

Date: 9 November 2021  
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## **PLANNING COMMITTEE**

**17 NOVEMBER 2021**

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 17 November 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 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 - 28)  
To approve the Minutes of the Planning Committee meeting held on 20 October 2021, copy attached.
4. **F/TH/20/0842 – SEAGULLS, CLIFF PROMENADE, BROADSTAIRS.** (Pages 29 - 66)
5. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 67 - 70)  
To consider the report of the Deputy Chief Executive, copy attached for Members of the Committee.

### **For Approval**

- 5a **A01 F/TH/20/1466 - LAND ON THE EAST SIDE OF 119 KING STREET, RAMSGATE.** (Pages 71 - 86)

Item  
No

Subject

- 5b **A02 F/TH/21/1287 - 3 VIKING CLOSE, BIRCHINGTON.** (Pages 87 - 96)
- 5c **A03 FH/TH/21/1332 - 17 NORTHUMBERLAND AVENUE, MARGATE.**  
(Pages 97 - 104)
- 5d **A04 L/TH/21/1351 - WEST CLIFF TERRACE MANSIONS, PEGWELL  
ROAD, RAMSGATE.** (Pages 105 - 110)
- 5e **A05 FH/TH/21/1323 - 14 OSBORNE TERRACE, MARGATE.** (Pages 111 -  
116)



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

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

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

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

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

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

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

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

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

An associated person is defined as:

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

An Authority Function is defined as: -

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

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

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

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

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

### **Gifts, Benefits and Hospitality**

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

### **What if I am unsure?**

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

## Planning Committee

### Minutes of the meeting held on 20 October 2021 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillor Michael Tomlinson (Chair); Councillors Coleman-Cooke, J Bayford, Crittenden, Garner, Hopkinson, Keen, Pat Moore, Paul Moore, Wright and Shonk.

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

Apologies were received from Councillor Hart, for whom Councillor Shonk was present as a substitute, Councillor Albon and Councillor Rusiecki.

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

Councillor Keen declared a significant interest in item 6 – 43 Queen Berthas Avenue, Birchington, noting that she lived at the property.

Councillor Shonk declared a significant interest in item 5F – W S Cole and Son, 116 Monkton Street, Monkton, noting that he knew the Cole family well.

#### 3. **MINUTES OF PREVIOUS MEETING**

The Vice Chairman proposed, Councillor Coleman-Cooke seconded and Members AGREED that the minutes of the Planning Committee held on 15 September 2021 be approved and signed by the Chairman.

#### 4. **SITE VISIT**

##### (a) **F/TH/21/1087 - Garden Centre, Montefiore Avenue, RAMSGATE.**

PROPOSAL: Erection of warehouse building and canopy.

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

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

That the application be APPROVED subject to the following conditions:

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

#### **GROUND:**

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered A-PL-010 Rev P03, A-PL-011 Rev P03, A-PL-012 Rev P04, A-PL-013 Rev P02, and A-PL-014 Rev P02 received 08 July 2021.

**GROUND;**

To secure the proper development of the area.

3 The use of the premises hereby approved shall not be used other than between the hours of 0700 and 1800 Monday to Sunday.

**GROUND;**

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

4 There shall be no servicing of the building, no goods shall be loaded or deposited and no delivery vehicles shall arrive, depart, be loaded or unloaded, within the application site other than between the hours of 0700 and 1800 Monday to Sunday.

**GROUND;**

In the interests of the residential amenities of the occupiers of surrounding dwellings in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

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.'

Following debate, the Chair withdrew the motion.

Then the Chair proposed, seconded by the Vice Chair that the application be APPROVED subject to the safeguarding conditions (detailed above) and an additional condition stating that deliveries to the warehouse only take place between 8am to 6pm.

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

## 5. **SCHEDULE OF PLANNING APPLICATIONS**

(a) **A01 FH/TH/21/0834 - 22 Dane Court Gardens, BROADSTAIRS**

PROPOSAL: Erection of first floor extensions to front and side elevations to existing detached bungalow dwelling.

Mr Bragg spoke in favour of the application.

Ms Wood raised points of concern.

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

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

That the application be APPROVED subject to the following conditions:

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

**GROUND:**

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 21/2748/PL/SLP received on 25th May 2021,, 21/2748/PL/04 Revision A, 21/2748/PL/03 Revision C, and 21/2748/PL/05 Revision A received on 25th August 2021, and the email from the Agent received on 28th September 2021, confirming material details.

**GROUND;**

To secure the proper development of the area.’

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

The Chair proposed, and Councillor Jill Bayford seconded that the application be REFUSED for the following reasons:

“The proposal, by virtue of height, scale and design, would appear dominant and out of keeping with the predominant form of development, resulting in significant harm to the character and appearance of the area, contrary to Thanet Local Plan Policy QD02 and Broadstairs and St Peters Policy BSP9.”

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

(b) **A02 L/TH/21/1074 - 7 Guildford Lawn, RAMSGATE**

PROPOSAL: Application for Listed Building Consent for the replacement of the existing interlocking tiles with natural slate roof coverings together with the replacement of second floor front dormer window unit together with associated repairs and recovering of flat roof.

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

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

That the application be APPROVED subject to the following conditions:

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

**GROUND;**

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 21/503 /JG / PR01 and 21/503/JG/PR02 received on 5th July 2021 and the submitted Heritage Statement and Design and Access Statement: Inspection Report received on 5th July 2021

**GROUND;**

To secure the proper development of the area.

3 The proposed replacement timber French door unit hereby approved shall be constructed from single glazed timber framing, in accordance with submitted plan 21/503/JG/PR01 received on 5th July 2021.

**GROUND**

To preserve the integrity and character of the listed building in accordance with Policy HE03 of the Thanet Local Plan and advice as contained within the NPPF

4 The proposed lead works hereby permitted shall be constructed using Code 4 and Code 4 lead in accordance with the Heritage Statement and plan no. 21/503/JG/PR01 received on 5th July 2021 unless otherwise agreed in writing by the Local Planning Authority.

**GROUND**

To preserve the integrity and character of the listed building in accordance with Policy HE03 of the Thanet Local Plan and advice as contained within the NPPF

5 Prior to the installation of the slate roof tiles hereby approved, a sample of the slate shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample.

**GROUND**

To preserve the integrity and character of the listed building in accordance with Policy HE03 of the Thanet Local Plan and advice as contained within the NPPF’

(c) **A03 F/TH/21/1174 - Kent Innovation Centre, Thanet Reach Business Park, Millennium Way, BROADSTAIRS**

PROPOSAL: Installation of a UKPN cabinet.

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



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

That the application be APPROVED subject to the following conditions:

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

**GROUND:**

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered KIC-IWD-XX-XX-DR-A-2520 Rev P01 received on the 22nd July 2021 and KIC-IWD-XX-XX-DR-A-2205 Rev P02 received 29th July 2021. Notwithstanding the above, this consent does not cover the air source heat pumps shown on drawing KIC-IWD-XX-XX-DR-A-2205 Rev P02.

**GROUND;**

To secure the proper development of the area.’

(d) **R04 FH/TH/21/1183 - 91 Botany Road, BROADSTAIRS.**

PROPOSAL: Retrospective application for erection of single storey rear extension together with erection of dormer windows to front and both side elevations, installation of rooflights and alterations to roof to facilitate loft conversion, with replacement of external cladding with tile hanging to dormer windows.

Mrs Gibson 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 development, by virtue of the considerable scale, form and prominent siting of the north-eastern dormer window, results in a dominant and bulky addition to the north eastern roof slope, and forms a visually intrusive and discordant form of development in the street scene, which is architecturally unrelated to the application property, and unduly disrupts the regularity in terms of the scale, form and design to the row of bungalows within which the application property is sited. The development is therefore severely detrimental to the character and appearance of the area, and contrary to Policy QD02 of the Thanet Local Plan, and paragraph 130 of the National Planning Policy Framework.’

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

Councillor Garner proposed and Councillor Crittenden seconded that the application be APPROVED for the following reason:

“The change in material is considered sufficient to mean the development would be in keeping with the character and appearance of the area.”

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

- (e) **R05 L/TH/21/0603 - Harbour Amenities, East Crosswall, RAMSGATE**

This item was withdrawn from the agenda.

- (f) **D06 OL/TH/20/0335 - W S Cole And Son, 116 Monkton Street, Monkton, RAMSGATE**

Following his declaration of interest, Councillor Shonk left the meeting for the duration of this item.

PROPOSAL: Outline application for the erection of 19 houses (two storey) and 18 retirement flats (two storey) with associated parking including access, landscaping, layout and scale together with the change of use of existing storage building to retail following demolition of existing buildings.

Mr Paine spoke in favour of the application.

Mr Smith raised points of concern.

Ms Smith raised points of concern.

Parish Councillor Brown spoke on behalf of Monkton Parish Council.

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

‘That the application be DEFERRED AND DELEGATED for approval subject to the satisfactory completion of a legal agreement within 6 months securing the required planning obligations as set out in the report and the following conditions:

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

**GROUND;**

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

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

**GROUND;**

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

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

**GROUND;**

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

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

**GROUND;**

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

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

AL-100 Rev L Proposed Housing received 8th October 2021

AL-106 Rev D Proposed Housing Types and Heights received 25th May 2021

**GROUND;**

To ensure that any development is in accordance with and within the parameters of that assessed by the Local Planning Authority and in the interest of achieving sustainable development, in accordance with Thanet Local Plan Policies QD02 and QD03 and the principles with the National Planning Policy Framework.

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

The approved Landscape Management Plan shall be implemented and adhered to as approved subject to any minor revisions thereto as may be approved in writing by the Local Planning Authority.

**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, SP27 and GI06 of the Thanet Local Plan and guidance within the National Planning Policy Framework.

7 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 Local Plan and the guidance within the National Planning Policy Framework.

8 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.

9 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.

10 The retirement units hereby permitted shall only be occupied by persons of 55 years of age or over, together with their spouse or partner.

**GROUND;**

As the proposed development, if not occupied by older persons would be deficient in play space provision, and off-site financial contributions, contrary to Thanet Local Plan Policies QD03, GI04 and SP41.

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

**GROUND;**

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

12 Prior to the first use/occupation of the development, the area shown for vehicle parking including visitor parking on drawing AL-100 Rev L shall be operational. The area approved shall thereafter be maintained for that purpose.

**GROUND;**

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

13 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.

14 Prior to the first occupation or use of the development hereby permitted details of the covered cycle parking, which shall be in the form of detailed specification 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

15 Prior to the first use of the site hereby permitted, the vehicular access and associated highway alterations as shown on the submitted plans or amended as agreed with the Local Planning Authority should be completed and made operational.

**GROUND;**

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

16 Prior to the first occupation of any dwelling the following works between a dwelling and the adopted highway shall be completed:

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

**GROUND;**

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

17 Prior to the first occupation/use of the site hereby approved the provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, which shall thereafter be maintained.

**GROUND;**

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

18 The refuse storage facilities as specified upon the approved drawing numbered AL-100 Rev L shall be provided prior to the first occupation of the development hereby approved and shall be kept available for that use at all times.

**GROUND;**

To secure a satisfactory standard of development and in the interests of the amenities of the area, in accordance with Policy QD02 of the Thanet Local Plan.

19 No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority (LPA). This strategy will include the following components:

- 1. A preliminary risk assessment which has identified all previous uses of potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.
- 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Any remediation must be carried out in a strictly controlled manner to ensure that contaminants are not exposed and releases allowed to air, land or controlled waters, which could cause pollution, harm or nuisance. Clearing areas, particularly removing hardcover, must be done in a manner not likely to expose contaminants to flushing by incipient rainfall or surface water run-off on the site. Temporary surface water controls and management of any materials movement on site is critical to ensure protection of controlled waters near the site.

**GROUND;**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

20 Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

**GROUND;**

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. In accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

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

**GROUND;**

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

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

## **GROUND**

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

23 Prior to the commencement of development, a detailed sustainable surface water drainage scheme for the site shall be submitted to, and approved in writing by, the Local Planning Authority. The detailed drainage scheme shall be based upon the Drainage Strategy prepared by HAPA Architects dated February 2020 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):  
o that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

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

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

## **GROUND;**

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with policy CC02.

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

## **GROUND;**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with Policy SE04 of the Thanet Local Plan, and the advice contained within the National Planning Policy Framework.

25 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide details of:

- a) Routing of demolition/construction and delivery vehicles to / from site
- b) Parking and turning areas of vehicles for demolition/construction and delivery vehicles, site operatives and visitors;
- c) Timing of vehicle movements (these will be restricted to outside school drop-off and pick-up periods)
- d) wheel washing facilities and their use;
- e) Temporary traffic management / signage
- f) Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development.
- g) Access arrangements
- h) loading and unloading of plant and materials;
- i) storage of plant and materials used in constructing the development;

- j) measures to control the emission of dust and dirt during construction including a scheme for recycling/disposing of waste resulting from construction works
- k) a construction environmental management plan, including details of operation construction times, enclosures for noise emitting equipment, dust and waste management policy and construction site noise management including siting of stationary noisy or vibrating plant equipment.

**GROUND;**

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 National Planning Policy Framework.

26 Prior to above ground development, details to be submitted showing the provision of 1 Electric Vehicle Charging point per residential property with dedicated parking and 1 in 10 of all non allocated parking, which shall be installed to the specification within Thanet Air Quality Technical Planning Guidance 2016.

**GROUND;**

In the interest of air quality and amenity in accordance with SE05 of the Thanet Local Plan and paragraph 186 of the NPPF.

27 From the commencement of works (including site clearance when in connection with the approved development), all mitigation measures for reptiles shall be carried out in accordance with the details contained within the 'Reptile Presence Absence Survey Report' (Fellgrove November 2020).

