at a distance of approximately 30m (to the nearest property in Edge End Road).

Environmental Health raised concerns regarding the potential for noise and disturbance if doors and windows were left open to ventilate the sports hall, as the proposed location did not benefit from any screening from existing buildings. As such, further details on ventilation were requested.

Amended plans have since been submitted changing the orientation of the building, which has moved it further from the neighbouring properties to a distance of approximately 45m.

In addition the agent has confirmed that the windows have been changed to a non-openable type, and it is intended to install a sound monitoring device within the building so that users can monitor the sound levels in accordance with the restriction level as set out within the noise restricting condition attached to the previous consent (which is expected to be reapplied to this consent).

The agent has further confirmed that the ventilation to the building is via air conditioning, and the external condensers for these have been purposely positioned on the field side of the building as far away as possible from neighbouring properties.

During school hours, and on the basis of the information provided, it is not expected that there would be any significant increase in movement or noise as the intended primary use is for the school, with the main hours of operation being during the school day (between 08:00AM and 16:30PM).

Environmental Health has advised that the revised plans and additional information satisfy their concerns, and are likely to sufficiently mitigate the noise impact.

The proposal allows for the wider community use of the sports hall outside of school hours, between 16:30PM and 22:00PM on weekdays during term time, and between 09:00AM and 22:00PM at weekends and during school holidays, which were the times agreed through the previous application. The details of the proposal have been assessed by Environmental Health who comment that they would not object to the application provided that noise limits and conditions were attached to the consent. The proposed air conditioning units have also been assessed and are deemed suitable by Environmental Health.

Given the distance to neighbouring occupiers, the proposed development is not likely to result in any unacceptable sense of enclosure, overbearing, loss of light, or loss of outlook.

The proposed demolition and construction works are likely to take some time to complete and will require a careful construction management plan to avoid the risk of injury and minimise disruption to pupils, staff, and the public. This can be dealt with prior to commencement via a condition, as agreed by the applicant's agent.

Subject to the above, Officers consider that the works would comply with the aims of policies CM01, QD02, and QD03 of the Thanet Local Plan and the guidance of the NPPF.

Ecology and Biodiversity

Policy SP30 of the Thanet Local Plan sets out that development proposals are required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain. This reflects the guidance set out in paragraph 175 of the NPPF.

Kent County Council's (KCC) Biodiversity Team have reviewed the Bat Roost Survey Report submitted in support of the application and raise no objection to its conclusion that due to the negligible potential for roosting bats within the existing sports hall to be demolished, no further surveys are recommended, Due to the negligible-low potential for roosting bats within the trees to be felled, no further surveys are recommended, tree works should be undertaken outside of the bird breeding season. They, however, suggest there is a need for ecological enhancement across the site and that appropriate lighting should be secured to minimise impact on biodiversity, which can be done by condition, in order to comply with the requirements of the NPPF.

It is considered that with appropriate safeguarding conditions, that there would be no adverse impact from the proposed development on the biodiversity of the area.

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). Policy CC02 of the Thanet Local Plan outlines that new development is required to manage surface water resulting from the development.

KCC Drainage have made comments on the submitted drainage plans and reports, and subject to a condition surrounding the production of a verification report, are happy that there would be no adverse impacts from the development. Southern Water raises no objections and subject to the above, the works are unlikely to result in any harmful impact on flood risk or drainage, in accordance with the aims of policy CC02 and those of the NPPF, subject to appropriate safeguarding conditions.

Archaeology

Thanet is an area rich in archeology, with a long history of trade, settlers and invasion and defence given its former island status and proximity to Europe. Paragraph 190 of the NPPF sets out that LPAs should avoid or minimise any conflict between a heritage asset's conservation and any aspect of a proposal. Policy SP36 of the Thanet Local Plan sets out that the Council will support, value and have regard to the archaeological significance of heritage assets by protecting the historic environment from inappropriate development. Policy HE01 sets out that the Council will promote the identification, recording, protection and enhancement of archaeological sites, monuments and historic landscape features and that development proposals adversely affecting the integrity or setting of Scheduled Monuments or other heritage assets will normally be refused. Where development would be likely to affect a site of archaeological importance, preservation in situ will be sought. If this is not possible or justified appropriate investigation and recording will be required.

KCC have commented that there have been Iron Age and Roman remains found in the area and require a condition for a programme of archaeological work, which can be applied. Subject to this, there is not considered to be any harm in relation to archaeological features that may exist, and the development would complete with the aims of policies SP36 and HE01 of the Thanet Local Plan and the guidance of the NPPF.

Highways

Paragraph 102 of the NPPF requires that transport issues be considered at the earliest stages of plan-making and development proposals. 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. 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.

Policy CM01 of the Thanet Local Plan sets out that proposals for new, or extensions of, or improvements to existing community facilities will be permitted provided they have adequate parking and operational space, are accessible by walking or cycling to the local community, are located within or adjacent to the community they serve. 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 proposed use during school hours would see accommodation of all necessary staff and visitors using the existing car park and overflow provision, all contained within the site. Outside of these times for independent hirers, these spaces and facilities would be made available. The applicant has set out that the last pick-ups for after school clubs occur at 16:15PM, before any external hire would begin at 16:30PM, as to ensure that sufficient parking was available on site. The hire agreement sets out that a member of staff would be on site to arrange access to facilities and, therefore, there would not be a need to park on the road. It is stated that across the site there are up to 50 car parking spaces, which given the size of the hall and expected number of attendants for general small scale events like quiz nights or general use for badminton and sport, would be sufficient. Subject to a condition requiring that the use of the hall outside of school time ensured access to on-site parking provision for visitors, this is considered to be acceptable.

The applicant has also set out that since 2020 a number of works have been undertaken to improve parking facilities across the site, including an extension to the overflow provision, resurfacing of this car-park, additional one-way traffic signs by each vehicle gate, one-way arrows and wording on the tarmac by the three vehicle gates, and safeguarding/traffic calming signage added (eg 'Watch that child' / 'No parking on zigzags'). This is considered by Officers to improve the existing provision and make it more likely to be utilised by external users of the site and to mitigate neighbour concerns about the direction of traffic and readability of access and egress paths.

A condition has been agreed with the applicant for a construction management plan to be submitted and agreed prior to the commencement of any works to ensure safety across the site. Initial plans have been submitted, however KCC Highways have requested additional

information relating to routing, parking and turning areas, timings for deliveries, wheel washing facilities and traffic management, which can be covered in this condition. Subject to the above the works are not therefore considered likely to result in any harm to highway users or pedestrians.

Conclusion

Overall the proposed works would not form part of the typical character and appearance of the site or wider area, but are works that are not uncommon for schools and are indicative of the development of such sites over time and the growing demands of such sites. Consent has previously been granted for a replacement sports hall on the site, and following the submission of amended plans through this application that change the orientation of the building, thereby reducing its visual impact and increasing the distance to the neighbouring residential properties in order to reduce noise and disturbance, the impact of the proposed development upon visual amenities and neighbouring living conditions is considered to be acceptable.

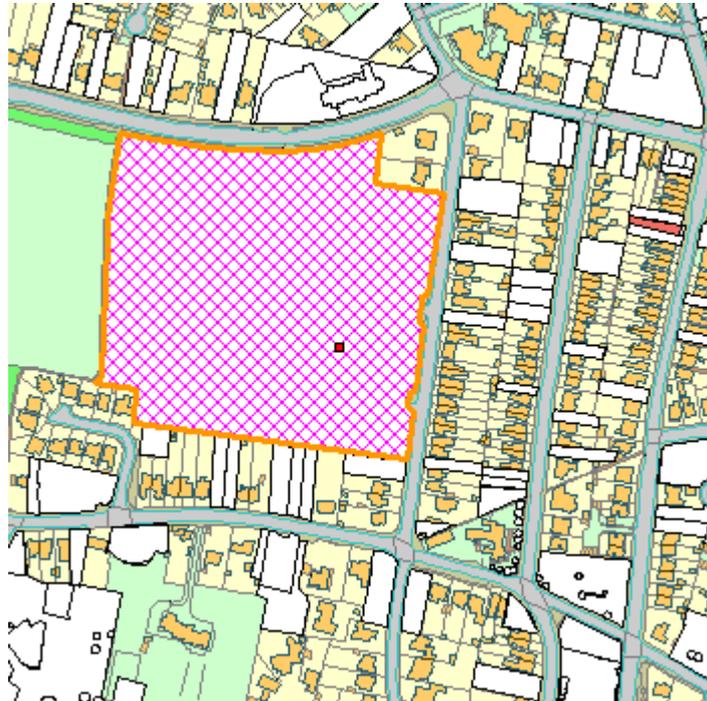
Subject to a number of safeguarding conditions, in addition to the amended plans, the impact of the development is considered to be acceptable. It is therefore recommended that members approve the application.

Case Officer

Jenny Suttle

TITLE: F/TH/21/0817

Project Upton County Primary School Edge End Road BROADSTAIRS Kent CT10
2AH



This page is intentionally left blank

A03

F/TH/21/0952

PROPOSAL: Change of use of land to storage of boats in association with 1st St Peters-in-Thanet Sea Scouts, stationing of two storage containers for associated maintenance tools and wet kits and erection of boundary fence and gates

LOCATION: Boat Park East Cliff Promenade Broadstairs Kent CT10 1EU

WARD: Bradstowe

AGENT: Mrs Jane Scott

APPLICANT: Jane 1st St Peters-in-Thanet Sea Scouts

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 drawing numbered 210330-L-001.

