

# Public Document Pack



Date: **6 February 2023**  
Our ref: **Planning Committee Agenda**  
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## PLANNING COMMITTEE

**15 FEBRUARY 2023**

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 15 February 2023** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

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

## AGENDA

<u>Item No</u>	<u>Subject</u>
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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 - 12)

To approve the Minutes of the Planning Committee meeting held on 18<sup>th</sup> January 2023, copy attached.

4. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 13 - 18)

To consider the report of the Deputy Chief Executive, copy attached for Members of the Committee.

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

## **For Approval**

<u>Item No</u>	<u>Subject</u>
4a	<b>A01 F/TH/22/0233 - 3A ROSEBERY AVENUE, RAMSGATE, KENT, CT11 <u>7ES</u> (Pages 19 - 36)</b>
	<b>For Refusal</b>
4b	<b>R02 F/TH/22/1057 - UNIT 1 AND 2, BELGRAVE ROAD, MARGATE, KENT, <u>CT9 1XG</u> (Pages 37 - 62)</b>
4c	<b>R03 FH/TH/22/0874 - 45 STANLEY ROAD, BROADSTAIRS, KENT, CT10 <u>1BN</u> (Pages 63 - 70)</b>
4d	<b>R04 F/TH/22/1577 - LAND ADJACENT, 12 TO 14 FORD ROAD, MARGATE, <u>KENT, CT9 1HF</u> (Pages 71 - 82)</b>
	<b>For Deferral</b>
4e	<b>D05 F/TH/22/0364 - GORE END FARM, MINNIS ROAD, BIRCHINGTON, <u>KENT, CT7 9SJ</u> (Pages 83 - 120)</b>



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

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

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

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

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

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

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

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

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

An associated person is defined as:

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

An Authority Function is defined as: -

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

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the matter, or when the interest has become apparent, or the declarations of interest agenda item.

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

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

## **Gifts, Benefits and Hospitality**

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

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

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

If you need to declare an interest then please complete the declaration of [interest form](#).

## Planning Committee

### Minutes of the meeting held on 18 January 2023 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

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

In

**Attendance:** Councillor Leys and Towning

#### 1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Paul Moore.

#### 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 3. MINUTES OF PREVIOUS MEETING

Councillor Albon proposed, Councillor Rusiecki seconded and Members agreed that the minutes of the meeting held on 14 December 2022 be approved as a correct record.

#### 4. SCHEDULE OF PLANNING APPLICATIONS

The Chair informed Committee Members that any site visits would take place on 3rd February 2023.

#### POINT OF INFORMATION

The Planning Applications Manager spoke to the committee regarding item 4D:

D04 F/TH/21/1439 – Robinsons Unites – 2, 3, 5, 6, 7 and 8, Rear of 28 High Street, Broadstairs, Kent

(a) A01 F/TH/22/1372 - East Cliff Bandstand, Wellington Crescent, Ramsgate, Kent, CT11 8JD

**PROPOSAL:** Variation of condition 3 of planning permission F/TH/21/1051 for the "Installation of a temporary artwork on the site for a maximum of 1 year" to allow the artwork to be displayed for an additional year.

Mr Jones-Hall spoke in favour of the application.

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

Approved subject to conditions including an update to condition 2 to require details of how the proposal will be dismantled and removed to be submitted by 30th June 2023;

THAT the officer's recommendation be adopted, namely:

That the application be approved subject to the following safeguarding conditions:

1. The development hereby approved shall be carried out in accordance with the submitted drawings received on 30 June 2021, the proposed block plan submitted on 13 July 2021.

**GROUND:**

To secure the proper development of the area and in the interests of highways safety.

2. The artwork installations installed shall be removed by 30 September 2023 and the land restored to its former condition in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

**GROUND:**

In view of the temporary nature of the proposal and the identified harm to the historic environment in accordance with policies SP36, HE02 and HE03 of the Thanet Local Plan and paragraphs 130 and 202 of the NPPF.

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

(b) **A02 FH/TH/22/0433 - 9 Wishing Towers, 18 Eastern Esplanade, Margate, Kent, CT9 3BG**

**PROPOSAL:** Erection of third floor rear extension.

Mrs Plumber spoke against the application.

Cllr. Leys spoke against the application under Procedural Rule 20.1.

Cllr. Towning spoke against the application under Procedural Rule 20.1.

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

THAT the officer's recommendation be adopted, namely:

That the application be approved for the following reasons:

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 CBL-XX-DR-A-0100 Rev G (received 17/08/22), CBL-03-DR-A-0100 Rev D, CBL-03-DR-A-0200-Rev G (received 17/08/22) and CBL-03-DR-A-0201 Rev D.

**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 detailed on the approved drawings.

**GROUND:**

In the interests of visual amenity in accordance with Policies QD02 and HE02 of the Thanet Local Plan.

4. Prior to the installation of any external windows and doors, joinery details at a scale of 1:20 of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be carried out concurrently with the development and fully implemented prior to the first occupation of any part of the approved development.

**GROUND:**

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

5. Prior to the installation of the external walls of the development hereby approved, detailed drawings of how the proposed extension would abut the cupola and adjoining structures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented 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 of the Local Plan and advice contained within the National Planning Policy Framework.

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

It was proposed by the Chair, seconded by the Vice Chair and Members agreed:

The proposed development, by virtue of its height, design and relationship with the existing building, would appear contrived and incongruous within the

streetscene, failing to respect and enhance the character of the Clifftop Conservation area, contrary to Thanet Local Plan Policies QD02 and HE02, and paragraph 130, 135, 197 and 202 of the National Planning Policy Framework.

(c) **R03 FH/TH/22/1332 - 2 The Ridings, Margate, Kent, CT9 3EJ**

**PROPOSAL:** Erection of first floor side extension together with dormer to the rear and alterations to roof, erection of balcony area to front elevation and juliet balcony to rear elevation.

Mrs Hamilton spoke in favour of the application.

Cllr. Towning spoke in favour of the application under Procedural Rule 20.1.

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

THAT the officer's recommendation be adopted, namely:

That the application be refused for the following reason:

1. The proposed development, by virtue of its scale, form, design and location would result in a disjointed and unrelated form and appearance which would be disproportionate, architecturally unrelated and incompatible with the host property and the surrounding built environment. The proposed development would therefore result in severe harm to the character and appearance of the area, contrary to Policy QD02 of the Thanet Local Plan and paragraphs 130 and 134 of the National Planning Policy Framework.

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

It was proposed by Councillor Albon, seconded by the Vice Chair and Members agreed:

As the proposed development will not appear out of keeping with the character and appearance of the area, and would therefore be in accordance with Policy QD02 of the Thanet Local Plan.

(d) **D04 F/TH/21/1439 - Robinsons Units - 2, 3, 5, 6, 7 and 8, Rear of 28 High Street, Broadstairs, Kent**

**PROPOSAL:** Change of use from builders yard to residential with the erection of 2no three bedroom two storey dwelling and 2no two bedroom two storey dwellings.

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

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

That the application be deferred for the following reasons:

Defer and delegate to officers for approval subject to the receipt of a signed legal agreement securing the contribution towards the SAMMs project within 6 months and the following safeguarding conditions:

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

**GROUND:**

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

2. The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered SK10 A and SK11 A received 01 April 2022 and, SK12 B, SK13 B and SK14 B received 24 November 2022.

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

**GROUND:**

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

5. No external walls shall be constructed with plots 2, 3, or 4 until a minimum of 1m square sample panel of flint demonstrating the colour,

texture, face bond and pointing has been erected on site, and inspected and approved, in writing by, the Local Planning Authority. The development shall be completed in accordance with the approved details.

**GROUND:**

To safeguard the significance of the adjacent Conservation area and the visual amenities of the area in accordance with Policies HE02 and QD02 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

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

**GROUND:**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with HE02 and QD02 and advice contained within the National Planning Policy Framework.

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

**GROUND:**

To safeguard the significance of the adjacent Conservation area and the visual amenities of the area in accordance with Policies HE02 and QD02 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

8. The refuse storage facilities as specified upon the approved drawing numbered SK10 A received 01 April 2022 and SK12 B and SK14 B received 24 November 2022 shall be provided prior to the first occupation of the development hereby approved and shall be kept available for that use at all times.

**GROUND:**

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

9. Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. SK10 A, SK12 B and SK13 B 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.

10. Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include:
  - a. Species, size and location of new trees, shrubs, hedges and grassed areas to be planted
  - b. The treatment proposed for all hard surfaced areas beyond the limits of the highway
  - c. Walls, fences, other means of enclosure proposed shall be submitted to, and approved in writing by, the Local Planning Authority.

**GROUND:**

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

11. 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.

12. The approved doors and windows shall not open over the highway.

**GROUND:**

In the interest of highway safety.

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

**GROUND:**

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the

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

14. No further alterations, extensions, alterations/additions to the roof, porches, outbuildings, hard surfacing, chimney/flues or microwave antenna shall be carried out to the dwellings hereby approved whether approved by Schedule 2, Part 1, Classes A, B, C, D, E, F, G or H of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

**GROUND:**

To safeguard the significance of the adjacent Conservation area and the visual amenities of the area, and the living conditions of neighbouring occupiers. in accordance with Policies HE02, QD02 and QD03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

15. The first floor window in the southern side elevation of the plot 2 hereby approved shall be non-opening below 1.73m above the finished internal floor level, and provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent; and shall be installed prior to 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.

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

It was proposed by the Chair, seconded by the Vice Chair and Members agreed:

Deferred for approval subject to condition and legal agreement securing the contribution to the SPA, with an update to condition 5 to seek the re-use of existing flint from the buildings on site.

Meeting concluded: 8.59 pm

## THANET DISTRICT COUNCIL

### PLANNING COMMITTEE

15TH FEBRUARY 2023

### BACKGROUND PAPERS TO SCHEDULE OF APPLICATIONS

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

- (A) Standard Reference Documents - (available for inspection at the Council offices and via thanet.gov.uk and gov.uk)
1. Thanet District Council Local Plan 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:6TH FEBRUARY 2023

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**Agenda Item 4  
Annex 1**

**THANET DISTRICT COUNCIL**

**REPORT OF THE ACTING DIRECTOR OF PLACE**

**PART A**

**TO: THE PLANNING COMMITTEE**

**DATE: 15 February 2023**

<b>Application Number</b>	<b>Address and Details</b>	<b>Recommendation</b>
A01 F/TH/22/0233	<b>3A Rosebery Avenue RAMSGATE Kent CT11 7ES</b>	Approve

Change of use of land from builders storage yard (Use Class B8) for the siting of a glamping cabin for use as a holiday let (Use Class C3)

Ward: Sir Moses Montefiore

# Agenda Item 4

## Annex 1

### THANET DISTRICT COUNCIL

### REPORT OF THE ACTING DIRECTOR OF PLACE

#### PART B

TO: THE PLANNING COMMITTEE

DATE: 15 February 2023

Application Number	Address and Details	Recommendation
R02 F/TH/22/1057	<b>Unit 1 And 2 Belgrave Road MARGATE Kent CT9 1XG</b>	Refuse Permission
MAJOR	Change of use of commercial units to provide a mixed use (residential and commercial) development consisting of 3No commercial units (Use Class E) and parking at ground floor and erection of a three storey extension to provide 6No 2-bed and 4No 3-bed self contained flats together with associated parking	
	Ward: Margate Central	
R03 FH/TH/22/0874	<b>45 Stanley Road Broadstairs Kent CT10 1BN</b>	Refuse Permission
	Erection of single storey side and rear extensions following demolition of existing conservatory, erection of 4No. dormers to rear, 1No. dormer to front and erection of a pitched roof extension on ridge following alterations to the roof, alterations to garage, erection of car port, alterations to fenestration, installation of timber cladding and render together with addition of raised decking to rear	
	Ward: Bradstowe	
R04 F/TH/22/1577	<b>Land Adjacent 12 To 14 Fort Road MARGATE Kent CT9 1HF</b>	Refuse Permission
	Variation of condition 2 of planning permission F/TH/20/0857 for the	

## Agenda Item 4

### Annex 1

"Erection of 3No three storey dwellings with associated landscaping, parking, bin and bike stores" to allow alterations from timber to UPVC windows

Ward: Margate Central

# Agenda Item 4

## Annex 1

### THANET DISTRICT COUNCIL

### REPORT OF THE ACTING DIRECTOR OF PLACE

#### PART C

TO: THE PLANNING COMMITTEE

DATE: 15 February 2023

Application Number	Address and Details	Recommendation
D05 F/TH/22/0364	<b>Gore End Farm Minnis Road BIRCHINGTON Kent CT7 9SJ</b>  Erection of 4No dwellings (3No 3-bed and 1No 4-bed), conversion of the cow shed to 1No. 3-bed dwelling and threshing barn into 2No dwellings (1No 3-bed and 1No 5-bed) together with hard and soft landscaping and associated works	Defer & Delegate

Ward: Birchington South

# Agenda Item 4a

A01

F/TH/22/0233

PROPOSAL: Change of use of land from builders storage yard (Use Class B8) for the siting of a glamping cabin for use as a holiday let (Use Class C3)

LOCATION: 3A Rosebery Avenue RAMSGATE Kent CT11 7ES

WARD: Sir Moses Montefiore

AGENT: Mr Robert Britnell

APPLICANT: Ms T MacFarlane

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 Block Plan numbered bbp/21/0233/02 received 17 February 2022 and drawings showing Front, Rear, Left and Right Elevations and Floor Plan received 4 March 2022.

**GROUND:**

To secure the proper development of the area.

3 The building shall be constructed in timber in accordance with the approved drawings and the roof shall be finished with green mineralised felt roofing shingles as detailed in paragraph 4.1 of the supporting planning statement.

**GROUND:**

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

4 The rear window in the development elevation of the 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.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no further alterations or extensions to the dwelling whether approved by Classes A, B, C, D, E or G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

**GROUND:**

To ensure a satisfactory external treatment and in the interests of the visual amenities of the locality in accordance with Policy QD02 of the Thanet Local Plan and to safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

6 The holiday let accommodation hereby permitted shall not be used or occupied for any purposes other than as holiday accommodation by persons whose only, or principal, home is situated elsewhere.

**GROUND:**

To ensure that a permanent residential use is not created, that would fall below the Nationally Described Space Standards identified within Policies QD03 and QD04 of the Thanet Local Plan.

7 The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the glamping pod on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

**GROUND:**

To ensure that a permanent residential use is not created, contrary to Policy QD04 of the Thanet Local Plan.

8 Prior to the first occupation of the development hereby approved secure cycle parking facilities shall be provided within the site 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.

9 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.

10 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.

## **INFORMATIVES**

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

For the avoidance of doubt, the provision of contributions as set out in the unilateral undertaking made on 30<sup>th</sup> September 2022 submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

It is the responsibility of developers to have the appropriate waste storage facilities and containers in place prior to the property being occupied. For more information, please contact Waste and Recycling on 01843 577115, or visit our website <http://thanet.gov.uk/your-services/recycling/waste-and-recycling-storage-at-new-developments/new-developments/>

## **SITE, LOCATION AND DESCRIPTION**

The application site is a vacant builders' storage yard located to the rear of Nos 3 and 5 Rosebery Avenue, within the urban confines of Ramsgate in a predominantly residential area. Dwellings in this location are two storey properties fronting the highway with small front gardens. Access to the site is from a vehicular access onto Rosebery Avenue between Nos 3 and 5.

## **PLANNING HISTORY**

OL/TH/06/1221 - Outline application for the erection of a detached bungalow with layout, scale, landscaping and access REFUSED 14 December 2006

Reason: *The proposed bungalow, if permitted, would result in an undesirable form of backland development out of keeping with, and unrelated to, the established character and pattern of development, and detrimental to the visual amenities of the locality and the amenities enjoyed by the occupiers of adjoining properties, contrary to Thanet Local Plan Policy D1.*

This decision was appealed and the appeal was dismissed on the grounds of 'the unsatisfactory environment that would ensue for future residents'. The windows serving habitable rooms, close to boundary walls and fences, 'would result in a very poor outlook

from any such rooms to the extent that internal living conditions for future occupiers would be dreary and unpleasant. Government policy, as expressed in PPS3: Housing, is to create places and spaces with the needs of people in mind but I consider that the proposal would not meet this aim.'

## PROPOSED DEVELOPMENT

The application seeks planning permission for the change of use of land from builders storage yard (Use Class B8) for the siting of a glamping cabin for use as a holiday let (Use Class C3). The single storey building would be constructed in timber and have the appearance of a log cabin.

## PLANNING POLICIES

### **Thanet Local Plan 2020**

SP35 - Quality Development

SP29 - Strategic Access Management and Monitoring Plan (SAMM)

SP43 - Safe and Sustainable Travel

E08 - Self Catering Tourist Accommodation

HO1 - Housing Development

GI04 - Amenity Space/Equipped Play

QD01 - Sustainable Design

QD02 - General Design Principles

QD03 - Living Conditions

QD04 - Technical Standards

SE03 - Land Affected by Contamination

TP03 - Cycling

TP06 - Car Parking

## NOTIFICATIONS

Neighbours have been notified and a site notice posted and 6 representations have been received raising similar concerns relating to the use, appearance, overlooking and loss of privacy, noise disturbance, vehicular and pedestrian access, parking, emergency service access, drainage and refuse collection:

### - Use

This development would be out of keeping with the area as we believe the nearest type of retreat site is 10 miles away at least.

This is not an area for a glamping site.

Over development and not in keeping with the area.

As this property is intended to be a retreat, would it be let to holidaymakers if there were not enough take up?

### - Appearance

The height of the structure is above the height of our summer house and will be visible from our back garden and the and back of house and upstairs windows at the back of our property

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The structure of the cabin is up against my back wall and is more than a metre taller than it, which means that it will be visible from my house and garden.

### - Overlooking and Loss of Privacy

3 and 5 Rosebery Avenue have opening windows on the ground floor which over look the driveway which could be looked into by people walking up and down the drive.

If the site is going to be an Airbnb etc there could be cars driving and guest walking up and down the drive on a regular basis.

There is a window at the rear of the cabin which will overlook my property.

Because of the height and proximity of the structure our garden and back window privacy would be affected.

### - Noise and Disturbance

Increase in vehicles coming and going to the land from the side entrance would have an impact on the noise which would hear from our house.

If this is to be used as a guest house / retreat how is noise being regulated, particularly at night?

Who will regulate the use of the retreat?

This is a quiet residential street with a lot of young families.

There is no guarantee that the noise from renters or holiday makers would not increase

The structure is at the back of our garden and house - obviously the noise level would increase particularly during the evening hours

This is a residential area with young families.

As this is a family residential area, any extra noise in the evenings would not be welcomed.

If this is to be used as a guest house / retreat how is noise being regulated, particularly at night? This is a quiet residential street with a lot of families.

No one will be on site to regulate the glampers.

### - Pedestrian and Vehicular Access

3 and 5 Rosebery Avenue have access over the driveway to the back gates and onwards to the rear of the gardens.

There is a parking problem on Rosebery Avenue as there is all around so when parking is bad it is difficult to turn on and off the drive.

Rosebery Avenue is very bad for parking at all times

Access to this piece of land is limited as there is parking on both side of Rosebery Avenue and to be able to get vehicles in and out of the alley way to this piece of land would require some vehicles to undertake 3 point turns (or more) in order to gain entrance and exit.

Turning is impossible at the end of the cul-de-sac at certain times of the day and therefore further traffic would add to the congestion.

Insufficient parking for the cars used by the current residents, who park on both sides of the road currently and often have to use the main road due to lack of space.

Turning in the road is almost impossible.

Guests coming in and out of a retreat will make the congestion even worse.

How will emergency services access the site - they would never fit up the access alleyway

It could be let for 12 months of the year to numerous glampers.

What happens if the glampers have visitors - where will they park their car?

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Rosebery Avenue is already saturated with cars and large vans from the residents of Rosebery Avenue and Hereson Road. I have counted at least 10 to 12 large vans parked in Rosebery Avenue at the weekend.

When anyone tries to exit or enter the access to the glamping site they will have difficulty in navigating round the cars and vans and sometimes it is not possible to gain access at all due to the lack of manoeuvrability.

If parking is restricted outside 3 and 5 Rosebery Avenue that would mean more parking spaces lost in a road.

Has someone from Highways been to Rosebery Avenue to observe the coming and going of traffic and parking problems during afternoon and evening hours and also weekends.

Allowing a glamping site on this small, hard to access and exit site, would be detrimental to the residence and a safety issue specifically when exiting from the small access path to the glamping site onto Rosebery Avenue.

Works are being carried out within the highway creating uneven surfaces

- Drainage

The drains from 1 ,3 ,5 Rosebery Avenue run across the site and southern water main drain runs west to east through the site connecting into Hereson Road so if there is any fault with the drains or repairs needed access will be required by house owners and Southern Water.

The proposed position of the structure would not allow this and would have to be removed in order to deal with this situation urgently.

- Refuse Bins

How would the council collect the waste bins?

Refuse trucks have great difficulty getting down the road as do emergency service vehicles and therefore any additional parking for retreat guests will only add to the problem.