**GROUND;**

To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified to preserve ecology in accordance with Policy SP30 of the Local Plan and paragraph 180 of the National Planning Policy Framework.

28 From the commencement of works (including site clearance when in connection with the approved development), all mitigation measures shall be carried out in accordance with section 3 of the 'Bat Emergence Assessment Report' (Fellgrove August 2021), unless varied by a Natural England licence.

**GROUND;**

To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified to preserve ecology in accordance with Policy SP30 of the Local Plan and paragraph 180 of the National Planning Policy Framework.

29 Prior to the first installation of any external lighting, a detailed outdoor lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site demonstrating that areas to be lit will not disturb bat activity.. The development shall be implemented in accordance with the approved scheme and thereafter maintained as agreed.

**GROUND;**



In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with policies SP30, QD02 and SE08 of the Local Plan and the guidance of the National Planning Policy Framework

30 Prior to the construction of any external surfaces of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with the installation of generous native planting where possible. The approved details shall be provided prior to the first occupation of the development hereby permitted and thereafter permanently retained.

**GROUND;**

To enhance biodiversity in accordance with policy SP30 and paragraph 180 of the National Planning Policy Framework.

31 Prior to the first occupation of the development hereby approved, and notwithstanding the landscape details as shown on drawing numbered AL-111 Rev D, 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 seating areas for the retirement flats

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

32 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

33 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 and policy CC02 of the Thanet Local Plan.

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

**GROUND;**

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework and policy CC02 of the Thanet Local Plan.

35 The development hereby approved shall be carried out in accordance with the ecology measures detailed on landscaping plan AL-111 Rev D. All measures shall thereafter be retained.

**GROUND**

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

36 The first floor windows in the west elevation of the retirement flats 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.

37 No deliveries for the use of the shop premises hereby approved shall take place between the hours of 11pm and 7am.

**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.'

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

(g) **D07 OL/TH/21/0761 - Land Rear Of 92 To 102 Monkton Street, Monkton, RAMSGATE**

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

Mr Coward spoke in favor of the application.

Mrs Johnson raised points of concern.

Mr Annett raised points of concern.

Parish Councillor Brown spoke on behalf of Monkton Parish Council.

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

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

That the application be APPROVED subject to the following conditions:

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

**GROUND;**

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

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

**GROUND;**

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

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

**GROUND;**

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

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

**GROUND;**

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

5 Any reserved matters applications submitted pursuant to this outline application shall accord with the principles and parameter of the following Parameter Plans received by the Local Planning Authority on the 13th May 2021 (including any text set out on those Plans to illustrate the development principles):-

PP001 Rev D - Land Use;

PP02 Rev D - Movement and Access; and

PP03 Rev D - Building heights

**GROUND;**

To ensure that any development is in accordance with and within the parameters of that assessed by the Local Planning Authority and in the interest of achieving sustainable development, in accordance with Thanet Local Plan Policies QD02 and QD03 and the principles with the National Planning Policy Framework.

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

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

Ground: In the interests of the visual amenities of the area and to adequately integrate the development into the environment, and provide local play space, in accordance with Policies QD02, SP27 and GI06 of the Thanet Local Plan and guidance within the National Planning Policy Framework.

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

**GROUND;**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment, and provide local play space, in accordance with Policies QD02, SP27 and GI06 of the Thanet Local Plan and guidance within the National Planning Policy Framework.

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

**GROUND;**

To ensure the provision of a mix of house sizes and types to meet a range of community needs in accordance with policy SP22 of the Local Plan.

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

**GROUND;**

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

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

**GROUND;**

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

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

The drainage scheme shall also demonstrate (with reference to published guidance): That silt and pollutants resulting from the site can be adequately managed to ensure there is no pollution risk to receiving waters.

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

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

**GROUND;**

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding in accordance with Policies CC02 and SE04 of the Local Plan and the advice contained within the National Planning Policy Framework.

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

**GROUND;**

To protect vulnerable groundwater resources and ensure compliance with Policy SE04 of the Local Plan and the guidance of the National Planning Policy Framework.

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

materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

**GROUND;**

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with policies CC02 and SE04 of the Local Plan and the guidance of the National Planning Policy Framework.

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

**GROUND;**

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11), Policy SE03 of the Local Plan and the guidance of the National Planning Policy Framework.

15 Prior to the first installation of any external lighting, a detailed outdoor lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site and demonstrating the areas to be lit will not disturb bat activity. The development shall be implemented in accordance with the approved scheme and thereafter maintained as agreed.

**GROUND;**

In the interests of minimising light pollution, impact on protected species and to safeguard the amenities of the locality in accordance with policies SP30, QD02 and SE08 of the Local Plan and paragraphs 130 and 180 of the National Planning Policy Framework

16 All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal Report and Reptile Survey (Skilled Ecology July 2019) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to occupation of any part of the development.

**GROUND;**

To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified to preserve ecology in accordance with Policy SP30 of the Local Plan and paragraph 175 of the National Planning Policy Framework.

17 Prior to the construction of any external surfaces of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. These shall include the measures within Section 5.2 of the Preliminary Ecological Appraisal submitted, including the installation of bat and bird nesting boxes along with the installation of generous native planting where possible. The approved details shall be provided prior to the first occupation of the development hereby permitted and thereafter permanently retained.

**GROUND;**

To enhance biodiversity in accordance with policy SP30 and paragraph 175 of the National Planning Policy Framework.

18 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide details of:

- i) the parking of vehicles for site operatives and visitors;
- ii) construction vehicle loading/unloading, turning facilities and access routes/arrangements;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) wheel washing facilities and their use;
- vi) measures to control the emission of dust and dirt during construction including a scheme for recycling/disposing of waste resulting from construction works
- vii) a construction environmental management plan, including details of operation construction times, enclosures for noise emitting equipment, dust and waste management policy and construction site noise management including siting of stationary noisy or vibrating plant equipment.

**GROUND;**

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.

19 Prior to the first occupation of the development hereby permitted, a statement that provides details of how the air quality damage costs of £27,438 as calculated within the Emissions Mitigation Assessment Lustre 3030/MG/2-2019 dated February 2019, are to be used to achieve air quality improvements listed in section 6.2 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND;**

In the interests of ensuring appropriate air quality in accordance with SE05 of the Thanet Local Plan and paragraph 186 of the NPPF.

20 Details pursuant to condition 1, shall identify the provision of 1 Electric Vehicle Charging point per residential property with dedicated parking and 1 in 10 of all non allocated parking, which shall be installed to the specification within Thanet Air Quality Technical Planning Guidance 2016. The charging points shall be installed and maintained in accordance with the approved details prior to the occupation of the respective dwelling to which it serves.

**GROUND;**

In the interest of air quality and amenity in accordance with SE05 of the Thanet Local Plan and paragraph 186 of the NPPF.

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

**GROUND;**

To ensure that the type of housing complies with Policy QD05 of the Thanet Local Plan.

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

**GROUND;**

To promote public safety and security in accordance with Policies QD02 and QD03 of the Thanet Local Plan and the guidance of the National Planning Policy Framework.

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

**GROUND;**

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

24 Details pursuant to condition 1, shall include details of the areas reserved for vehicle loading and unloading, vehicular parking spaces and/or garages, electric vehicle charging points, and manoeuvring and turning facilities which shall be provided in accordance with standards to be agreed with the Local Planning Authority. Such facilities as approved shall be constructed and made available for use prior to the occupation of the unit for which they are provided to meet relevant parking and layout standards, and thereafter shall be retained for their approved purpose.

**GROUND;**

In the interests of highway safety and traffic flow, in accordance with the guidance of the National Planning Policy Framework.

25 Details pursuant to condition 1, shall include the provision of adequate secure covered cycle parking facilities, in accordance with standards outlined in Appendix C of the Thanet Local Plan 2020. Such facilities as approved shall be made available for use prior to the occupation of the unit for which they are provided to meet relevant parking and layout standards, and thereafter shall be retained for their approved purpose.

**Ground:**

In the interests of highway safety and to facilitate the use of alternative means of transport, in accordance with Thanet Local Plan Policies TP01 and TP03 and the guidance of the National Planning Policy Framework.



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

**GROUND;**

In the interests of highway safety in accordance with the guidance of the National Planning Policy Framework.

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

**GROUND;**

In the interests of highway safety and to facilitate the use of alternative means of transport, in accordance with Thanet Local Plan Policies QD02, QD03, TP01, TP02 and TP03 and the guidance of the National Planning Policy Framework. .

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

**GROUND;**

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

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

footways and/or footpath, with the exception of wearing course;  
carriageway, with the exception of the wearing course but including a turning facility,  
highway drainage, visibility splays, street lighting, street nameplates and highway structures if any.

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

**GROUND;**

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

30 No development shall take place until completion of the highway alterations shown on drawing number IT1860/TS/02 Rev. K submitted on 24th August 2021 or amended as agreed with the Local Planning Authority, has been carried out and are fully operational.

**GROUND;**

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

31 Prior to the first occupation of the development hereby approved visibility splays shown on the submitted plans shall be provided with no obstructions over 1m above carriageway level within the splays, which shall thereafter be maintained.

**GROUND;**

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

32 Prior to the first occupation of the development hereby approved driver visibility splays at accesses and junctions within the site shall be provided with no obstructions over 1 metre above carriageway level within the splays, in accordance with details to be submitted to and approved by the Local Planning Authority. These splays shall thereafter be maintained.

**GROUND;**

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

33 Prior to the first occupation of the development hereby approved pedestrian visibility splays within the site shall be provided with no obstructions over 0.6 metres above carriageway level within the splays, in accordance with details to be submitted to and approved by the Local Planning Authority. These splays shall thereafter be maintained.

**GROUND;**

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

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

**GROUND;**

In the interests of highway safety and traffic flow, in accordance with Thanet Local Plan Policy SE06.

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

**GROUND;**

In the interest of parking amenity of existing residents and highway safety, in accordance with guidance within the National Planning Policy Framework.

36 Prior to the first occupation of any dwelling hereby approved, the vehicular and pedestrian access to Monkton Street shall be completed in accordance with the approved plan IT1860/TS/02 Rev K and available for use.

**GROUND;**

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

37 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.

38 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.'

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

Councillor Garner proposed, and Councillor Paul Moore seconded that the application be REFUSED for the following reasons:

"The proposal, by virtue of its location, would result in the loss of countryside and harm to the Stour Marshes Landscape Character Area, outside of the identified urban confines in the Thanet local plan, where the need for development has not being demonstrated to outweigh the need to protect the countryside, and the harm resulting from the loss is not sufficiently outweighed by economic, social or environmental benefits, contrary to Policies SP24 and SP26 of the Thanet Local Plan 2020 and paragraph 174 of the National Planning Policy Framework"

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

**6. CD TH 21 1052 - 43 QUEEN BERTHAS AVENUE, BIRCHINGTON**

Following her declaration of interest, Councillor Keen left the meeting for the duration of this item.

PROPOSAL: Application for a Certificate of Lawful Development for the proposed erection of a single storey rear extension.

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

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

That the application be APPROVED subject to the following conditions:

1 The proposal constitutes permitted development as defined by Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.'

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

Meeting concluded: 9.55pm

## Planning Application F/TH/20/0842 –Seagulls, Cliff Promenade BROADSTAIRS Kent

**Planning Committee – 17th November 2021**

Report Author **Gillian Richardson, Senior Planning Officer**

Status **For Decision**

Classification: **Unrestricted**

Previously Considered by **Planning Committee 15th September 2021**

Ward: **Kingsgate**

### **Executive Summary:**

This report concerns the planning application for the residential development for 8 self contained flats following the demolition of the existing dwelling on site. The application was considered by the Planning Committee on 15th September 2021 where Members resolved to defer to Officers to consider the impact on the cliff regarding stability as a result of the proposed excavation, and potential cliff erosion, and report back to a future meeting.

The applicant has considered the concerns raised by Members and they have submitted a plan detailing the construction sequencing and dig required for the basement car parking.

In addition officers have sought advice from the Councils Deputy Technical Services Manager, who acknowledged that whilst there significantly more cliff falls around the Thanet coastline in Winter/Spring 2020/2021 that the cliff erosion rate in North Foreland is currently slow at approximately 100mm per year.

This is considered by officers to be supported by sufficient evidence that the proposal, if approved, would have a significantly long built life without the risk of being lost due to coastal erosion or the excavation resulting in stability problems for the cliff given the build measures proposed. The benefits from the application, including but not limited to the provision of housing, is considered to demonstrably outweigh any harm created by the development in this regard.

The planning application is therefore reported back to Members for approval for resolution to defer and delegate for approval of the planning application subject to receipt of a legal agreement securing the agreed obligation and safeguarding conditions.

### **Recommendation:**

Members confirm that the planning application be deferred to officers for approval subject to securing a legal agreement for the provision of SAMM contribution and safeguarding conditions outlined at Annex 1 and including the addition of the Basement Construction Sequencing Plan at Annex 2 into condition 2.