GROUND

To secure the proper development of the area.

3 Prior to the siting of the storage containers hereby approved, the RAL number for the colour of the containers shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

GROUND

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

SITE, LOCATION AND DESCRIPTION

The site is within the Broadstairs Conservation Area and is located at the foot of the chalk cliffs. The proposal is on an area of promenade (triangular in shape) that links the harbour area of Broadstairs to Stone Bay. At present the site is devoid of any buildings on the

application site. The promenade is hard surfaced with a red colour tarmac. To the south of the site is the enclosure used by Broadstairs Sailing Club (open mesh wire fencing with gates at the northern and southern end)

RELEVANT PLANNING HISTORY

No relevant planning history

PROPOSED DEVELOPMENT

Full planning consent is sought for the change of use of the land for the storage of boats and the positioning of two storage containers for the purpose of associated maintenance tools and wet kits on behalf of the Thanet Sea Scouts.

The proposed storage containers would be of two different sizes; approximately 4.6m x 2.5m and 6.1m x 2.5m both containers would have a height of approximately 2.5m. The containers would be positioned at the southern end of the site. The site would be enclosed by a boundary fence and gates. The proposed means of enclosure would have an overall height of approximately 2m and would be chainlink (green PVC coated) with a horizontal top frame.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

HE02 - Development in Conservation Areas

QD02 - General Design Principles

QD03 - Living Conditions

SP26 - Landscape Character Areas

SP28 - Protection of the International and European Designated Sites

GI01 - Protection of Nationally Designated Sites (SSSI) and Marine Conservation Zones (MCZ)

TP02 - Walking

TP03 - Cycling

TP06 - Car Parking

Broadstairs & St Peters Neighbourhood Plan

BSP4 - Seafront Character Zones

BSP6 - Sustaining Community Facilities

BSP9 - Design in Broadstairs & St. Peter's

NOTIFICATIONS

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

Fourteen representations were received in support of the application. The supporting comments can be summarised as follows:

- Support structured sporting/water activities and team building activities for children and young adults;
- Should support Sea Scouts;
- Better storage solution to enable more time in the water; and
- Proposal is in keeping with the area.

Broadstairs Town Council: The Planning Committee of the Town Council has considered this application and has resolved unanimously to make no comment.

Broadstairs Society: The Broadstairs Society supports this application as a worthwhile local amenity.

Broadstairs Sailing Club : has no objections to the proposed development, however, we do have some concerns and the benefit of past experience that may influence final decisions.

1. There is no indication of the location of any access gate(s) in the fence. Broadstairs Sailing Club (BSC) could have further comments to make depending on the eventual location.
2. There is no clear indication of the exact size of the space between the north end of the BSC fence and the proposed fence. This space needs to be sufficient to allow boats up to 5m in length to manoeuvre in and out of our area.
3. The plan shows the smaller container placed adjacent to the BSC fence, we would require at least a 0.6m gap to allow access for maintenance. To ensure this access, the container would need to be placed parallel to the BSC fence. If the container is positioned as shown, the gap will reduce towards the front due to the slight curvature of the sea wall. If it is placed parallel, it is possible that the land side gate will not open to 90 degrees (see point 4).
4. Our gates at the north end only open outwards and it would therefore be necessary for the seaward gate to open 180 degrees requiring an arc of at least 2.4m, and the land side gate to open at least to 90 degrees.
5. BSC would suggest that it would be essential to ensure that the containers are secured to the ground as we have experience of our containers floating during very high tides.
6. BSC would also suggest that all boats, and any trailer/trolley, stored within this compound should be secured to a fixed point or chain by suitable rope which passes over the boat and around the trailer/trolley at the mid point and at the bow. All BSC members are required to do this as we have experience of boats breaking loose if this is not done.
7. Is there any anticipation that boats will remain in the boat park during the winter months? All BSC members remove their boats by mid November due to the unpredictable nature of the weather.
8. In 2007 Thanet Leisure Force stored a number of beach huts in the area of this proposed development, none of the huts were secured in any way. On 7th November during gale force north east winds and very high tides some of the huts floated free and destroyed a large part of the BSC fence. BSC would not wish any similar incident in the future to affect either BSC or the Sea Scouts. Photographs of this incident can be supplied.

CONSULTATIONS

Environment Agency: We have assessed this application as having a low environmental risk. We therefore have no comments to make.

KCC Ecological Advice Service: We advise that we are satisfied that no ecological information is required as part of this application. We have taken this view as the site where the containers are proposed to be located is on existing hard standing. The site is within the Thanet Coast & Sandwich Bay SSSI, SPA, Ramsar and Thanet Coast SAC and therefore we did consider if the proposal is likely to have a negative impact on the designated sites. We advise that it is unlikely as we understand that the applicants already carry out sea based activities and the site is actively used as it is adjacent to the Broadstairs Sailing Club.

TDC Conservation Officer: Following a review of the proposed I have no objections to the scheme proposed

COMMENTS

This application is referred to the Planning Committee as the proposal is located on Thanet District Council land.

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.

Character and Appearance

The site is located within the Conservation Area and therefore the Council must take into account Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that in relation to conservation areas, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.'

Paragraph 197 of the National Planning Policy Framework requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF (paragraph 202) 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 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.

Paragraph 130 of the NPPF states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. 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 2 containers would provide secure storage for water safety equipment and associated items such as oars. The containers would be metal and the supporting letter details that the applicant is happy to paint the containers an appropriate blue or green colour. It is considered that a dark colour would be most appropriate.

In terms of the means of enclosure; a boundary fence and gates (height of approximately 2m, chainlink (green PVC coated) with a horizontal top frame). The supporting document details the compound will be formed of vertical tubular galvanised metal posts which will be set in concrete and the surface tarmac around the posts will be reinstated. The gates for access will be galvanised tubular steel measuring 4.8m in width and 2m in height.

The site is seen in the context of the existing boat enclosure to the south of the site used by the Broadstairs Sailing Club that also has containers within it and a similar means of enclosure. Given this context I do not consider that the proposal would harm the visual amenities of the area.

The siting of 2 containers in this location is not considered to be harmful to the special character or appearance of the conservation area in this location, and whilst not enhancing its character or appearance it is considered that they will preserve it. The Councils' Conservation Officer has confirmed that she has no objection to the proposal.

Taking into account the above I consider that the proposal is acceptable in terms of policies SP35, SP36, QD02 and HE02.

Living Conditions

Local Plan policies QD03 is relevant to this application. Policy QD03 (Living Conditions) states that 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. The nearest residential dwellings are some distance away from the application site and given this it is considered that the proposal will not affect residential neighbour amenity.

The proposal is therefore considered to be acceptable with regards to residential amenity in regard to existing residents in accordance with Policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

The proposed development/site does not have direct access onto the public highway network. It is appreciated that in terms of its positioning on the promenade it is set back across the concrete barrier adjacent the cliff face and projects no further than the compound to the south. A width of approximately 7.5m of the promenade is maintained to allow for pedestrian and cycle movements as well as foreshore maintenance vehicles.

It is considered that the proposal will not result in any new/increase in traffic movements to the area. At the current time parents/carers drop the children off to the area and boats/equipment are brought to and from the site on this basis it is not considered that the proposal will result in an increase in traffic movements to the area.

The impact upon highway safety is therefore considered to be acceptable.

Ecology and biodiversity

Para 179 a) of the NPPF states that planning policies and 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).

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 site is within the Thanet Coast & Sandwich Bay Site of Special Scientific Interest, Special Protection Area, Ramsar and Thanet Coast Special Area of Conservation

Area where policy SP28 is relevant. Policy SP28 details that proposals likely to have a significant effect on an SPA, SAC or Ramsar site, either alone or in-combination, will be required to undergo appropriate assessment as per the Conservation of Habitats and Species Regulations 2017 (as may be amended). Where possible applicants should incorporate measures to avoid or mitigate any adverse impacts. Where, despite all possible avoidance and mitigation measures being put in place, a proposal is still shown to have an adverse effect on the integrity of an International site, planning permission will only be granted in exceptional circumstances, where there are no less ecologically damaging alternatives, there are imperative reasons of overriding public interest and damage can be fully compensated.

In addition GI01 considers whether development would harm either directly, indirectly or cumulatively or detract from the nation conservation interest, where this is the case the policy states development will not be permitted.

In this case the site is on existing hard standing and therefore it is not considered that the proposal is likely to have a negative impact on the designated sites. KCC Ecological Advice Service concur within this view given that the applicants already carry out sea based activities and the site is actively used as it is adjacent to the Broadstairs Sailing Club.

Other matters

Paragraph 159 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 site lies within flood zone 3 as shown on the Environment Agency's Flood Risk Maps. Advice was sought from the Environment Agency on this matter, and they have confirmed that the proposal has a low environmental risk and accordingly they do not have any comments to make. Whilst it is acknowledged that this particular part of the promenade can suffer from high tides that sometimes crash over the promenade this is not a regular occurrence. In addition the nature of most of the articles being stored within the compound will be water compatible. Whilst it may be advisable for boats to be removed in the winter season when such events may occur this is a matter for the applicant.

With regard to the Broadstairs Sailing Club's comments in terms of access to their site, the agent has confirmed this in order to allow the gate to open; this is the reason for the set back for the scout compound proposed gates/enclosure.