In addition to the objection letters received a petition has also been received that includes 63no. signatures. The concerns listed within the petition include impact on highway and pedestrian safety, strain on emergency services, and lack of parking in an area with heavy congestion. Concern has also been raised in relation to excavation work on pavements for utilities that has taken place, but this is not a planning issue as the works are taking place on highway land, and it is not clear if these works are related to this application.

**Ramsgate Town Council** - Recommend refusal due to access problems for emergency service vehicles.

### **CONSULTATIONS**

**KCC Highways - Follow up comment** - Further to the formal comments that were submitted by KCC Highways, I can confirm that the applicant has provided additional information regarding the existing usage and the proposed usage which has helped outline the expected trips that will be generated should the LPA be minded to approve this application. I am satisfied that this access usage will not be intensified with the proposed 'occasional' let for a single vehicle and therefore have no objections.

**Initial Comment** - Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

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I refer to the above planning application and would request further information as follows in order to assess the proposals:

The applicant will need to provide details for the provision and maintenance of 2 metre x 2 metre pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level.

I shall be pleased to comment further on the proposals once the above information has been received.

**Environmental Health** - I have reviewed the application and my only concerns would be over any unsuspected contaminated land during the development. Therefore it would be prudent to add the following:

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

**Southern Water** - Southern Water would not support the proposals for cess pit in the presence of public foul sewerage network in the close vicinity of the development site. The foul sewerage shall be disposed in accordance with Part H1 of Building Regulations hierarchy.

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

To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements)

The Environment Agency should be consulted directly by the applicant regarding the use of a cess pit.

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.

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.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

## COMMENTS

This application is reported to the Planning Committee at the request of Cllr Mark Hopkinson to allow members to consider the impact upon living conditions and amenity.

The main considerations in assessing the proposal are the principle of development, impact on the character and appearance of the area, impact on the living conditions of neighbouring residential occupiers and highway safety.

### **Principle of Development**

The site is located to the rear of properties fronting Rosebery Avenue and Hereson Road. The site is located within the urban confines, and considered to be previously developed land, with a building having previously been present on the site since 2012, and with google imagery showing other structures present on the site as early as 2003. The site has a lawful planning use as a builders yard for storage.

The proposal is for the change of use of the site from a storage yard to a site in C3 use accommodating a holiday let unit. Policies SP01 and HO1 of the Thanet Local support/permit new residential uses within the confines of the urban area. In terms of its use as holiday accommodation, the provision of quality tourist accommodation for all types and to meet all budgets that seeks to increase tourist spend and help to extend the tourist season is a strategic priority of the Council. Thanet Local Plan E08 supports development that provides self-catering tourist accommodation within the urban confines provided that:

- 1) it is sustainably located;
- 2) it is of a form, scale and design appropriate to its surroundings;
- 3) in relation to a caravan and camping park, that it does not cause unacceptable impact on the local road network or highway safety, and wherever possible is well related to the primary and secondary road network; and
- 4) if it is located in a rural area, that it respects the character of the local countryside and is sensitive to its defining characteristics;
- 5) Sufficient mitigation should be provided to prevent any material increase in recreational pressure on designated nature conservation sites.

The site is sustainably located as it is within a reasonable walking distance of public transport and local shops and facilities.

The building has the appearance of an outbuilding, typical of such buildings often found within residential gardens. Therefore, with regards to the policy the building is considered to be of a scale and form appropriate to its surroundings.

Conditions 3 and 4 are not applicable as the site is not a caravan or camping park and is not located within a rural area.

Condition 5 requires mitigation regarding increased recreational pressure on designated nature conservation sites. This mitigation applies to new units of accommodation created.

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The proposal for self catered tourist accommodation on the site in C3 use is therefore considered to be acceptable in principle, subject to consideration of all other materials considerations including impact on the character and appearance of the area, living conditions of surrounding residential occupiers and highway safety.

## **Character and Appearance**

The application site is a rectangular parcel of land with vehicular access onto Rosebery Avenue between Nos 3 and 5 Rosebery Avenue. Previously the site was used for the storage of building materials however it does not appear to be currently used for this purpose and any buildings previously on the site have been demolished. The area is residential in character with two storey dwellings fronting the highway.

The application proposes the change of use of the land from a builders storage yard (Use Class B8) for the siting of a glamping cabin for use as a holiday let land containing a holiday let (Use Class C3). The single storey building would be constructed in timber and have the appearance of a log cabin. The Block Plan indicates the building would be located at the far end of the site and be set in approximately 1 metre from the garden boundaries of Nos 1 and 3 Rosebery Avenue and Nos 212 and 214 Hereson Road.

Policy QD01 relates to sustainable design and sets out that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gasses and have resilience to function in a changing climate. Policy QD02 relates to general design principles and similarly requires new development to be well designed, respect and enhance the character of the area paying particular attention to context and identity of its location, scale, massing, rhythm, density, layout and use of materials appropriate to the locality. The development itself must be compatible with neighbouring buildings and spaces. This policy is further supported by paragraph 130 of the NPPF which states that decisions should ensure that development will function well and add to the overall quality of the area, and are sympathetic to local character and history, including the surrounding built environment.

The building, with its pitched roof overhang, would measure approximately 7.7 metres by 5.8 metres and have a height to eaves of approximately 2.2 metres and ridge height of approximately 3.9 metres. The front elevation would comprise a pair of doors and a window either side. A window is proposed on each side elevation and a high level window is proposed within the gable end. A rooflight is proposed in each roof slope and the roof overhang projects approximately 1 metre to the front.

A dwellinghouse in this 'backland' location of a size required to meet the nationally described space standards would be out of keeping with the surrounding pattern of development where dwellings are arranged in linear fashion and are either terraced or closely spaced semi-detached properties fronting the highway. It is not proposed to erect a dwellinghouse for permanent residential use. Instead a more modest form of development is proposed.

The timber building would provide holiday accommodation for occasional use. The Applicant operates 'Tales on Moon Lane' a childrens' bookshop in Addington Street, Ramsgate. The supporting planning statement sets out 'The Applicant's Vision' in which it describes how the

cabin would be made available as a writer's retreat for authors and illustrators seeking a short break to concentrate on their work.

Views of the timber building are likely to be limited to views from neighbouring dwellings and gardens. There are a number of outbuildings to the rear of dwellings in the immediate vicinity and some can be glimpsed from the public highway through gaps in development. If the building were to be viewed from the public realm it would have the scale and appearance of an outbuilding often found within residential rear gardens.

In 2006 Outline Planning Permission (OL/TH/06/1221) was refused by the Council for the erection of a bungalow as it was considered to be 'an undesirable form of backland development out of keeping with, and unrelated to, the established character and pattern of development, and detrimental to the visual amenities of the locality and the amenities enjoyed by the occupiers of adjoining properties, contrary to Thanet Local Plan Policy D1.'

The Planning Inspector noted 'The proposed dwelling would be larger than the outbuildings and development in a 'backland' location such as this would not be typical of the area. However, the proposal would be modest and so would not detract from the generally open character of the adjoining gardens. It would also be well contained by the surrounding buildings. Due to its size it would be an inoffensive feature in the overall street scene when glimpsed between buildings'. The Inspector therefore concluded that 'the effect of the proposed bungalow on the appearance of the locality would be insignificant.' In paragraph 4 the Inspector considered 'that the character and appearance of the surrounding area would be respected in line with Policy D1(2)(A)'.

Since this decision was made the National Planning Policy Framework (NPPF) has come into force providing national policy guidance, and the Council's Local Plan has been updated with the design Policy D1 replaced by Policy QD02, having similar requirements. Furthermore, Thanet Local Plan Policy SP35 states that new development regardless of size in prominent locations, or which are likely to have a significant visual impact, will be required to be of high quality and inclusive design. In this instance the building would be mostly screened on all sides by dwellings fronting Rosebery Avenue and Hereson Road. The dwelling previously refused had a larger footprint than the building now proposed and, at a height of 4.4 metres, was taller than the 3.9 metre high ridge of the building proposed.

Given the scale of the building and the limited opportunities to see it from the public realm, along with the previous view on the Inspector, which is a material planning consideration, it is considered that the proposed building would not appear prominent or have a significant visual impact on the character and appearance of the area that would otherwise be contrary to these policies. The proposed development is therefore considered to accord with Policies QD02 and E08 of the Thanet Local Plan.

## Living Conditions

Policy QD03 requires new development to be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in policy QD04. The internal space standards referred to in policy QD04 are the National Described Space Standards (NDSS) which recognises the Council's belief that everyone has

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the right to a high standard of residential accommodation with sufficient space to meet their own needs. These policies are supported by paragraph 130 of the NPPF which requires a high standard of amenity for existing and future users.

The application proposes the building to be used as a holiday let and does not propose it to be used as a long term unit of living accommodation. It should be noted that whilst the proposal seeks a holiday let to be used in connection with the Applicant's bookshop business in Ramsgate it would be unreasonable to limit the use to the current owner and therefore consideration needs to be given to the impact of a holiday let, in this location, over the lifetime of its use.

The supporting statement explains 'the cabin would be three rooms, the main one of which would function as living/dining/cooking space opening out to a verandah underneath the front roof overhang. To the rear of this room would be two others, one to serve as a bedroom, the other as a toilet & bathroom/shower-room. Above these latter two rooms would be a loft area in the roofspace, accessed by an unfixed ladder.' The building would have an internal ground floor area of approximately 31.2 square metres (6.5 metres x 4.8 metres) and a loft area of approximately 11.04 square metres (2.3 metres x 4.8 metres) making the total internal floor area 42.24 square metres. The Nationally Described Space Standards for a one bedoomed, 2 person dwelling, requires a minimum gross internal floor area to be at least 50 square metres. The building would fall significantly below the minimum floor space required for a good standard of independent living accommodation as required by policy QD04. Whilst the internal space is somewhat restricted in floorspace, as a short term holiday let, the accommodation would be reasonably comfortable and not dissimilar to the accommodation provided by a caravan where the occupiers would reasonably be expected to visit the surrounding area during the day time.

Due to the limited size of the living accommodation the Council would require safeguarding conditions to ensure the building is not used as a permanent residential dwelling. In this regard the holiday let accommodation shall not be used or occupied for any purposes other than as holiday accommodation by persons whose only, or principal, home is situated elsewhere. To monitor this the owners/operators will be required to maintain an up-to-date register of the names of all owners/occupiers of the holiday let, including the address of their main home, and will be required to make this information available at all reasonable times to the Local Planning Authority.

In dismissing the 2006 Appeal the Planning Inspector noted that due to the close proximity of the bungalow to the boundary the windows would look out onto the boundary walls and fences and the Inspector concluded the 'internal living conditions for future occupiers would be dreary and unpleasant' and therefore not meet the requirements of Government policy (PPS2: Housing). The proposed building would be erected on a similar footprint to that previously refused with a similar distance to neighbouring boundaries, however the main windows providing light and outlook to the internal space is from the glazed double doors and windows across the front elevation facing into the garden. Additional windows and rooflights are proposed to the side elevations and a high level window proposed within the rear gable end. Whilst the level of light and outlook for occupiers of the building would be severely limited, it is considered that for the purposes of a short term holiday let there would be a reasonable level of natural light and outlook provided for occupiers, particularly as the

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duration of stay is likely to be short term and unlikely to stretch beyond 4 weeks at any one time, as set out in the Applicant's supporting planning statement.

Local Plan Policy QD03 states that all new development should "be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure". The building would be set in approximately 1 metre from the common boundary with Nos 1 and 3 Rosebery Avenue and Nos 212 and 214 Hereson Road. The main windows and entrance door would face into the site and towards the 1.8 metre high timber fence side boundary of No 5 Rosebery Avenue. Sideways views from the external space would look onto the 2 metre high brick boundary walls. Given the high level boundary treatment these window and door openings would be unlikely to provide direct views into neighbouring rear gardens and there is unlikely to be unacceptable overlooking or loss of privacy above that which may already exist between adjoining gardens.

The southern facing side window is located towards the rear of the building and would face the 1.8 metre high brick boundary wall forming the rear boundary of No 1/1A Rosebery Avenue where there is an outbuilding across the width of the garden. The northern facing window would face the 2 metre high brick boundary wall forming the side garden boundary of No 214 Hereson Road and would not provide views directly into main habitable rooms. It is unlikely that these side facing windows would give rise to unacceptable overlooking or loss of privacy to occupiers of neighbouring properties.

The high level window within the gable end, providing light to the sleeping platform within the loft area, faces the rear common boundary with No 212 Hereson Road. The window is shown at a height of approximately 3 metres above ground level. The neighbouring boundary wall is annotated on the Block Plan as comprising a 1.8 metre high brick wall topped with 200mm trellis. The window would therefore be visible approximately 1 metre above the height of the boundary wall. The Applicant's Agent has confirmed agreement to the window being obscure glazed or fixed shut. Given the size of the window and 14 metre separation distance from neighbouring rear facing windows it is unlikely that the window would give rise to unacceptable overlooking or loss of privacy towards neighbouring occupiers above that which may already exist from mutual overlooking between gardens and from neighbouring first floor windows.

The building would be single storey and located some distance from windows serving main habitable rooms and it is therefore unlikely that the development would give rise to unacceptable loss of light or cause overshadowing to occupiers of neighbouring properties.

Concern has been raised that the use of the building would cause noise and disturbance particularly in the evenings, and from people using the access. Further concern is raised that Nos 3 and 5 Rosebery Avenue have windows openings on the ground floor which overlook the driveway which could be looked into by people walking up and down the drive. The HM Land Registry Title Plan for the site (K690580) shows ownership of the land includes the access to the site from Rosebery Avenue. The windows would therefore face and potentially open onto this land and would be a private civil matter to resolve. The windows within the flank elevations of Nos 3 and 5 are likely to be historic as they are consistent with the window arrangement within the flank elevations of Nos 7 and 9. It is currently possible to

view these windows from the public footpath and there are no barrier restrictions to prevent passers by looking into these windows in a similar fashion to people looking across the front gardens towards ground floor windows fronting the public highway.

The windows facing onto the access were present at the time of the 2006 Appeal and similar concerns were raised. The Planning Inspector concluded that 'the amount of comings and going would be likely to be limited. A similar kind of arrangement exists to serve the garages behind Nos 7 and 9. I therefore consider that the activity associated with the proposal would not be disruptive.' As tourist accommodation there could be some associated noise and disturbance resulting from comings and goings including cooking smells. In this instance it is reasonable to expect there to be a certain amount of activity around its use, and it is considered that a dwelling comprising one bedroom in this location would be likely to have a similar impact as an annexe or outbuilding used for visiting family members or friends in neighbouring gardens. The Environmental Health Department has been consulted and they raise no objections to the proposal however they request a condition to mitigate potential contamination if suspected or found during development.

The proposed holiday let accommodation is considered to be more compatible with the predominantly residential use of the surrounding area than the last use of the site as a builders' storage yard. Furthermore a permanently occupied dwellinghouse, as considered by the Planning Inspector, would give rise to a more intensive use than that of an occasional holiday let, including the activity along the access, and is likely to be less intense than the use of the land as a builders storage yard. Given the view of the Planning Inspector in considering a dwellinghouse, and given the low level of occupancy of the proposed holiday let, it would be unreasonable to withhold consent on the grounds of noise and disturbance. If the use of the building was to give rise to statutory noise and disturbance Environmental Health would be able to address this through their legislation.

Local Plan policy GI04 requires new dwellings with two bedrooms or more to provide safe doorstep play space for young children. This building would only have one bedroom therefore no playspace is required. There is ample space within the site for clothes drying and refuse storage for future occupants of the building. It is not unreasonable to expect the developer to make arrangements for the bins to be stored and collected in consultation with the Council's Waste & Recycling Department.

Given the above the living conditions for future occupiers of the building and the residential amenity of surrounding residential occupiers would not be adversely affected and the proposal therefore accords with Thanet Local Plan policies QD03 and QD04, and the NPPF.

### **Drainage**

The applicant advises that the site has no mains drainage and is not capable of easily gaining access to the sewer network. The application proposes grey water to be used for irrigating the garden planting and toilet waste be incinerated using an incinerator toilet marketed by Lee San. The supporting statement suggests this would be an ecological solution ideally suited for the intermittent use proposed. Alternatively the applicant suggests a cesspool could be introduced and rainwater from the roof could be directed to an on-site soakaway.

Southern Water have been consulted and do not support the use of a cesspit when there is a public foul sewerage network close to the development site. A map has been provided by Southern Water showing the pipework infrastructure present within the public highway and it is not unreasonable that a connection could be made to it, and this would need to be investigated by the development and in conjunction with Southern Water.

Concerns regarding drainage and future maintenance for neighbouring properties would be a private civil matter and is not a material consideration to be considered through this planning application.

## **Contamination**

The site has previously been used as a builders' storage yard and therefore the site has potential for contamination. Environmental Health have been consulted and raise no objections however have requested a Watching Brief Condition be included in any forthcoming approval in order that if contamination is found it can be assessed and monitored appropriately.

Given the proposed residential use of the building the addition of a safeguarding condition would be reasonable to ensure that the 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 NPPF.

## **Fire Safety**

Concerns have been raised that emergency service vehicles would not be able to reach the building. Kent Fire & Rescue have not been consulted on this application however they have provided recent advice on other schemes regarding access to sites by a fire appliance in the event of a fire. They require a pumping appliance to be within 45 metres of structures. The distance from the road edge of the pavement to the building is approximately 35.5 metres and the building is therefore within the carrying distance. Building Control Regulations would oversee the construction side of the development and consider safety requirements through their legislation.

## **Unilateral Undertaking for new Residential Units**

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

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an

increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations and an appropriate assessment has been carried out.

This application includes a signed Unilateral Undertaking which secures the required financial contribution of £202 for the one bedroomed dwelling to mitigate the additional recreational pressure on the SPA area and meet the requirements of Local Plan Policy SP29.

## **Highway Safety**

The main concern raised by neighbours is highway safety and concerns that the surrounding highway is already heavily parked, turning within the highway is restricted through parked cars and the proposed development would exacerbate the problem.

Paragraph 111 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' Local Plan policy TP06 states that proposals for development will be expected to make satisfactory provision for the parking of vehicles, including disabled parking. Suitable levels of provision will be considered in relation to individual proposals taking account of the type of development, location, accessibility, availability of opportunities for public transport, likely accumulation of car parking, design considerations.

Kent Highways have been consulted and initially required further details providing 2 metre x 2 metre pedestrian visibility splays be provided behind the footway on both sides of the access with no obstructions over 0.6m above footway level. In response to this comment the Applicant's Agent highlighted that this would be unachievable due to the height and proximity of walls and gate posts of neighbouring front gardens (Nos 3 and 5 Rosebery Avenue). The Agent further drew attention to the established use of the site as a builders storage site which has no restriction on usage or vehicular traffic usage. The Agent's response further advised that 'the proposed one-bedroomed glamping cabin will attract no more than one private car at a time and it is anticipated that lettings will not be continuous, vehicular traffic to the site will thus be less than could be generated by the established and unrestricted builders storage use.'

Kent Highways were reconsulted in light of concerns raised by neighbours and comments made by the Applicant's Agent. KCC Highways confirmed that 'the applicant has provided additional information regarding the existing usage and the proposed usage which has helped outline the expected trips that will be generated' and they 'are satisfied that this access usage will not be intensified with the proposed 'occasional' let for a single vehicle and therefore have no objections'.

The application form states that there is one existing parking space and one parking space is proposed for the development. The supporting planning statement suggests that two cars could be parked in tandem although it is not anticipated that more than one space would be required.

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The site has an existing vehicular access with a dropped kerb in Rosebery Avenue. The access is approximately 3.8 metres wide, reducing to 3.1 metres at its northern end. The area to the front of the proposed building would be approximately 8 metres by 7.3 metres (58.4 sq metres) and appears capable of providing off-street parking for at least one vehicle. Whilst turning within the site would be limited the area shown together with the access, is greater than the access and area comprising garages to the rear of Nos 7 and 9 Rosebery Avenue (2.3 metre wide access and 53 sq metre parking area). The development is therefore capable of providing off-street parking to meet the requirements of Policy TP06.

It is also noted that the site is within walking distance of local facilities and there are bus stops within Hereson Road providing public transport links across the whole of Thanet. The site is also within walking distance of Dumpton Park Railway Station although services to this station are no longer regular. There is space within the site for the safe storage of bicycles in line with the requirements of Policy TP03 which promotes sustainable travel.

The change of use of the land for the siting of a one bedrooned holiday let building would be unlikely to generate a significant demand for additional on street parking to cause congestion on the highway. Given the current use of the site and the presence of an existing access, together with the low level of use proposed, it would be unreasonable to withhold consent on highway grounds in this instance.

Given the above the impact of the development on highway safety is considered to be acceptable and accords with Thanet Local Plan Policies TP03 and TP06.

### **Conclusion**

It is considered the proposed self-catering tourist accommodation would be a sustainable form of development in accordance with Thanet Local Plan Policy E08 that would not result in harm to the character and appearance of the area, and the level of amenity for future occupiers of the building, impact upon neighbouring residential occupiers and highway safety, is considered acceptable, in line with the requirements of local and national policies. It is therefore recommended that Members approve the application subject to the signed unilateral undertaking, and safeguarding conditions including the requirements that the holiday accommodation is only occupied by persons whose only, or principal, home is situated elsewhere.