### **CORPORATE IMPLICATIONS**

## Agenda Item 4

<b>Financial and Value for Money</b>	<p>The Planning Committee is not bound to follow the advice of Officers. However, should Members decide not to accept the advice of Officers it should be mindful of the potential cost implications in doing so.</p> <p>The advice from Government within the National Planning Practice Guidance sets out the circumstances in which costs may be awarded against either party in planning appeals. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.</p> <p>The advice outlined is that if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority. There are no funds allocated for any potential fines meaning cost awards will result in spend that is outside of the budgetary framework.</p>
<b>Legal</b>	<p>The Planning Committee is not bound to follow the advice of Officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.</p> <p>The reasons for any decision must be formally recorded in the minutes and a copy placed on file.</p> <p>If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.</p> <p>The advice from Government within the National Planning Practice Guidance sets out the circumstances in which costs may be awarded against either party in planning appeals. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. An authority is considered to have behaved unreasonably if it does not produce evidence to substantiate each reason for refusal.</p>
<b>Corporate</b>	<p>The delivery of new housing through the Local Plan and planning applications supports the Council's priorities of supporting neighbourhoods ensuring local residents have access to good quality housing, and promoting inward investment through setting planning strategies and policies that support growth of the economy.</p>
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p>

	<p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p> <p>In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.</p>
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## 1.0 Introduction

- 1.1 The report taken to Members on the 15th September 2021 (Annex 1) proposed the residential development of the land that the house known as 'Seagulls' currently occupies at Cliff Promenade in Broadstairs for 8no. Two bedroom dwellings following the demolition of 'Seagulls'. The application was considered by officers to accord with the Thanet Local Plan.
- 1.2 The application was discussed at the meeting and following the failure of the motion to defer the application for approval, the application was deferred to officers to consider the impact of the proposal on cliff erosion and stability, and report back to a future meeting. This report outlines the submission of the applicant and advice from the Council's Deputy Technical Services Manager following this resolution and provides further guidance to Members about the relevant planning matters. This report should be read in conjunction with the previous Committee report at Annex 1.

## 2.0 Applicant's Submission

- 2.1 The applicant has considered the concerns raised by Members and they have submitted a plan detailing the construction sequencing and dig required for the basement car parking. The excavation shown is set away from the cliff face. The applicant's agent has detailed that the ground is partially made ground that was excavated from the swimming pool and garden area of the original house to raise the level in the front garden and parking area. It is further detailed they will bore secant piles for the perimeter of the basement box before excavation to ensure any stability issues and if necessary, undertake a ground penetrating radar survey to ensure there are no solution features or anomalies.

## 3.0 Consultation

- 3.1 In addition, the Deputy Technical Services Manager has provided more specific details relating to cliff erosion in Thanet and in particular in the North Foreland Area as well as cliff stability. He details:
  - Existing buildings exist in high risk flood/erosion sites around the country and should not support redevelopment in the same location.
  - Due to climate change, the sea level is and will rise, exposing the cliff to increasing levels of scour from the sea (Coastal squeeze). To put this into context, the level of the foreshore between the low tide line and the cliff varies little, therefore a 500mm increase in sea level will mean the tide barely leaves the cliff as it goes out. This was not a consideration when the existing buildings were constructed.
  - The changing climate may cause cliff erosion to accelerate, in Winter/Spring 2020-21 we experienced significantly more cliff falls around the Thanet coastline due to heavy rain saturating the chalk making it heavier, followed by a cold spell freezing the water, then the inevitable cliff falls following the thaw.
  - Cliff erosion at North Foreland is currently slow at approximately 100mm per year.
  - At a minimum the cliff face is approximately 18m seaward of the road.

## **4.0 Considerations on further information**

- 4.1 This method of excavation and sequencing shown on the plan can be included within the approved drawings in order that the LPA can control it.
- 4.2 Taking into account this information it is noted that the development is a minimum of 45m from the cliff face; separated by a grassed area and the road. It is also noted that in terms of the specific erosion rates relevant to this site it is relatively slow; 100mm a year. Whilst officers appreciated that cliff erosion is a natural and occurring process that takes place in Thanet and around the country, this level of erosion is considered by officers to be a speed that would not be prohibitive to the redevelopment of the site.
- 4.3 Therefore it is not recommended that the underground car parking is removed from the scheme or any other alteration to the proposal and the officer recommendation still remains as detailed within the Committee report at Annex 1.

## **5.0 Costs risk**

- 5.1 As outlined in the “Protocol for the Guidance of Planning Committee Members and Officers” as part of the Council’s constitution, if the Planning Committee is minded to refuse planning permission against officer advice the Planning Committee is required to give adequate and intelligible reasons on good planning grounds for refusing to grant planning permission and these ground(s) of refusal must be in the minds of members of the Planning Committee at the point of refusal.
- 5.2 In addition, the Council is at risk of having costs awarded against it, if, subsequently on appeal, it is unable to justify each ground of refusal. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. One of the aims of the costs regime, outlined by the National Planning Practice Guidance, is to “encourage local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, not to add to development costs through avoidable delay”.
- 5.3 Following the assessment of the additional information and consultation advice, the submitted information has shown that the development would not affect cliff stability and that cliff erosion is slow in the site area and unlikely to be prohibitive to development. Without any evidence to the contrary, refusal on grounds of impact upon cliff stability or cliff erosion would be untenable at appeal, as Policy CC03 of the adopted Local Plan outlines that proposals for new development within 40 metres of the coastline or cliff top must meet 3 criteria. However it is confirmed that the proposed building is in excess of 40m from the cliff top, with a slow rate of erosion at this location and construction methods proposed to control impact to cliff stability. Therefore taking into account the policy requirements and additional information provided, it is considered the proposal would accord with Local Plan Policy, and any refusal on this ground would be a high risk of being overturned at appeal with costs awarded against the Council.

## **6.0 Options**

- 6.1 Members confirm that the planning application be deferred to officers for approval subject to securing a legal agreement and safeguarding conditions outlined at Annex



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1 and including the addition of the Basement Construction Sequencing Plan at Annex 2 into condition 2

6.2 Members propose an alternative motion.

### 7.0 Recommendations

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

Contact Officer:	<i>Gillian Richardson, Senior Planning Officer</i>
Reporting to:	Annabel Hemmings, Principal Planning Officer

### Annex List

<i>Annex 1</i>	<i>Planning Committee Report</i>
<i>Annex 2</i>	<i>Basement Construction Sequencing plan</i>

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**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;**

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## Annex 1

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;**

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### Annex 1

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;**

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### Annex 1

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.

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## Annex 1

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**

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## Annex 1

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

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### Annex 1

- 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.

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## Annex 1

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.

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**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.

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### Annex 1

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.

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### Annex 1

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.

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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.



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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.

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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

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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.

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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 8 no. 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

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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

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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



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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

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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

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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.

# Agenda Item 4

## Annex 1

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 8 no. 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.

## Agenda Item 4

### Annex 1

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**

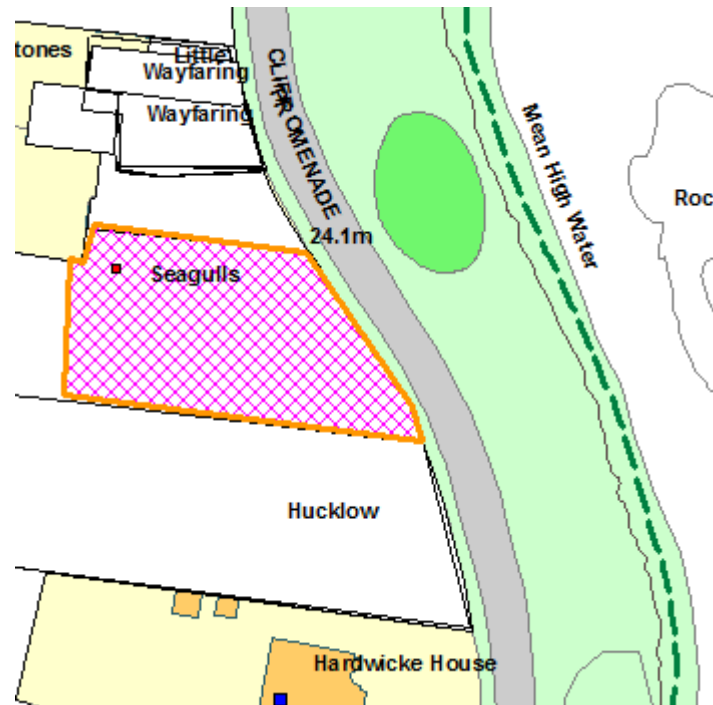
Gill Richardson

# Agenda Item 4

## Annex 1

TITLE: F/TH/20/0842

Project Seagulls Cliff Promenade BROADSTAIRS Kent CT10 3QY



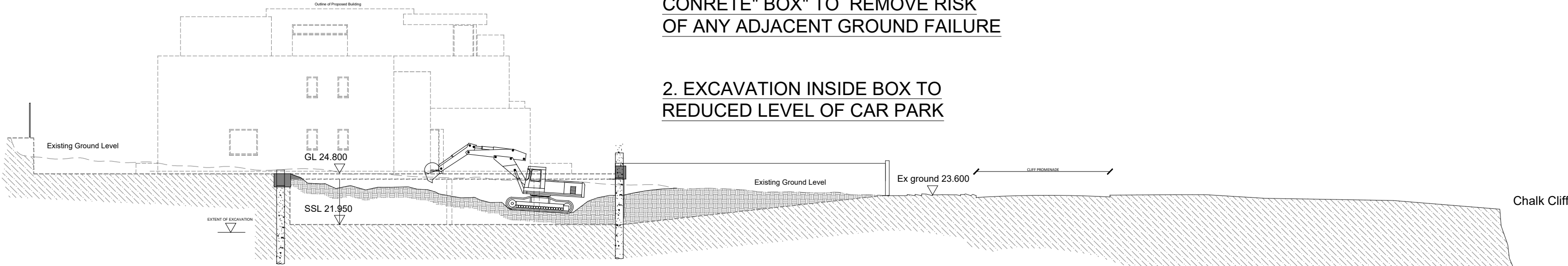
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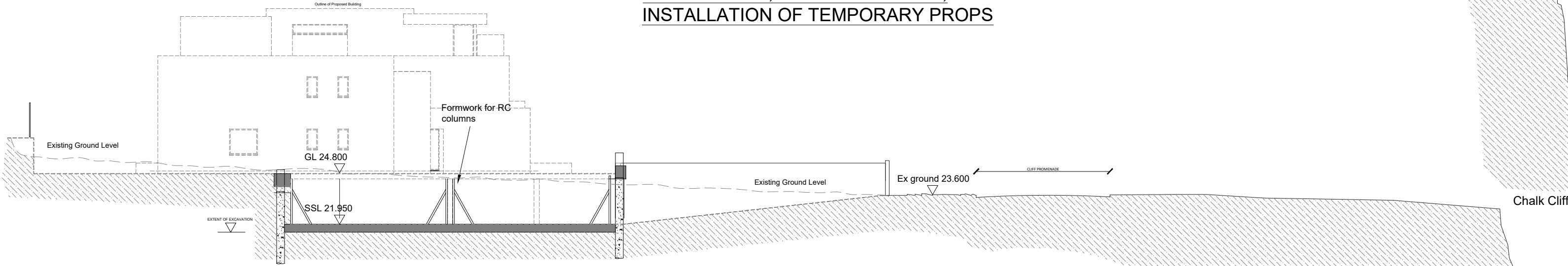


1. INSTALLATION OF BORED SECANT  
PILED WALLS TO FORM  
CONCRETE" BOX" TO REMOVE RISK  
OF ANY ADJACENT GROUND FAILURE

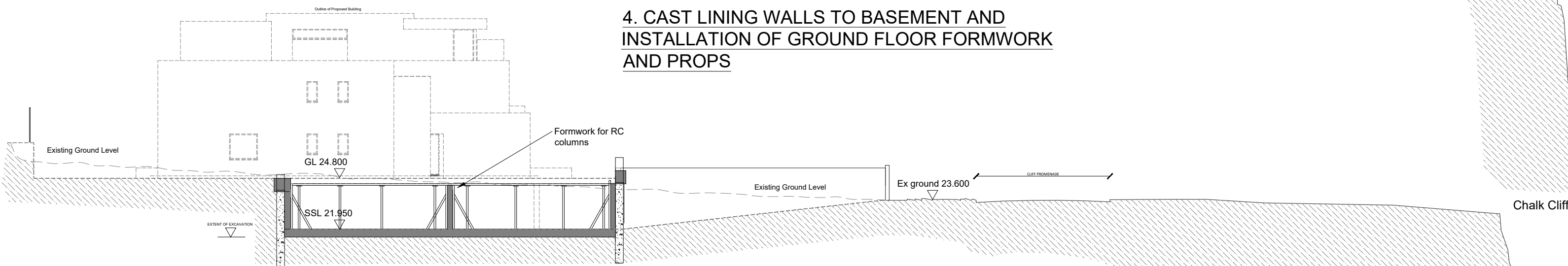
2. EXCAVATION INSIDE BOX TO  
REDUCED LEVEL OF CAR PARK



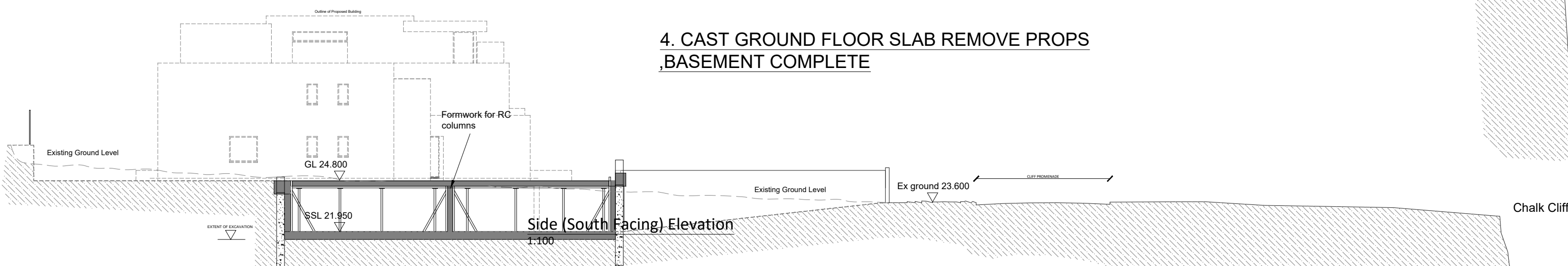
3. CUT DOWN PILES AND INSTALLATION  
OF PILE CAPS,CAST FLOOR SLAB,  
INSTALLATION OF TEMPORARY PROPS