Conclusion

In conclusion it is considered that the proposal would not affect the visual amenity of the area or Conservation Area and be compatible with the adjacent land uses. The proposal will not harm neighbour amenity, highway safety and is acceptable in matters pertaining to ecology and biodiversity and flood risk.

It is therefore recommended that Members approve the application.

Case Officer

Gill Richardson

This page is intentionally left blank

D04

F/TH/20/0842

PROPOSAL: Erection of a three storey building containing 8no. 2-bed self-contained flats with underground parking, following demolition of existing dwelling

LOCATION: Seagulls Cliff Promenade BROADSTAIRS Kent CT10 3QY

WARD: Kingsgate

AGENT: Mr Chris Chambers

APPLICANT: Mr Leon Piper

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 343-02 Rev E (received 11/05/21), 343-03 Rev C (received 01/02/21), 343-04 Rev C (received 01/02/21), 343-05 Rev B (received 11/11/20), 343-06 Rev E (received 11/05/21), 343-07 Rev E (11/05/21) and 343-10 Rev A.

GROUND;

To secure the proper development of the area.

3 Prior to the first occupation of the development hereby permitted details of the cycle parking, which shall be in the form of covered and secure parking shelter shall be submitted to and approved in writing by the Local Planning Authority.

GROUND;

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

4 The vehicular access gates hereby permitted shall open away from the highway and be set back to a minimum of 6 metres from the edge of the highway.

GROUND;

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

5 The area shown on the approved plan numbered 343-02 Rev E 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

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

GROUND;

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

7 The first floor bathroom and utility store room windows in the north and south elevation and second floor dining/lounge window in the south elevation of the building 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.

8 Prior to the first use of the roof terrace/balcony area that serves unit 8 hereby permitted, a privacy screen to the rear of a minimum height of 1.8m shall be installed along the west side, and thereafter maintained.

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.

9 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 (including refuse storage)

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

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

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

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

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

GROUND;

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

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

- (a) Parking and turning areas for construction and delivery vehicles and site personnel
- (b) Timing of deliveries
- (c) Measures to control noise affecting nearby residents
- (d) Dust control measures
- (e) Access arrangements

GROUND;

In the interests of highway safety and neighbouring amenity, in accordance with Policies QD03 and SP30 of the Thanet Local Plan and the advice contained within the NPPF.

13 Within 1 month of the development being occupied details shall be submitted to the Local Planning Authority, for written approval, assessing the impact of the adjacent Roadside Nature Reserve and providing full details of any restoration works that are required due to the construction works. Where restoration works are required they must be completed in full accordance with details agreed within 3 months of the submission of the letter.

GROUND;

In the interests of biodiversity, in accordance with Policy SP30 of the Thanet Local Plan and the advice contained within the NPPF.

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

GROUND;

To protect the district's groundwater, and to ensure the development is served by satisfactory arrangements for the disposal of surface water, in accordance with Policies SE04 and CC02 of the Thanet Local Plan and advice contained within the NPPF.

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

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

GROUND;

To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

16 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 by 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.

17 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

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.

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

Please ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:

<https://www.thanet.gov.uk/info-pages/planning-conditions/>

SITE, LOCATION AND DESCRIPTION

Seagulls is a modern two storey dwelling with a single storey front extension fronting Cliff Promenade within the defined settlement of Broadstairs. Cliff Promenade is a curving road running along the cliff top. The road is largely characterised by dwellings (of varying footprints and styles) set within fairly large, but varying sized plots on the western side of the road and no buildings to the eastern side. Whilst the properties in the road are predominantly single dwellings, there are some apartments within the road.

Seagulls is located on the inside of a curve in Cliff Promenade on the same building line as the dwelling to the north, Wayfaring, but is set back from the building line created by the dwelling to the south, Hucklow. The area to the front of the house and immediately to the rear of the property is essentially on one level with an area further to the rear of the property on a higher level with an access onto North Foreland Avenue.

RELEVANT PLANNING HISTORY

No relevant planning history.

PROPOSED DEVELOPMENT

Full planning consent is sought for the demolition of the existing dwelling and erection of a three storey building containing 8no. 2 bed self-contained flats.

At ground floor level there would be 3 flats, accessed from within the building via the front entrance door and communal hallway. At first floor level there would be a further 3 flats with the last 2 flats on the second floor. The flats all have an open plan dining/lounge and kitchen area as well as bathroom and en-suite facilities to at least one bedroom. The flats also have their own dedicated indoor store/utility room. Each flat has a roof terrace or balcony, in addition the building would have communal gardens to serve the residents.

The proposed development would be served by underground parking accessed off Cliff Promenade. The plans also indicate an area for bin and bicycle storage.

In terms of external appearance the building has a tiered appearance, with the ground floor having the largest floor area and this decreasing with each additional floor. The building has a contemporary appearance with a flat roof over.

With regard to external materials and schedule has been provided on one of the submitted plans this indicates TBS Lava bricks - multi mix, white render, rainscreen cladding - VM zinc - standing seam profile (vertical) and feature cladding being concrete wall panels. The roof would be fibreglass roof finish (grey pigmented topcoat. Windows and doors would be aluminium double glazed units and balustrades would be 1.1m frameless glass.

The application has been amended since the original submission in terms of the building form and scale and the number of reducing from 10 to 8 and that all the flats are now 2 bedroom instead of 3 bed.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan

SP13 - Housing Provision
SP14 - General Housing Policy
SP22 - Type and Size of Dwellings
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP37 - Climate Change
SP43 - Safe and Sustainable Travel
H01 - Housing Development
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
GI04 - Amenity Green Space and Equipped Play Areas
HE01 - Archaeology
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

Broadstairs and St. Peters Neighbourhood Development Plan

BSP4: Seafront Character Zones
BSP7: Areas of High Townscape Value
BSP9: Design in Broadstairs & St. Peter's
BSP12: Full Fibre Broadband Connections

NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice posted close to the site and the application publicised in a local newspaper. As a result of changing plans five consultations with neighbours were carried out.

13/07/20 Initially nineteen representations were received. The concerns can be summarised as follows:

- Close to adjoining properties
- Inadequate access
- Increase in traffic
- More open space needed on development
- Concern about the retained land and what will happen to it in the future and potential impact to neighbour amenity resulting from any access to the site
- Affect local ecology
- Concern about the impact upon the Roadside Nature Reserve - supports the Lizard Orchid
- Out of keeping with character of area
- Concern that other large plots will be developed into flats, if proposal allowed

- Concern about the impact of the underground carpark on the structural integrity and future stability of the cliff
- Increase of pollution
- A very large building of which will be an eyesore in such a prominent position
- General dislike of proposal
- Inadequate public transport provisions
- Inadequate parking provision
- Loss of privacy
- More open space needed on development
- Noise nuisance
- Not in keeping with an area of High Townscape Value
- Conflict with local plan
- Development too high
- Inadequate parking provision
- Loss of light
- More open space needed on development
- Noise nuisance
- Over development
- Concern about the position of the building - forward of the current building on site

26/10/20 A further consultation was carried out; following receipt of amended plans. two representations were received, the concerns can be summarised as follows:

- Affect local ecology
- Close to adjoining properties
- Conflict with local plan
- Increase in traffic - during construction and post construction
- Noise nuisance
- Out of keeping with character of area
- Over development
- Strain on existing community facilities
- Concern about cliff stability
- Impact upon ecology and biodiversity

23/11/2020 Following receipt of amended plans a further consultation was sent and as a result two letters were received. Concern can be summarised as follows:

- Affect local ecology and biodiversity
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Loss of privacy
- More open space needed on development
- Noise nuisance
- Out of keeping with character of area- and area of High Townscape Value
- Over development
- Residential Amenity

- Concern about the rear of the larger plot

11/02/21 Further revised plans were received and a consultation was carried out, as a result three letters of representation were received (two from one objector). Concerns can be summarised as follows:

- Affect local ecology
- Conflict with local plan
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Loss of privacy
- Noise nuisance
- Out of keeping with character of area including area of High Townscape Value
- Over development
- Precedent for future overdevelopment and flat development
- Concern about the rear of the larger plot

12/05/21 A final consultation was sent to neighbours and as a result three representations were received. Concerns can be summarised as follows:

- Increase in traffic
- If approved would set a precedent for similar schemes
- Affect on local ecology and biodiversity
- Concern about stability of cliffs
- General dislike of proposal
- Inadequate parking provision
- Increase of pollution
- Loss of privacy
- More open space needed on development
- Noise nuisance
- Out of keeping with character of area
- Over development
- Residential Amenity

Broadstairs Town Council: 10/12/20 & 09/06/21- The Planning Committee of the Town Council has considered this amended application and resolved unanimously to recommend REFUSAL with the following concerns:

Overdevelopment, out of keeping with the street scene and any potential underground parking may cause considerable harm to the development and the neighbouring properties due to destabilising of the cliff face.

06/11/20 - The Planning Committee of the Town Council has considered this amended application and resolved unanimously to recommend REFUSAL with the following concerns: Overdevelopment, siting of building is out of keeping with the street scene. Clarification of the amendment is required, insufficient information provided.

06/08/20 - The Planning Committee of the Town Council has considered this application and resolved unanimously to recommend REFUSAL with the following concerns: Overdevelopment, siting of building is out of keeping with the street scene.

Broadstairs Society: 24/07/20 -The Broadstairs Society are undertaking audits of all the Areas of High Townscape Value using a toolkit devised by Historic England who have been overseeing the audits and they will soon be presented to the Town Council for incorporation into the revised Neighbourhood Plan.