### **Case Officer**

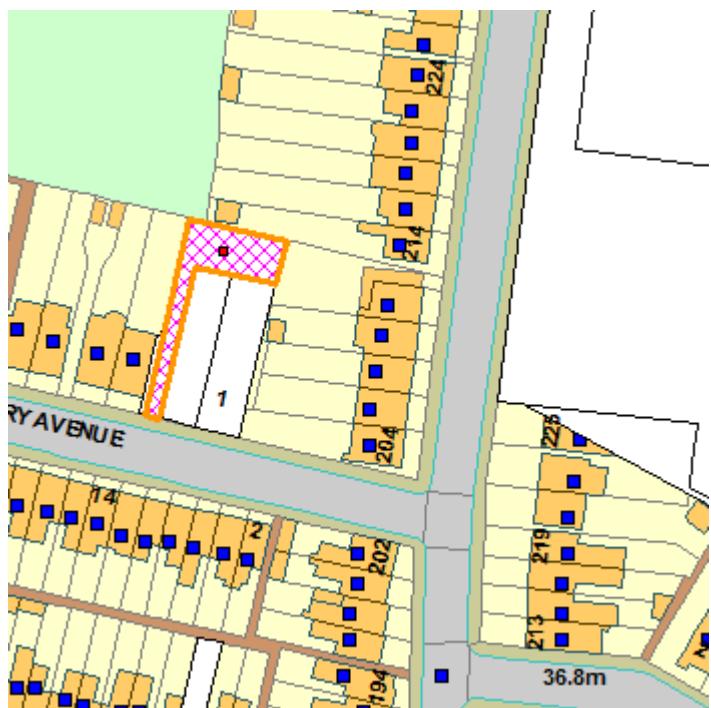
Rosemary Bullivant

## Agenda Item 4a

TITLE: F/TH/22/0233

Project 3A Rosebery Avenue RAMSGATE Kent CT11 7ES

Scale:



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R02

F/TH/22/1057

PROPOSAL: Change of use of commercial units to provide a mixed use (residential and commercial) development consisting of 3No commercial units (Use Class E) and parking at ground floor and erection of a three storey extension to provide 6No 2-bed and 4No 3-bed self contained flats together with associated parking

LOCATION: Unit 1 And 2 Belgrave Road MARGATE Kent CT9 1XG

WARD: Margate Central

AGENT: Miss Rachel Maguire

APPLICANT: Mr Jamie Copland

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The proposed three storey extension by virtue of its height, scale, design, proximity to and relationship with the buildings fronting Marine Gardens and Marine Terrace would result in a incongruous and dominant form of development that competes with and detracts from the significance of the listed buildings fronting Marine Gardens and the buildings fronting Marine Terrace in the Margate Seafront Conservation Area resulting in significant harm to its special character, appearance and historic interest of these designated buildings and area, which is not outweighed by the public benefits of the proposal, contrary to policies HE02, HE03 and QD02 of the Thanet Local Plan and paragraphs 130, 199, 200 and 202 of the National Planning Policy Framework.

2 The proposed first, second and third floor balconies due to their proximity to, and relationship with the rear elevation windows of the northern neighbours, 12 and 12A Marine Gardens, would result in direct overlooking to the habitable room windows in the rear elevations of these properties and a subsequent loss of privacy to the occupants of this property, contrary to Policy QD03 of the Thanet Local Plan and paragraph 130 of the National Planning Policy Framework.

3 The applicant has failed to enter into a legal agreement to secure the delivery of the necessary planning obligations required in order to mitigate the impacts of the proposed development on the local infrastructure and make the development acceptable in all other respects. The application is, therefore, contrary to policy SP41 of the Thanet Local Plan, and paragraphs 55, 57 and 58 of the National Planning Policy Framework.

4 The proposed development will result in additional pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hackling Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of

mitigation to relieve the pressure, the proposed development would be contrary to policy SP29 of the Thanet Local Plan and paragraph 182 of the National Planning Policy Framework.

## SITE, LOCATION AND DESCRIPTION

The site currently comprises a commercial building that extends from the rear of 12 and 12A Marine Gardens and 1 Belgrave Road to Eaton Hill and occupies the whole footprint of the site. The building has a pitched roof with gabled ends and is constructed from brick with a tiled roof. Most of the brickwork to the front elevation is painted and there are large openings, many of which are covered with advertisements. The building is split into two and is currently in use as a furniture shop and a van hire business. An existing vehicular access is located at the southern end of the front elevation. Part of the rear elevation abuts a building with a roller door that fronts Eaton Hill and the remainder of the rear elevation abuts the side boundary of 11 Marine Gardens.

The site lies adjacent to the Secondary shopping area of Margate which runs along Marine Gardens and is located within Margate Conservation Area, opposite the Margate Seafront Conservation area, and in close proximity to a number of listed buildings including those in Marine Gardens.

## RELEVANT PLANNING HISTORY

F/TH/99/0772 - Change of use of car repairs garage to car sales and showroom. Granted 22 December 1999

## PROPOSED DEVELOPMENT

This application is for the change of use of commercial units to provide a mixed use (residential and commercial) development consisting of 3No commercial units (Use Class E) and parking at ground floor and erection of a three storey extension to provide 6No 2-bed and 4No 3-bed self contained flats together with associated parking.

The existing ground floor front elevation of the building would be painted dark green with black features and the doors and windows replaced with black doors and windows. The roof of the existing building would be removed and three additional storeys would be constructed above the existing building. This extension would extend the full length of the building and would be set within the existing brick gable ends. This extension would be constructed from yellow glazed brick cladding and orange vertical metal cladding. Each floor would be stepped back from the floor below at the front and the front elevation and roof would have an angular form. Balconies would be formed at first, second and third floor levels and feature lettering is proposed at roof level. The proposed rear elevation would have a flush design and comprise external walkways to access the flats that are enclosed by metal cross braces, mesh and timber fins.

Two small commercial units and one larger commercial unit would be formed on the ground floor all proposed to be in use Class E (Commercial, Business and Service). In addition to these units parking for the residential units, bin and cycle stores and access to the flats would also be formed on the ground floor. Three two bedroom units and one three bedroom unit are proposed on the first and second floors and two three bedroom units are proposed on the third floor.

## DEVELOPMENT PLAN POLICIES

SP01 - Spatial Strategy - Housing  
SP04 - Economic Growth  
SP10 - Margate  
SP13 - Housing Provision  
SP14 - General Housing Policy  
SP22 - Size and Type of Dwellings  
SP27 - Green Infrastructure  
SP28 - Protection of the International and European Designated Sites  
SP29 - Strategic Access Management and Monitoring Plan  
SP30 - Biodiversity and Geodiversity Assets  
SP35 - Quality Development  
SP36 - Conservation and Enhancement of Thanet's Historic Environment  
SP37 - Climate Change  
SP38 - Healthy and Inclusive Communities  
SP41 - Community Infrastructure  
SP42 - Primary and Secondary Schools  
SP43 - Safe and Sustainable Transport  
SP44 - Accessible Locations  
CC01 - Fluvial and Tidal Flooding  
CC02 - Surface Water Management  
CC03 - Coastal Development  
HO1 - Housing Development  
HO8 - Cliftonville West and Margate Central  
GI04 - Amenity Space and Equipped Play Areas  
GI06 - Landscaping and Green Infrastructure  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable Accommodation  
HE02 - Development in Conservation Areas  
HE03 - Heritage Assets  
SE05 - Air Quality  
SE06 - Noise Pollution  
SE08 - Light Pollution  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

## NOTIFICATIONS

Letters were sent to neighbouring property occupiers, a site notice was posted close to the site and an advert was posted in the local paper.

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

- Conflict with local plan
- Out of keeping with character of area
- Impact upon the conservation area
- Impact upon neighbouring listed buildings
- Proposed materials
- Extension would dominate neighbouring properties
- General dislike of proposal
- No objection to the works to the existing building
- Relocation of existing businesses
- Development too high
- Scale of development
- Impact upon development of neighbouring plots
- No consultation with neighbours prior to the submission of the application
- Loss of light
- Loss of existing businesses

One letter of support has been received stating that this would be a great development to see as you arrive into Margate

## CONSULTATIONS

**TDC Conservation Officer** - Unit 1 and 2 Belgrave Road is a large commercial property located centrally to Margate's Conservation Area. Thanet's Local Plan, policy HE02, states within Section 7 'The character, scale and plan form of the original building are respected and the development is subordinate to it and does not dominate principal elevations.'

As well as Section 8 which states 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area.

New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.'

Within the NPPF Section 16, 197 questions 'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability' and 'the desirability of new development making a positive contribution to a local character and distinctiveness'.

NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their

conservation as well as (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness. Under the Listed Buildings and Conservation Areas Act 1990, Section 16 Paragraph 2 it states In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Pre Application advice was sought as part of this development of which concerns were raised, including implication to nearby listed properties of which appears to have not been notably addressed through the information provided. One of the points made at pre application stage was that the adjacent listed properties and their possible implication by this proposed scheme needs thorough review and justification as part of the formal submission. A paragraph has been included in the heritage statement which states that there is some harm to the nearby listed properties and in response to this they have lowered the corner of the development somewhat. However no further detail has been included expanding on why this scheme may or may not be an issue.

This application looks to expand an existing commercial property by a further three storeys whilst altering its overall design and appearance to be considerably more contemporary. In its current state the building is utilised commercially and the introduction of housing is the main public benefit. Other than this the current building is not considered to cause harm to the setting and appearance of the surrounding conservation environment.

One of my main concerns as part of this application, as expressed at the pre application stage, is the scale of the scheme and the implication that this would have to the adjacent Grade II listed terrace. An attempt has been made following discussions to step in the corner, at some levels, of the proposed scheme which are closest to this terrace, however I would consider that this achieves very little given the grand nature of the overall proposal and the proposed three storey extension. The circulation core is still cited in this location which is also of notable scale. There is little in the way of property or space between the two elements and definitely not enough to step the entirety of the development away enough to accommodate a building of this scale and stature. Ultimately resulting in a site that appears too large for its setting and incongruous within the conservation environment. I would consider this to be evident by the rear elevation drawing submitted as part of the application. The primary sea frontage and outlook within Margate Conservation area is something which has a strong and visible relationship with hierarchy and the existing built form of the surrounding area. These are traditionally the most significant structures facing the front and perhaps decreasing somewhat the more they move away from the main thoroughfare and establish smaller scale backlacked development. I would consider that the proposed scheme goes against this hierarchy by way of its form and subsequent large scale status set back from the main frontage and its position in what once would have been the curtilage boundary of the associated listed building which it is now impacting upon.

Often development would likely step back from the main highway and footpaths to create a sense of separation being public and private space, whereas the proposed lies directly affronting the footpath.

Despite changes being made, I do believe that the proposed alterations to the units at Belgrave Road would negatively implicate the setting and appearance of Marine Gardens and as such does not comply with Listed Buildings and Conservation Areas Act 1990, Section 16 Paragraph 2. It has been mentioned through discussions that Units 1 and 2 Belgrave Road could have once been considered to have a link with dreamland and that it would have been their coach house which is why the approach has been taken to incorporate the bright colours and 'seaside' influence in its design, linking it to the nearby amusement park. However I would suggest that given this past possible influence a design of a more industrial influence would have better suited the constraints of the site, appearing not out of place against the listed terrace nor within its setting of the general conservation area whilst reflecting its past function. I am not against the development of this building as it has been established from the start, however it does need to be sympathetic given its important historical surroundings.

The contemporary nature of the design itself is not something that I object to and given the right location and enough open space to comfortably support an application like this would be possible, however this should not be to the detriment of historically designated buildings. In conclusion I do not consider that this application has fully considered the implication to the setting and appearance of the nearby listed assets as is demonstrated by its considerably high scale and contrasting design which challenges the hierarchy of the surrounding built form. As such, it does not comply with aforementioned legislation and it would be my recommendation that the application is refused and reconsidered with this in mind. I am happy to support the conservation or redevelopment of this site, however, there should be a greater public benefit alongside a more considered approach to nearby listed assets.

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

**KCC Economic Development** - We refer to the above planning application which concerns proposed residential development at Unit 1 and 2 Belgrave Road, Margate, Kent, CT9 1XG and comprising: 10 new households.

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

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

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

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

Kent County Council is the Statutory Authority for education and is the Strategic Commissioner of Education Provision.

## Secondary School Provision

A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.

The proposal is projected to give rise to additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of a new Thanet secondary school or the provision of additional secondary places within the Thanet District non-selective and selective planning group, or any other new secondary school within the District.

The new secondary accommodation will be delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

## Build Contribution

The County Council requires a financial contribution towards construction of a new Thanet secondary school at £1,294.00 per 'applicable' flat ('applicable' means: all dwellings except 1 bed of less than 56 sqm GIA).

## Land Contribution

The County Council also requires proportionate contributions towards the new Secondary School land acquisition cost at £377.78 per 'applicable' flat.

The site acquisition cost is based upon current local land prices and any section 106 agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2022-26 and Children, Young People and Education Vision and Priorities for Improvement 2018-2021.

## Community Learning

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KCC provides community learning facilities and services for further education in line with KCC policies as set out in its Strategic Statement Increasing Opportunities, Improving Outcomes (adopted Spring 2015). Community Learning and Skills (CLS) helps people moving to a new development overcome social isolation and encourages community cohesion, as well as improving skills in a wide range of areas.

There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity, as shown in Appendix 2, along with the cost of mitigation.

To accommodate the increased demand on KCC Community Learning, the County Council requests £16.42 per dwelling towards the cost of providing additional resources, equipment, and services at Margate Adult Education Centre to assist with the education and training of the new learners from this development.

### Youth Service

KCC has a statutory duty to provide Youth Services under section 507B of the Education Act 1996. This requires KCC, so far as reasonably practicable, to secure sufficient educational leisure-time activities and facilities to improve the well-being of young people aged 13 to 19 and certain persons aged 20 to 24.

To accommodate the increased demand on the Kent Youth Service, the County Council requests £65.50 per dwelling towards additional resources and equipment for the Thanet Youth Service.

### Library Service

KCC is the statutory Library Authority. Under the Public Libraries and Museums Act 1964, KCC has a statutory duty to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

Borrower numbers are in excess of capacity, and bookstock in Thanet at 953 items per 1000 population is below the County average of 1134 and both the England and total UK figures of 1399 and 1492, respectively.

To mitigate the impact of this development, the County Council will need to provide additional services, equipment, and stock to meet the additional demand generated by the people residing in these Dwellings.

The County Council, therefore, requests £55.45 per household to address the direct impact of this development, and the additional services, equipment and stock will be made available locally at Margate Library, as and when the monies are received.

### Adult Social Care

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 3.

Kent County Council is the Statutory Authority for Adult Social Care. The proposed development will result in additional demand upon Adult Social Care Services (ASC), including older persons and adults with Learning/Neurodevelopmental/Physical Disabilities

and Mental Health Conditions. Existing care capacity is fully allocated, with no spare capacity to meet additional demand arising from this and other new developments.

To mitigate the impact of this development, KCC Adult Social Care requires:

- a proportionate monetary contribution of £146.88 per household (as set out in Appendix 3) towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places locally in the District.
- The Department for Levelling Up, Housing and Communities identified in June 2019 guidance Housing for older and disabled people, that the need to provide housing for older & disabled people is critical. Accessible and adaptable housing enables people to live more independently and safely, providing safe and convenient homes with suitable circulation space, bathrooms, and kitchens. Kent Adult Social Care requests these dwellings are built to Building Reg Part M4(2) standard (as a minimum) to ensure that they remain accessible throughout the lifetime of the occupants, meeting any changes in the occupant's requirements.

### Waste

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, responsible for the safe disposal of all household waste, providing Household Waste Recycling Centres (HWRC) and Waste Transfer Stations (WTS). Each household produces an average of a quarter of a tonne of waste per year to be processed at HWRCs and half a tonne per year to be processed at WTS's. Existing HWRCs and WTSs are running at capacity and additional housing will create a significant burden on the manageability of waste in Kent.

A contribution of £54.47 per household is required towards the upgrading of the existing House Waste Recycling Centre in Thanet to mitigate the impact arising from this development and accommodate the increased waste throughput within the District.

### Broadband: Fibre to the premise/gigabit capable

The NPPF (para 114) and The Department for Digital, Culture, Media and Sport requires full fibre connection to new developments being gigabit capable fibre optic to the premise connection for all.

Please include a Planning Condition to provide 'fibre to the premise' (FTTP) broadband connections to all premises of gigabit capacity.

Developers are advised to make early contact with broadband providers, as there can be a lead in time for cable installation and associated infrastructure.

**KCC Flood and Water Management** - Having reviewed the information provided we are generally in agreement with the principles proposed for dealing with surface water, namely utilising an existing connection to a neighbouring surface water sewer, and as such have no objection to the application.

Should you be minded as Local Planning Authority to grant permission we would recommend that the following conditions with advisories be applied:

### Advisories

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Whilst sympathetic to the fact that no ground is being broken in association with the development and therefore opportunities to reduce existing surface water flow rates are limited we will require, as part of any future detailed submission, for it to be clearly evidenced that all opportunities to do so have been thoroughly investigated.

Given the geology of the site we would expect for the utilisation of infiltration to be maximised as much as possible and for this demonstrated as part of any future detailed design submission and would emphasise that additional ground investigation will be required. It is recommended that soakage tests be compliant with BRE 365, notably the requirement to fill the test pit several times. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway will have an appropriate half drain time.

### Conditions

Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy prepared by Considine (August 2022), Report No.: 5299 FRA, 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):

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

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

### Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

### Condition:

Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also

## Agenda Item 4b

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

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Condition:

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

Reason:

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

**KCC Highways** - I have no objections to this proposal since highways abutting and in the vicinity of the site are subject to traffic regulation orders and the site is within close walking distance of town centre amenities and excellent public transport routes. The existing access to the site is being utilised but the steel shutter should be set back to allow a car to wait off the carriageway whilst waiting to enter. The footway is wide in this location so this should only need to be set back about two metres. A minimum of 10 cycles should be catered for in the cycle store. The parking spaces should be increased in width to 2.7m where abutting the end wall or any pillars that may restrict door opening. If the parking spaces are unallocated then one space must be active for electric vehicle charging and the rest equipped with the ducting and cabling to allow passive provision to become active at a later date. If they are allocated to each individual flat then all 10 will need to be active and equipped with a minimum 7kw output charging port in accordance with Building Regulations.

Taking the above into consideration I have no objections subject to:

- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

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- All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Gates to open away from the highway and to be set back a minimum of 6m metres from the edge of the carriageway.

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

The Submitted surface water drainage information shows no flows greater than existing levels will be connected to the system proving the betterment of the surface water system which is acceptable by Southern Water.

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

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

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. It should be noted that under the Water Industry Act 1991 it is an offence to "throw, empty, turn or permit to be thrown or emptied or to pass into any drain or sewer connecting with a public sewer. Any matter likely to injure the sewer or drain or to interfere with the free flow of its contents.

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.

**TDC Environmental Health** - Thank you for consulting Environmental Protection on the above planning application; the following comments are offered in relation to: Air Quality, Noise and Contaminated Land.

### Air Quality

The ground floor plan indicates 10 parking spaces are proposed and of those 1 will have an EV charge point fitted. However, if these are allocated spaces all 10 are required to have chargers.

Condition: EV Residential

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1 Electric Vehicle charging point per dwelling with dedicated / allocated parking or 1 charging point per 10 spaces (unallocated parking)

Condition: EV Charger Details

*Prior to [the erection of the building(s) hereby approved], written and illustrative details of the number, type and location of Electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the local planning authority before any of the units are first brought into use. The EVCP shall be maintained and kept in good working order thereafter as specified by the manufacturer.*

Policy SE05: Air Quality

### Noise

The site will be impacted on by both traffic noise and noise from Dreamland Amusement Park and Events space. Therefore a noise impact assessment and acoustic design statement is necessary to protect future occupants from significant adverse effects.

Condition – Acoustic Design Statement

*Prior to the commencement of the development hereby approved, an Acoustic Design Statement in accordance with ProPG Planning & Noise 2017 scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.*

Policy SE06: Noise

### Contaminated Land

The site comprises of a former commercial units and therefore the following condition is recommended:

Condition: Unsuspected Contamination

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

### General

## Condition: Construction Environmental Management Plan

*Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; lighting control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.*

**TDC Water and Recycling** - We have no issues with this development

## COMMENTS

This application is brought before members by Cllr Reece Pugh to consider the benefits of additional housing in the town centre and that the development would provide a better use of the site.

## **Principle**

The site comprises an existing building located within the urban confines of Margate. The principle of extending and altering an existing building is considered acceptable and the National Planning Policy Framework (NPPF) promotes the effective use of land in meeting the need for homes and other uses.

The site is not allocated for the retention of employment uses and is currently occupied by a furniture shop and a vehicle hire business. The site is also not located within a town, district or local centre as defined by policies SP08 and E04 of the Thanet Local Plan where uses falling within an E use class would normally be expected to be located. However, given the existing commercial development on the site, the three commercial units are not considered to significantly harm the vitality of the main shopping areas and, therefore, the principle of the use is considered acceptable.