4. CAST LINING WALLS TO BASEMENT AND  
INSTALLATION OF GROUND FLOOR FORMWORK  
AND PROPS



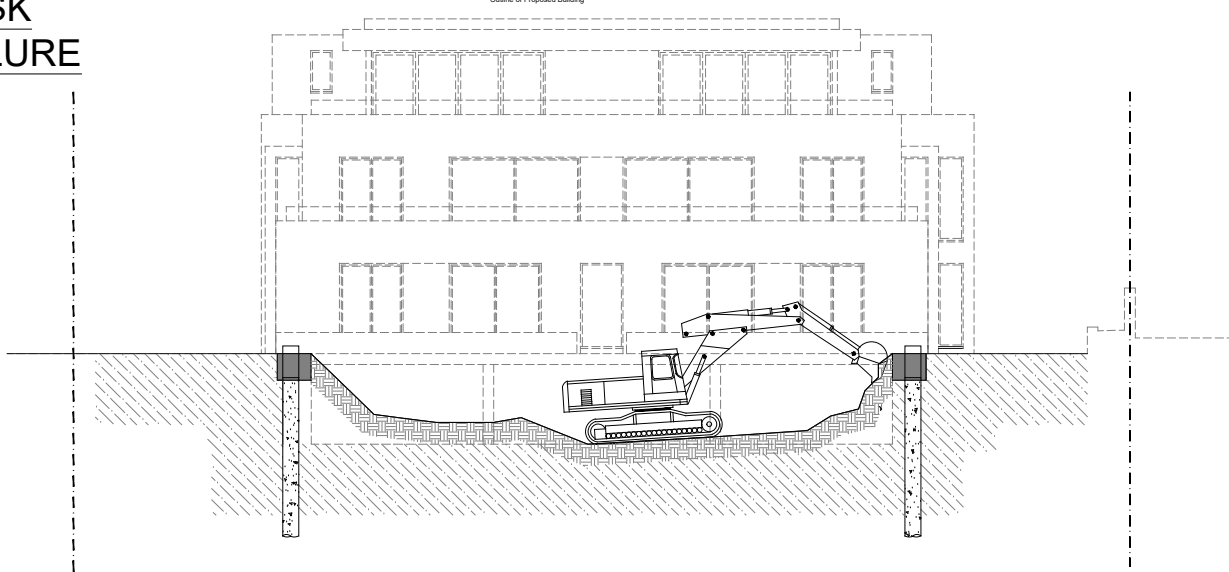
4. CAST GROUND FLOOR SLAB REMOVE PROPS  
BASEMENT COMPLETE



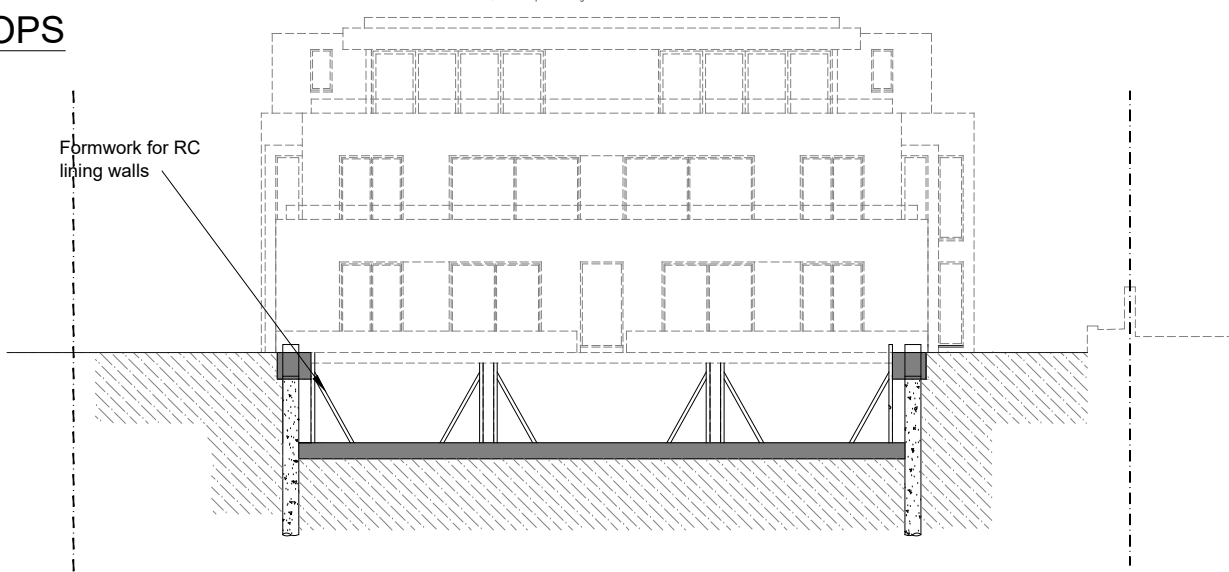
Side (South Facing) Elevation

1. INSTALLATION OF BORED SECANT  
PILED WALLS TO FORM  
CONCRETE" BOX" TO REMOVE RISK  
OF ANY ADJACENT GROUND FAILURE

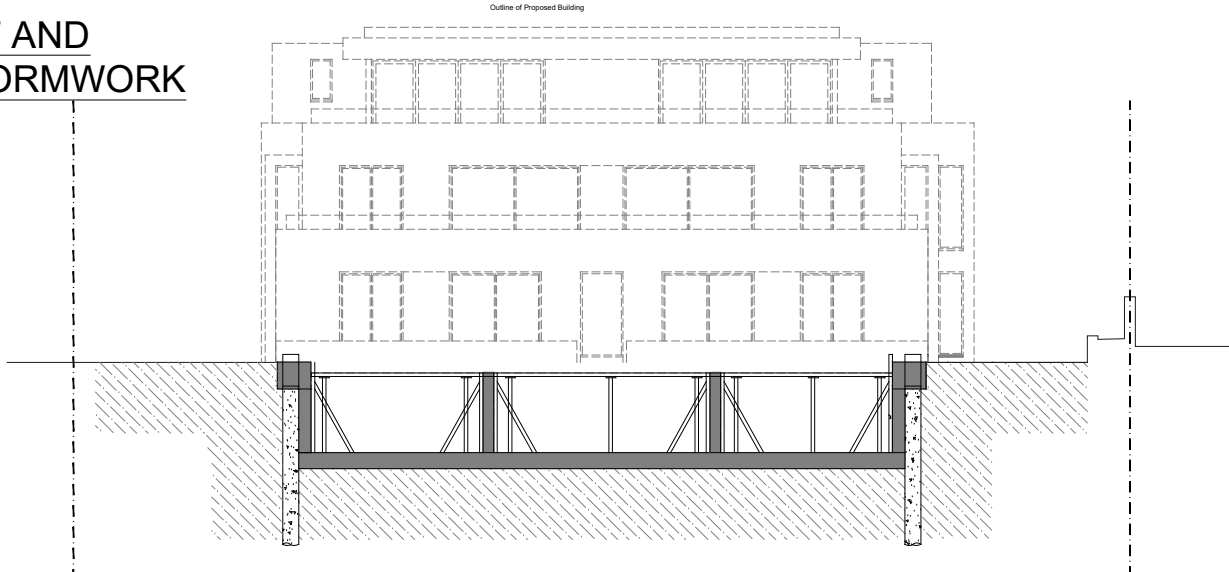
2. EXCAVATION INSIDE BOX TO  
REDUCED LEVEL OF CAR PARK



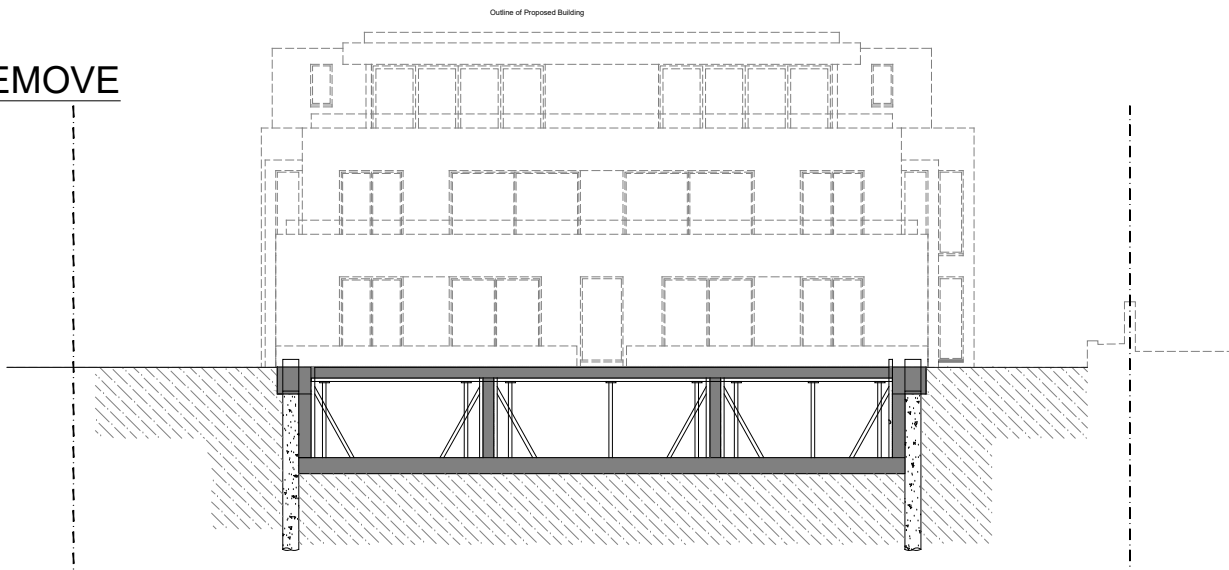
3. CUT DOWN PILES AND INSTALLATION  
OF PILE CAPS,CAST FLOOR SLAB,  
INSTALLATION OF TEMPORARY PROPS



4. CAST LINING WALLS TO BASEMENT AND  
INSTALLATION OF GROUND FLOOR FORMWORK  
AND PROPS



4. CAST GROUND FLOOR SLAB REMOVE PROPS  
BASEMENT COMPLETE



Notes

- Do not scale from this drawing
- Verify all dimensions on site before commencing work or preparing shop drawings
- All errors or discrepancies must be reported to the designer or contract administrator immediately on discovery
- This drawing remains the sole copyright of GPM2 Design Ltd. until such time as an assignable licence is granted
- All materials, workmanship and components must comply with the relevant British Standards, codes of practice and any manufacturers instructions

Contractors should make themselves aware of accredited details and use as appropriate to ensure continuity of insulation and air barrier. Any divergence from accredited details should be noted and continuity of insulation and air barrier maintained.

Positions of Accredited details shown on drgs. marked thus.

Note (not all positions marked similar positions should use Accredited Detail Check with Contract Administrator, designer or surveyor if in doubt)

Rev. Date Details

**GPM2** ARCHITECTURE

ARCHITECTURE & DESIGN • BUILDING SURVEYING • PROJECT MANAGEMENT • PLANNING & DEVELOPMENT

Coach House Mews | Quex Park | Birchington | Kent | CT17 0BH

T: 01843 268010 | E: info@gpm2.co.uk | W: www.gpm2.co.uk

PROJECT:

Seagulls, Cliff Promenade

CLIENT:

Leon Piper

TITLE:

Basement Construction Sequencing

DRAWN:

CC

DATE:

Feb 20

SCALE:

NTS

ISSUED FOR:

PLANNING

CHECKED:

DRAWING NO:

343-100

REV:

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## THANET DISTRICT COUNCIL

### PLANNING COMMITTEE

17th NOVEMBER 2021

#### BACKGROUND PAPERS TO SCHEDULE OF APPLICATIONS

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended)

- (A) Standard Reference Documents - (available for inspection at the Council offices and via [thanet.gov.uk](http://thanet.gov.uk) and [gov.uk](http://gov.uk))

1. Thanet District Council Local Plan and associated documents.
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: 8TH NOVEMBER 2021

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THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF HOUSING AND PLANNING

PART A

TO: THE PLANNING COMMITTEE

DATE: 17 November 2021

Application Number	Address and Details	Recommendation
A01 F/TH/20/1466	<b>Land On The East Side Of 119 King Street RAMSGATE Kent</b>  Erection of a 3 storey rear extensions to provide 4 new dwellings together with the renovation and conversion of existing flats and houses and new access staircases, following the demolition of rear garages and rear ground floor flat.  Ward: Eastcliff	Approve
A02 F/TH/21/1287	<b>3 Viking Close BIRCHINGTON Kent CT7 9NH</b>  Variation of condition 2 and 5 and removal of condition 3 of planning permission F/TH/20/1756 Erection of two storey three bedroom detached dwelling with associated access, parking and landscaping following demolition of existing bungalow to allow alterations to materials, boundary wall and gates.  Ward: Birchington North	Approve
A03 FH/TH/21/1332	<b>17 Northumberland Avenue MARGATE Kent CT9 3BP</b>  Erection of single storey rear extension together with alterations to roof including flat roof rear dormer to facilitate no2 bedrooms and a study in loft	Approve

## Agenda Item 5

### Annex 1

Ward: Cliftonville East

A04 L/TH/21/1351

**West Cliff Terrace Mansions Pegwell  
Road RAMSGATE Kent**

Approve

Application for Listed Building Consent  
for the reinstatement of entrance gate  
piers

Ward: Cliffsend And Pegwell

A05 FH/TH/21/1323

**14 Osborne Terrace MARGATE Kent  
CT9 1TP**

Approve

Erection of a single storey rear  
extension

Ward: Margate Central

**A01**

**F/TH/20/1466**

**PROPOSAL:** Erection of a 3 storey rear extensions to provide 4 new dwellings together with the renovation and conversion of existing flats and houses and new access staircases, following the demolition of rear garages and rear ground floor flat.