Mention is made of the draft Neighbourhood Plan stating the character and features of these areas vary but the separation between buildings, the open form of development and the contribution made by landscaping will often be the essential characteristics. It is important that they continue to be protected through planning policy so that any development proposals protect and enhance the special characteristics of these areas. Yet here we have a development of street scene contempt.

The Broadstairs Society accordingly OBJECTS to this proposal.

CONSULTATIONS

KCC Flood and Water Management: 21/07/20 - The application is supported by a Drainage Design Philosophy Statement (Salluz, 10 July 2020).

It is proposed that surface water runoff will discharge into geo-cellular soakaway system. There is however not sufficient information for us to assess the feasibility of the Proposal.

We would therefore recommend the application is not determined until a surface water drainage strategy has been provided for consultation. At a minimum, a drainage strategy submission must comprise:

- o A location plan
- o A site layout
- o A drainage proposal schematic or sketch
- o A clear description of key drainage features within the drainage scheme (e.g. attenuation volumes, flow control devices etc.)
- o Information to support any key assumptions (e.g. impermeable areas, infiltration rates etc.)
- o Supporting calculations to demonstrate the drainage system's operation and drainage model network schematic
- o Drainage strategy summary form (from our Drainage and Planning Policy Statement)
- o Consideration of key questions and / or local authority planning policy requirements.

KCC Highways and Transportation: 24/07/20 - Referring to the above description and bearing in mind the development is served off a private road, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Kent Police: 01/12/20 - We cannot recommend approval for this application as shown on the planning portal at 30.11.20.

There is a carbon cost for crime and new developments give an opportunity to address it. The outstanding points to be addressed to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998 are:

1. An acceptable detailed boundary treatment plan to include the access control and height of the vehicle and the pedestrian gate, gates must avoid creating a secluded recess.
2. Confirmation of the height, access control system and design of the "high wall and gates".
3. Details of security to the bin/cycle store and who will move the bins to the pick-up point?
4. Security is also required for Motorbikes, Mopeds, E bikes and similar.
5. A lighting plan is crucial as the access to the flats is at the rear, potentially hidden behind vehicles, a significant concern should anyone tailgate in a vehicle or on foot.
6. We await door and window (Inc. bifold) standards. PAS 24:2016 UKAS certified standard, STS201 or LPS2081 Security Rating B+. PAS 24:2012 is not suitable for this development.
7. Access control details to the lift and stairwell access to be controlled separately to prevent unrestricted access onto residential landings risking ASB or criminal activities.
8. Unrestricted egress from a landing into the stairwell and from the stairwell to the communal lobby/emergency fire exit must be provided at all times.
9. Details required of suitable communal mail delivery.

04/08/20 - We cannot recommend approval for this application as shown on the planning portal at 04/08/20.

The points below are site specific and designed to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. The development layout shows open access to either side of the building to the private and secluded communal gardens at the rear, this could attract criminality. The perimeter treatments must not reduce the security to the neighbouring properties, therefore we require an acceptable detailed boundary treatment plan.
2. The vehicular gates require full access control and must be designed to deflect attempts of unauthorised access to the parking area.
3. The underground car parking/bin/cycle store area requires appropriate security, lighting, access control and management to minimise the opportunity for crime. We require security to minimise the opportunity of vehicle crime in the underground parking area. Security is also required for Motorbikes, Mopeds, Electric bikes and similar, ground or wall anchors can help provide this.
4. The lighting plan should be approved by a professional lighting engineer, especially in the parking area.
5. We recommend that the communal doorset be dual fire and security certified
6. All external, communal, each apartment and all balcony/patio doorsets should meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. PAS 24: 2012 for ADQ has been superseded. Windows on the ground floor or potentially vulnerable e.g. from flat roofs should also meet PAS 24: 2016 UKAS certified standard.
7. Lift and stairwell access to be controlled separately to prevent them providing unrestricted access onto a residential landing. Access to stairwells from the communal lobby should be restricted to residents to reduce the risk of anti-social behaviour or criminal activities.

8. Unrestricted egress from a landing into the stairwell and from the stairwell to the communal lobby/emergency fire exit must be provided at all times.
9. Communal mail delivery for the apartments needs to be "through the wall" or sited at the front in an air lock within the lobby, have CCTV coverage, be of robust construction (SBD or Sold Secure standard) and have anti-fishing design.
10. If approved, site security is required for the construction phase. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

KCC Ecological Advice Service: 28/05/21 - We have reviewed the ecological information submitted with the planning application and we have the following comments to make:

Bats

The survey details that the building has been assessed as having negligible potential to be used by roosting bats. However when we previously commented we raised concerns that insufficient information had been provided as the report states: It was judged as offering negligible suitability for roosting bats, having no suitable cavities (tight roof and hanging concrete tiles and well-sealed soffits).

The further information submitted has satisfied us that bats are unlikely to be roosting within the building and no further surveys are required.

While bats are unlikely to be roosting within the site they are likely to be foraging and therefore we recommend that if planning permission is granted a bat sensitive lighting scheme is implemented - it is also likely to benefit the adjacent designated sites. We recommend that the site wide lighting condition requires the lighting plan to follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals.

Designated sites

The proposal is within 10m of the Thanet coast SAC and SSSI and Thanet Coast and Sandwich Bay SPA and Ramsar and therefore consideration must be given to whether the construction or operational phase of the proposed development will have an adverse impact on these sites.

As the proposal is only 10 metres from the proposal we advised that we would expect a more detailed consideration of the operational and constructional impacts of the proposed development on the locally, nationally and internationally designated sites. The submitted information must specifically refer to the reasons that the sites have been designated.

Additional information has been submitted addressing the impacts on the designated sites and we are satisfied that other than recreational pressure and noise associated with the construction period we are satisfied that the proposal is unlikely to have an adverse impact on the designated sites. Due to the need to contribute to the SAMM (as detailed below) and implement an appropriate construction management plan (therefore considered mitigation) we advise that there is a need for TDC to carry out a HRA as part of this application.

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Therefore, Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A recent decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMP there is a need for an appropriate assessment to be carried out as part of this application. Other than confirming that the payment will be made the applicant does not need to provide any other information on this point regarding the production of the AA.

Roadside Nature Reserve

Roadside Nature reserve TH01 is directly opposite the proposed development and therefore there is a need to ensure that it is not damaged during construction and we are happy that this can be addressed via a construction management plan.

We also recommend that following construction there is a need for a monitoring survey to be carried out. If the survey identifies that the verge has been damaged during construction it must provide details of the restoration works which will be carried out within 3 months of works being completed.

31/03/21 - We have reviewed the ecological information submitted with the planning application and we advise that further information is required prior to determination in terms of the assessment of the potential for roosting bats in addition we expect a more detailed description of the building, internal and external, to support the conclusions within the report.

Designated sites

The proposal is within 10m of the Thanet coast SAC and SSSI, Thanet Coast and Sandwich Bay SPA and Ramsar and a Roadside Nature Reserve and therefore consideration must be given to whether the construction or operational phase of the proposed development will have an adverse impact on these sites.

The ecological report has detailed the following: Given the type of proposal, direct impacts to the qualifying features are unlikely and can easily be mitigated via Construction Management Plan to avoid an increase in dust, noise and light during construction.

As the proposal is only 10metres from the proposal we would expect a more detailed consideration of the operational and constructional impacts of the proposed development on the locally, nationally and internationally designated sites. The submitted information must specifically refer to the reasons that the sites have been designated.

We highlight that if the submitted information identifies that there is a need for mitigation to avoid an impact on the SPA/SAC (over and above the mitigation required for recreational pressure) there will be a need for an appropriate assessment (AA) to be carried out. The Local Authority must carry out the AA but the applicant must provide the information to inform the AA.

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Therefore, Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A recent decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMP there is a need for an appropriate assessment to be carried out as part of this application. Other than confirming that the payment will be made the applicant does not need to provide any other information on this point regarding the production of the AA.

03/08/20 - No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that further information is sought with regards to the potential for ecological impacts to arise as a result of the proposed development.

We have taken this view as the proposed development is within 10m of the Thanet coast SAC and SSSI, Thanet Coast and Sandwich Bay SPA and Ramsar and a Roadside Nature Reserve and therefore consideration must be given to whether the construction or operational phase of the proposed development will have an adverse impact on these sites.

We are aware that there is a strategic approach to mitigating the impact from recreational pressure on the wintering birds associated with the Thanet Coast and Sandwich Bay SPA and Ramsar. However we highlight that due to the distance from the designated sites to the proposed development site there will need to be a wider assessment of potential impacts from the proposed development.

The proposal will result in the demolition of an existing building and if there are suitable features it may be used by roosting bats or breeding birds.

As such, a preliminary ecological appraisal (PEA) must be undertaken that assesses the habitats and features within and around the site and identify if there is a need for further ecological surveys to assess ecological value and/or confirm protected species presence/likely absence.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the PEA report, OR, if further surveys are required, an Ecological Impact Assessment (EclA) report, detailing all surveys and outcomes, must be sought as part of the planning application. This is in accordance with paragraph 99 of ODPM 06/2005 which states: "it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision". An EclA is a process of identifying, quantifying and evaluating the potential effects of development on habitats, species and ecosystems, so providing all ecological survey information alongside any necessary avoidance, mitigation and compensation proposals within one document.