Policy SPO1 (Spatial Strategy - Housing) of the Local Plan states that the primary focus for new housing development in Thanet is the urban area. Policy H01 goes on to state that permission for new housing development will be granted on sites allocated for residential development and non allocated sites within the confines of the urban area and villages. As such, there is no in principle objection to the residential use of the upper floors of the proposed building.

## **Character and Appearance**

The site is located within the Margate Conservation Area and directly opposite the Margate Seafront Conservation Area, therefore, the Council must take into account Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that in

## Agenda Item 4b

relation to conservation areas, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.'

Policy SP36 of the Thanet Local Plan states that "The Council will support, value and have regard to the historic or archaeological significance of Heritage Assets.."

Policy HE02 of the Thanet Local Plan requires that appropriate materials and detailing are proposed and that developments would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.

Paragraph 130 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 development would remove the existing pitched roof of the building and replace it with a three storey extension that occupies virtually the whole footprint of the existing building. The increase in height would be 6.8m from the top of the existing ridge to the top of the proposed extension.

The erection of three additional floors is considered to add significant bulk and mass to the existing building. Furthermore the position of the building, abutting the public highway to the front and southern side and the boundaries of the neighbouring properties to the north and rear, is considered to make a very immediate and dominant change to the character of the area.

The building proposed would encompass a bold design, mixing cubist architecture in the upper floors with the traditional early 20th ground floor structure to create a modern design. The front elevation of each floor of the proposed extension would step in from the floor below and the front elevations of the first and second floors and roof would have articulation through the form of an angular wave design. The rear and side elevations would be flat in design with the side elevations set within brick gables of the existing building. There would also be a variety of materials around the building with the painted brick and large windows retained to the ground floor front elevation, the unpainted brick gables retained to the side elevation, and yellow glazed brick cladding and orange vertical metal cladding proposed to the front and side. The rear elevation would also be constructed from metal cross braces, mesh and timber cladding. The stepping of the upper floors and the variation in materials around the site would add articulation and interest to the elevations of the building.

The site is located towards the northern end of Belgrave Road and to the rear of numbers 12 and 12A Marine Gardens which are located at the end of a row of grade II listed buildings that front Margate seafront. To the northeast is the Flamingo Amusement Arcade which forms the end of a row of buildings that front Marine Terrace and Margate mains sands. These neighbouring buildings are some of the most prominent and important buildings in

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Margate as they form part of a historic terrace arrangement and the long sweep of buildings that face the seafront.

The existing building has a number of architectural features and details that add to the interest of the building and signify its age, however, the large and numerous adverts which have been added to it over time are considered to detract from its appearance. The building is, therefore, currently considered to have a neutral impact upon the character and appearance of the area. In any event the existing building is to be retained.

It is considered that there is a strong change in character as you enter Belgrave Road from the seafront with development immediately changing from the vibrant seafront area with long rows of tall terraced properties (many of which are listed) and a variety of commercial uses, to lower level buildings that contain less commercial and more residential uses.

The submitted street scene plan shows the ridge of the proposed extension to project above the ridges of both 12 and 12A Marine Gardens by 0.4m and the proposed third floor to be located almost entirely above the height of the Flamingo. There would be a separation distance of 14.3m between the main upper floors of the closest property on Marine Gardens and 13.9m across Belgrave Road to the Flamingo. It is, therefore, acknowledged that the building would be set back from the buildings facing the seafront, however given the scale of the extension this separation would not alleviate the sense of scale of the structure proposed, above those adjacent buildings, which would be perceived in the vicinity of the site.

The proposed extension would significantly increase the scale of the building and extend above the neighbouring properties that face the seafront. The height of the proposed building and its close proximity to these neighbouring properties on Marine Gardens and Marine Terrace is considered to conflict with this change in character and result in a building that would compete with these neighbouring seafront facing properties. This relationship, and the significant scale of the extension, would detract from the status of the seafront buildings as the most dominant form of development in the Conservation area. The Conservation officer has commented that "the proposed scheme goes against this hierarchy by way of its form and subsequent large scale status set back from the main frontage and its position, in what once would have been the curtilage boundary of the associated listed building which it is now impacting upon". The proposed orange cladding and yellow tiles would mean that this building and its relationship with these neighbouring properties would be highlighted and extremely prominent from the seafront and Belgrave Road, further highlighting the scale of the development and its close proximity and incongruous relationship with the neighbouring buildings.

In terms of the design, the building has taken a modern approach when viewing it in relation to surrounding buildings, the majority of which have a traditional Victorian design, incorporating a more vertical emphasis, a uniform sliding sash window design, with window and elevational detailing, and in some instances balcony features. In comparison the proposed development, whilst providing an interesting shape and form, has a horizontal emphasis, which whilst arguably in character with the existing building form, is not characteristic of the surrounding historic area. In addition, the design incorporates a high solid to void ratio, with high parapets and solid balustrading to the front elevation, creating a

dominant and top heavy design in relation to the ground floor elevation, which contains wide floor to ceiling glazing. Whilst the third floor is setback from the front elevation, there is no setback from the side elevation, creating a 4-storey solid elevation (other than for two small openings), which would appear out of keeping with and poorly related to the scale of the nearest residential properties in Eaton Road. The side elevations lack openings, and with the flat roof form proposed (which provides no reflection of the existing building or roof form) the southern side elevation, in cumulation with the front view of the building, will appear as a poorly designed, overly dominant and bulky form of development that significantly detracts from the visual amenities of the area, particularly given the prominence of the building in the long views achievable from Eaton Road and Belgrave Road.

The surrounding designations of the conservation areas and the listed status of the neighbouring buildings requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the area and great weight should be given to the assets' conservation. The position of the site, combined with the scale of the extension and the use of bright materials is considered to conflict with the pattern of development in these conservation areas where larger, brighter and more prominent development is located on the seafront. The height of the extension, combined with the proximity and position to the rear of listed buildings is also considered to result in an awkward and incongruous relationship that would detract from their setting.

It is, therefore, considered that due to the location of the site, off the seafront, and behind the neighbouring properties, the scale of the extension proposed, the close proximity and relationship with the neighbouring grade II listed properties, combined with the use of bright materials and design would result in significant harm to the character and appearance of the Margate and Margate Seafront Conservation Areas and the setting of the neighbouring listed buildings contrary to policies HE02, HE03 and QD02 of the Thanet Local Plan and the National Planning Policy Framework.

## **Living Conditions**

Policy QD03 of the Thanet Local Plan states that; "All new development should:

- 1) Be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.
- 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04.
- 3) Residential development should include the provision of private or shared external amenity space/play space, where possible.
- 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass."

The proposed extension would increase the height of the building from 9.2m to 16m with the proposed lettering on the roof extending a further 0.8m above the proposed roof. There are no changes to the footprint of the building. There would be a separation distance of 3.2m to the side elevation of 1 Belgrave Road and the single storey projection at the rear of 12 Marine Gardens. There would be a distance of 10.9m to the upper floors of the properties

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fronting Marine Gardens and 15m to 2 Eaton Hill. A storage building directly abuts the rear of the site and there would be a separation of 7m to the boundary of the sites fronting Eaton Hill allocated for housing. There would be a separation distance of 31m to the closest existing dwelling to the rear of the site. Currently the gardens for 7-10 Marine Gardens extend from the rear of these properties to Eaton Hill.

The applicant has submitted a daylight and sunlight assessment report that considers the impacts of the development against the Building Research Establishment document 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice Third Edition 2022'. This report considers the impacts of the development on 10-12A Marine Gardens, 3 Eaton Hill and 2 and 7 Eaton Road in the terms of daylight, sunlight and overshadowing. This report concludes that the proposed development will not result in a notable reduction in the amount of daylight or sunlight enjoyed by the neighbouring buildings.

Whilst there would be a change in the outlook from the windows at the rear of these properties, the separation distance is considered to limit the loss of light. These windows also appear to serve bedrooms, bathrooms and kitchens and, whilst bedrooms are habitable rooms, they are not normally primary living spaces and, therefore, the change in outlook to these properties would not result in significant harm to the living conditions of occupiers of these units.

The existing building has a number of ground floor doors and windows serving commercial premises. The proposed ground floor doors and windows would serve the commercial units and the entrance lobby for the proposed flats. The alteration to these openings and the change of use is not considered to result in any significant change to the overlooking that results from these openings.

The proposed upper floor windows, doors and balconies on the front elevation would serve the proposed flats. These openings would face Belgrave Road, the side of the Flamingo, an area of open land and the Dreamland car park. The proposed balconies would extend up to the ends of the building, and on the northern end of the building, on the second and third floors, would wrap around the northern end of these floors. Due to the limited separation distance of 10.9m between this end of the building and the rear elevations 12 and 12a Marine Gardens these balconies are considered to result in a significant opportunity for overlooking towards these neighbouring properties. It is acknowledged that this overlooking could be overcome through the installation of privacy screens to these balconies, however no such screens are shown on the proposed plans. Therefore the development would result in overlooking to the rear of no.12 and no.12a Marine Gardens from the proposed balconies, causing significant harm to the living conditions of occupiers.

Three windows would be located in the southern end of the proposed building once completed, an existing round window in the existing brick gable and a rectangular and round window in the proposed extension. The existing window would be blocked by the proposed extension behind the gable and the two upper windows would serve the kitchen and living spaces for the end units. These windows would face across the front garden of 2 Eaton Hill which is open to public views from the street. These windows are, therefore, not considered to result in any significant overlooking.

In the northern end of the building a door is proposed in the ground floor side elevation serving the bike store, the existing round window in the brick gable would be retained but blocked from behind by the proposed extension and a cut out would be provided in the roof to provide light to the areas below. Due to the arrangement of these openings they are not considered to result in any significant overlooking.

At the rear of the site a solid structure is proposed at the northern end of the property serving the stairwell and lift core and external corridors are proposed to the rear of the proposed flats to provide access to these units. Doors to access the units and windows serving bedrooms, bathrooms and dining rooms would face onto these corridors. Bathrooms and stairwells are not considered to be habitable rooms and would, therefore, not result in any significant opportunity for overlooking. Timber louvres are proposed on the external face of this elevation adjacent to each of the bedroom and dining room windows in this elevation to prevent overlooking towards the neighbouring properties. Given that the windows and doors are set back from the external elevation and the screens that are proposed in front of the windows, these openings are not considered to result in any significant overlooking to the existing neighbouring properties or the neighbouring allocated sites.

The proposed dwellings would all exceed the floor space standards set out in policy QD04 of the Thanet Local Plan and the habitable rooms in the front elevation are all considered to receive adequate natural light, ventilation and outlook. As noted above windows serving bedrooms, dining rooms and bathrooms are proposed in the rear elevation and timber screens are proposed on the external corridor to prevent overlooking to the neighbouring dwellings from these windows. These screens would, however, restrict the outlook from these windows. Bathrooms are not considered to be habitable rooms, the bedrooms would be second and/or third bedrooms and the dining rooms would be a secondary living space. Large windows are proposed to these rear facing habitable rooms and, therefore, they are likely to receive an adequate degree of light. The harm resulting from the restricted outlook to these rooms upon the future occupiers of the site must be weighed against the benefits of the scheme.

Policy GI04 of the Thanet Local Plan requires all new family dwellings to incorporate garden space in order to provide a safe "doorstep" play area for young children. Family dwellings are defined as those having two bedrooms or more. No garden spaces are proposed as part of this development, however each flat would have a balcony on the front elevation. The site is located within close proximity to Marine Gardens and Margate main sands. The harm resulting from the lack of allocated doorstep playspace must be weighed against the benefits of the scheme.

The Council's Environmental Health Department have reviewed the application in terms of the living conditions of the future occupiers and due to the proximity of the site to the existing neighbouring uses and Dreamland amusement park have requested an acoustic design statement to ensure that the future occupants are protected from any significant adverse effects. Given the proximity and variety of the neighbouring uses this condition is considered appropriate in this instance.

The Environmental Health department have also requested a condition requiring the submission of a construction management plan. Given the proximity of the site to the

highway and neighbouring residential properties the requirement for a construction management plan is considered appropriate.

## Transportation

The site is located in a highly sustainable location, close to Margate seafront and town centre with numerous public transport links and facilities. The site is also located within Margate Town Centre as defined by policy TP06 of the Thanet Local Plan. This policy states that “new development proposals will not be required or expected to provide on site car parking spaces. Where feasible such proposals should consider measures to encourage occupiers to make greater use of public transport.”

The existing vehicular door in the southern side of the front elevation would be retained and 10 parking spaces would be provided on the ground floor. Internal storage for 10 bikes would also be provided within the proposed entrance lobby.

KCC Highways have reviewed the application and have raised no objections as the site is close to the town centre and the surrounding roads are subject to controls. They have indicated that the proposed shutter to the vehicular door should be set back to allow a car to wait off the carriageway and that parking spaces next to walls should be increased in width. They have also indicated that the electric vehicle charging point and cycle storage should be conditioned.

There would be no change to the footprint of the building or the existing ground floor elevations and the proposed upper floors would not overhang the existing ground floor of the building.

In addition to the 10 residential dwellings proposed on the site this application also proposes three commercial units. The proposed commercial units would be smaller in size than the existing businesses on the site. It is therefore considered that the change in the number and arrangement of the commercial units would not result in any significant increase in vehicular movements to and from the site.

Policy TP02 of the Thanet Local Plan requires the provision of secure cycle storage and the proposed 10 spaces would comply with KCC guidance. The provision of the proposed cycle storage would be conditioned so that it is provided prior to the first occupation of the flats and thereafter maintained.

The submitted plans indicate that there would be additional space adjacent to the end spaces in the parking area and therefore whilst the proposed spaces are not of the size indicated, sufficient space would be provided to allow these spaces to function.

It is not clear from the submission as to why the proposed parking spaces would be allocated as there are 10 spaces and 10 flats proposed, but it appears from the ground floor plan that this would not be the case. This is not, however, a planning concern above, in this instance whether the provision of electric vehicle points would meet the policy criteria. Drawing 0873-LEP-ZZ-00-DR-A-00210 Rev P02 (Proposed Ground Floor Plan) shows that 1 space would have an electric vehicle charging point which would meet the requirements if the spaces are unallocated as indicated. In any case, if the spaces were to be allocated, it is

considered that the requirement for each space to have an electric vehicle charging point could be dealt with by the imposition of a condition.

The existing van hire business has a roller door set flush with the front elevation of the property. It appears that this door is normally open during the opening hours of the business, however there are no restrictions in the planning system requiring this door to be open during this time. Outside this entrance the pavement and the road are both wide. It is therefore considered that given the existing vehicular access and roller door, the business using this entrance, and the number of spaces proposed that the proposed arrangement would not result in significant harm to highway safety to warrant refusal of the application.

## **Financial Contributions**

Policy CF2 of the Thanet Local Plan requires that where a proposed development would directly result in the need to provide new or upgraded community facilities (including transport infrastructure educational, recreational facilities or affordable housing) the Local Planning Authority will negotiate with the applicant for a contribution towards the cost of such provision, which is fairly related in scale and kind to the proposed development.

Such financial contributions would need to be secured via a Section 106 agreement or unilateral undertaking. The test for such contributions is that they must be fairly and reasonably related in scale and kind to the development proposed.

KCC have been consulted and have advised that there is a need for financial contributions towards secondary schools, secondary land acquisition community learning, youth service, libraries, social care and waste.

The secondary education contribution £12940 towards a new Thanet Secondary School or additional places and the secondary land contribution £3777.80 towards the new Thanet Secondary School land acquisition cost. The community learning contribution of £164.20 at the Margate Adult Education centre, £655 towards additional resources for the Thanet Youth Service, £554.50 for additional book stock and resources at Margate Library and social care contributions would be £1468.80 towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the local area. A contribution of £554.70 is also requested towards improvements at Margate Waste Recycling Centre.

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.

No legal agreement has been provided securing the required KCC or SAMM contributions at this stage and no other mitigation has been provided to address the impacts of the development upon local infrastructure or protected sites.

## **Drainage**

Kent County Council Flood and Water Management have reviewed the application and have indicated that they are generally in agreement with principles proposed for dealing with surface water and have no objection to the application. Surface water would be dealt with by connecting to a neighbouring surface water sewer. KCC have indicated that the opportunity should be taken to reduce surface water run off and have requested conditions requiring the full details of a sustainable surface water drainage scheme including an assessment of utilising infiltration within the site and a verification report to confirm that the implemented scheme is operating in accordance with the submitted details. The submission of details for the proposed surface water drainage scheme is considered appropriate to ensure that this development does not lead to an increase in surface water discharge to the surrounding area.

The developer would be required to submit a formal application to Southern Water for a connection to drainage and water. If required under the Water and Infrastructure Act, the developer may be required to pay a contribution to Southern Water to upgrade the infrastructure to service the development.

## **Biodiversity**

There is no external space on the site and this development makes no changes to the footprint of the existing built development. It is therefore considered that this proposal would have no significant impact upon biodiversity in the area. Policy SP30 of the Thanet Local Plan requires all new development to make a positive contribution to biodiversity. It is, therefore, considered appropriate to add a condition to require details of biodiversity enhancements that would be provided on the site prior to its first occupation.

## **Other Matters**

Concern has been raised that there was no consultation with the neighbouring property occupiers prior to the submission of the application. There is no requirement for the applicant or the Council to consult with the neighbouring property occupiers prior to the submission of an application. A consultation has been completed by the Council following the submission of the application in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015. It is therefore considered that the required consultation has been completed.

Conditions would also be applied to ensure that the new dwellings would meet the water and energy efficiency standards required by policies QD01 and QD04 of the Thanet Local Plan.

The Council's Environmental Health Department has indicated that due to the current and previous uses of the site a condition for any unsuspected contamination found on the site to be appropriately remediated is required. No changes are proposed to the external footprint of the building and the residential accommodation is proposed above ground level, however internal works may be required to the ground floor to facilitate the new uses. The proposed condition only requires submission of information if contamination is found on the site and is therefore considered appropriate in this instance.

## **Conclusion**

The Council cannot currently demonstrate a five year housing land supply. In the absence of a five year housing land supply paragraph 11 of the Framework is triggered and there is a presumption in favour of sustainable development. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

This development would provide ten new dwellings in a sustainable location which is considered to be a modest contribution to the district's housing supply. There would also be some temporary economic benefits resulting from the construction of the extension to the building. The NPPF states that substantial weight should be given to the "value of using suitable brownfield land within settlements for homes and other identified needs".

The existing building is currently in use and is considered to have a neutral impact upon the setting of the conservation areas and the neighbouring listed buildings. Given that the building is currently in use by commercial businesses only limited economic benefit can be given to the provision of the new commercial units in the building.

The proposed extension by virtue of its height, scale, proximity to and relationship with the buildings fronting Marine Gardens and Marine Terrace would result in a incongruous and dominant form of development that competes with and detracts from the significance of the listed buildings fronting Marine Gardens and the buildings fronting Marine Terrace in the Margate Seafront Conservation Area resulting in significant harm to its special character, appearance and historic interest of these designated buildings and area

The proposed building is not considered to result in a significantly harmful change to the light and outlook from neighbouring properties, however the proposed balconies would result in direct overlooking to the windows in the rear elevations of 12 and 12A Marine Gardens with a limited separation distance and therefore this development is considered to have a significantly harmful impact upon the living conditions of these neighbouring property occupiers through a loss of privacy.

The proposed dwellings would all meet the space standards set out within policy QD04 of the Thanet Local Plan and all habitable rooms would receive natural light and ventilation. No doorstep play space is provided for the dwellings, however all would benefit from external space through the provision of balconies at the front of the site. The site is also located

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within close proximity to the beach and nearby parks. This application is therefore considered to provide an acceptable standard of accommodation for the future occupants. The provision of additional dwellings would result in an increase in pressure upon community facilities in the area such as schools, libraries, waste and social care. KCC has identified that there would be a significant impact upon these services and that a financial contribution would be required to provide additional resources and mitigate the impact resulting from the development. No legal agreement has been provided and therefore this harm has not been mitigated.

The proposed dwellings would also result in increased recreational pressure upon the special protection area around the Thanet Coast. No financial contribution has been provided to the SAMM plan to mitigate the impacts of the development upon this area and therefore this development would result in significant to this designated area.

It is, therefore, considered that there are notable benefits to the development through the provision of additional housing on a brownfield site close to the town centre. However, the significant harm resulting from the development upon the designated heritage assets including the setting of the conservation areas and the adjacent Grade II listed buildings, as well as the impact on living conditions of the neighbouring property occupiers, community infrastructure and the special protection areas would outweigh these benefits and the application is recommended for refusal.