**LOCATION:**

Land On The East Side Of 119 King Street RAMSGATE Kent

**WARD:** Eastcliff

**AGENT:** Mr Chris Chambers

**APPLICANT:** Mr Christian Miller

**RECOMMENDATION:** Approve

Subject to the following conditions:

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

**GROUND:**

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 318-003 Rev C (received 04/11/21), 318-004 Rev B (received 15/04/21), 318-005 Rev B (received 15/04/21) and 318-006 Rev A (received 17/03/21).

**GROUND;**

To secure the proper development of the area.

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

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

## **GROUND**

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

4 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 318-003 Rev C received 04/11/21 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.

5 No doors or windows shall open out over the highway.

## **GROUND**

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

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

## **GROUND**

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

7 The rooflights hereby approved shall be 'conservation style' rooflights, set flush with the roof plane.

## **GROUND**

To safeguard the special character and appearance of the area as a Conservation Area in accordance with Policy HE02 of the Thanet Local Plan, and advice as contained within the National Planning Policy Framework.

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

## **GROUND**

To safeguard the special character and appearance of the area as a Conservation Area in accordance with Policy HE02 of the Thanet Local Plan and the advice as contained within the NPPF.

9 Prior to the installation of any external windows and doors, scale joinery details of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be carried out concurrently with the development and fully implemented prior to the first occupation of any part of the approved development.

## **GROUND**



To safeguard the special character and appearance of the area as a Conservation Area in accordance with Policy HE02 of the Thanet Local Plan and the advice as contained within the NPPF.

10 Prior to the installation of the rainwater goods, soffits and fascia details including the material and a sectional profile shall be submitted to and approved in writing by the Local Planning Authority. The rainwater goods shall be installed in accordance with the approved details.

### **GROUND**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with Policy HE02 advice contained within the National Planning Policy Framework.

11 The refuse storage facilities as specified upon the approved drawing numbered 318-003 Rev C (received 04/11/21) shall be provided prior to the first occupation of the units hereby approved and shall be kept available for that use at all times.

### **GROUND**

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

12 The ground floor window to unit 117 King Street window in the rear elevation 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.

13 The proposed dwelling houses 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 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.

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

### **GROUND**

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

### INFORMATIVES

Please 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/>

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

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

### SITE, LOCATION AND DESCRIPTION

The application site relates to a relatively square parcel of land on the corner of Artillery Road, King Street and Alma Place in Ramsgate. At present the site has a mix of single storey garages in situ; to part of the Artillery Road frontage, three and two storey flat roof (with parapet wall) buildings to the King Street frontage and three, two and single storey buildings to the Alma Place frontage. The Kings Street frontage contains shop fronts at ground floor level although the ground floor now comprises small residential flats.

In terms of land levels, this increases to the east to both Artillery Road and Alma Place, but is relatively flat to the Kings Street frontage.

The area surrounding the site has a mixed character in terms of built form with both traditional and more modern designs being evident within the three road frontages. The surrounding buildings are used for both purely residential and some buildings have commercial at ground floor with residential on the upper floors..

The site is within the confines of the Ramsgate Conservation Area. There are no nearby listed buildings in the immediate vicinity of the site.

### RELEVANT PLANNING HISTORY

No relevant planning history.

### PROPOSED DEVELOPMENT

At present the site contains one studio flat, a one-bedroom house, two two-bedroom maisonettes, six one-bedroom flats and three storage buildings. Many of the flats are smaller than the new standards for residential accommodation and have very poor layouts, some of the habitable rooms do not have external light sources, they generally have very poor levels of residential amenity and no open space provision.

The application proposes the retention of most of existing residential units on the site, infilling and extending gaps to the street frontages, demolishing existing development to the rear of buildings fronting King Street to create a central courtyard area and carrying out new build development of three storeys in height to the Alma Place and Artillery Road frontages to reflect the mass and character of existing adjacent development.

In terms of extensions the proposal includes two new stairwells to serve the existing and proposed extended flats- these are located behind units fronting King Street. In addition extensions are proposed to 1 Artillery Road at first and second floor level (creating an additional bedroom to flats 1a and 1b, 119 King Street at first, second floor level, creating additional living space for flats a and b. A small first floor projection to the rear elevation is proposed to 1 Alma Place as well as a second floor addition. To the Alma Place frontage, where there is an existing garage a three storey unit is proposed and similarly to the Artillery Road front where there are existing garages/sheds two further three storey dwellings are proposed.

The proposal will create  
6no 1 bed units  
5no 2 bed units  
3 no 3 bed units

### DEVELOPMENT PLAN POLICIES

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

SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
SP35 - Quality Development  
SP36 - Conservation and Enhancement of Thanet's Historic Environment  
SP43 - Safe and Sustainable Travel  
H01 - Housing Development  
GI04 - Amenity Green Space and Equipped Play Areas  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
HE02 - Development in Conservation Areas  
CC02 - Surface Water Management  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

### NOTIFICATIONS

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

Three representations objecting to the proposal (2 from the same person) have been received. They can be summarised as follows:

- Affect local ecology
- Close to adjoining properties
- Development too high
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Information missing from plans
- Loss of light
- Loss of parking
- Loss of privacy
- Noise nuisance
- Out of keeping with character of area
- Potentially contaminated land
- Residential Amenity
- Strain on existing community facilities
- Traffic or Highways
- Over population
- Loss of property values
- Concern about potential structural damage from the proposal

**Ramsgate Town Council:** No comment

### CONSULTATIONS

**TDC Conservation Officer:** Initially questions were raised in relation to the fenestration arrangement which were addressed by the submission of revised drawings.

Regarding the application and the submission and clarification of further details I do not wish to object to the application. Overall I believe that as it currently exists the site appears a little uncomfortable and demonstrates piecemeal development, whereas this scheme looks to appropriately unify the area ultimately improving its perceived appearance within the conservation environment.

I would however recommend the following details be met with condition-

- Details of new windows and doors throughout scheme
- Sample submitted of proposed brick
- Sample submitted of roof material
- Details of rainwater goods proposed
- Details of any soffits and fascias required

## COMMENTS

This application is referred to the Planning Committee at the request of Cllr Albon for Members to assess the impact of the proposed development on adjoining properties and the character and appearance of the area.

The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area- including its Conservation Area setting, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

### **Principle**

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. In determining whether housing on the site would be acceptable, the need for housing in the district will, therefore, need to be balanced against other issues such as the impact upon the countryside, sustainability of the site, character and appearance of the proposed development and highway safety.

Policy HO1 of the Thanet Local Plan states that residential development on non-allocated sites within the confines of the urban area can be granted where it meets other relevant Local Plan policies. The application site is located within the urban confines of Ramsgate and would therefore accord with Policy HO1.

The site lies within the urban confines, inside the Ramsgate Conservation Area in a sustainable location, and currently comprises a number of buildings which are used for residential purposes or association with the residential use, fronting King Street, Artillery Road and Alma Place. The site therefore comprises previously developed land.

The principle of the development is therefore considered to be acceptable, subject to the consideration of all other material planning considerations.

### **Character and Appearance**

The site is located within the Ramsgate 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 site lies within King Street where buildings are predominantly 3-storey terraced properties of a Victorian design. The site occupies a corner location, with the adjacent property on King Street/Artillery Road being a 3-storey detached property containing flats, with a flat roof set behind the parapet wall. On the corner opposite - King Street/Alma Place is a 2-storey flat roof property and to the rear is are 3-storey pitched roof buildings with rooms in the roof (Artillery Road) and more modern two storey flat roof dwellings in Alma Place.

The proposal is for various extensions to facilitate the reconfiguration of the internal layout of the units to create better internal layouts and provide occupiers with more space together with the creation of three new build dwellings and 1 flat. At present there are:

7no 1 bed units

3no 2 bed units

Total - 10

The proposal will create

6no 1 bed units

5no 2 bed units

3 no 3 bed units

Total 14 - Net gain of 4 units

In order to appear in keeping with the streetscene the building has been broken up to have the appearance of separate buildings. The buildings have variation in the roof heights, roof forms, fenestration and materials depending on the adjacent buildings to which the infill extension or new build is located. The windows are shown to be timber and where there is a pitched roof these are proposed to be slate. The joinery details and precise appearance of the slate can be controlled via condition.

Looking more specifically at the new build dwelling to Alma Place, this has a similar front elevation to that of no. 1 Alma Place; two storey with a pitched roof set behind a parapet. Window detailing has been replicated and it is proposed to render the front facade. It is considered that this design approach gives this street elevation a cohesive appearance to this group of buildings along the Alma Place frontage.

With regard to the new build dwellings front Artillery Road, again the approach has been to take reference from the adjoining building; in this case the corner property which it would be seen in conjunction with. The buildings are stepped in height, reflecting the change in levels of the site, but also adopt similar fenestration styles to the corner building and continue the banding pattern of the bricks. It is considered that following this style of building that is already in situ to the Artillery Road and King Street frontage would integrate it into the wider area. Whilst the proposed dwellings do not replicate no. 3 it is appreciated that this has a similar banding detail within the front facade that is evident in other houses along this side of the road. It is therefore considered that this design approach is acceptable.

At present, where the infill extension is proposed fronting Kings Street, sits an uncomfortable addition that is approximately two storey, but sits between two, three storey elements. The proposal addition would see this form a visual link between the two elements, bringing the height down between the two existing built forms. The fenestration arrangement replicates those of the King Street properties. It is considered by adding this infill extension it will enhance the King street frontage by creating a building that is more in character with the established building heights.

In terms of the rear stairway extension, the one adjacent to the Artillery Road frontage would be visible from public vantage points, however, it continues the existing building and in officers view would not appear out of context when viewed against the surrounding built form. The internal staircase (within the courtyard) extension would not be overly dominant and is considered to be appropriately designed.

In terms of layout, the proposed buildings lead straight onto the highway with limited defensible space, but this is characteristic of historic buildings within the Conservation Area. Access to the units is to the street frontages and rear via the proposed extensions containing the stairwells, which are onto an internal courtyard area. To the rear cycle racks are proposed, along with the refuse storage and a small amenity space with patio areas and landscaped areas for the flat units.

The Conservation Officer has raised no objections to the proposed development detailing that the scheme looks to appropriately unify the area.

In summary officers consider that the proposed development maintains the vertical emphasis that is a key characteristic of buildings within the Conservation Area, and gives a more cohesive appearance to the site than currently exists. It will also utilise materials and design features found in the conservation area and provide a more unified development for the application site which relates well to the the characters of King Street, Alma Place and Artillery Road.

Overall the proposal is considered to preserve and enhance the historic character of the conservation area, whilst providing a design that compliments the streetscene. The proposal is therefore considered to be in accordance with Policies QD02 and HE02 of the Thanet Local Plan.

### **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.

Given the nature of the application site the only shared boundaries with immediately adjoining buildings are to its eastern side (rear). The boundaries to all other sides are separated by existing roads, and would therefore not have any significant impact.

With regard to the relationship of the application site and no 7 Alma Place, it is confirmed that the flank wall of this dwelling does not contain any openings, furthermore the adjoining single storey building adjacent to the boundary is the development brick bin storage area. Given this relationship I do not consider that the new dwelling to Alma Road or any of the extensions/alterations proposed would have a material impact upon the occupiers of no. 7 Alma Place.

In terms of the impact of house 2, which is adjacent to the boundary with no. 3 Artillery Road, which has its amenity space located to its western side. This property has one ground window within its side elevation, facing the site. There is a separation distance of



approximately between 9.5m and 10m between the existing/proposed built form. The proposed dwelling has no windows within its side elevation. Whilst this property will have a change of outlook; there are only single storey buildings located here at present, given the expiration distance, change in levels and orientation I do not consider that the proposal will be harmful in terms of overlooking, loss of light or overshadowing.

In regard to those properties on the opposite side of Artillery Road, which would face the development, given that the proposal would be separated by a road it is not considered that the proposal would result in material harm.

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.

Doorstep playspace is required for all 2-bed units or more under Policy GI04 of the Thanet Local Plan, along with refuse storage, clothes drying and cycle storage space. Each of the proposed dwelling houses has an enclosed doorstep playspace.

With regard to the flat units a rear internal courtyard is formed whilst this is modest in nature, a comparison of the existing is taken; the plans indicate that only two units have an external courtyard area. Taking this into account the proposal creates for the future occupiers of the development an amenity area to the rear, with space for refuse storage, clothes drying and cycle storage, which whilst small is similar to the size of amenity spaces found in other units within the town centre.

In terms of the living conditions of the future occupiers of the proposed dwellings, Policy QD03 requires new development to be of an appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in Policy QD04, which are the National Described Space Standards (March 2015). Paragraph 134 of the National Planning Policy Framework requires development to provide a high standard of amenity for existing and future users, with all windows serving primary habitable rooms required to provide an acceptable level of outlook, natural light and ventilation for the rooms.

In regard to flat 117 King Street, this is a studio flat presently, the main living accommodation being at the front and the kitchen and bathroom at the rear. At present the kitchen does not have a window, the proposal will see one installed, which is considered to be of benefit to the occupier. The agent has annotated on the plans that this will be fitted with obscure glazing to maintain privacy and to avoid people using the communal courtyard looking directly in.

Where other ground floor windows face into the communal courtyard privacy is given with the provision of small landscaped beds.

In all other regards the accommodation provided as a result of the scheme, is considered to be an improvement to the existing accommodation.

The impact upon the living conditions of both existing and future occupiers is therefore considered to be acceptable and in accordance with Policy QD03 of the Thanet local Plan, and the NPPF.