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity". We advise that the PEA/EclA must make site specific recommendations to enhance the site for biodiversity.

KCC Archaeology : 13/01/21 - The proposed development lies in an area that is particularly rich in archaeology. The North Foreland Estate occupies a plateau that was the focus of a substantial Iron Age settlement, possibly a hill fort. It was also an area rich in bronze Age burial mounds, the ring ditches of which have been found in a number of properties nearby. Bronze Age and Iron Age Burials have also been found less than 100m from the property.

The development proposals involve considerable excavations for the new building including the excavation of a basement within the new block. While there may have been some previous impact in the area of the new building from the foundations and hardstanding of the present building it is possible that significant archaeological remains may survive on the site and could potentially be affected by the development. I would therefore recommend that in any forthcoming consent provision is made for an archaeological evaluation to be followed by appropriate mitigation through a condition.

KCC Contributions I have reviewed the revised plans in more detail. As the revised drawings specify a total of 8 flats and the total development area is less than 0.5 ha, this development now falls below our threshold for developer contributions.

We therefore withdraw our request for contributions towards county services for this application.

Southern Water: 03/08/20 - Environment Agency shall be consulted directly regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

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.

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.

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."

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.

Natural England: Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make.

TDC Environmental Health: 26/08/21 - Environmental Health have confirmed that given the reduction in flats there is now no requirement for the conditions detailed below.

20/08/20 - The application for Erection of a three storey building containing 8no. 2-bed and 2no. 3-bed self contained flats with underground parking, following demolition of existing

dwelling will require installation of EV points serving all allocated parking spaces and low NOx boilers.

I recommend the following condition is added:

Air Quality

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.

COMMENTS

This application is referred to the Planning Committee at the request of Cllr Bob Bayford, due to concerns that the development would represent an over-development of the application site.

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 is part previously developed land (the part with the existing buildings) and part non previously developed land (the rest of the site). The site lies within the urban area. 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.

At the current time, the District Council has not met its Housing Delivery test. Consequently, the Council's policy SP01, which focuses housing development within the urban area, is considered out-of-date and the weight attached to this policy is limited. In accordance with paragraph 11 of the NPPF, applications for housing should be considered in the context of the presumption in favour of sustainable development. Paragraph 11 of the NPPF describes the presumption in favour of sustainable development and closes by saying that where development plan policies are out of date, planning permission should be granted "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be refused".

The application site is not allocated for development in the Local Plan, but it is surrounded by existing residential development.

Given that the Council has failed the Housing delivery test, the site lies within the urban area, that there would be some social and economic benefits from the provision of the dwellings towards the NPPF's aims of sustainability and the fact that they would make a contribution to the District's housing supply (albeit a minor one), the principle of housing development on the site is considered acceptable.

Character and Appearance

Paragraph 130 of the NPPF states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. 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.

Policies BSP3 (Protecting and Providing Important Trees, BSP7 (Areas of High Townscape Value) and BSP9 (Design in Broadstairs and St Peter's) of the Broadstairs and St Peters Neighbourhood Plan are also relevant to this application. These state that proposals for new development which would have an adverse impact on protected trees and other significant trees in the Plan area will not be supported, within the areas of High Townscape Value, the conservation or enhancement of the local character will be the primary planning aim. In furtherance to this aim, development will be supported only where the design, scale of development, separation between buildings, use of materials and landscaping are complementary to the special character of the area and development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged respectively.

The application site is located in an area that is characterised by residential development. The surrounding area largely comprises two and two and a half storey dwellings fronting Cliff Promenade.

The road is largely characterised by dwellings (of varying footprints and styles) set within fairly large, but varying sized plots. Whilst the properties in the road are predominantly single dwellings, there are some apartments within the road. The property known as Seagulls is set back within its plot and due to its design appears less prominent than the surrounding built form. The proposal involves the total demolition of the existing dwelling on site, whilst this building has a pleasing design, it is not of high architectural merit. It is confirmed that there is no objection to its demolition in principle.

The proposed building also incorporates space between the built form, to either side of the site which maintains a sense of space within the plot. It is therefore considered that the proposed development would respect the density of the surrounding area and not appear cramped within the locality.

The application proposes the demolition of the existing building on the site and the erection of 8no. flats within a three storey building on the site. The proposed building has a flat roof design and has a maximum of three floors. This building would be seen in the context of two storey and two and a half storey residential dwellings along Cliff Promenade. Dwellings within the area have traditional pitched roof design and the proposed building has a flat roof, there are no other examples of a flat roof building in close proximity to the site. There are some examples in Northforeland Avenue and may be granted in the new plots along Cliff Promenade Plot 7 - 19/0332- this is flat roofed and 3 storey (approved May 2019). 19/1594 approved Feb 2020 and 21/0331 approved August 2021 are not flat roofed, but are 3 storey.

During the application process the building has been amended to take into account officer concerns, as a result the scale, footprint; including width of the built form has been reduced resulting in a reduction in the number of units proposed from 10 to 8.

The existing building has an overall height of approximately 7.3m and this would increase to approximately 9.4m with the proposal. It is noted whilst there are flat roof dwellings along Cliff Promenade these are not immediately adjacent to the site. It is accepted, if approved, this would be the only three storey flat roof building in this part of Cliff Promenade. There are examples within North Foreland area of three storey flat roof buildings. Furthermore it is noted that the individual design of properties within the area varies considerably, with a wide range of styles, proportions and materials. I however consider the height of the proposed building to be comparable with adjacent buildings (due to their roof height). I also note the flat roof building whilst not replicating the pitched roof styles within the street would have a greater degree of separation from pitched roof dwellings that would enable a different form not to appear visually dominant and out of keeping with the character and appearance of the area. It is therefore considered that the proposed building would not appear as an incougrous feature and sit comfortably within the streetscene.

At present Seagulls is set back significantly within its own plot and behind the rear wall of the property known as Hucklow and approximately in line with the property to the north - Wayfaring. In terms of the buildings positioning within the plot, it would replicate the existing staggered positioning, that is evident on the existing form of dwellings to the south of the site. The proposed built form would still be set back behind Hucklow but in a more forward position to Wayfaring. Owing to its placement in the site the side elevation of the proposed building would be more readily apparent in the street scene when approaching from the north. In order to reduce the mass of the building its design has been articulated so that it has a tired appearance, in addition the materials used in this elevation are varied - brick, render and cladding to give visual breaks to the side facade. Given the articulated nature of the building and use of materials, on balance, I do not consider there would be harm resulting from its positioning.

There is a varied material pallet within the area. The proposed building would utilise the similar materials, giving a cohesive appearance to the overall scheme.

The building would be set in from the application site's eastern boundary (to the road) by approximately 15m at its closest point and from its western boundary by 1m again at the closest point. In terms of spacing to the adjacent properties the proposal would have a distance of separation of approximately 5m and 4.2m southern and north boundaries respectively.

It is considered that the degree of separation between the proposed building and the application site boundaries is comparable with the spaces around other dwellings in Cliff Promenade. It is, therefore, not considered that the proposed building would have an adverse effect on the spacing and openness of the area.

In summary it is considered that the proposal would overcome concerns in terms of design and appearance and the resulting buildings in terms of their form, height, density and character and appearance of the area, would accord with Policies SP35 and QD02 of the Thanet Local Plan and the National Planning Policy Framework.

Living Conditions

Paragraph 119 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.

Local Plan policies QD03 and QD04 are also relevant to this application. Policy QD03 (Living Conditions) states that 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. Policy QD04, which are 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.

The site is flanked by residential dwellings to its north and south and a rear amenity space to the west, which serves the existing dwelling on site - but will be severed as part of the development.

With regard to the property to the north of the site - Wayfaring - this property is set back roughly level in position to the existing property at Seagulls. Adjacent to the side boundary there is a pitched roof garage and to the side elevation of the main dwelling there is at first floor French doors that open out onto a balcony area that faces the sea and extends back into the site adjacent this side of the building. These doors appear to serve a habitable room

that is also served by the large front bay windows. A 2m high wall separates the two boundaries, and there has also been a fence erected within the grounds of Wayfaring that sits above part of this wall. The balcony is enclosed by glass balustrade to the front and timber close boarded fencing to the side boundary with Seagulls.

The proposed building would be positioned further away from the boundary than the current dwelling; approximately 4.2m compared to the 1m separation to the boundary that currently exists, although it is appreciated that the building is larger and projects further forward in the plot. In terms of openings the proposed building has at ground floor two openings directly facing the side boundary - both to non-habitable rooms- store/utility and bathroom - given the ground nature of these windows and their use I do not envisage any material harm. In addition there is a bedroom window, however, this is angled so that it does not directly face the boundary but across the front boundary between properties and garden area. At first floor level again there are bathroom and store/utility room windows, given their use I do not consider that material harm would occur- it is however recommended that a condition is imposed to ensure that they are fitted with obscure glazing. There is also a bedroom window, but this is forward facing. In terms of the top floor there is a window to the hallway, this is high level and therefore I do not foresee any issues relating to overlooking.

With regard to the impact of the building itself, whilst an additional floor is proposed the building would have a greater distance of separation to the boundaries with Wayfaring. Given this I do not consider that the property would be overbearing in nature nor would it lead to harm through loss of light.

The proposed flats also have roof terraces and balconies; the balconies are enclosed to the side and therefore I do not envisage that this will result in overlooking. The roof terraces at first floor would look out towards the sea and also have views across the front garden areas of neighbouring properties. The roof terrace to unit 8 wraps around the building, it is therefore suggested that the rear enclosure to this terrace is solid and a height of 1.8m to avoid mutual overlooking between the balconies of the new building and Wayfaring.