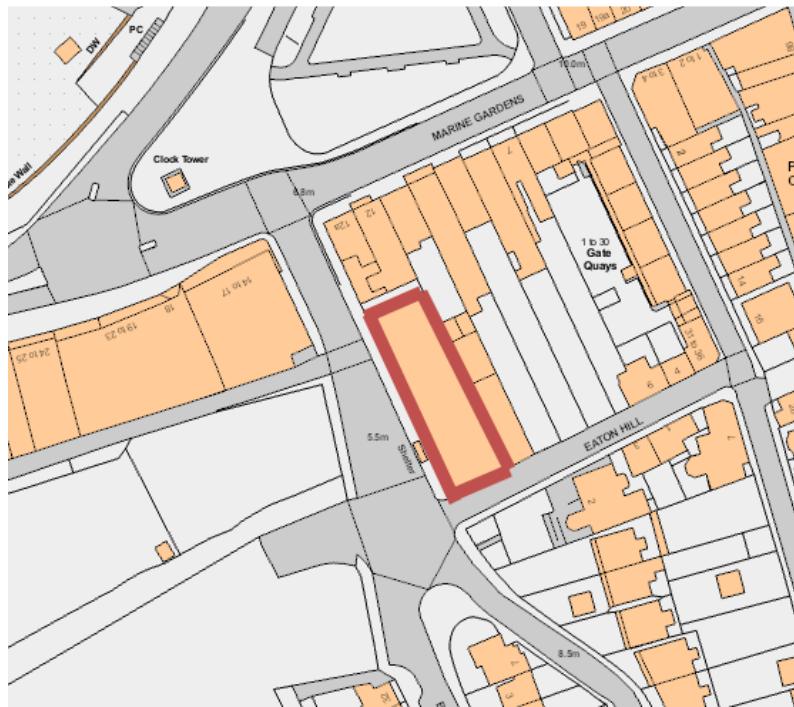
**Case Officer**

Duncan Fitt

# Agenda Item 4b

TITLE: F/TH/22/1057

Project Unit 1 And 2 Belgrave Road MARGATE Kent CT9 1XG



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R03

FH/TH/22/0874

PROPOSAL: Erection of single storey side and rear extensions following demolition of existing conservatory, erection of 4No. dormers to rear, 1No. dormer to front and erection of a pitched roof extension on ridge following alterations to the roof, alterations to garage, erection of car port, alterations to fenestration, installation of timber cladding and render together with addition of raised decking to rear

LOCATION: 45 Stanley Road Broadstairs Kent CT10 1BN

WARD: Bradstowe

AGENT: Mr Ivan del Renzio

APPLICANT: Mr Philip Lewis

RECOMMENDATION: Refuse Permission

For the following reason:

1 The proposed alterations at roof level, including the front dormer and second floor addition, (and their associated materials), will provide an unbalanced, uncharacteristic and obtrusive form of development that through its prominent location appears significantly out of keeping with the scale, design and appearance of properties within the streetscape, severely detrimental to the character and appearance of the surrounding area, contrary to Policy QD02 of the Thanet Local Plan, and paragraph 130 of the NPPF and Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan.

### SITE, LOCATION AND DESCRIPTION

Stanley Road comprises a mix of architectural designs with single and two storey development in the vicinity. Dwellings in this part of Stanley Road are predominantly single storey with evidence of rooms being provided within the roof. No 45 Stanley Road is a large detached chalet bungalow with a unique architectural design as are properties immediately either side. Properties within this part of Stanley Road are set back from the highway having fairly generous front gardens providing off-street parking with vehicular access onto the highway.

### PLANNING HISTORY

PN13/TH/22/0480 - Prior approval for the erection of an additional storey to the existing dwelling house Prior Approval Granted 7 June 2022

## PROPOSED DEVELOPMENT

The application seeks planning permission for the erection of a single storey side and rear extension following demolition of existing conservatory and the erection of dormers to the front and rear with a pitched roof extension on the ridge of the roof following alterations to the roof. To the front of the property it is proposed to replace the pitched roof of the detached garage with a flat grass roof and install a window within the side elevation. The garage would be altered to provide storage space for recycling bins and a utility room with WC. A 3.5 metre high flat roofed extension (Genken) is proposed to the rear of the garage and extend approximately 7 metres alongside the boundary with No 43; the extension includes a row of high level windows on the boundary. Beyond the Genken it is proposed to erect a 2.7 metre high by 6.3 metre long polycarbonate canopy. The flat roof of the Genken would include a row of rooflights and be finished with a grass roof to match that above the garage. The Genkin and corridor provides covered access from the front garden into the dwelling. It is also proposed to erect a carport to the northern side of the dwelling, forward of the footprint of the existing garage, alongside the boundary with No 47. To the rear it is proposed to install raised timber decking.

## PLANNING POLICIES

### **Thanet Local Plan 2020**

SP35 - Quality Developments

QD02 - General Design Principles

QD03 - Living Conditions

### **Broadstairs & St Peter's Neighbourhood Development Plan 2018-2031**

BSP9: Design in Broadstairs & St Peter's

## NOTIFICATIONS

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

**Broadstairs & St Peter's Town Council** - The Planning Committee of the Town Council has considered this application and has resolved unanimously to make No Comment.

## CONSULTATIONS

None

## COMMENTS

This application is reported to the Planning Committee at the request of Cllr Jill Bayford to enable Members to consider the impact of the proposal upon the character and appearance of the area.

The main considerations in assessing the proposal are the impact on the character and appearance of the area, impact on the living conditions of neighbouring residential occupiers and highway safety.

## **Character and Appearance**

The property is a detached chalet bungalow with accommodation within the roof. Stanley Road comprises a mix of architectural designs with single and two storey development in the vicinity. Dwellings in this part of Stanley Road are predominantly single storey with evidence of rooms being provided within the roof.

It is proposed to erect a single storey side and rear extension following demolition of existing conservatory and erect dormers to the front and rear with a pitched roof extension on the ridge of the roof following alterations to the roof. To the front of the property it is proposed to replace the pitched roof of the detached garage with a flat grass roof and install a window within the side elevation. The garage would be altered to provide storage space for recycling bins and a utility room with WC. A 3.5 metre high flat roofed extension (Genken) is proposed to the rear of the garage and extend approximately 7 metres alongside the boundary with No 43; the extension includes a row of high level windows on the boundary. Beyond the Genken it is proposed to erect a 2.7 metre high by 6.3 metre long polycarbonate canopy. The flat roof of the Genken would include a row of rooflights and be finished with a grass roof to match that above the garage. The Genkin and corridor provides covered access from the front garden into the dwelling. It is proposed to erect a carport to the northern side of the dwelling, forward of the footprint of the existing garage, alongside the boundary with No 47. To the rear it is proposed to install raised timber decking and a carport is proposed to the side of the property, replacing the existing garage.

The alterations to the roof would include the erection of a dormer, clad with vertical charred timber cladding, and an extension erected centrally above the ridge of the roof. It was initially proposed to replace the roof covering with grey concrete pantiles. Concern was raised that the dark materials used for the roof and dormer were too dark and made the enlargements appear more prominent and top heavy and emphasised the additional height created, in addition to appearing in stark contrast to the lighter coloured timber cladding finish at ground floor level. Further to this the external materials have been amended and it is now proposed to use plain red clay roof tiles for the main roof which is considered to be more in keeping with neighbouring properties.

The dormer would extend from the eastern edge of the building and form a large gable end facing towards the boundary with No 43. The dormer would be built off-centre within the front roof slope and give the property an unbalanced appearance, with the dormer appearing at odds with the centrally placed extension above the ridge of the roof. Whilst this smaller extension has been designed to provide additional light to the internal space it would have the appearance of a second floor extension within the street given its location and the presence of windows within the elevations. Discussions have taken place to amend the proposal to centralise the front dormer and remove the extension on the ridge, and replacing this with rooflights to provide additional light to the internal space, however this amendment has not been made.

Thanet Local Plan Policy QD02 requires new development to be well designed, respect and enhance the character of the area paying particular attention to context and identity of its location, scale, massing, rhythm, density, layout and use of materials appropriate to the locality. The development itself must be compatible with neighbouring buildings and spaces. This policy is further supported by paragraph 130 of the NPPF which states that decisions should ensure that development will function well and add to the overall quality of the area, and are sympathetic to local character and history, including the surrounding built environment. Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan requires development proposals to conserve and enhance the local character and sense of identity and reflect the design characteristics of the area. Section 8.2.5 explains the Building Design Guidelines relate to new buildings however states 'The same criteria will be applied to extensions and external alterations, where the characteristics of the host building will also be a fundamental consideration.' 'The characteristics to be reflected will include particularly :-

- Existing external materials and finishes in the immediate area.
- The size and scale of existing buildings in the immediate area.
- Fenestration of existing buildings and the prevailing architectural style.
- The existing pattern and density of development in the immediate area.
- The prevailing existing landscape, streetscape or other external setting that characterises the area in which the buildings are to be located.' (p30 Neighbourhood Plan)

Paragraph 134 of the NPPF encourages 'outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'. In this instance whilst this could be considered an innovative design the character of the area is predominantly one of traditional one or two storey family dwelling, and within this part of Stanley Road I am not aware there are any three storey properties.

The Council would not normally support large dormers within the front roofslope of properties unless they are modest in scale and design and sit comfortably within the front roofslope, such as the modest pitched roof dormer on the neighbouring property (No 43). The existing dormer is proportionately large in relation to the main dwelling and appears fairly prominent and dominates the roof when viewed from the street however this is historic to the building. It is also noted that the application site has consent to add an additional storey to the dwelling through a Prior Approval application that was confirmed in June 2022. The proposed roof plan and elevation drawing (489-A-PLN-201 Rev C) includes a dotted outline indicating the increased height of the dwelling that would be allowed through the Prior Approval notification.

The proposed dormer and extension above the roof, together with the use of dark cladding, would appear at odds with the prevailing streetscape which is one of traditional built form of one or two storeys. The Prior Approval, to add an additional storey to the dwelling, would increase the height of the building however the property would still be viewed as a two storey dwelling, whereas the extension at ridge level would give the impression of a 3 storey building, exacerbated by the use of strong contrasting cladding detail. It is not unusual for external cladding detail to be used on residential properties, however the material choice in this instance draws further attention to the incongruity of these design features. Whilst there

is little evidence of cladding used in the immediate vicinity its use on the ground floor of the main dwelling is considered acceptable as any visual harm is limited.

It is also proposed to alter the detached garage located within the front garden by replacing the pitched roof with a flat grass roof and the installation of a window within the side elevation. The garage would be clad with grey coloured timber cladding and this finish would be continued for the external surfaces of the extension behind. The garage is located forward of the main dwelling and is a fairly prominent feature within the street. The reduction in height through the alterations to the roof would reduce its visual impact in relation to the neighbouring property and the grey cladding is likely to have no greater visual impact to that of the existing brick finish.

The extension to the rear of the garage (Genken) was originally shown to be 3.5 metre high and rose above the height of the garage. Its scale together with the grey external cladding would be visible from the street and would visually compete with the main dwelling, appearing as a prominent feature forward of the main dwelling. Negotiations have taken place to reduce its height to be closer to the eaves level of the dwelling, and amendments now show it reduced to the same height as the garage.

The carport to the northern side of the dwelling, alongside the boundary with No 47, is a simple timber structure with a polycarbonate roof located in front of the existing garage. The carport was originally shown projecting forward of the dwelling and into the front garden. However, following negotiations the proposal has been amended and the garage is now shown set back 2 metres further allowing the carport to finish in line with the front elevation of the neighbouring property. Given the depth of the front garden and distance from the highway the carport is no longer considered to form a prominent or intrusive structure within the streetscene.

The alterations to the rear continue the design theme of the front elevation however the dormers and extension on the ridge and use of cladding would not be immediately visible from the wider public realm. The property has a 36 metre deep rear garden and is surrounded by neighbouring development which would screen views of the rear elevation from the public realm. The raised decking areas would complement the design theme of the development and the addition of decking to the rear would have no adverse impact on the character and appearance of the area.

The existing dwelling has similar design features to the neighbouring dwelling (No 47) and has similarities with other properties in the road through its use of red brick and red/brown roof tiles. However in this instance the design, scale and use of materials in the development proposed would fail to reflect the design characteristics of the area and the extension above the ridge would result in the dwelling being viewed as having three storeys which would be out of keeping with development in the area. The design and forward location of the carport would likewise appear at odds with character and appearance of the area and the development as a whole would be contrary to Policies SP35 and QD02 of the 2020 Thanet District Council Local Plan, and Policy BSP9 of the Broadstairs and St. Peter's Neighbourhood Plan.

### **Living Conditions**

The proposed development would provide additional first floor accommodation and make good use of the internal space of the existing detached garage for bin storage, a utility room and WC. The new window within the side elevation of the converted garage would provide light to the utility room and face across the front garden and not give rise to overlooking or loss of privacy. The extension to the rear of the garage and covered corridor beyond on the boundary with No 43 would have a similar relationship to the existing covered area along this side. The proposed development would increase in height of built form above the height of the fence and whilst there may be some loss of light and outlook to the side windows of the neighbouring property there is a separation distance of approximately 5 metres and the additional height is not considered to result in an unacceptable loss of light or outlook to occupiers of this dwelling.

The dormer extension to the front would increase the width of the gable end facing towards No 43 and whilst this too could result in some loss of light and outlook to the neighbouring property it is unlikely to result in a significant loss of amenity above that which may already exist to warrant refusal.

The alterations within the roof would have little impact on occupiers of No 47 as the alterations would be set away from the side boundary. The amended drawings show the existing garage extended 2 metres further to the rear and finishing approximately 4.7 metres beyond the rear elevation of the neighbouring property. The existing garage wall projects approximately 2.7 metres beyond the neighbouring property and has planting growing up it from a planter. Where the garage wall finishes the boundary fence commences where there is a substantial sized bush and vegetation growing which provides natural screening between neighbouring gardens. The existing garage wall and vegetation impacts on the light levels to the nearest window (serving a dining room) however there are further full length windows along the rear of the property providing natural light to these south facing rooms. The garage would be single storey (2.9 metres high) and therefore only likely to project 1 metre above the boundary fence and any impact on light levels and outlook would not be significantly different from the current situation.

The carport would be erected adjacent to the side elevation of No 47 which forms the side boundary. There is an obscure glazed window within this elevation which faces across the driveway of No 45 however the window does not provide the only light source to a main habitable room as it appears to provide light to a larder. It would appear that this window is the result of historic alterations to land ownership changes between the two properties, which has resulted in the driveway becoming a second access for No 45 and the side boundary repositioned. This window would not be physically obstructed by the upright timber supports, however if a large vehicle was to be parked under the canopy light to the window would be reduced. Notwithstanding the window relationship with the application site, the driveway leading to the garage could be used for the parking of a vehicle or something larger, such as a caravan. Furthermore, planning permission would not be required to erect a 2 metre high fence or wall on this boundary and it would be a private civil matter for any neighbour disputes to be resolved. Therefore the erection of a carport of the lightweight design shown, and in this location, would allow for some light to reach the window and would not result in significant harm that would warrant refusal on amenity grounds in this instance.

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The decking to the rear would not be raised significantly above ground level and would provide an area for outdoor seating and a pathway link across the rear of the property and would not result in additional overlooking or loss of privacy to neighbouring residential occupiers above the mutual overlooking that may already exist between gardens.

Given the above it is considered that the impact of the proposed development on the living conditions of neighbouring residential occupiers would not be significantly affected and therefore the proposal meets the requirements of Thanet Local Plan QD03 and the NPPF.

### **Highway Safety**

The property has the benefit of two vehicular access points and off-street parking availability for several cars within the driveways. The off street parking to the front of the property would not be affected by this proposal. There are no adverse highway implications as a result of this development.

### **Conclusion**

The proposed design of the dormer and second floor addition above the ridge level of the roof, together with the use of dark cladding, would appear at odds with the prevailing streetscape which is one of traditional built form of one or two storeys. The proposed development is therefore considered contrary to Policies QD02 and QD03 of the 2020 Thanet District Council Local Plan, and Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan.

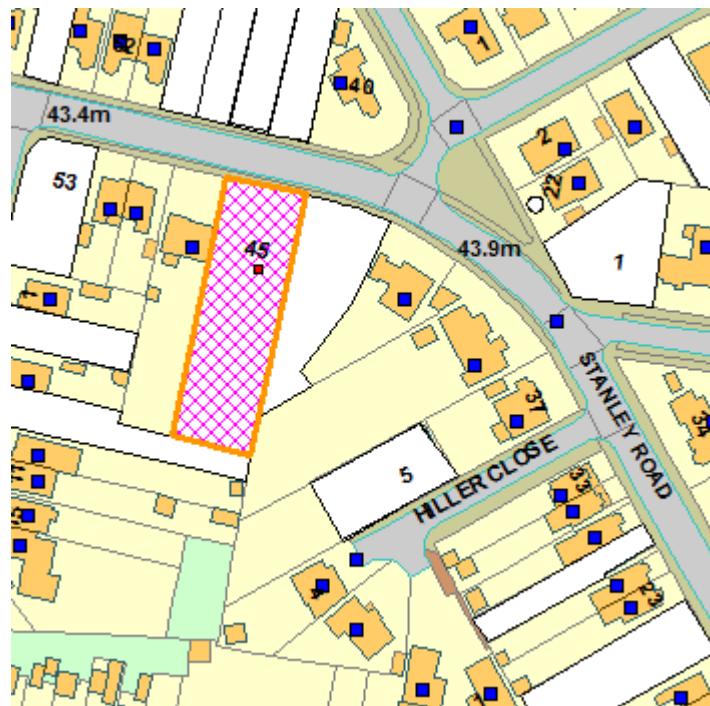
### **Case Officer**

Rosemary Bullivant

## Agenda Item 4c

TITLE: FH/TH/22/0874

Project 45 Stanley Road Broadstairs Kent CT10 1BN



R04

F/TH/22/1577

PROPOSAL: Variation of condition 2 of planning permission F/TH/20/0857 for the "Erection of 3No three storey dwellings with associated landscaping, parking, bin and bike stores" to allow alterations from timber to UPVC windows

LOCATION: Land Adjacent 12 To 14 Fort Road MARGATE Kent CT9 1HF

WARD: Margate Central

AGENT: No agent

APPLICANT: Mr Peter Miles

RECOMMENDATION: Refuse Permission

For the following reason:

1 The proposed development, by virtue of the materials proposed, would significantly detract from the character and appearance of the development, and would fail to respect or enhance the special character and appearance of the Margate Conservation Area. As a result the development would be contrary to the aims of policies SP36, HE02 and QD02 of the Thanet Local Plan and paragraph 197 of the National Planning Policy Framework, whilst diminishing the quality of the approved development contrary to paragraph 135 of the Framework.

### SITE, LOCATION AND DESCRIPTION

The application site is roughly rectangular in shape and lies at the junction of Fort Road with Cobbs Place, Margate. It lies within the Margate Conservation Area and close to several listed buildings and non-designated heritage assets. To its south is Margate Old Town with its mix of commercial and retail uses to ground floors and residential above, to its east and west is residential development and to its north are new houses which are currently under construction and beyond that the Fort Road Hotel.

### RELEVANT PLANNING HISTORY

F/TH/20/0857 - Erection of 3No three storey dwellings with associated landscaping, parking, bin and bike stores. Approved 21st May 2021.

### PROPOSED DEVELOPMENT

Planning permission was granted for the erection of 3No three storey dwellings with associated landscaping, parking, bin and bike stores on the 21st May 2021 (F/TH/20/0857 refers). Condition 2 of planning application (F/TH/20/0857) relates to the list of drawings

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approved for the application which a development must be built in accordance with. This included drawing 337-003 Rev D (elevations and site plan) which, among other materials for the proposed development, showed timber windows. Condition 3 of that application also required samples of materials to be used on the external surfaces of the development to be submitted and approved by the Council as the Local Planning Authority. Condition 4 of that application then required joinery details of the windows and doors for the development to be submitted and agreed prior to their installation. Details for conditions 3 and 4 were submitted as requested and approved in December 2021 and April 2022 respectively.

This application seeks to vary condition 2 of the permission to allow the windows for the development to be UPVC instead of timber. A Section 73 application requires the consideration of the proposed change to the condition in question only.

## DEVELOPMENT PLAN POLICIES

SP01 - Spatial Strategy - Housing

SP10 - Margate

SP14 - General Housing Policy

SP29 - Strategic Access Management and Monitoring Plan (SAMM)

SP35 - Quality Development

SP36 - Conservation and enhancement of Thanet's Historic Environment

SP37 - Climate Change

H01 - Housing Development

GI04 - Amenity Green Space and Equipped Play Areas

QD01 - Sustainable Development

QD02 - General Design Principles

QD03 - Living Conditions

QD04 - Technical Standards

HE02 - Development in Conservation Areas

HE03 - Heritage Assets

TP02 - Walking

TP03 - Cycling

TP06- Car Parking

## NOTIFICATIONS

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

One letter objecting to the application has been received. Its comments are summarised below.

The bin and bike areas will encroach on mine and my neighbours' privacy;

Noise nuisance; and

Loss of light

## CONSULTATIONS

**TDC Conservation Officer:** Final comment - This application is for a variation of condition as part of the development underway on Fort Road which is located within Margate Conservation Area. The variation is directed towards the materiality of the windows of the original scheme, altering them from timber to UPVC.

Thanet's Local Plan, policy HE02, states within Section 8 which states 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.'

NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation as well as (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Also within the NPPF Section 16, Paragraph 194, it states in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Guidance under the National Design Guide Section C2, Paragraph 45 highlights that when determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape and paragraph 47 which states Well-designed places and buildings are influenced positively by the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details.