### **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.

Policy SP37 of the Local Plan states that new development must take account of the need to respond to climate change: 1) by minimising vulnerability and providing resilience to the impacts of climate change through the use of up to date technologies, efficient design and appropriate siting and positioning of buildings; 2) mitigating against climate change by reducing emissions and energy demands through the use of up to date technologies; 3) realise and make best use of available opportunities to reduce the impact of climate change on biodiversity and the natural environment by providing space for habitats and species to move through the landscape and for the operation of natural processes, particularly at the coast. Policy SP43 of the Local Plan states that the Council will work with developers, transport service providers, and the local community to manage travel demand, by promoting and facilitating walking, cycling and use of public transport as safe and convenient means of transport. Development applications will be expected to take account of the need to promote safe and sustainable travel. New developments must provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Whilst policy SP44 states development generating a significant number of trips will be expected to be located where a range of services are or will be conveniently accessible on foot, by cycle or public Transport.

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 off-street parking spaces are achievable given the limited size of the site. Being in the Conservation Area location, the provision of parking is not considered to be essential where it would impact upon the character of the conservation area. In this case the site is on the edge of the town centre and on a bus route, and is, therefore, sustainably located.

Cycle parking is located to the rear of the site, providing space for cycle parking for all units.

Overall the impact upon highway safety is considered to be acceptable and in accordance with the NPPF.

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

### **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 Unilateral Undertaking which provides the required financial contribution for the residential units - £1474 to mitigate the additional recreational pressure on the SPA area.

### **Conclusion**

The application site lies within Ramsgate and so the principle of developing this site for residential accommodation is acceptable.

The key issues for consideration by members of the Committee are the impact of the proposed development on the form and character of the area; the Conservation Area; and the impact of the proposal upon the amenities of the adjoining neighbours. It is your officer's opinion that the scheme is acceptable, creating adequately sized residential units on this site and on a prominent site. The proposal continues the established development to either side of the site. As such, it is considered that the proposed development will cause no harm to the form and character of the area. The buildings/extensions have been designed to reflect the local vernacular by using appropriate materials, design and proportions. It is your officer's opinion that the scale of the proposed building will result in no material harm to the amenities of any neighbouring residents.

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

**Case Officer**

Gill Richardson

TITLE: F/TH/20/1466

Project Land On The East Side Of 119 King Street RAMSGATE Kent



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**A02**

**F/TH/21/1287**

**PROPOSAL:** Variation of condition 2 and 5 and removal of condition 3 of planning permission F/TH/20/1756 Erection of two storey three bedroom detached dwelling with associated access, parking and landscaping following demolition of existing bungalow to allow alterations to materials, boundary wall and gates.

**LOCATION:**

3 Viking Close BIRCHINGTON Kent CT7 9NH

**WARD:** Birchington North

**AGENT:** Mr Nic Smith

**APPLICANT:** Mr Manyweathers

**RECOMMENDATION:** Approve

Subject to the following conditions:

1 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 006 Rev A, 007 Rev A, 008 Rev A, 009 Rev A, 010 Rev A, and 012 Rev A received 22 September 2021.

**GROUND;**

To secure the proper development of the area.

2 The development hereby permitted shall be constructed using Lithium 45 Grey bricks and white, grey and sand coloured, render, in accordance with the details received 22 September 2021.

**GROUND**

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

3 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

4 The first floor window in the northern side elevation of the dwelling hereby approved serving the ensuite for bedroom 2 shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and bottom hung; and shall be installed prior to the 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 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.

6 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

Information on how to appeal this planning decision is available online at <https://www.gov.uk/appeal-planning-decision>

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



The application site is located at the southern end of Viking Close and fronts a large open grassed area to the west. The existing property is a single storey detached bungalow set at an angle to the road with a hipped roof which is set below the level of the adjacent open grassed area. To the north of the application site are two similar detached bungalows and to the south the open grassed area extends along the side boundary to Minnis Road. A large two storey detached dwelling is located further to the south and to the rear of the site are 3 flat roof detached dwellings fronting Minnis Road.

### RELEVANT PLANNING HISTORY

F/TH/20/1756 - Erection of two storey three bedroom detached dwelling with associated access, parking and landscaping following demolition of existing bungalow. Granted 15 April 2021.

### PROPOSED DEVELOPMENT

This is a part retrospective application for the variation of condition 2 and 5 and removal of condition 3 for the approved planning permission for F/TH/20/1756 for the erection of two storey three bedroom detached dwelling with associated access, parking and landscaping following demolition of existing bungalow to allow alterations to materials, boundary wall and gates.

This application requests a change in the approved materials from buff multi stock bricks to Lithium 45 bricks. The development has commenced using this proposed brick.

The height of the boundary wall is altered to 2.45m high along the north western side boundary and rear boundary and would be 2.2m along the south eastern side boundary.

The previous application requested details of the proposed cycle storage under condition 3. Space has been indicated on the proposed plan within the double garage for the cycle storage.

### DEVELOPMENT PLAN POLICIES

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

SP01 - Spatial Strategy - Housing  
SP13 - Housing Provision  
SP14 - General Housing Policy  
SP22 - Size and Type of Dwellings  
SP27 - Green Infrastructure  
SP29 - Strategic Access Management and Monitoring Plan  
SP30 - Biodiversity and Geodiversity Assets  
SP35 - Quality Development  
SP37 - Climate Change  
SP44 - Accessible Locations  
CC01 - Fluvial and Tidal Flooding

HO1 - Housing Development  
GI06 - Landscaping and Green Infrastructure  
SE05 - Air Quality  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable Accommodation  
TP03 - Cycling  
TP06 - Car Parking

## NOTIFICATIONS

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

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

- Conflict with local plan
- Development too high
- General dislike of proposal
- Loss of light
- Out of keeping with character of area
- Height of the boundary wall
- Appearance of the dwelling
- Brick colour
- Development is on Council property
- Development is on protected open space
- Overwhelming development
- Loss of light
- More open space needed on development
- Over development
- Addition of a summerhouse
- Development has proceeded without permission
- Precedent for future development

Nineteen letters of support have been received raising the following points:

- This development is an improvement upon the previous house
- Works have been completed to improve the road
- Quality of the development is high
- Modern style is in keeping with the area
- Height of the wall is not excessive
- Improved privacy and security to neighbouring properties
- There is a mix of styles in the area
- Adds to the diversity of the area

- Improved environmental benefits through darker brickwork

**Birchington Parish Council** - "The parish planning committee considered this application at its meeting on Thursday 30 September 2021 and decided unanimously to object to the proposals and requested that the following grounds be notified by letter:

1.It is usual for applications to construct boundary walls or fences above 1.8m to be accompanied by a detailed explanation of the justification; it is unacceptable for such proposals to be put forward retrospectively as an administrative adjustment to the approved drawings. This proposal to raise the permitted boundary wall heights from 1.8m to 2.45m is excessive, unjustified and out of character for the area.

2.The original application proposed the use of 'multi stock buff bricks' in construction, this was allowed in the planning permission conditions on the grounds of consistency with local character and compliance with Local Plan policy.

It seems a late notification of the Applicant's intention to use grey/black (Lithium 45) bricks was rejected by officers yet the

Applicant has proceeded with construction using these bricks which are totally out of character of the area, contrary to Local Plan policy and contrary to the planning condition.

Such action shows a blatant disregard for the planning process and for TDC as the planning authority, it should be dealt with firmly by rejecting this proposed amendment to the authorised drawings.

3.Part of the new building is constructed on land formerly owned by Birchington Parish Council and now belonging to TDC.

This land forms part of the protected Open Space at Minnis Bay, designated in the Local Plan. The Council is most concerned that TDC protects local assets and that designated Open Space is managed strictly according to Local Plan policy.

The Council is not aware of any application to occupy or build on protected Open Space at Minnis Bay and is of the opinion that even if permission had been granted in this case the building would not meet the necessary Local Plan criteria.

The Council regards these as serious and significant concerns and requests that they be reported in detail to the TDC planning committee when it convenes to discuss this application."

### CONSULTATIONS

**Southern Water** - Southern Water has no objections to the variation of conditions 02, 03 and 05 submitted by the applicant. The comments in our response dated on 25/01/2021 on the previous application remain unchanged and valid.

**KCC Highways** - This development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

## COMMENTS

This application has been brought before members by Cllr Coleman-Cooke to consider the impact of the development upon the character and appearance of the area.

Section 73 of the 1990 Town and Country Planning Act provides that applications may be made for planning permission without complying with conditions applied to a previous permission. Planning authorities may decide whether to grant permission, subject to differing conditions, remove the conditions altogether or refuse to alter conditions. Thus it is possible to apply for conditions to be struck out, or for their modification (as in this case) or relaxation.

Section 73 makes it clear that in considering an application to remove/modify/relax a condition or conditions a local planning authority may only consider the question of the condition/s. However, just like the determination of any other application due regard must be paid to the development plan and other material considerations. The national planning practice guidance outlines that any permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission would sit alongside the original permission, which remains intact and unamended. It would be open to the applicant to decide whether to implement the new permission or the one originally granted.

### **Principle**

The previously approved application for residential development (Reference F/TH/20/1756) has been implemented, therefore the principle of residential development on the site is considered acceptable.

### **Character and Appearance**

Paragraph 127 of the National Planning Policy Framework states that development should be sympathetic to local character and the surrounding built environment and establish and maintain a strong sense of place. Policy QD02 of the Thanet Local Plan provides general design principles for new development and 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.

The Lithium grey bricks do represent a visual change from the approved buff brickwork and whilst there are no properties within the immediate area constructed from a similar brick, the neighbouring and surrounding properties have a variety of designs and materials, including different coloured render, different tones and colours of brick and types of cladding, typical of a seafront location. It is therefore considered that this alternative brick, when combined with the render and large areas of glazing proposed to the first floor would not result in significant harm to the character and appearance of the area.

The boundary wall on the north western side of the property between nos 2 and 3 Viking Close has been increased in this application from the previously approved height of 2m to 2.45m. Number 2 has a flat roof garage on the boundary with number 3 and the boundary

wall does not project significantly above this garage. The rear boundary wall would also be increased from the approved height of 2.3m to 2.45m. There is no change to the height or location of the wall along the south eastern side boundary which measures 2.2m high. Due to the rear location and the levels of the site the increased height of the rear and side boundary walls is not considered to be highly prominent from the public realm. It is therefore considered that the alterations to the height of the boundary walls do not result in significant harm to the character and appearance of the area, given their limited prominence from public vantage points and the fact that they would be read in conjunction with other development/built form.

The gates around the property would be altered from timber to aluminium and altered in height to be similar to the boundary walls. Given the scale of the gates and the variety of materials in the surrounding street scene the proposed gates are not considered to have a significant impact upon the character and appearance of the area.

The location of the cycle storage within the garage and would not, therefore, be publically visible and would not therefore cause to the character and appearance of the area.

Overall whilst the proposal would represent a visual change to the area, given the variety of dwellings visible in the street scene and the scale and design of the neighbouring properties directly to the rear and south east of the application site, it is not considered that amendments proposed in this application would be harmful to the character and appearance of the area.

It is therefore considered that the variation of conditions 2 and 5 and the removal of condition 3 comply with policies QD02 and SP35 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

The boundary wall on the north western side of the property between nos. 2 and 3 Viking Close has been increased from the approved height of 2m to 2.45m. At the rear of the site the height of the boundary wall would be increased from 2.3m to 2.45m. No changes are proposed to the height of the south eastern side boundary wall. Number 2 Viking Close has an attached flat roof garage on the boundary with number 3 and the boundary wall would extend 0.3m above this garage. At the rear of the site there is a separation distance of 14m from the rear boundary to the rear elevation of 167 Minnis Road.

Given the arrangement of the neighbouring properties and the increase in height of the boundary wall above the approved wall it is not considered to result in any significant loss of light, sense of enclosure or overlooking to the neighbouring dwellings.

The alteration to the brickwork, gates and the location of the cycle storage is not considered to result in any harm to the living conditions of the neighbouring property occupiers.

It is therefore considered that the amendments now proposed would not result in any significant harm to the living amenity of the neighbouring property occupiers, in line with

policy QD03 of the Thanet Local Plan and paragraph 130 of the National Planning Policy Framework.

### **Transportation**

No changes to the approved parking arrangements are proposed as part of this application and the development is located away from the boundary with the highway. Cycle storage for the dwelling would be located within the garage, in compliance with Policy TP03. This application is therefore not considered to result in any significant harm to highway safety or increase in demand for on street parking.

### **Flood Risk**

The proposed variation and removal of conditions do not significantly alter the layout of the property and are therefore not considered to result in any significant increase in flood risk compared to the approved development.

### **Financial 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 would mean that any permission for residential development accords with the Habitat Regulations.

The previous permission, which has been implemented, increased the number of bedrooms on the site from two to three, this was not considered to be a material increase to result in a cumulative impact on the designated sites. Therefore, given the existing dwelling on the site, a contribution to mitigate against increased recreational pressure upon the special protection area was not requested in that instance. This current application does not alter/increase the number of bedrooms proposed and, as such, a contribution towards the SPA is again not considered to be required.

### **Other Matters**

Concern has been raised regarding encroachment of the development onto Council owned land and protected open space. These concerns relate to the south eastern side of the property which is adjacent to an area of land that extends between 3 Viking Close and 8 Dane Road to Minnis Road. The site plan submitted with the original application

(F/TH/20/1756) shows the side boundary for the dwelling that was previously located on this site and the proposed side boundary for the new dwelling to be in the same location and extending beyond the side boundary for 167 Minnis Road. Google satellite images showing the bungalow previously located on the site to have the same boundary as is shown on the submitted plans. This area of land is not within the Council's ownership and the boundary of the site does not extend into the area defined as protected open space by policy SP32. The side boundary appears to be constructed along the boundary shown on the site plan and is not considered to result in any material harm to the contribution the protected open space makes to the visual or recreational amenity of the area.