In terms of the impact to residential amenity upon the property to the south known as Hucklow, this property sits much further forward in its plot than both the existing property known as Seagulls or the proposed building. The proposed building would be adjacent to the boundary with its rear amenity space and its outdoor swimming pool. The proposed three storey building would be approximately 5.4m from the shared boundary. This property has windows within the side elevation, currently facing into the front garden areas of Seagulls. In addition there is a significant hedge that runs along the boundary and this then changes to timber close boarded fencing with concrete kickboards. Whilst there are ground floor windows which serve both non-habitable and habitable rooms, given their ground floor position I do not consider them to result in overlooking that would result in harm.

With regard to the first floor windows these serve non-habitable rooms, and could be conditioned to be fitted with obscure glazing. On this basis I would consider the relationship to be acceptable. With regard to the top floor there is a hallway window, but this is high level and therefore would not result in material harm. There is a further window at this level serving the dining/lounge area to the side and wraps around the front elevation. Given its

positioning that could have views into the garden, on this basis it is recommended that this window is fitted with obscure glazing.

With regard to the building itself, the proposal is directly to the north of the neighbouring property, and therefore I do not consider that it would result in a loss of light. Given that it is to the side and rear of Hucklow, views of the building would be gained from rear facing windows- as they are to some degree currently. It is acknowledged that a taller building would have more of an impact upon the outlook of the occupiers of this dwelling, but I do not consider it to be materially harmful.

At present the site, if developed, would back onto residential former garden land, this land will not be affected by the development.

Given that the land to the rear of the existing property (Seagulls) is not included within the proposed development and the change in levels of this area of land, it acts as a buffer to the properties to the rear of the site in North Foreland Avenue and therefore there would be no material harm to these properties.

The proposed dwellings would be spacious (meeting the Technical Standards for dwelling sizes) with good levels of light and ventilation. They would each be served by vehicle parking and private amenity areas. The flats have an area marked for bin and cycle storage within the communal gardens.

Concerns have been raised by Kent Police in relation to security measures and layout issues within the development. Details of the boundary treatments and gates would be required to be provided through a planning condition, and it is not considered that the presence of underground parking and the layout proposed creates an unsecure environment for future occupiers.

The proposal is therefore considered to be acceptable with regards to residential amenity in regard to existing residents, and in terms of space standards and provision of gardens for future residents in accordance with Policy QD03 and QD04 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

Paragraph 110 of the NPPF states that In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that amongst other aims: a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location and b) safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. Paragraph 112 goes on to highlight that within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage

public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Under Policy QD01, all developments are required to: 1) Achieve a high standard of energy efficiency to the equivalent of Level 4 of the Code for Sustainable Homes (subject to HE05 where applicable), 2) Make the best use of solar energy passive heating and cooling, natural light, natural ventilation and landscaping, 3) Provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Policy QD02 relates to general design principles and states amongst other principles that developments must incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access and Improve people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime. Policy TP01 states that new development will be expected to be designed so as to facilitate safe and convenient movement by pedestrians including people with limited mobility, elderly people and people with young children, whilst Policy TP03 states 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, junction improvements and traffic management proposals.

No objection has been raised by KCC Highways as the site is served off a private road.

In terms of parking for the development this is arranged under the flats and contains 10 spaces, visitor spaces are shown to the site frontage and could accommodate a further two spaces. One space per a one or two bed flat is required within a suburban area, accordingly this is considered to be acceptable. Cliff Promenade is also capable of accommodating any shortfall. Cycle parking to the flats is also provided- drawing 343-02 revision E. These will need to be secure- although the precise details are not submitted with this application, however this can be covered by condition.

Due to the location of the site, the majority of trips generated by any development will be by car, as the site is not within close proximity of local services and facilities to promote non-car use.

Cliff Promenade is a private road, subject to relatively low speeds. The development is for a building containing 8 flats and it is not considered likely to have a significant safety on the adopted highway network.

The proposal makes provision for on site car parking spaces as well within the site together with space for cycle storage. It is considered that there would be sufficient room on site in terms of areas for car parking and cycle storage to serve the proposed development. It is not, therefore, considered that the proposed development would have an adverse effect in relation to highways and parking.

The impact upon highway safety and parking is therefore considered to be acceptable.

Archaeology

Thanet is rich in archaeology and policy HE01 of the Local plan seeks to ensure that archaeology remains are adequately assessed, preserved and protected. Paragraph 189 of the NPPF states that 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. Paragraph 195 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of the proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 205 states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record the evidence of our past should not be a factor in deciding whether such loss should be permitted.

KCC Archaeology reviewed the application and advised that they consider the North Foreland Estate occupies a plateau that was the focus of a substantial Iron Age settlement, possibly a hill fort. It was also an area rich in bronze Age burial mounds, the ring ditches of which have been found in a number of properties nearby. Bronze Age and Iron Age Burials have also been found less than 100m from the property.

As a result they recommend that in any forthcoming consent provision is made for an archaeological evaluation to be followed by appropriate mitigation through a condition.

Given the above, Officers are satisfied that matters relating to archaeology can be dealt with via conditions attached to an approval of the application.

Ecology and biodiversity

Para 179 a) of the NPPF states that planning policies and 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).

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.

Initially when the application was lodged there was no ecology information submitted to support the proposal. KCC's Biodiversity team advised that information should be sought with regards to the potential for ecological impacts to arise as a result of the proposed development and given that the development is within 10m of the Thanet coast SAC and SSSI, Thanet Coast and Sandwich Bay SPA and Ramsar and a Roadside Nature Reserve consideration must be given to whether the construction or operational phase of the proposed development will have an adverse impact on these sites.

Following this request additional information was provided in the form of a Preliminary Ecological Appraisal (dated 8th March 2021). This stated that there was unlikely to be Great Crested Newts, reptiles, Hazel Dormouse, badgers, bats on site due to the habitat present. It was considered that the site has potential to support nesting birds within the hedges and hedgehogs. In terms of mitigation the report details that consideration must be given to the timing of the clearance works. The effect on birds can be avoided by undertaking any vegetation clearance outside of the nesting season (March - August inclusive) or after a survey has confirmed the absence of nesting birds. In terms of mitigation for hedgehogs any areas where mammals could be sheltering should be hand searched prior to disturbance. Excavations should not be left open for animals to fall into, or planks of wood should be placed to enable any animals which may fall into such a hole to escape.

This was later supplemented by additional information regarding bats.

With regard to ecological enhancements the report details that this could include the following:

Provision of integrated 'swift bricks' in new buildings (as these are often occupied by other small cavity-nesting birds). A ratio of at least two per residential dwelling, or one per 50sqm of commercial floor space is generally accepted now as good practice. It is suggested to install them in small groups of 2/6 at least one metre apart in suitable locations at a minimum height of 4 metres (5 metres is better).

Provision of integrated bat boxes on new buildings.

Establish climbing plants on walls and other vertical structures.

Establish wildflower plug/bulb planting in amenity grassland and private gardens.

KCC's Biodiversity Team have reviewed the submitted information and have confirmed that due to the sensitivity of the site that a bat sensitive lighting scheme is implemented as it is also likely to benefit the adjacent designated sites.

In terms of the impacts on the designated sites KCC confirm they are satisfied that other than recreational pressure and noise associated with the construction period the proposal is unlikely to have an adverse impact on the designated sites.

In terms of protecting the Roadside Nature Reserve (TH01) directly opposite the proposed development they are happy that this can be addressed via a construction management plan and following construction there is a need for a monitoring survey to be carried out. If the

survey identifies that the verge has been damaged during construction it must provide details of the restoration works which will be carried out within 3 months of works being completed.

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.

This application includes a draft Unilateral Undertaking which could provide the required financial contribution for the 8 no. 2 bed residential units to mitigate the additional recreational pressure on the SPA area, however at the time of writing this document requires amendments to make it acceptable.

Other matters

In terms of air quality initially requested conditions relating to air quality mitigation, gas fired boilers and electric vehicle charging points, however, Environmental Health have confirmed that given the reduction in flats there is now no requirement for the conditions.

Paragraph 159 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 site lies within flood zone 1 as shown on the Environment Agency's Flood Risk Maps and as such, is considered to be at a low risk of flooding and given that the site is less than a hectare in size there is no requirement for the applicants to submit a Flood Risk Assessment.

The application form states that surface water from the development would be disposed of via a soakaway but the means of disposal for foul sewer is mains sewer. The submitted Drainage Design Philosophy Statement, however, indicates a different method for foul drainage. Following a discussion with the agent the drainage Design Philosophy Statement has been withdrawn, and he has agreed and pre commencement condition for drainage matters.

Concerns have been raised by local residents about cliff stability and the proposed development. It is considered that this relates to the creation of the basement area for parking which would require excavation. Officers are not aware that there are issues with land stability within Cliff Promenade and given that the application site is not adjoining on the seaward side of Cliff Promenade but on the opposite side where it is considered feasible that some dwellings may already have basement areas, it is not considered appropriate to request a land stability report. Given this, it is considered that the safe construction of the development is covered sufficiently by Building Regulations.

Conclusion

The proposal is for 8no. flats and given the need for housing in Thanet and the fact that the Council has failed the housing delivery tests the proposal is considered against the criteria of sustainable development within the NPPF with regard to other material planning considerations.