Having commented on the original application, reference F/TH/20/0857, conservation and heritage values along with traditional design of the buildings proposed were a key aspect of the development of the scheme to make sure it appeared cohesive and well integrated with the existing character and appearance of the surrounding conservation area. With this in mind, per the documents approved, timber sash windows were approved across the material design palette as part of the scheme.

Further information has since been provided on the style of the proposed composite windows of which again I can appreciate there may be examples of other UPVC units in the immediate vicinity. However I would make the argument again that the properties being constructed are of traditional form, design and proportions and as such suit that of a

traditional material pallet. Therefore installing UPVC composition windows to this design would appear false and contrasting against the proposed architectural scheme. The premise of the scheme was that it would appear acceptable as long as traditional values were followed, as is evident in their design, to go against this at this stage would be detrimental to their collective appearance.

The visual benefit of the use of timber windows in the conservation environment is that they are able to be made with appropriately detailed muntins or sash bars. Often when recreated using UPVC, however much care is taken they very rarely are as thin and lightweight in their appearance when compared to timber.

The site in question is in a prime location within Margate Conservation Area and as such is visible from multiple roads, glimpse and long views. The implications from this development do not just disrupt the immediate setting and appearance of the surrounding environment but also the much wider context and as such should be carefully considered. National Design Guide Section C2, Paragraph 45 highlights the need for progressive and responsive design that responds appropriately to the historic development and context of the surrounding environment of areas under development, I do not believe that this variation complies with this legislation by the changes proposed.

As stated in my previous comment, to vary this design choice now would appear poorly in the context of the surrounding conservation area appearing as an contemporary material amongst a historic area as well as being cited upon a traditionally designed property. This would be contrary to the aforementioned legislation.

I can acknowledge that there is already the presence of some UPVC throughout conservation areas in Thanet, however this is not cause to further dilute the integrity of the historical significance of the area. Immediately cited UPVC may have been installed unlawfully or under different circumstances and planning regulations depending on when or if it was approved. There are also examples of timber in the surrounding environment, as such I would question why these have not been referenced as positive local ques (sic).

Due to the aforementioned reasoning I object to the proposed application and would suggest that Thanet's Local Plan, policy HE02, Section 8 which states that 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area.' is considered.

Initial comment - This application is for a variation of condition as part of the development underway on Fort Road which is located within Margate Conservation Area. The variation is directed towards the materiality of the windows of the original scheme, altering them from timber to UPVC.

Thanet's Local Plan, policy HE02, states within Section 8 which states 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.'

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NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation as well as (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Also within the NPPF Section 16, Paragraph 194, it states in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Having commented on the original application, reference F/TH/20/0857, conservation and heritage values along with traditional design of the buildings proposed were a key aspect of the development of the scheme to make sure it appeared cohesive and well integrated with the existing character and appearance of the surrounding conservation area. With this in mind, per the documents approved, timber sash windows were approved across the material design palette as part of the scheme.

To vary this design choice now would appear poorly in the context of the surrounding conservation area appearing as an contemporary material amongst a historic area as well as being cited upon a traditionally designed property. This would be contrary to the aforementioned legislation. I can acknowledge that there is already the presence of some UPVC throughout conservation areas in Thanet, however this is not cause to further dilute the integrity of the historical significance of the area. Immediately cited UPVC may have been installed unlawfully or under different circumstances and planning regulations depending on when or if it was approved. Reviewing the information provided as part of this application no detail has been included regarding the style of the windows proposed, an example of what it may look like, their form or what possible implications this may or may not have on the setting and appearance of the surrounding environment. Such justification would need to be included for this application to be fully reviewed as per planning legislation NPPF Section 16, Paragraph 194.

Due to the aforementioned reasoning I object to the proposed application and would suggest that Thanet's Local Plan, policy HE02, Section 8 which states that 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area.' is considered.

### COMMENTS

The application has been called to the planning committee at the request of Councillor Leys for members to consider the impact on the character and appearance of the proposed dwellings and their conservation area setting.

## **Principle**

The principle of the change of use to residential on the site was agreed under the original consent F/TH/20/0857, which is still extant, with work having commenced on site. As such, there is no in principle objection to this residential development of the site.

## **Character and Appearance**

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation. The NPPF goes on to state that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

Policies SP36 and HE02 of the Thanet Local Plan are also relevant to this application. 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 significance of Heritage Assets. HE02 states that within conservation areas, development proposals which preserve or enhance the character or appearance of the area will be permitted and states that new development which would detract from the immediate or wider landscape setting of any part of the conservation area will not be permitted. It goes on to state that proposals for extensions within conservation areas should respect the character, scale and plan form of the original building and be subservient to them and include appropriate materials and detailing and not result in the loss of features that contribute to the character and appearance of the conservation area. Whilst it is noted that the reference to appropriate materials and detailing are in the part of the policy relating to extensions within conservation areas, it is important to recognise that appropriate materials and detailing are fundamentally important for all development within conservation areas whether new stand alone development or extensions to existing buildings.

Paragraph 130 of the National Planning Policy Framework (NPPF) states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Paragraph 130 of the NPPF also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 135 of the NPPF states that "Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)."

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.

As stated above, this application seeks to replace timber windows with UPVC, with no other changes to the scale/appearance of development.

The application site is a prominent corner site within Margate Conservation Area and is visible from multiple roads with glimpses and short and long views of the site achieved from within and adjoining the conservation area. The dwellings approved are traditional in style, design and proportions suited to a traditional palette of materials including timber windows and it is noted that applicant proposed timber windows in the submission for the original planning consent F/TH/20/0857. The elevation plans of the three dwellings show timber vertical sliding sash windows with vertical glazing bars in the ground and first floor windows, with side hung casement windows in the dormer windows fronting Cobbs Place. The rear elevation includes similar proportioned windows at first floor level, with glimpsed views available from Alkali Row. Joinery details as required under condition 4 of the permission have been submitted and approved, which match the form of opening and profile of window approved on the elevations.

The applicant has raised 5 main areas to support his application to install UPVc windows instead of timber. These are that there is no Article 4 Direction on the conservation area in relation to windows, that Inspectors and other Local Planning Authorities (LPAs) have accepted that upvc is an acceptable material in conservation areas, that there are other buildings in the conservation area that have metal or UPVC windows in the surrounding conservation area, that the UPVC windows proposed would not be materially different from timber windows and that there is a permitted development fallback in that householders can replace windows without the need for planning permission. These will be considered in turn below.

An Article 4 Direction provides additional planning control in a particular location. It can be used to remove Permitted Development rights over some alterations, such as new porches, replacement windows and doors, replacement roof coverings and the exterior painting of a building. The applicant is correct in that there is no Article 4 direction in relation to windows within the Margate Conservation Area. This does not, however, mean that the Council does not place great importance on the style and materials of windows within the Conservation Area, it is considered appropriate that a case by case assessment is made.

As set out above, planning guidance is that each planning application is assessed on its own merits and there may well be instances where an Inspector or other Local Planning Authority have found non-traditional materials or materials other than timber to be acceptable within a conservation area. The cases submitted are not, however, identical or felt to be comparable to the application currently before the council.

The applicant has also provided details including photos of other buildings within the conservation area which do not have traditional materials. This is a matter often raised by applicants and has been considered at both application stage and appeal in various cases. It is considered that the impact of upvc windows varies depending on the type of property and the specific detailing. Moreover, and in any event, it is considered that applications should be considered on their own merits with regard to the specific context of the application in the street scene. It is also noted that there are many examples of timber windows in the conservation area that could be looked at.

The applicant has also stated that the detailing of the windows proposed to install would not appear materially different from timber. The Conservation Officer raises concerns about the use of UPVC in conservation areas stating the “visual benefit of the use of timber windows in the conservation environment is that they are able to be made with appropriately detailed muntins or sash bars. Often when recreated using UPVC, however much care is taken they very rarely are as thin and lightweight in their appearance when compared to timber.” Upvc is not a traditional material and is generally more flat, uniform and glossier in finish than traditional timber windows, giving the windows a modern and less refined appearance. Whilst modern UPVc products often seek to replicate the grain of timber, the inherent texture of timber windows and detailing often results in a difference in appearance when viewed in close proximity, such as from an adjoining footway. The applicant has indicated that he is proposing to utilise REHAU Heritage Vertical Sliders, and provided a website link to the supplier which includes a specification showing a vertically sliding box sash window, without providing precise measurements of the proposed windows in each opening. Therefore whilst the proposed windows would be required to match the form of openings (vertical sash or casement) and general design appearance (glazing bars and frame sizes), significant concerns are raised about the detailed appearance of UPVc windows when compared with the timber windows approved under condition 4 of F/TH/20/0857.

In this instance, as stated above the dwellings are traditional in form, design and proportions and the use of UPVc would be at odds with this, introducing contemporary materials into a traditionally designed development.

The fallback position mentioned would come under householder permitted development under Part 1 Class A of the general Permitted Development Order. In this instance to avoid the need for planning permission, the proposed windows would need to be similar in appearance to the existing. As stated above, it is not considered that the windows proposed by the applicant would necessarily be similar to the windows approved under F/TH/20/0857 in appearance. The utilisation of permitted development rights would be a matter once the development has been completed, and no permitted development rights apply when a dwelling is under construction. It is also reasonable to consider that once timber windows are installed, it would not be necessary nor anticipated that they would be replaced immediately as this would clearly not be cost effective. Therefore limited weight is given to the argument regarding a permitted fallback.

It is considered that the windows now proposed do not fit with the traditional materials, form, scale and design of the proposed dwellings, would fail to preserve the significance of the historic area in which they would be situated, and that they lack the refinement of the timber windows secured under the previous planning consent. Given the above, it is considered

that the proposed change of materials for the windows of the dwellings from timber to UPVC would harm and fail to preserve the character and appearance of the conservation area. It is considered that paragraph 135 of the NPPF is directly applicable, as the proposed change in materials would materially diminish the quality of the approved development. The application is therefore considered to be contrary to the provisions of Policies SP36, HE02 and QD02 and paragraph 135 of the NPPF.

## **Living Conditions**

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.

As stated above, this application seeks to replace timber windows with UPVC, with no other changes to the scale of development, therefore there is no additional impact on any neighbouring properties from the approved application.

Whilst the applicant has not sought to argue that the proposed amendments would improve the living conditions of the future occupiers of the dwellings, it is considered appropriate to consider this fact.

Whilst there is some perception that there may be some energy efficiency from the installation of UPVC windows as opposed to timber, it is considered that well finished and maintained timber windows provide a good standard of insulation and noise reduction for occupiers of dwellings. Therefore the change would have a neutral impact on future occupiers.

## **Highways**

The proposed amendments will not have an impact on the siting or location of the dwellings or the fact that they are not served by vehicular parking as set out in planning consent F/TH/20/0857. As such, there would be no adverse impact on highway safety or parking as a result of the proposed changes of window material.

## **SAMM Contribution**

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. The previous application including an obligation to pay towards the Strategic Access Management and Monitoring Plan (SAMM) in accordance with Policy SP29 of the Local Plan.

The proposed amendments do not vary the amount of SAMM contribution required for the development under F/TH/20/0857. It appears, however, that this contribution has not yet been received. If this application to vary condition 2 was approved, either the payment of the contribution would need to have been paid prior to issuing the decision or a new obligation entered into for payment of the SAMMs, otherwise the proposal would contribute towards a significant effect on the designated sites, contrary to Policy SP29 and the Habitat Regulations. Given that the application is being recommended for refusal, this matter has not sought to resolve this issue at this stage, with the previous contribution still liable if the development under F/TH/20/0857 was to be built out.

## **Contaminated Land**

The proposed amendment relates only to the physical buildings. Given this, they would not have an impact on contaminated land.

## **Drainage and Flooding**

The proposed changes relate only to the physical buildings. There would be no impact on drainage or flooding from the proposed amendments.

## **Archaeology**

The proposed amendments relate only to the physical buildings. Given this, they would not have an impact on archaeology.

## **Other Matters**

It is noted from the application form that the application was intended to include amended windows as well as doors, but officers have only considered amendments to windows as that is what was included in the proposed rewording of the condition as set out by the applicant in the application form.

The comments from the local resident in relation to loss of privacy from the bike and bin store, noise nuisance and loss of light are noted, but do not relate to the amendments that is the subject of this application and are issues that were considered when the previous application F/TH/20/0857 for the dwellings was granted.

## **Conclusion**

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The harm identified falls within the category of "less than substantial harm" to the significance of the heritage asset. Paragraph 202 of the National Planning Policy Framework (the Framework) states that where a development proposal will lead to less than substantial harm of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The public benefit of better

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energy efficiency for the building is not sufficient to overcome the harm identified, a consideration the courts have determined is a matter of considerable importance and weight.

It is considered that the development fails to preserve or enhance the character or appearance of the Conservation Area by the use of a contemporary material at odds with the traditional materials, scale, form and design of the proposed dwellings and lacking the refinement of the timber windows secured under the previous planning consent

Consequently, it conflicts with the aims of Policies SP36, HE02 and QD02 of the Thanet District Council Local Plan (2020) which requires that development respects and enhance the character of the area particularly in the use of materials appropriate to the locality. The development also conflicts with the aims of the Framework particularly paragraph 135 which seeks to guard against the quality of developments being materially diminished between permission and completion through changes to the permitted scheme.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development to be in accordance with the development plan unless there are material considerations which indicate otherwise. The benefit described does not outweigh the conflict with the development plan.

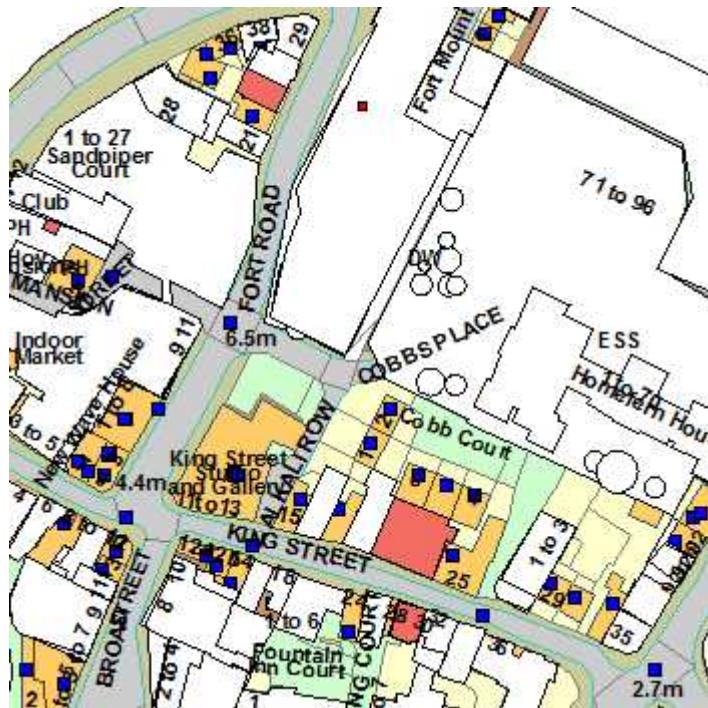
**Case Officer**

Annabel Hemmings

# Agenda Item 4d

TITLE: F/TH/22/1577

Project Land Adjacent 12 To 14 Fort Road MARGATE Kent CT9 1HF



# Agenda Item 4e

D05

F/TH/22/0364

PROPOSAL: Erection of 4No dwellings (3No 3-bed and 1No 4-bed), conversion of the cow shed to 1No. 3-bed dwelling and  
LOCATION: threshing barn into 2No dwellings (1No 3-bed and 1No 5-bed) together with hard and soft landscaping and associated works

Gore End Farm Minnis Road BIRCHINGTON Kent CT7 9SJ

WARD: Birchington South

AGENT: George Esdaile

APPLICANT: St John's College (Cambridge)

RECOMMENDATION: Defer & Delegate

Defer and delegate to officers for approval subject to the satisfactory completion of a Section 106 agreement within 6 months of the date of this resolution securing the required highway contribution for maintenance of the proposed traffic light system and resolution of the Technical Approval Process to be followed for the new system, and 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 29973A\_200 Rev J, 29973A\_210 Rev C, 29973A\_211 Rev B, 29973A\_220 Rev D, 29973A-221 Rev C, 29973A\_222 Rev C, 29973A\_225 Rev B, 22973A\_230 Rev C, 29973A\_231 Rev C, 29973A\_240 Rev C, 24073A\_241 Rev B, 29973A\_250 Rev B, 29973A\_251 Rev A, 29973A\_275 Rev A and 2104190-002 Rev C.

**GROUND:**

To secure the proper development of the area.

3 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:**

## Agenda Item 4e

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 National Planning Policy Framework.

4 Prior to the commencement of any development on site, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include the following details:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures
- (h) Access arrangements
- (i) Wheel washing
- (j) light control measures
- (k) Hours of construction
- (l) Pollution incident control measures
- (m) site contact details

### **GROUND:**

In the interests of highway safety, neighbouring amenity and heritage, in accordance with Policies QD03 and HE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

5 Prior to the commencement of the development hereby permitted, details of the electric vehicle charging points to be provided within the development, including their location and design, shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be in the form of one active charging point per allocated parking space, and one active charging point per ten unallocated parking spaces. The electric vehicle charging points shall be provided prior to the first occupation of the development and thereafter maintained.

### **GROUND:**

To protect air quality, in accordance with Policies SP14 and SE05 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

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

### **GROUND:**

## Agenda Item 4e

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.

7 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110 litres/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 110 litres /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

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

**GROUND:**

To ensure that historic building features are properly examined and recorded.

9 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.

10 Prior to vegetation clearance and prior to works on the Tithe barn the ecological mitigation detailed within the reptile survey mitigation strategy (KB Ecology, November 2021) and bat survey and mitigation strategy (KB Ecology, November 2021) must be implemented as detailed. On completion of the mitigation a letter must be submitted to the LPA demonstrating it has been carried out.

**GROUND:**

## Agenda Item 4e

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 National Planning Policy Framework.

11 Within 3 months of the completion of the reptile mitigation an ecological management plan for the receptor site (as detailed in reptile survey mitigation strategy (KB Ecology, November 2021)) must be submitted to the LPA for written approval. It must detail how the reptile receptor site will be managed to ensure it remains suitable for reptiles. The plan must be implemented as approved.

### **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 National Planning Policy Framework.

12 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

- i) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- ii) 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.
- iii) Detail the types of lighting to be used including their fittings, illumination levels and spread of light

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

### **GROUND:**

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

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

#### **Intrusive Investigation**

- a) An intrusive investigation and updated risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an

assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to:

Human health;

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

Adjoining land;

Ground waters and surface waters;

Ecological systems;

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

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

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

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

### **GROUND:**

To ensure that the proposed 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.

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

15 The areas shown on the approved plans for vehicle parking, carports 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 any dwelling served by the areas hereby permitted.

**GROUND:**

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

16 Prior to the first occupation of the development hereby approved the visibility splays shown on drawing 2104190-002 Rev C shall be provided and thereafter retained with no obstructions over 0.6 metres above carriageway level within the splays.

**GROUND:**

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

17 Prior to the first occupation of any dwelling hereby approved, the vehicular access, signal equipment and pedestrian crossing point (dropped kerb and tactile paving) on the footway shown on drawing 2104190-002 Rev C shall be constructed and fully operational and shall thereafter retained.

**GROUND:**

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

18 Prior to the first occupation of any dwelling hereby approved, the following works between the respective dwelling and the adopted highway shall be complete

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

**GROUND:**

In the interests of highway safety, and the living conditions of future occupants, in accordance with Policy QD03 of the Thanet Local Plan, and advice as contained within the National Planning Policy Framework.

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

**GROUND:**

In the interests of highway safety and visual amenity in accordance with Policy QD02 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

20 Prior to the first occupation of any dwelling hereby approved, the secure cycle parking facilities, as shown on approved drawings shall be provided for each respective dwelling 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.

21 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 and visual amenity in accordance with Policy QD02 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

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

**GROUND:**

In the interests of highway safety and visual amenity in accordance with Policy QD02 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

23 Prior to the first occupation of any dwelling hereby approved units the bin storage/collection point to serve the dwellings shall be provided and thereafter retained.

**GROUND:**

In the interests of highway safety, and the living conditions of future occupants, in accordance with Policy QD03 of the Thanet Local Plan, and advice as contained within the National Planning Policy Framework.

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

**GROUND:**

To safeguard the architectural and historic importance of the listed building and its setting in accordance with Policy HE03 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

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

**GROUND:**

To safeguard the architectural and historic importance of the listed building and its setting in accordance with Policy HE03 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

26 Prior to the installation of any external windows and doors, joinery details at a scale of 1:5 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 architectural and historic importance of the listed building and its setting in accordance with Policy HE03 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

27 No external walls shall be constructed or rebuilt for the cow shed until a minimum of 1 m square sample panel of flint for the extension to the cow shed demonstrating the colour, texture, face bond and pointing has been erected on site, and inspected and approved, in writing by, the Local Planning Authority. The development shall be completed in accordance with the approved details.

**GROUND:**

To safeguard the architectural and historic importance of the listed building and its setting in accordance with Policy HE03 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

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

**GROUND:**

To safeguard the architectural and historic importance of the listed building and its setting in accordance with Policy HE03 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

29 Prior to the installation of all external meter boxes/cupboards details of materials and design of the meter cupboards shall be submitted to and approved in writing by the Local Planning Authority and installed accordingly.