Whilst it is regrettable that works have been completed without planning permission, retrospective applications are considered in the same manner as applications for proposed works.

The initial plan included the erection of a summerhouse in the rear garden, however as the summerhouse was not part of the original consent it is not possible to add this as part of a section 73 application. The summerhouse is therefore not a material consideration in the determination of this application.

Concern has been raised regarding this proposal setting a precedent for future developments. Each application is considered on its own merits and would be considered against the relevant policies and guidance.

### **Conclusion**

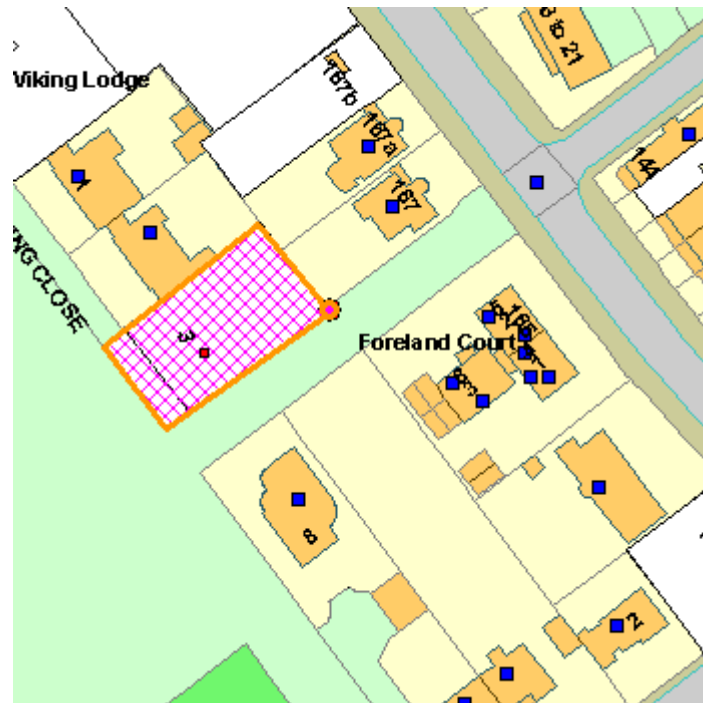
Overall given the location of the proposed changes and the variety of properties visible in the surrounding area this application is not considered to result in any significant harm to the character and appearance of the area or the amenity of the neighbouring property occupiers. It is therefore recommended that members approve this application as it is considered in accordance with the Thanet Local Plan and all relevant supporting guidance.

### **Case Officer**

Duncan Fitt

TITLE: F/TH/21/1287

Project 3 Viking Close BIRCHINGTON Kent CT7 9NH





**A03**

**FH/TH/21/1332**

**PROPOSAL:** Erection of single storey rear extension together with alterations to roof including flat roof rear dormer to facilitate no2 bedrooms and a study in loft

**LOCATION:** 17 Northumberland Avenue MARGATE Kent CT9 3BP

**WARD:** Cliftonville East

**AGENT:** Mr Mark Staples

**APPLICANT:** Mr I White

**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 775C/P/101, 775C/P/102, 775C/P/103 and 775C/P/104.

**GROUND**

To secure the proper development of the area.

3 Prior to the commencement of development hereby approved, the colour of the cedar cladding hereby approved, 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

**INFORMATIVES**

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

## SITE, LOCATION AND DESCRIPTION

The application site lies within the urban confines, in a residential area.

The site is located on the eastern side of Northumberland Avenue, Margate. The site comprises a detached single storey dwelling which benefits from an attached garage, off street parking to the front of the property and private amenity space to the rear.

The area is characterised by both single and two storey dwellings fronting Northumberland Avenue. Dwellings have their own individual design within this section of the Avenue; there is no overriding character.

## RELEVANT PLANNING HISTORY

No relevant planning history.

## PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a single storey rear alterations to the roof including a flat roof rear dormer. The existing rooms within the property would be re-configured, however, this would not require planning permission.

The proposed single storey rear extension would provide additional space to the lounge and kitchen area as well as creating a utility room and larger bedroom with en-suite. The extension would increase the depth of the lounge by approximately 2.9m and extend off the rear of the garage by approximately 7.6m (the proposal would require the removal of an existing side porch and rear conservatory addition). These extensions would have a flat roof, with parapet.

The proposal also creates additional living accommodation within the roof. To facilitate this alterations to the roof are proposed, this includes raising the height of part of the roof by approximately 0.5m.

A flat roof rear dormer extension is proposed to create an additional bedroom (4) and en-suite. The rear dormer sits below the ridge and eaves height. In addition a gable extension is also proposed to create a further bedroom (5). Both bedrooms 4 and 5 would have a Juliette balcony serving them.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2020**

SP35 - Quality Development  
QD02 - General Design Principles  
QD03 - Living Conditions  
TP06 - Car Parking

## NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice posted close to the site.

Three representations were received. The concerns can be summarised as follows:

- Application description is inaccurate and a re-consultation carried out
- Extension increases the bulk of the dwelling
- Significant loss of sun and daylight to no. 15 Northumberland Avenue
- No. 19 Northumberland Avenue side facing bedroom window will result in a loss of sunlight, daylight and outlook through the proposed extensions
- Rear dormer windows will look directly into the garden of no. 19 Northumberland Avenue and garden of no. 11 Lonsdale Avenue
- Addition of a side gable would be out of character with the street scene
- Loss of sense of space between nos. 19 and 17 Northumberland Avenue
- Loss of outlook to existing ground floor patio
- Proximity of extensions to boundary with no. 11 Lonsdale Avenue

## CONSULTATIONS

No consultations carried out.

## COMMENTS

This application is referred to the Planning Committee at the request of Cllr Horace Shrubbs, due to concerns that the development will impact upon neighbour amenity; privacy and light.

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 site is located within the urban confines and therefore the principle of householder development is considered acceptable, subject to the assessment of material considerations.

### **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.

Northumberland Avenue comprises predominantly detached bungalows and two storey dwellings. The Avenue within which the application site sits is not characterised by uniform scale, design or material.

The proposed increase in height of part of the roof would be visible from public vantage points. Whilst the roof shape is altering from hip to incorporating a gable to one side, it is not considered that this detracts from the amenities of the area given the variety of house designs within the area. Whilst it is accepted that most dwellings have hipped roofs there are some variations; the flat roof dormer at no. 15 and a catslide roof opposite the site. The proposed extensions would result in a chalet bungalow which is in keeping with the scale of development within the surrounding area. The proposed ridge height would not be significantly higher than the existing property, and would not look out of character given that a two storey dwelling is located directly to the south (no. 19 Northumberland Avenue). In addition the use of a gable would not appear discordant in officer's view, given its set back position to the road and the existing dwelling/built form which it would be seen against.

The proposed dormer within the rear elevation is set down from the ridge, set in from both side elevations and set up from the eaves, reducing its prominence when viewed from the public realm - between 19 Northumberland Avenue and Lonsdale Avenue.

In addition the rear gable extension will not be unduly prominent when viewed from this position either given the intervening distance and that it would be seen against other two storey buildings.

Given the size of the plot, the increased footprint arising from the rear extensions would not result in an over development of the site and would still retain sufficient amenity space for the occupiers therein.

In terms of terracing between the site and no. 19, I note that the side gable would be just set in from the boundary, however, I do not consider that it would reduce the space between built forms to such a degree that visual harm would be created. This is because the dwelling at no. 19 is set in from the shared boundary; its single storey garage which is adjacent to the shared boundary is set back from the front of the house and therefore a sense of space would still be maintained, thus avoiding harm.

In terms of materials proposed it is confirmed that the roof tiles would match that of the existing, the existing house would also have cedar cladding to the exterior, above the brick plinth, the colour of which are not detailed at this stage, but could be controlled via condition.

It is appreciated that most dwellings are constructed in red brick, rendered or mock tudor within the immediate vicinity. However I do not consider that the cedar cladding would harm the existing character of the streetscene and surrounding area, given the variety of materials in the avenue and the surrounding area.

In summary it is considered that, whilst the proposed development would create a chalet bungalow, it would not be overly prominent or incongruous in this location given the set back from the street frontage and the nature of surrounding development.

It is therefore considered that the proposed development would not result in material harm to the streetscene or wider character and appearance of the area and therefore accords with Policies SP35 and QD02 of the Thanet 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 of the NPPF states that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy QD02 of the Thanet Local Plan outlines that new development must be compatible with neighbouring buildings and spaces and 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. Thanet Local Plan Policy QD03 states that new development must not lead to unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.

With regard to the impact upon the occupiers of no. 15 Northumberland Avenue; this property is to the north of the application site. Adjacent to the boundary of the site is a single garage which has a flat roof. Within the main roof on the side elevation is a flat roof dormer, which has two window openings within. This property does not have any planning history concerning this extension - this could have been carried out under permitted development.

The ground floor extension to the rear of the existing garage to create an en-suite and bedroom would not have any ground floor windows within the side elevation. The rooms within the roof are either roof lights or rear facing windows. The roof extension is set in from the boundary. Given this design and roof configuration I do not envisage that this proposal would result in harm to the occupiers of no. 15 by way of overlooking, loss of light. Whilst their outlook may change from the side window it is not considered that it would be harmful. In terms of the potential of overlooking from the rear facing windows overlooking the garden of no. 15 these windows would have oblique angled views of the end of the garden of no. 15, which is not considered to be significantly harmful. In terms of the loss of light to the bedroom window it is not considered to be detrimental given the setting in of the roof accommodation.

In terms of no. 19 Northumberland Avenue; located to the south of the application site, this property has a single garage set back from the dwelling, although attached- thus creating a separation between built forms - there is approximately 4m between the main house and the boundary. It is noted that this property has a number of side windows and a rear patio at first floor level. The proposal will create a gable to face this property- however this will be approximately adjacent to no. 19's garage. As no. 19 is to the south of the application site; it would also not result in any overshadowing. Given the position of the gable and no side facing windows proposed at first floor level the relationship is considered to be acceptable. It is not considered that the proposal will result in harm to the first floor rear patio given the separation distance, although it is noted that the outlook would change. With regard to the windows in the rear elevation it is not considered that they would result in harmful overlooking to their garden given the garage, position of windows and oblique angles involved.

No. 11 Lonsdale Avenue is located east of the application site; the proposed extensions would face onto its rear garden. From the rear of the extension to the shared boundary there is a distance of approximately 11m. The application property has existing windows within the rear elevation and the ; the reconfiguration of these would not result in any issues of overlooking. However the property does not currently contain first floor windows or Juliet balconies. The first floor windows proposed would serve an ensuite and two bedrooms (these would both have the Juliet balconies).I consider there to be no material harm from the en-suite window. In terms of the two bedroom openings it is accepted that some degree of overlooking will result over and above that of the existing situation. It is also however recognised that this property could install a rear dormer extension if the height of the roof is not altered under permitted development. Given this fall-back position the distance of separation, the orientation of the properties concerned and that the balconies as proposed do not allow the occupier to 'step out' it is considered that the relationship is acceptable.

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**

The scheme proposes the creation of two additional bedrooms; the property would increase from three bedrooms to five as part of this scheme. An area of hardstanding would be available to the front of the existing garage providing off street car parking for at least 2no. vehicles. Having regards to the scale of the development proposed, which would result in a dwelling comprising five bedrooms, it is not considered that there would be a material increase in movements to and from the site that would result in harm and the parking provision proposed is appropriate.

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

### **Other Matters**

It was recognised that the description following initial validation did not detail the alterations to the roof, this was rectified and a further neighbour consultation was carried out.

### **Conclusion**

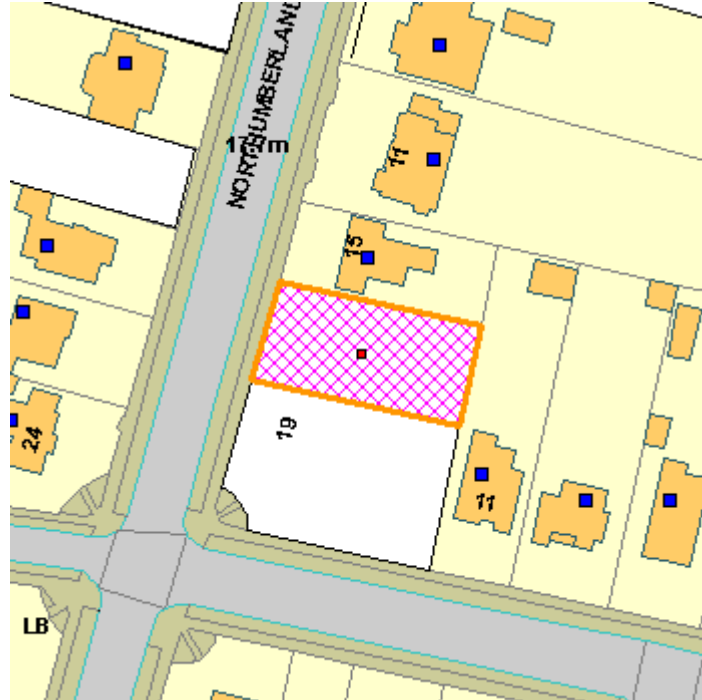
For the reasons outlined above, it is considered that the principle of the proposed development is acceptable, with no material harm would be caused to the character or appearance of the area, or the local highway network. Whilst the proposal would create a level of overlooking and a loss of privacy for neighbouring occupiers to the rear of the application site, this impact would arise from works allowed under permitted development which is considered a realistic fallback position, and as such, it is not considered sufficient to warrant refusal on this ground. The proposal therefore accords with Policies SP35, QD02, QD03 and TP06 of the Thanet Local Plan, and the National Planning Policy Framework. It is therefore recommended that Members approve the application.