The NPPF 2021 has at its heart the presumption in favour of sustainable development as set out in section 2 of the NPPF 2021 Achieving sustainable development involves the pursuit of economic, environmental and social objectives. The relationship of this scheme to the objectives is summarised below and a balancing exercise has to be undertaken to weigh the benefits of the scheme against its disadvantages:

In terms of the economic dimension of sustainable development the provision of 8 new flats would give rise to employment during the construction phase of the development, and is likely to result in an increase in the use of local services and facilities, both of which will be of benefit, albeit modest, to the local economy.

In terms of the social dimension of sustainable development paragraph 60 of the NPPF refers to 'the Government's objective of significantly boosting the supply of homes'. The NPPF points out that 'small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly'.

The scheme brings forward modest benefits with 8 flats, a small contribution to market housing in the area, it is likely to support shops and services and it would allow increased social interaction between residents existing and new, and employment personnel albeit in a modest way. The scheme is considered to be well designed as sought by paragraph 8.b) of the NPPF.

In terms of the environmental dimension of sustainable development the environmental issues are assessed in earlier sections of this report but to summarise, it is considered that the proposal would not have an adverse effect on the character and appearance of the area.

It is therefore recommended that Members defer and delegate the decision for approval subject to safeguarding conditions and a Unilateral Undertaking to secure the SAMM contribution, within 6 months of this Committee.

Case Officer

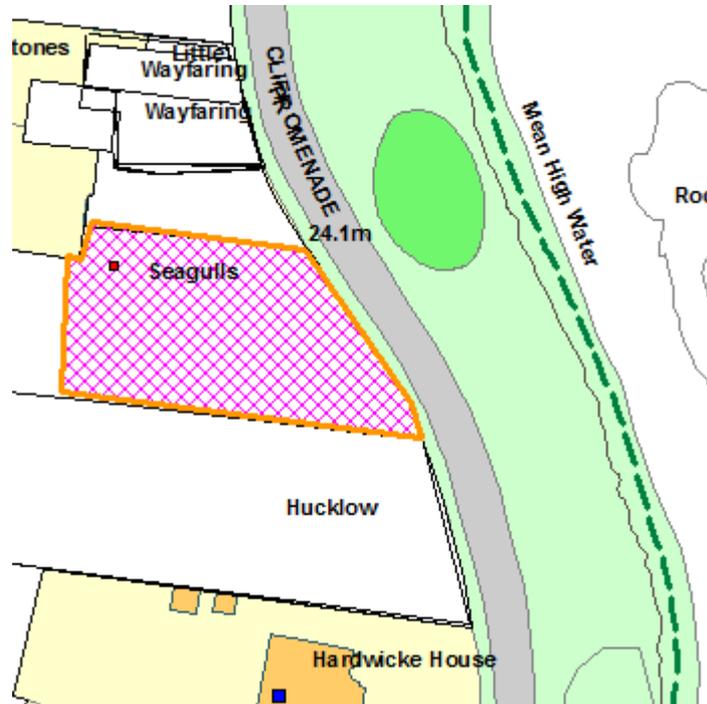
Gill Richardson

TITLE:

F/TH/20/0842

Project

Seagulls Cliff Promenade BROADSTAIRS Kent CT10 3QY



This page is intentionally left blank

D05

F/TH/21/0384

PROPOSAL: Erection of a 1 storey 1 bed detached dwelling with basement level following demolition of the existing garages

LOCATION: Old Moorings Grenham Bay Avenue BIRCHINGTON Kent CT7 9NN

WARD: Birchington North

AGENT: Mr Adrian Sykes

APPLICANT: Mr Ian Hamilton

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 development hereby approved shall be carried out in accordance with the amended drawings numbered Floor Plans, Elevations, Cross Section 2 received 19th July 2021, and the site plan received 1st April 2021.

GROUND;

To secure the proper development of the area.

3 No development excluding demolition of the existing garages on site shall take place until details of the means of foul water disposal for the new dwelling, and the measures to divert the public sewer on the site to accommodate the construction of the dwelling if required, 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 and to ensure the development is served by satisfactory arrangements for the disposal of foul water, without impacting detrimentally on the existing drainage network, in accordance with Policy SE01 of the Thanet Local Plan and paragraph 130 contained within the National Planning Policy Framework.

4 The area shown on the approved plans 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 National Planning Policy Framework.

5 Prior to the commencement of any development on site, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following 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
- (i) Hours of construction

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.

6 Prior to the construction of the external surfaces of the development hereby approved details 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 details 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.

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

Please ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:

<https://www.thanet.gov.uk/info-pages/planning-conditions/>

SITE, LOCATION AND DESCRIPTION

Grenham Bay Avenue is predominantly a residential road with some commercial and community uses near the application site. Whilst there are a variety of residential dwellings in terms of age, style and form, it is noted that there is a sense of openness to corner plots such as the application site. Built form on such plots is single storey and retains a large degree of space around it creating a sense of space.

The application site itself is currently occupied by 3 single storey garages with a gravel parking area to their front surrounded by walls to its northern and southern flanks and part of its frontage. To the rear of the site sits a terrace of dwellings known as Coastguard Cottages.

RELEVANT PLANNING HISTORY

F/TH/20/1137 - Erection of 1 no two storey 3 bed house following demolition of existing garage block. Refused 21st October 2020 for the following reasons:

The proposed dwelling, by virtue of its location, siting, scale and design, would introduce a built form which would appear unduly prominent within the area, whilst harmfully eroding the spaciousness of this part of Grenham Bay Avenue and the contribution it makes to the wider character and appearance of the area, contrary to Policy QD02 of the Thanet Local Plan and paragraph 127 of the National Planning Policy Framework.

The proposed dwelling, by virtue of its siting, scale, design and location forward of the established building line of Coastguard Cottages, would lead to a sense of enclosure to the occupants of no. 8 Coastguard Cottages, resulting in unacceptable harm to their living conditions, contrary to the provisions of Policy QD03 of the Thanet Local Plan and paragraph 127 of the National Planning Policy Framework.

The proposed development will result in additional 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 policy SP29 of the Thanet Local Plan and paragraph 177 of the National Planning Policy Framework.

F/TH/92/0700 - Erection of a block of 3 garages. Approved 21st October 1992.

F/TH/90/0771 - Use of yard for the open parking of cars. Refused 23rd August 1990.

PROPOSED DEVELOPMENT

Planning permission is sought for the erection of a two storey 1 bed dwelling, with one floor located over ground and the other at basement level. The basement would house the open plan living area, utility room and WC with the ground floor housing the bedroom and

bathroom. There would be an open courtyard at basement level to provide amenity space to serve the future occupiers of the dwelling and two vehicular parking spaces would also be provided.

Originally this application was for a three storey dwelling (2 floors and a basement) with two bedrooms. The application was, however, amended during the course of the application following concerns raised by officers about the impact of the proposed dwelling on the character and appearance of the area.

DEVELOPMENT PLAN POLICIES

SP01 - Spatial Strategy - Housing
SP14 - General Housing Policy
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP35 - Quality Development
SP37 - Climate Change
H01 - Housing Development
GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
CC02 - Surface Water Management
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

Letters were sent to adjoining residents and a site notice posted close to the site.

Ten representations were received objecting to the scheme as originally submitted, with a further three objections being received after the amendments to the scheme.

The comments received to the original scheme can be summarised as follows.

- Close to adjoining properties;
- Development too high;
- Loss of Light;
- The existing foul drainage for Coastguard Cottages and other properties all link up on the application site;
- More open space needed on the development - Basement courtyard is too small to serve the proposed development;
- Out of keeping with the area;
- Overdevelopment;
- General dislike of the proposal;
- Inadequate parking provision,
- Increase in traffic;

- Loss of parking,
- Lots of uses in the surrounding area generate parking on this road;
- May create a hazard with vehicles arriving and leaving the nearby church halls;
- Increase in pollution;
- Proposed property is out of keeping with the existing mid 19th century Coastguard Cottages;
- Proposed development is not in keeping with the local vernacular architecture - conflict with local plan policy QD02;
- Loss of privacy;
- Noise nuisance;
- Strain on existing community facilities;
- Concerns about the construction of the basement - details of foundations etc are missing from the planning application; and
- Developers seem unphased by the previous refusal for the site.

The comments received after the application was amended are summarised below.

- The existing foul drainage for Coastguard Cottages and other properties all link up on the application site;
- Close to adjoining properties;
- Loss of parking,
- Out of keeping with the area;
- Whilst this application has been amended to lower the height of the proposed dwelling, it is likely that another application would be put in to increase the height again;
- May create a hazard with vehicles arriving and leaving the nearby church halls; and
- Amendments have not addressed our original comments.

Birchington Parish Council: "Birchington Parish Council supports on the understanding that, as per Southern Waters' report, the developer needs to work with Southern Water to relocate the sewage pipe."

CONSULTATIONS

Environment Agency: Assessed this application as having a low environmental risk, therefore have no comments to make.

Southern Water: The attached plan shows that the proposed development will lie over an existing public foul sewer which will not be acceptable to Southern Water. The exact position of the public sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

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

- The 150 mm diameter public 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 sewers.
 - All existing infrastructure should be protected during the course of construction works.
- Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items above also apply.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

Please refer to: southernwater.co.uk/media/default/PDFs/stand-off-distances.pdf

Furthermore, 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.