**GROUND:**

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To safeguard the architectural and historic importance of the listed building and its setting in accordance with Policy HE03 of the Thanet Local Plan and the advice as contained within the National Planning Policy Framework.

30 The development shall be carried out in full compliance with all identified measures for tree protection during construction detailed within the Arboricultural Tree Survey and Impact Assessment Report unless otherwise agreed in writing by the Local Planning Authority.

### **GROUND:**

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the National Planning Policy Framework.

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

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

shall be submitted to, and approved in writing by, the Local Planning Authority. These details will be based on the details shown on the landscape Strategy Plan 29973A\_270 Rev B.

### **GROUND:**

In the interests of the visual amenities of the area and to make a positive contribution to biodiversity, in accordance with Policies QD02 and SP30 of the Thanet Local Plan, and the advice as contained within the National Planning Policy Framework.

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 A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the

## Agenda Item 4e

development, whichever is the sooner, for its approved use. The amenity areas shall be managed in accordance with the approved landscape management plan in perpetuity.

### **GROUND:**

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

34 No further alterations, extensions, alterations/additions to the roof, porches, outbuildings, hard surfacing, chimney/flues or microwave antenna shall be carried out to the dwellings hereby approved whether approved by Schedule 2, Part 1, Classes A, B, C, D, E, F, G or H of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), without the prior permission in writing of the Local Planning Authority.

### **GROUND:**

To safeguard the architectural and historic importance of the listed buildings and its setting and the visual amenities of the area in accordance with Policies HE03 and QD02 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

35 No means of enclosure shall be permitted to be constructed on the site or for the dwellings, excluding the approved boundary treatments within condition 31 hereby approved, whether approved by Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), without the prior permission in writing of the Local Planning Authority.

### **GROUND:**

To safeguard the architectural and historic importance of the listed buildings and its setting and the visual amenities of the area in accordance with Policies HE03 and QD02 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

### **INFORMATIVES**

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

Please be aware that your project may also require a separate application for Building Control. Information can be found at:

<https://www.thanet.gov.uk/services/building-control/> or contact the Building Control team on 01843 577522 for advice.

**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/>

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

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

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

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

## SITE, LOCATION AND DESCRIPTION

The application site is located south of Minnis Road in the village of Birchington-on-Sea, a district of Thanet in northwest Kent. The surrounding area is predominantly residential in nature with large settlement areas located to the north, south and west.

The site boundary is formed by Minnis Road to the north; An existing residential dwelling to the east (Gore End Farmhouse), Agricultural fields to the south and the Chatham Main Line railway to the northwest.

The site comprises an agricultural facility with vehicle access from the north-eastern boundary via a vehicle crossover from the south side of Minnis Road. The site contains a threshing barn that is grade II listed and the remains of a cow shed that is curtilage listed. Gore End Farmhouse to the east of the application site is also grade II listed. ev

## RELEVANT PLANNING HISTORY

### Application Site

L/TH/22/0869 - Application for Listed Building Consent for the conversion of the cow shed to 1No. 3-bed dwelling and threshing barn into 2 No dwellings (1No 3-bed and 1No 5-bed). Approved 15th December 2022.

L/TH/19/1610 - Application for Listed Building Consent for repairs to southern end of barn including underpinning and making good to internal floor level, renew braced and ledged door, removal and rebuilding of sections of brickwork and replacement of rafters and wall plates. Approved 15th January 2020.

## Gore End Farm House

FH/TH/21/1301 - Erection of a single storey side and rear extension and two porch extensions, erection of detached double detached garage and brick wall, internal works and associated landscaping following demolition of existing garage. Approved 14th October 2021.

L/TH/21/1302 - Application for Listed Building Consent for internal works and external works including erection of a single storey side and rear extension and associated landscaping following demolition of existing garage and porch extensions. Approved 14th October 2021.

L/TH/21/0156 - Part retrospective application for listed building consent for internal and external works including repairs to windows, repointing, repairs to roof, replacement guttering and downpipes. Approved 8th July 2021.

## PROPOSED DEVELOPMENT

Planning permission is sought for the erection of 4 dwellings (3 three bed dwellings and 1 4 bed dwelling, the conversion and extension of the threshing barn into 2 dwellings (1 three bed and 1 five bed dwelling) and the conversion of the cow shed to a 3 bed dwelling together with hard and soft landscaping and associated works.

## DEVELOPMENT PLAN POLICIES

SP01 - Spatial Strategy - Housing

SP14- General Housing Policy

SP26 - Landscape Character Areas

SP29 - Strategic Access Management and Monitoring Plan (SAMM)

SP30 - Biodiversity and geodiversity Assets

SP35 - Quality Development

SP36 - Conservation and Enhancements of Thanet's Historic Environment

SP37 - Climate Change

SP43 - Safe and Sustainable Travel

SP44 - Accessible Locations

E16 - Best and Most Versatile Agricultural Land

H01 - Housing Development

GI04 - Amenity Green Space and Equipped Play Areas

QD01 - Sustainable Development

QD02 - General Design Principles

QD03 - Living Conditions

QD04 - Technical Standards

HE01 - Archaeology

HE03 - Heritage Assets  
CC02 - Surface Water Management  
SE03 - Land affected by contamination  
SE04 - Groundwater Protection  
SE05 - Air Quality  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

## REPRESENTATIONS

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

Eleven representations have been received objecting to the proposal with some people objecting more than once. Their comments are summarised below.

- Inadequate access;
- Increase in traffic;
- The road network is not fit for purpose;
- The bridge will be obstructed;
- Concerned about the amount of land being offered for development actress Thanet by St John's College, CXambroide;
- Site is just starting to recover from works to repair the railway bridge;
- More works will mean more disruption to wildlife;
- Bats used to roost under the bridge, but will be unlikely to return;
- Thanet needs affordable and social housing, but these homes will out of reach of most in need of housing;
- Already many over housing developments granted in Thanet;
- Should bring empty homes back into use as well as converting vacant commercial buildings to residential;
- Thanet is a tourist destination and development already in the area has changed the character of Birchington;
- Local Authority needs to place equal emphasis on the history and nature of Thanet as a whole;
- The site is the only green space in an already overdeveloped area;
- The site will be overdeveloped;
- The integrity of the listed barn and other historic buildings will be permanently destroyed;
- The buildings and structures on the site have been allowed to decay for a number of years;
- Minnis Road is already congested adding a 3rd set of permanent lights will make things worse;
- Wildlife such as owls, foxes and hedgehogs have been seen on the site;
- There are trees and plants on the site;
- Site is of historic importance and value;
- Buildings should be restored and used for their original purposes;
- Loss of privacy from plots 1 and 7 to my property;

- How will the application site be screened from my property?
- Was not made aware of the full proposed development when I purchased my property;
- Keep Birchington a village;
- Close to adjoining properties;
- Increase in pollution;
- Biodiversity assessments are flawed as took place 2 months after clearance works associated with the repair of the bridge;
- Site embedded in the history of Birchington and Thanet;
- Increase in foot, cycle and car traffic from the development will make the narrow and problematic route to Minnis Bay unsustainable;
- Disruption from this development could block essential bus and emergency vehicles access and deny local residents their right to unhindered access into and out of the bay;
- This site is not included in the larger application OL/TH/20/1755 and is not, therefore, essential for housing;
- Application contrary to council's housing strategy in the Local Plan;
- General dislike of the proposal;
- Out of keeping with the character of the area;
- Government and councils need to work together to prevent the continual destruction of farmland and conversion of farm buildings to other uses to prevent the UK's risk of food insecurity;
- Noise nuisance;
- Strain on existing community facilities;
- Loss of outlook;
- Concerns about noise and disturbance during construction;
- Any access to this proposal should link with the access and road proposals for OL/TH/20/1755.

One neutral representation has also been received which whilst raising issue of increased traffic generation considers that the application has paid considerable attention to the historic nature of the site and its relationship with the adjoining grade II listed farmhouse and the proposed palette of materials is also sympathetic. They advise that they support the application.

**Birchington Parish Council:** Further comment - Site exit too close to bridge

Initial comment - Not supported on highway grounds.

### **CONSULTATIONS**

**Natural England:** No objection subject to mitigation:

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

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With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on coastal European Sites from increased recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

**Southern Water:** Southern Water records show the approximate position of public foul rising main within the development site.

The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The 250 mm rising main requires a clearance of 3 metres on either side of the rising main to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the rising main without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a rising main.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: [southernwater.co.uk/media/3011/stand-off-distances.pdf](http://southernwater.co.uk/media/3011/stand-off-distances.pdf)

**KCC Archaeology:** The proposal site is archaeologically sensitive, lying in a rich archaeological landscape as evidenced by the numerous crop marks in nearby fields, the results of geophysical survey and trial trenching on the nearby major application site west of Birchington plus numerous discoveries detailed on the Kent HER. In particular a complex medieval settlement landscape has been identified in the fields to the south. The farm itself is a historic farmstead, shown on early maps and dating at least to the 16th century though the layout has been altered at various stages. Within the application site are two historic buildings proposed for conversion, a Grade II Listed Threshing barn and a curtilage listed Cow Barn. The Threshing Barn appears to have fabric dating to the 16th century.

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The submission is accompanied by an Archaeological Desk-based Assessment (Canterbury Archaeological Trust, Oct 21) and a Heritage Statement (Clague Architects, Feb 2022).

With respect to the impacts of the proposals on Built Heritage Assets I note the assessment included in the Heritage Statement. The Council's Conservation Officer should lead on advice with respect to whether the proposals are acceptable, however should permission be granted I would recommend the inclusion of a condition that secures more detailed recording and analysis of the historic buildings and the farmyard before works are carried out. The following clause would be appropriate:

AR7 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

With respect to the archaeology within the site I agree with the conclusions of the Archaeological Desk-based Assessment that should permission be granted archaeological evaluation should be undertaken and further appropriate mitigation measures agreed. The following condition would be appropriate:

AR5 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.

Reason: 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.

**KCC Biodiversity:** It has confirmed that there is a day roost for common pipistrelles and a low population of common lizards. The bat surveys were carried out at the end of the survey season but it's likely that the August survey would have recorded a maternity roost if present.

I would suggest that the mitigation is appropriate and I would recommend that the following conditions are included:

Prior to vegetation clearance and prior to works on the Tithe barn the ecological mitigation detailed within the reptile survey mitigation strategy (KB Ecology, November 2021) and bat

survey and mitigation strategy (KB Ecology, November 2021) must be implemented as detailed. On completion of the mitigation a letter must be submitted to the LPA demonstrating it has been carried out.

AND

Within 3 months of the completion of the reptile mitigation an ecological management plan for the receptor site (as detailed in reptile survey mitigation strategy (KB Ecology, November 2021)) must be submitted to the LPA for written approval. It must detail how the reptile receptor site will be managed to ensure it remains suitable for reptiles. The plan must be implemented as approved.

**KCC Highways:** Further comment - Further to my previous comments, revised plans and information has been submitted. These address the issues I raised though I would make the following comments:

1. I omitted to state in previous responses that an Electric Vehicle Charging space is required for each dwelling. However I am content that a condition can be applied for this, should the LPA be minded to approve this application.
2. Bicycle storage has been indicated as a central storage area and individual storage units within the rear garden of each dwelling. Further clarity on which is to be provided is required, but I am content to apply a suitably worded condition to address this.
3. Plans have been submitted demonstrating the tracking for a 13m long refuse vehicle, which demonstrate a vehicle this size can enter and exit the site.
4. The operation of the proposed Traffic Light system to provide access to this site requires further assessment by the Traffic and Network team here at KCC. In principle this system would provide safe egress to this site, however should this application be approved by the LPA, it should be on the proviso that a full Technical Review is required, along with the provision of access to the system to provide maintenance. No works should commence until a full Technical Review has been conducted and approved in writing by the highway authority. This may require further amendments to the submitted plans. A Deed of Easement can be secured via a S278 Agreement to ensure access to all the equipment required for the safe operation of the Traffic Lights.
5. Careful consideration would need to be given to the Construction Management Plan, and how safe access will continue to be provided during the construction phase.

I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
  - Routing of construction and delivery vehicles to / from site
  - Parking and turning areas for construction and delivery vehicles and site personnel
  - Timing of deliveries
  - Provision of wheel washing facilities
  - Temporary traffic management / signage
- Submission of full construction and operation details of the proposed Traffic Light system, including the extents of any adoptable area to Kent County Council Highways and Transportation, to be approved in writing by the Highway Authority prior to any works commencing.

- Prior to the first occupation of any dwelling hereby approved, the vehicular access into the site, traffic light signal equipment and pedestrian crossing point (dropped kerb and tactile paving) on the footway shown on the submitted plans 2104190-002 Rev C shall be constructed and fully operational, and shall thereafter retained/maintained in good working order.
- Provision and maintenance of the visibility splays shown on the submitted plans 2104190-002 Rev C with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway. Provision of measures to prevent the discharge of surface water onto the highway. Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
  - (a) Footways and/or footpaths, with the exception of the wearing course;
  - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle parking spaces and garages shown on the submitted plans 29973A\_200 Rev J prior to the use of the site commencing. Provision and permanent retention of Electric Vehicle charging points prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Prior to the first occupation of the development hereby approved, the redundant vehicle access to Minnis Road shall be removed and landscaping reinstated in accordance with details to be submitted and approved by the Local Planning Authority.

## *Informatics*

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies,

signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

*Initial comment:* The proposals are for a development of 7 dwellings, with the existing access to be closed up and a new access to the site provided further to the west.

In general the highway authority (HA) is satisfied with the proposals. The provision of 7 dwellings is unlikely to lead to any notable increases in traffic movements compared to the site's existing permitted use. Trip generation movements have been assessed as part of the Transport Statement, and having carried out my own assessment using TRICS, I concur with the figures submitted. The development will result in 3 additional car movements in the 8am - 9am morning peak, which is approximately one car leaving the development every 20 minutes.

Having assessed the plans and information submitted, including a Transport Statement, I have the following comments to make:

### Access

The existing access is already served by a three way traffic signal system, which is currently activated when vehicles exit the site, and traffic is held at either end of this narrow stretch of Minnis Road.

The submitted site plans show a proposed new access further to the west. This will again be controlled by a traffic light system.

The current submitted site plan shows the proposed new traffic light to be sited within the applicants land. Having spoken to our Traffic and Network Solutions Asset Manager, he has pointed out that we would prefer this to be sited within land that falls under the control of KCC Highways and Transportation, to ensure we can maintain the traffic light and resultant detection systems which will need to be installed within the highway. As such we would seek to adopt the proposed new access for a distance of approximately 6m back from the stop line to enable this. The alternative would be for a Deed of Easement to be agreed between the applicant and KCC Highways and Transportation, which would allow us (in our capacity as the Local Highway Authority) to access the land at any time to maintain our Assets.

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The applicant will need to contact our Traffic and Network Solutions Asset Manager directly to agree the design and scope of the works required here and the resulting costs (for which the applicant is responsible). This will need to be submitted prior to any recommendation of approval for this development from ourselves

I am content with the visibility splays proposed. Whilst a splay of only 2.4m x 28m (which equates to driven speeds of 22 mph) can be achieved to the west, driven speeds will be low here, even in the event of a traffic light failure.

There is a street lighting column located close to the proposed new access, which has not been indicated on any of the site plans. This column will need to be located a minimum distance of 1.5m from the new access. Revised plans should include this feature, so its position can be fully assessed. This may result in the street column having to be moved to the northern side of Minnis Road, which would be at the applicants expense.

Plans have been submitted demonstrating the tracking for a 12m refuse vehicle, however there is no scale bar against which I can verify this. In addition Thanet District Council do use 13m long refuse vehicles, so this length of vehicle should be demonstrated. These drawings currently indicate that there will be over-run of the kerb at the entrance. As such the applicant needs to supply revised drawings with either a larger radii or demonstrate over-runnable area's (which will need to be constructed to withstand this) to enable a vehicle this size to exit the access without over-running the kerb on the north side of Minnis Road. Tracking should also be provided for within the site, to show that a vehicle this size has adequate space to turn around.

I do note the comment from Thanet Refuse team, as the site will remain in private ownership. However, due to the traffic light controlled system of entering and exiting the site, it will be necessary for a refuse vehicle to enter and exit this site to carry out collections.

A dedicated pedestrian access is proposed, with tactile paving on both sides of Minnis Road. Suitable pedestrian visibility splays can be achieved. However, I note the comments in the Road Safety Audit, and the potential for residents to take a more desirable line to cross the road. I would recommend providing a pedestrian footway round the easternmost side of the entrance, to lead residents to the appropriate crossing area.

### Parking

Two parking spaces are indicated for each dwelling. However the proposed site plan does not indicate the provision of the visitor parking bay.

Bicycle storage is mentioned in the transport statement, however this has not been indicated on the site plan. This can be in the form of a shed in the rear garden, and at the ratio of one space per bedroom.

**TDC Waste and Recycling:** Suspect that this small development would be private then the bins will need to be presented at the front boundary of the development on collection day

**TDC Conservation Officer:** Gore End Farm is a site occupied by a substantial Grade II designated timber frame barn as well as a FarmHouse, of which the farm house has been separated from the ownership of the site. This application looks to convert the barn to a residential use as well as construct other properties within its context.

Thanet's Local Plan, policy HE02, states within Section 7 'The character, scale and plan form of the original building are respected and the development is subordinate to it and does not dominate principal elevations.' As well as Section 8 which states 'Appropriate materials and detailing are proposed and the development would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.'

Guidance under the National Design Guide Section C2, Paragraph 45 highlights that when determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape and paragraph 47 which states Well-designed places and buildings are influenced positively by the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details.

NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation as well as (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Under the Listed Buildings and Conservation Areas Act 1990, Section 16 Paragraph 2 it states In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Previously pre application advice was sought as part of this scheme of which some concerns were raised in that the main designated barn would need to remain the dominating feature to the site with any additional construction appearing as a secondary entity. Materials should be appropriate for use in the context of the historical environment and site complex. This would appear to have largely been adhered to and the scheme amended appropriately.

The conversion of the listed barn itself is being proposed to two large scale properties, within a reduced level of implication to the core structure of the building and its timber frame to facilitate this. The height of the beams allows for a second floor without reorganisation of the frame with the windows proposed in the roof line which is a later addition and to be replaced as part of the proposal. A small section of fabric is required to be removed and replaced at the south end of the building where the fabric currently has degraded and is partially collapsed which is a positive as it needs to be repaired regardless.

In addition to the conversion of the barn there is an extension proposed to the East Elevation. This is being proposed in a matching material palette and facilitates a larger layout for the proposed accommodation outside of the constraints of the core listed barn structure. Some concerns were raised regarding the size of this element however I would still consider that it is subservient to the main barn itself whilst additionally supporting its successful and sympathetic conversion. As such I would consider the harm caused through its intrusion both to setting and appearance, as well as physical fabric at the contemporary linking section, to be outweighed by the future sustainability and maintenance of the heritage asset.

Windows proposed throughout the scheme are largely situated in new areas of development or fabric, for example the roof of the main barn is a modern material which is due to be replaced, incorporating roof lights.

Looking at historic maps it would appear that the site has historically been occupied by smaller out buildings which would have likely been associated with the use of the barn and the surrounding agricultural land. The proposal of the buildings surrounding the barn have been organised in a manner which protects the setting and appearance of the most central listed property whilst appearing subservient and providing comfortable garden and landscaping space. Overall protecting the significance of the site and its historical integrity.

The cow barn is a structure located within the complex which has been flagged to be possibly curtilage listed due to its position, age and materiality. This too is being converted by the proposal in a manner appropriate for what remains of its form and significance.

Adjacent to the site is Gore End Farm Farm House which would have once been incorporated as part of this complex but has since been separated. This is a designated building in its own right at Grade II listed. The proposed development of this land is considered to negatively impinge the setting of this site given that it has always been read in context with the adjacent buildings throughout its various stages of development.

Overall I am convinced that the application has fully considered the implication to the listed property as well as the setting and appearance of the surrounding site and complex. Limited implication to the fabric of the listed building being proposed to effectively facilitate the conversion sympathetically. As such I would consider that the scheme complies with the aforementioned local and national legislation and I do not object to the proposed.

If this application was to be approved I would suggest the submission of window details, roof sample and rain water details through condition.

**TDC Arboricultural Advisor:** I've had a look at the tree survey and, although there are no photographs, it does appear that none of the existing trees would be a significant constraint on development.

The recent Landscaping Strategy Plan appears to be just that - a proposed strategy without any details. It shows the location of new native hedge planting and native trees without any details as to species, size at planting, spacing within the hedge etc. A number of the trees

are directly south of the gardens to Units 3 to 6, some of which appear relatively small. Depending on species, there may be shading issues as any new trees mature.