### **Case Officer**

Gill Richardson

TITLE: FH/TH/21/1332

Project 17 Northumberland Avenue MARGATE Kent CT9 3BP





**A04**

**L/TH/21/1351**

**PROPOSAL:** Application for Listed Building Consent for the reinstatement of entrance gate piers

**LOCATION:** West Cliff Terrace Mansions Pegwell Road RAMSGATE Kent

**WARD:** Cliffsend And Pegwell

**AGENT:** No agent

**APPLICANT:** Thanet District Council

**RECOMMENDATION:** Approve

Subject to the following conditions:

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

**GROUND;**

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

2 The proposed entrance gate piers hereby approved shall be located in the same position and be of the same design, scale, form and detailing as the former/existing entrance gate piers as annotated on the submitted plan numbered CR/21-22/108/02 received 25 August 2021.

**GROUND;**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with advice contained within the National Planning Policy Framework.

3 The proposed entrance gate piers hereby approved shall be constructed of brick with a Roman cement render finish, as annotated on the submitted plan numbered CR/21-22/108/02 received 25 August 2021, and confirmed in the email correspondence received from the applicant dated 29 October 2021.

**GROUND;**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with advice contained within the National Planning Policy Framework.

4 The existing original entrance post lanterns will be installed upon the proposed entrance gate piers hereby approved as annotated on the submitted plan numbered CR/21-

22/108/02 received 25 August 2021, and confirmed in the email correspondence received from the applicant dated 29 October 2021.

### **GROUND;**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with advice contained within the National Planning Policy Framework.

### **INFORMATIVES**

For the avoidance of doubt, the Council has determined the application on the submitted plan numbered CR/21-22/108/02 received 25 August 2021.

### **SITE, LOCATION AND DESCRIPTION**

Westcliff Terrace Mansions is a substantial Grade II Listed four storey terrace, built in c.1840, set within a prominent location overlooking the landscaped amenity spaces and the sea beyond, within the Pegwell Conservation Area. The terrace is set upon and fronts its own separate crescented access road, accessed via Pegwell Road. This access road and terrace are bounded by a low wall with entrance piers formerly sited each side of the eastern entrance and soft landscaping beyond which separates it from Pegwell Road.

This application relates to the 2No. former entrance piers to the east of the access road. The existing eastern entrance pier has collapsed from its upright position, and the western entrance pier is no longer in situ at the application site. Google imagery shows that the both original entrance piers were still in situ in 2014.

### **RELEVANT PLANNING HISTORY**

None.

### **PROPOSED DEVELOPMENT**

This application follows the collapse of the eastern entrance pier and removal of the western entrance pier and proposes to erect 2No. entrance gate piers in the original position of the former piers on either side of the access, to reinstate the entrance piers. The proposal will replicate the design, scale, form and detailing of the former entrance piers. The piers will be constructed of brick with a rendered finish, with the existing gate post lantern reinstated to the top of the piers.

### **DEVELOPMENT PLAN POLICIES**

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

HE03 - Heritage Assets

## NOTIFICATIONS

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

**Ramsgate Design and Heritage Forum** - Material should be Roman cement/lime as original; materials should be specified prior to approval.

## CONSULTATIONS

**TDC Conservation Officer** - Following a review of the above application I would like to state that I have no objections and believe it to be important that these features are reinstated to the listed complex. The pier should be installed to match that previously removed in both design and materiality.

## COMMENTS

This application has been taken to Planning Committee as Thanet District Council are the applicant.

The main consideration with regard to this application is the consideration of the impact of the proposed development on the Designated Heritage Asset.

As the property is a Listed Building the Local Planning Authority must have regard to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when 'considering whether to grant listed building consent for any works the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

The front boundary of Westcliff Terrace Mansions formerly contained 2No. Entrance piers to the eastern entrance of the access road, of a height of approximately 2.7m. These piers had a staggered formation, with a stucco rendered design and finish, with lanterns to the top of the piers. The eastern pier has collapsed and is still present on the application site, and the western pier is no longer in situ on the application site. The current arrangement appears quite unkempt and disorderly.

The proposed erection of entrance piers either side of this access in the original position of the former piers which replicate the design, form, scale and material finish of the original piers will restore the original siting, arrangement and appearance of this element of the front boundary, and reinstate this historic feature of the Listed Terrace. The rendered finish will be Roman cement/lime render to match the existing rendered finish, which will provide an appropriate and compatible finish for this structure, which will be secured by condition. The existing lantern for the eastern pier will be attached to the new pier, thereby preserving this historic feature.

The proposed development is therefore considered to significantly improve the appearance of this element of the Listed Building, and reinstates these historical features. This accords with the desirability of preserving the Listed Building and any features of special architectural

or historical interest it possesses, and will enhance the special character and appearance of the Conservation Area. The Conservation Officer supports the proposal.

The proposed development would therefore accord with Policy HE03 of the Thanet Local Plan and the National Planning Policy Framework.

### **Conclusion**

Overall the scheme will reinstate a historical feature to the front boundary of the Listed Terrace which is currently in a deteriorated condition, which will restore this element of the designated heritage asset. The proposed development is therefore considered to be acceptable and in accordance with the relevant Thanet Local Plan policies and the National Planning Policy Framework.

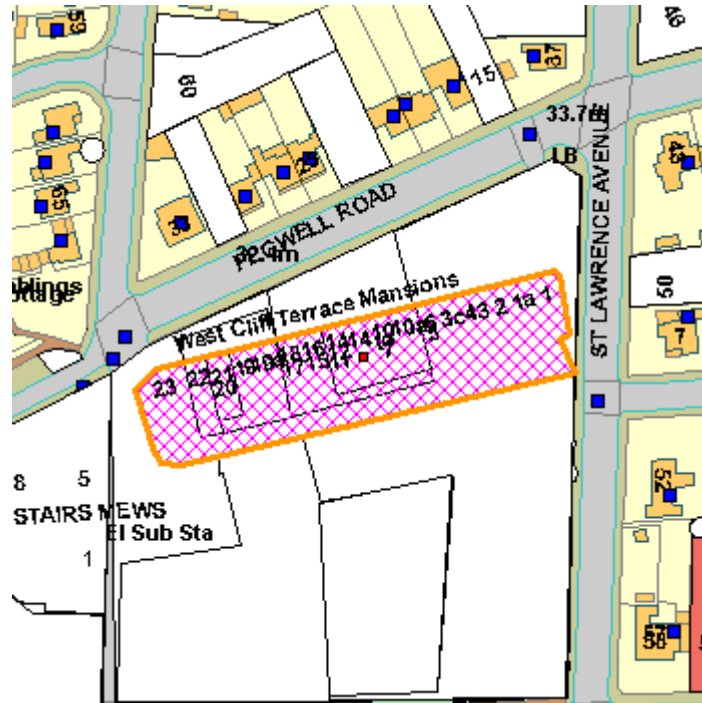
It is therefore recommended that members approve this application, subject to safeguarding conditions.

### **Case Officer**

Jenny Suttle

TITLE: L/TH/21/1351

Project West Cliff Terrace Mansions Pegwell Road RAMSGATE Kent



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**A05**

**FH/TH/21/1323**

PROPOSAL: Erection of a single storey rear extension

LOCATION: 14 Osborne Terrace MARGATE Kent CT9 1TP

WARD: Margate Central

AGENT: Mr Matthew Gerlack

APPLICANT: Mr Trevor Watson

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 21/531/JG/PL01 received 19 August 2021.

**GROUND;**

To secure the proper development of the area.

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

**GROUND**

In the interests of visual amenity in accordance with Policy 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

**SITE, LOCATION AND DESCRIPTION**

The application site is located on the northern side of Osborne Terrace. The property is a two storey terraced dwelling set back from the highway with the rear elevation facing onto a public right of way running between Church Road and Poets Corner along the rear of properties fronting Milton Avenue.

### PLANNING HISTORY

No planning history.

### PROPOSED DEVELOPMENT

The application seeks planning permission for the erection of a single storey extension to the rear. The flat roofed extension would measure 3.8 metres by 4.2 metres with a finished height of 3.2 metres. The side door would lead onto a ramp providing access into the rear garden which is at a slightly lower land level. The extension is proposed to be finished with facing brickwork to match the main dwelling.

### PLANNING POLICIES

Thanet Local Plan 2020

QD02 - General Design Principles

QD03 - Living Conditions

### NOTIFICATIONS

Neighbours have been notified and a site notice posted. One representation has been received raising no objections to the extension but raising concerns regarding the sewer and surface water drainage:

The sewer and surface water drainage is probably running close to maximum between Milton Avenue and Osborne Terrace, noticeable during heavy rain.

The age of the sewer for the waste water and sewerage will be “interfered” with, the original design and expectation of its capacity is pushing the envelope a bit.

Milton Avenue buildings were constructed in the 1870’s with Osborne Terrace built later - concerns raised that building on top of the Victorian drainage system will at some point require a lot of work.

### CONSULTATIONS

None

### COMMENTS

This application is reported to the Planning Committee as the applicant is Thanet District Council.



The main considerations for Members to assess are the impact of the development on the character and appearance of the area and the impact on neighbouring amenity.

### **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 proposal relates to an existing residential dwelling and there is no in principle objection to its extension or alteration.

### **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 a strong sense of place and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create place that are safe, inclusive and accessible.

Policy 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.

The proposed single storey extension would measure approximately 3.7 metres by 4.2 metres and have a flat roof finishing at a height of approximately 3.2 metres. The external surfaces of the extension would be finished with bricks to match the main dwelling.

The property benefits from a 14 metre rear garden and its rear boundary faces onto a wide accessway that runs east-west from Church Road to Poets Corner. The rear gardens of properties fronting Milton Avenue face onto the accessway to the north. The extension would not be immediately visible from the rear access however any views gained would be of an extension that is residential in scale and design that would not appear unduly of keeping in the area.

The single extension would respect the design of the main dwelling and with materials to match is considered to be acceptable in terms of the character and appearance of the area, in accordance with policy QD02 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

Policy QD02 of the Thanet Local Plan outlines that new development should be compatible with neighbouring buildings and spaces and must not lead to unacceptable living conditions through overlooking, noise, vibrations, light pollution, overshadowing, loss of natural light or a sense of enclosure.

The extension would project 3.7 metres from the rear elevation of the property and have a finished height of approximately 3.2 metres from the surrounding ground level and includes an access ramp set within the one metres gap to the side of the extension, providing access from the door of the extension alongside the boundary with No 13. The extension is therefore 0.7 metres deeper and 0.2 metres higher than that allowed through permitted development. The 3.5 metre deep extension to the rear of No 13 does not appear to have any windows within the side elevation facing the application site and is set approximately 1.75 metres away from the side boundary. Together with the 1 metre gap, where the ramp would be located, there would be an overall separation distance of approximately 2.5 metres between the sides of the two extensions. The close boarded timber fence to the side boundary is approximately 1.8 metre high. Whilst there may be some loss of outlook from the ground floor windows within the rear elevation of No 13 the modest depth of the extension, together with the separation distance, is unlikely to result in unacceptable loss of outlook or light to occupiers of this neighbouring dwelling.

No 15 to the east is on a slightly lower land level to that of the application site. The extension would compromise the 45 degree line to the small window nearest to the side boundary, however, this window has obscure glass and appears to serve a WC. The main larger ground floor window commences approximately 2.5 metres from the side elevation of the extension and at this distance the 45 degree line from the window would not be unduly compromised. There is a 2 metre high timber panelled fence along this side boundary which, due to the 0.5 metre drop in land levels, does not offer as much screening between neighbours compared to the boundary between the site and No 13. However, whilst there could be some loss of light and corresponding loss of outlook to and from the neighbouring windows, from the extension, it is considered there would not be an unacceptable loss of light or outlook created due to the orientation of the property.

The property benefits from a 14 metre rear garden and beyond the rear boundary lies the public passageway running from Church Road to Poets Corner. It is unlikely therefore that the extension would adversely impact upon the residential amenities of occupiers of properties fronting Milton Road to the rear.

The extension would include a window within the rear elevation and this would face into the garden where it would have a similar window relationship to existing windows within the rear of the property. It is also noted that raised decking has been installed to the rear of the property which is deep enough to provide space for outdoor seating which does not appear to have the benefit of planning permission. There is no privacy screening to the sides of the terraced area and it is likely that it would be possible for users of the terrace to look into neighbouring gardens from the decking. The extension would be located on a similar footprint to the decking and as a result there would be reduced overlooking opportunities towards both neighbours. The door and ramp would be closer to the boundary with No13 however, unlike the raised decking, the use of the door and ramp is unlikely to provide opportunities for prolonged overlooking or loss of privacy.

In considering the impact of the extension on neighbouring occupiers it is unlikely that it would result in unacceptable overlooking or loss of privacy above that which may already exist through mutual overlooking between residential gardens.

Given the above it is considered that the proposed development would not adversely impact on the living conditions of neighbouring property occupiers and the proposal would therefore be in accordance with Policy QD03 of the Thanet Local Plan and the NPPF.

### **Drainage**

Concern has been raised that the existing drainage system is old and may be adversely affected by the development. Matters relating to drainage for a householder extension would be considered through Building Regulations and would not form part of the assessment for this planning application.

### **Conclusion**

The proposed development is considered to be acceptable in terms of the character and appearance of the area and the living conditions of surrounding neighbouring residential occupiers. The proposed development therefore accords with Policies QD02 and QD03 of the Thanet Local Plan and the NPPF. It is therefore recommended that Members approve the application.

### **Case Officer**

Rosemary Bullivant

TITLE: FH/TH/21/1323

Project 14 Osborne Terrace MARGATE Kent CT9 1TP