To make an application visit: developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

COMMENTS

This application has been called to Planning Committee by Cllr Braidwood for Members to consider whether the proposal would result in the overdevelopment of the site.

Principle

Policy SP01 states that the primary focus for new housing development in Thanet is the urban area. Policy H01 refines this approach stating that permission for new housing development will be granted on sites allocated in the plan for residential development and non allocated sites within the confines of the urban area and villages.

The application site is not allocated for residential development within the local plan, but lies within the urban confines of Birchington. As such, there is no in principle objection to residential development on the site.

Character and Appearance

The NPPF states that planning decisions should aim to ensure that development should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place; respond to local character and history; reflect the identity of local surroundings and materials; and are visually attractive as a result of good architecture and appropriate landscaping (paragraph 130).

Policy SP35 of the Local Plan states that new development will be required to be of high quality and inclusive design. Policy QD02 - General Design Policies - states 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.

Grenham Bay Avenue consists of bungalows and two storey, predominantly detached dwellings, with single storey buildings immediately opposite and to the north of the site. The current garages on the site are single storey and are not considered to contribute to the character of the area. To the south and west of the site are two storey properties. The site is viewable from the access alley which runs adjacent to Coastguard Cottages and the church, the lane to the rear of properties on Alfred Road and the road Grenham Bay Avenue itself.

The proposed dwelling as originally submitted was for a three storey dwelling (two storeys above ground together with a basement area). Following concerns raised by officers about the open nature of the corner plots within Grenham Bay Avenue, the application was amended and is now two storey - a ground floor with a basement.

The amendment to reduce the proposal to single storey from street level is welcomed by officers as it retains the low level built form on the site and maintains its open feel, whilst creating a more attractive building on the site. The proposal would not appear cramped on the site even though it would be sited forward of the current garages, with the low level structure viewed ancillary to the prominent terrace row of the 2 storey cottages. As such, it is considered that the proposed development respects the spaciousness of this part of Grenham Bay Avenue and the contribution it makes to the wider character and appearance of the area.

Concerns have been raised by local residents that the proposed dwelling is out of keeping with the mid 19th century Coastguard Cottages and the vernacular architecture of the area. It is noted that there is no fixed style of development within the surrounding area and especially Grenham Bay Avenue itself, which has a mix of dwellings, commercial and community buildings within it, of varying styles, sizes and ages. It is, therefore, considered that the proposed dwelling would add to that mix, but take its cue from materials, (such as brickwork with a limited amount of render) found in the Avenue and the surrounding area. A condition would be imposed to ensure the brickwork matches the yellow stock brickwork in adjacent properties. Overall, officers consider that the proposed development will add interest to this application site, when compared to the flat roofed garage block currently located on the site.

The proposal, is therefore, considered to enhance the character and appearance of the area, in line with Policy QD02 of the Local Plan and the NPPF.

Living Conditions

Paragraph 119 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 130 states that planning decisions should ensure that all developments (a) function well and add to the

overall quality of the area for the lifetime of the development; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, (c) are sympathetic to local character and history including the surrounding built environment and landscape setting, (d) establish or maintain a strong sense of place, (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and (f) create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

Policy QD03 (Living Conditions) states that 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. Policy QD04, which are the National Described Space Standards (March 2015).

As set out above the proposal as originally submitted was three storey with two storeys above ground and a basement, although of a smaller footprint than the previous application and the main built form of the proposed dwelling located away from the adjoining row of Coastguard Cottages. Following concerns raised by officers as to the impact on the residential amenities of the occupiers of no. 8 Coastguard Cottages, the scheme has been amended to be two storey - a ground floor and a basement.

The nearest properties are Old Moorings and no. 8 Coastguard cottages. The proposed development would bring built form at single storey level along the full width of the Old Moorings with a basement underneath. It is, however, noted that there are no windows proposed in the flank elevation facing Old Moorings. There would be some 7m between the flank walls of the proposed dwelling and the Old Moorings and it is understood that the existing boundary treatment would remain in place on that side (a 2metre high fence). Given this, it is not considered that there would be an adverse impact on the residential amenities of the occupiers of the Old Moorings from the proposed development.

No 8 Coastguard Cottages sits to the west (rear) of the application site. The previous application which was refused (F/TH/20/1137) introduced built form at a 2 storey level the width of the plot to the footpath serving Coastguard Cottages, as opposed to the single storey flat roofed garages that currently occupy the site. The scheme now proposed following the amendments is single storey built form (above a basement) which would be next to the two storey element of no. 8. It is considered that this relationship would be similar to the relationship that exists currently between no 8 and the garages on the site and, therefore, it is not considered that the proposal would result in the enclosure or give rise to a sense of enclosure to the neighbouring property, nor loss of light or outlook from the existing relationship between the buildings currently on site. It is not considered that there would be any overlooking to the no. 8 given the location of the windows and boundary treatments for the proposed development.

The proposed dwelling would meet the required national space standards and, even though much of the proposed dwelling would be at basement level, it is considered that all habitable rooms would have a good standard of light and ventilation. Policy GI04 requires the provision of doorstep play space for family dwellings of two beds or more. The application now proposes a one unit, so there is no requirement for doorstep play space to be provided, but it is noted that a courtyard at basement level would serve the dwelling. The dwelling would also be served by two off road parking spaces.

Given the above, it is considered that the proposal would provide a good standard of accommodation for future occupiers of the proposed dwelling without having an adverse effect on the residential amenities of occupiers of adjoining dwellings.

Highways

The site lies in a sustainable location, close to local facilities and services and public transport links. It is also noted that there are limited restrictions on Grenham Bay Avenue and the immediate surrounding area. The proposal would provide 2 off-street parking spaces for vehicles for the dwelling.

Whilst the application would see the demolition of 3 garages, it is not considered that the addition of a single dwelling in this location would have an significant adverse impact on highway safety or parking in the surrounding area given the proposed parking on site provided by the proposal.

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). The application site is not within an area prone to flooding and is designated as being of low risk; accordingly the development would not pose a flood risk issue to the wider environment. Policy CC02 states that all new development is required to manage surface water resulting from the development using sustainable drainage systems (SuDs) wherever possible.

It is proposed that surface water disposal from the development would be via soakaway. No objection is raised on this basis.

It is, however, noted from Southern Water's comments that the proposed development would lie over an existing public foul sewer which is unacceptable to them. They advise that the exact location of the sewer must be determined and that the sewer needs clearance of 3m either side to protect it from construction works and allow for future maintenance and no soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable sewers.

The application site is roughly rectangular in shape and measures approximately 220sqm (10m by 22m). Given the restricted size of the site and the size of the proposed dwelling required to meet the National Technical Standards, it is unclear how the clearance required for the sewer could be provided in terms of future maintenance. Whilst diversion has been

put forward as an option, given the above it is unclear how this could occur within the site, potentially resulting in an impact on existing foul water drainage for existing dwellings but also the ability of future occupiers of the new dwelling to connect to the existing sewage network. Given this it is considered appropriate that a grampian condition is imposed to require details of how the foul drainage will work to comply with Southern Water's stated requirements, with a potential diversion if possible, prior to any development occurring on site at all. This will ensure that the existing drainage arrangements will be safeguarded (including those of existing residents), and to ensure no pollution results from the development through an effect on foul drainage. This will also be a matter for Building regulations approval in relation to the new proposed connection to the network.

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. This mitigation is secured under policy SP29 of the Local Plan.

The applicant's agent has advised that his client will pay the required mitigation via the required undertaking, therefore any recommendation for approval will require the application to be deferred and delegated to officers to secure the mitigation through an acceptable undertaking.

Other Matters

Concerns have been raised by local residents about the following - the construction of the basement; Strain on existing community facilities, noise nuisance and increase in pollution and that it is likely that a future application will be submitted to increase the height of the proposed dwelling. These points will be considered in turn.

The details of the construction of the basement and things like foundation details and so forth are not normally a planning consideration. This is covered under building regulations.

It is not considered that the future occupants of a single 1 bed dwelling would be likely to place a significant strain on local facilities and indeed it could be argued that they would help to support local and community facilities.

It is not clear whether these concerns raised about noise and disturbance relate to the construction of the proposed dwelling should it receive planning permission or its day to day occupation. Noise and disruption during construction is often inevitable, but it is only for a temporary period. A condition can be imposed to secure a construction management plan for the development to be submitted to and agreed by the local authority to minimise the impacts of construction. It is unlikely that the future occupiers of the dwelling would generate noise and disturbance beyond that normally generated by residential occupants, but this would be covered by over legislation should that happen.

The determination should be made on the current planning application and not speculation as to what may come forward at a later date. An increase in height for the dwelling would require consent in its own right and any application, should it be submitted, would be reviewed at that time.

Conclusion

This application seeks planning permission for a 1 bed dwelling, 2 storey dwelling - ground floor and basement. The dwelling would make a contribution to the district's housing supply, albeit very limited, and provide a good standard of accommodation for future occupiers. Following amendments to the application, it is not considered that there would be an adverse impact on the character or appearance of the area, highway safety or parking, drainage, or the residential amenity of surrounding occupiers subject to the imposition of conditions.

It is therefore recommended that Members defer and delegate the decision subject to a Unilateral Undertaking to secure the SAMM contribution, within 6 months of this Committee.

Case Officer

Annabel Hemmings

TITLE: F/TH/21/0384

Project Old Moorings Grenham Bay Avenue BIRCHINGTON Kent CT7 9NN