**TDC Contamination:** A phase (1) contamination assessment has been carried out and submitted with application. It recommends near-surface soil sampling be undertaken within the upper 1m of the subject site to establish whether any residual contaminants associated with the site's agricultural use are present. The Conceptual Site Model identifies the potential for contamination associated with agricultural use to be present within the near surface. Therefore the following conditions shall apply:

## CONTAMINATED LAND

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

### Intrusive Investigation

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

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to:

Human health;

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

Adjoining land;

Ground waters and surface waters;

Ecological systems;

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

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

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

c) Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with

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the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; lighting control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

### COMMENTS

This application is reported to Planning Committee at the request of Cllr Kup for Members to consider the impact of the proposed development on highway safety.

The key issues in the determination of this application include the principle of development, character and appearance, impact on designated heritage assets, impact on trees, living conditions, highways, drainage and flooding, ecology, Archaeology and contamination.

### **Principle**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The application site is a mix of previously developed and non previously developed land, but within the settlement as defined by the Thanet Local Plan 2020. Policy SP01 of the Local Plan (Spatial Strategy - Housing) states that the primary focus for new housing development in Thanet is the urban area. Policy H01 (Housing Development) states that permission for new housing development will be granted on sites allocated for this purpose and on non allocated sites within the confines of the urban area and villages.

It is noted that the site lies at the northern end of one of the Council's Strategic Housing Allocations (SP16 - Birchington) for up to 1,600 dwellings and associated infrastructure. Whilst forming part of the allocated site, the site encompasses a self contained part of the allocation adjacent to Minnis Road and is under separate ownership from the wider site allocation. It is not considered that the development of this site would compromise the ability

of the wider site to meet the policy requirements or prejudice the scheme coming forward, and it is not considered that the development proposed is contrary to the policy by virtue of not providing a masterplan and meeting the policy requirements for the 1600 house scheme, given the definitive ownership separation between the site and the wider strategic development.

Furthermore, the council does not currently have a 5 year housing supply and, as such, the tilted balance set out in paragraph 11 of the National Planning Policy Framework applies. This states that 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".

On that basis, it is considered that residential development on the site should be considered acceptable in principle.

The NPPF states where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. It is noted that the glossary of the NPPF defines best and most versatile land as land in grades 1, 2 and 3a of the Agricultural Land Classification.

Policy E16 of the Local Plan relates to best and most versatile agricultural land and states:

"Except on sites allocated for development by virtue of other policies in this Plan, planning permission will not be granted for significant development which would result in the irreversible loss of best and most versatile agricultural land unless it can be clearly demonstrated that: 1) the benefits of the proposed development outweigh the harm resulting from the loss of agricultural land, 2) there are no otherwise suitable sites of poorer agricultural quality that can accommodate the development, and 3) the development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land."

The application site comprises a mix of previously and non previously developed land which once formed part of an agricultural holding with the adjoining farmhouse. It is clear, however, that the application site has not been used for agricultural purposes for a number of years. The site forms part of a Strategic Allocation for residential development in the Local Plan where the loss of agricultural land has been considered and weighed against the need for housing through the policy process. Therefore policy E16 does not apply to this proposal, and the general presumption to safeguard best and most versatile agricultural land does not apply to this site

### **Character and Appearance**

Paragraph 130 of the National Planning Policy Framework (NPPF) states decisions should ensure that developments will function well and add to the overall quality of the area, are

visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible.

Policy SP26 (Landscape Character Areas) states that development proposals should demonstrate how their location, scale, design and materials will conserve and enhance Thanet's local distinctiveness. The application site lies within the Central Thanet Undulating Chalk Farmland Area. This area is identified as agricultural land that performs a settlement separation function. These areas of high quality agricultural land are of value for farmland and roosting coastal birds. The openness and undeveloped character of the farmland contributes to the essentially rural character and relatively dark skies. Whilst Policy QD02 outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. 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.

As set out above, the application site forms part of a larger strategic housing allocation within the local plan so the change from part of an agricultural holding to residential has already been generally accepted, but it falls, however, to assess the detail of the proposed scheme. The proposal would see the erection of 4 new dwellings on the site together with the conversion of the existing threshing barn (with an extension) to a further 2 dwellings and the conversion of an extended cow shed to form a further dwelling.

The application is supported by a Design and Access Statement which states in summary that the key consideration for the proposed site layout is to reinstate the former courtyard plan which has been lost over the past century, placing particular emphasis on the listed barn which will be the focal point of the development and set the precedent for quality across the site. The hierarchy of the site is to be maintained in order to ensure that the farmhouse and the barn retain their primary status. The proposed additional housing has been kept to a minimum scheme and that the proposals offer a visual buffer of development from the current confines of the village which will retain the existing rural outlook across the farm site. The southern edge of the site will provide a green buffer between the current open countryside and any future development.

It is considered that the proposed scheme does resemble a farm complex and takes its lead from historic images of the farm holding over the years. The Threshing Barn and Farmhouse (although the farmhouse itself is not within the application site) remain the focal buildings. The proposed development is low density with large open spaces around buildings both in terms of amenity space for each of the proposed units and landscaping areas to the south and north west of the site which helps soften the appearance of the new development converted buildings and integrate them into the site. The spacious development retaining the Threshing Barn and the farmhouse as the key features is considered to fit with the aim of Thanet Central Undulating Chalk Farmland landscape character area. The new buildings (plots 4-6) are proposed to be constructed with a brick plinth, black timber cladding to external walls and kent peg piles, with a two storey height

terrace row with a barn hipped roof, whilst plot 7 proposes a mostly single storey L-shaped building with gable ended two storey element using brickwork with corbel detailing and natural slate. Due to the siting of the new buildings and the landscape buffer to the south of the site, combined with the materials and design of the properties, it is considered that the development would not appear cramped or out of keeping with built form in the vicinity, preserving the character of the area.

Given the above, it is considered that the development has no adverse impact on the character or appearance of the surrounding area.

## **Impact upon Designated Heritage Assets**

The site contains the Grade II listed Threshing Barn and the curtilage listed cow shed and is adjacent to the listed Gore End Farm House.

Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The NPPF goes on to state that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

Policy SP36 of the Council's Local Plan is a strategic policy which states that the council will support, value and have regard to the historic or archaeological significance of Heritage Assets. Policy HE03 (Heritage Assets) is also relevant to this application. It states that proposals that affect both designated and non-designated heritage assets, will be assessed by reference to the scale of harm, both direct and indirect, or loss to, the significance of the heritage asset in accordance with the criteria in the National Planning Policy Framework.

The application is supported by a Heritage Statement which sets out the significance of the building and reasoning and effect of the proposed works on its architectural and historical significance. It states that "*the proposals include the preservation, conversion and extension of the Grade II Listed Gore End Barn and Curtilage Listed Cow Barn to form three residential dwellings. The Grade II listed barn is largely intact, but is currently deteriorating and requires significant structural repairs to reverse its decline. The residential proposals are deemed appropriate and necessary to provide a viable long-term use to secure the future role and maintenance of the heritage assets. The restoration of the existing barns would considerably enhance the significance and setting of the site. New built form of modest scale will create the remaining four dwellings. The two additional proposed buildings are between 1 and 2 storeys in height of good sensitive design and hierarchy which avoids repetition and maintains the privacy and intervisibility of Upper Gore End Farmhouse and*

*Gore End Barn as the key prominent buildings on this historic farmstead site. The development aims to maintain key views across the site, including views towards and away from the listed buildings. Existing historic routes into the site from Minnis Road to the north, and from the open countryside to the south, have also been considered and are proposed to be maintained for pedestrian movement as part of the proposals. It concludes that the development is not projected to be detrimental to the site in regards to its heritage assets and local importance."*

The Council's Conservation Officer has reviewed the application and raises no objection. She states that on the basis that the proposed conversion of the listed structures (the listed barn and the curtilage listed cow shed) would ensure that they are protected from falling into disrepair with limited alterations proposed to facilitate the conversion. She also notes that looking at historic maps it would appear that the site has historically been occupied by smaller out buildings which would have likely been associated with the use of the barn and the surrounding agricultural land. The proposal of the buildings surrounding the barn have been organised in a manner which protects the setting and appearance of the most central listed property whilst appearing subservient and providing comfortable garden and landscaping space. Overall protecting the significance of the site and its historical integrity.

The proposed development has been designed around the existing listed Threshing barn and the curtilage listed cow shed on the site and reflects historic farm yard style development which previously existed within the site. Care has been taken to sympathetically convert the listed barn and curtilage listed cow shed with sensitive and subservient extensions and respect the adjoining farmhouse and the spacing around it and its link to the application site. This is helped by designing dwellings that are appropriate for their location within the site and maintaining most of the established landscaping around the site's boundaries.

It is considered important that high quality materials are utilised throughout the development to reflect and enhance those of the listed barn and curtilage listed cow shed and other dwellings within the area. It is considered appropriate in this instance to secure samples of materials to be used within the development via a condition. It is also considered that windows and doors within the development should be timber and set within reveals. This will also be secured via a planning condition.

In addition, to ensure no impact on the listed structures from subsequent alteration of the new dwellings, permitted development rights would be required to be removed from altering the buildings, and from erecting boundary treatments different from the traditional rural post and rail stated in the design and access statement.

Given the above, it is considered that, with appropriate safeguarding conditions, the proposed development would comply with the aims and objectives of policies SP36 and HE03 of the Local Plan and the guidance of the NPPF.

### **Impact on Trees**

A Tree Survey has been submitted to support the application to assess the health of the trees and the impact of the proposed development on the trees together with a Landscape

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Strategy Plan which shows areas of new planting, but does not give details of species or the size of specimens when planted.

The Council's Arboricultural Advisor has reviewed the submitted Tree Survey and the Landscaping Strategy Plan. He advises that it does not appear that any of the existing trees would be a significant constraint on the proposed development. He goes on to highlight the lack of detail on the Landscape Strategy Plan and that there may be some issues with shading to the gardens of plots 3 to 6 depending from trees planted to their south as they mature depending on the species chosen.

It is noted that a total of 4 trees, plus 2 groups of trees will be removed from the site. The trees identified to be lost are category C (low quality and value - with a life expectancy of 10 years) and U trees (very low quality and value with any value being lost within 10 years). Whilst the loss of the trees is disappointing it is noted that they are located in areas area with other trees and it is not considered that their loss would be readily apparent when viewing the site either internally or externally, meaning that wider amenity value of the site is not significantly impacted by the proposal

The dwellings have been designed and oriented to ensure that they were not shaded to an extent or in such close proximity to trees that future residents would be likely to seek the removal of trees post occupation. The comments of the Arboricultural Advisor are noted in relation to the possibility of trees potentially shading the gardens of plots 3 to 6, but it is considered that a condition requiring landscaping details to be submitted and agreed with by the Local Planning Authority would allow suitable species and trees to be planted to avoid this issue.

The Tree Survey also sets out tree protection measures and these are generally considered acceptable. The scheme proposes areas to new planting to buffer the open countryside which are not associated with the new plots, and, therefore, a landscape management plan will be required to be submitted prior to the occupation of any dwelling to ensure that the area are sufficient managed through the construction/lifetime of development

With appropriate safeguarding conditions, it is considered that the proposed development could be carried out without a significant impact on the trees and landscaping on the site.

### **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, QD04 and GI04 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, requires all new residential development to meet the Nationally Described Space Standards and also a water efficiency standard. 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.

It falls, therefore, to assess the impact of the proposed development on the residential amenities of surrounding occupiers and the standard of accommodation being proposed for future occupiers.

The nearest residential property to the application site on the same side of Minnis Road is Gore End Farmhouse and the occupiers of this property have raised concerns about the impact on the proposed development on their privacy. Plots 1 (the converted cow shed) and 7) are the closest properties on the application site to the farmhouse. Plot 1 has two windows in its flank elevation facing the farm house - a high level window and a boarded low level opening; these would both serve the open plan living area of that dwelling. It is considered that the cow shed would previously be in agricultural use and not residential and that it would, with the other buildings within the historic farmstead, have been used and occupied in conjunction with the farmhouse. It is noted that the cow shed site is adjacent to Minnis Road and further forward of the farmhouse and, as such, any views from these windows would be over the front garden area of the farmhouse and views of this area are already available from public vantage points. Therefore it is not considered that this part of the development would cause significant harm to the living conditions of Upper Gore End Farm.

Plot 7 is a new dwelling, to be built on the remains of what has been identified as a dovecote. The proposed dwelling is essentially single storey with the small two storey element located towards the application site at the furthest point from the farmhouse. It is also noted that there would be over 30 metres between plot 7 and the farmhouse at their closest points and given this, combined with the mainly single storey nature of plot 7 and the intervening boundary treatment, it is not considered that they would be any adverse impact on the residential amenities of adjoining occupiers of the farmhouse from the proposed development in terms of loss of privacy or sense of enclosure.

There are also residential properties on the opposite side of Minnis Road with nos. 86 and 88 Minnis Road being the closest. They would sit opposite the proposed waste and cycle storage building, but would be separated from it by the road (7 metres) and are then set back within their plot by approximately 6 metres. The closest residential property to those dwellings would be the extension of the cow shed (plot 1) which at its closest point would be some 14 metres from the closest point of no. 86. Given the distances involved and the orientation between plot 1 and no. 86, it is not considered that there would be any adverse impact in terms of loss of privacy or sense of enclosure to the occupiers of nos. 86 and 88 Minnis Road.

It is noted that the application site has not been used for a number of years and there may be some noise and disturbance associated with the site being used again as well as comings and goings associated with this use. It is, however, considered that the noise and movements associated with 7 dwellings on the application site would be less than the farm/agricultural use of the site which could recommence without the need for planning permission.

All of the proposed dwellings would be served by a vehicle parking and have private amenity space. It is considered that all properties would achieve a high level of light and ventilation and meet the appropriate national space standards. The properties have been designed to avoid any mutual overlooking or sense of enclosure and it is considered that the proposed dwellings would provide a good standard of accommodation for future occupants.

Given the above, it is considered that the proposed development would meet the criteria of policies QD03, QD04 and GI04 and the guidance of the NPPF.

## Highways

Paragraph 110 of the NPPF states that in assessing applications for development it should be ensured that adequate opportunities to promote sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 111). Applications for development should give priority to pedestrian and cycle movements and secondly (as far as possible) facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility, create places that are safe, secure and attractive, allow for the efficient delivery of goods and access by service and emergency vehicles and be designed to enable charging of plug in and other ultra low emission vehicles (paragraph 112). These aims are reflected in the Council's Local Plan policies.

The proposal would close the existing traffic controlled access and proposes a new access closer to the bridge to the west. The access would also be signal controlled with new dropped kerbs and tactile paving to indicate/facilitate a crossing location to the pedestrian footway to the north of the road. The applicant has submitted a road safety audit as part of the transport submission, which also includes a statement about the sustainability of the site and car parking amounts proposed (14 spaces and 1 visitor space for the 7 dwellings)

KCC Highways have reviewed the proposal and, whilst raising no objection as to the traffic generation from the development, the internal layout of the development or the amount of parking, they advised that they would need to adopt a portion of the application site to allow maintenance of the proposed traffic lights and that a light column on Minnis Road is likely to be need to moved. They also requested swept paths to ensure that a refuse vehicle could enter the site and leave in forward gear. Amended plans have now been received showing the area to be adopted and providing swept paths for the refuse vehicle. The area to be adopted now includes the signals within the site, which will allow control by the highway

authority to ensure safe operation, and the amended plans confirm that the turning from the access is sufficient for larger vehicles.

Taking account of the view of the highway authority, it is considered that the new access is sufficiently designed (as signal controlled) for safe use, with sufficient parking on site and pedestrian routes to and from the site to accord with paragraph 110 of the NPPF. These will need to be conditioned to ensure the provision of suitable parking and manoeuvring space for vehicles, safe access to the dwellings, with surfacing details required as well as measures to prevent surface water discharge to the highway. It is noted, however, that they require an area to be secured within the application site to either be provided for adoption by them or given an easement over to ensure that they are able to deal with any issues with the proposed traffic lights. They also advise that there would be a commuted sum required from the applicants as to the ongoing maintenance of this equipment. This would need to be secured via a S106 legal agreement or undertaking.

Subject to the imposition of conditions including but not limited to provision of the access, visibility splays, vehicle parking and manoeuvring, and the submission of construction and operational details of the proposed traffic light system, the proposal would not have an adverse impact on highway safety or parking from the proposed development. A construction management plan will also be required to ensure any disruption to the road network is minimised during the course of development.

## **Drainage and flooding**

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.

Southern Water has reviewed the application and raised no objection to the proposal.

It is, however, considered appropriate to secure details of the means of foul and surface water drainage from the site via a condition. With this safeguarding condition, it is not considered that there would be any adverse effect on drainage or flooding from the proposed development.

## **Ecology**

The NPPF states at paragraph 175 that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF then states at paragraph 180 that "if significant harm resulting from a development cannot be avoided (through locating on

an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

Thanet Local Plan Policy SP30 (Biodiversity and Geodiversity Assets) states development proposals will, where appropriate, be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets. Sites should be assessed for the potential presence of biodiversity assets and protected species. For sites where important biodiversity assets, including protected species and habitats including SPA functional land, or other notable species, may be affected, an ecological assessment will be required to assess the impact of the proposed development on the relevant species or habitats. Planning permission will not be granted for development if it results in significant harm to biodiversity and geodiversity assets, which cannot be adequately mitigated or as a last resort compensated for, to the satisfaction of the appropriate authority.

The application is supported by a Reptile Survey and Mitigation Strategy. This identified a low population of common lizards and noted that most of the application site has been scraped bare of vegetation during the period that Network Rail used it as a compound for works to the adjacent rail line and vegetation has only recently started to grow back. It is acknowledged in the survey that more of the site would have been used by reptiles previously and as vegetation returns much of the site would be likely to be used by lizards again. They conclude that the proposal will entail the loss of a small amount of reptile habitat, but that this would be mitigated by enhancing the areas of land outside the works footprint (close to the railway line and to south of plots 3 to 6) and through the implementation of a biodiversity focused management plan.

A Bat Survey and Mitigation Strategy is also submitted given that the Threshing barn and cowshed were considered as having moderate suitability for roosting bats. This states that in terms of the cow shed no bats were seen emerging or entering the structure during the bat surveys and no bats or signs of bats were found during the internal or external inspection of that building. In terms of the Threshing barn, it was noted that no bats or signs of bats were found during the internal or external inspection, but it was noted that the ground was covered in pigeon droppings making it difficult to see bat droppings. It was noted that the building contains multiple mortice and tenon joints providing suitable micro roosts including in the winter for hibernation. One common pipistrelle bat was seen entering and emerging from the barn during surveys. It is considered likely that the barn is used as a day roost by this single bat. It concludes that the cow shed requires no mitigation or licence prior to its conversion. The Threshing barn is used as a day roost by a single common pipistrelle bat which is a common species. The roost should be regarded as having a low conservation significance and that works to the building will be supervised by a licensed bat handler and mitigation such as the provision of bat boxes within the proposed development would provide appropriate mitigation.

KCC Ecology have reviewed the submitted assessment and advise that sufficient information has been provided. They raise no objection to the proposal, but advise that the ecological mitigation and enhancement strategies proposed in the Reptile and bat surveys should be conditioned.

The conditions suggested are considered reasonable and it is considered, with these safeguarding conditions in place, that there would be no adverse impact on ecology from the proposed development.

## Archaeology

Paragraph 197 of the NPPF states that In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. It goes on (paragraph 199) to state that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." In paragraph 202 the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy HE01 of the Local Plan relates to Archaeology and states that the Council will promote the identification, recording, protection and enhancement of archaeological sites, monuments and historic landscape features, and will seek to encourage and develop their educational, recreational and tourist potential through management and interpretation.

A desk based Archaeological Assessment has been submitted in support of the application. This states that in reviewing circumstantial evidence about the application site and the surrounding area that archaeological remains might be extant within the proposed development areas and could be destroyed or disturbed by the proposal. They recommend that an archaeological field evaluation, in liaison with local authority archaeologists, would be the most appropriate and effective mitigation to allow development of the application site.

KCC's Archaeological Team have reviewed the application and advise that the application site is archaeologically sensitive with many archaeological discoveries identified in the local area on the Kent Historic Environment Records and finds being discovered via survey work in relation to the nearby major planning application (OL/TH/20/1755). The application site itself is a historic farmstead dating back to the 16th century although altered at various stages. They note the submission of the Archaeological Desk Based Assessment and Heritage statement in support of the application. They state that TDC's Conservation Officer should lead on the acceptability of the proposed works on the built heritage assets, but advise that they would request a condition securing more detailed recording and analysis of the historic buildings and farmyard (a programme of building recording) prior to works commencing. They agree with the conclusions of the Archaeological Desk Based Assessment that should permission be granted that archaeological evaluation should be undertaken and further appropriate mitigation measures agreed and request the imposition of a condition to that effect.

Given the above, it is not considered that, with the imposition of the safeguarding condition, there would be an adverse impact on archaeology from the proposed development and therefore the proposal would comply with policy HE01.

Paragraph 174 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Policy SE03 (land affected by contamination) states that development on land known or suspected to be contaminated or likely to be adversely affected by such contamination will only be permitted where: 1) an appropriate site investigation and assessment (agreed by the Council) has been carried out as part of the application to establish whether contamination is present and to identify any remedial measures necessary to ensure that the site is suitable for the proposed end use; 2) the proposed remedial measures would be acceptable in planning terms and would provide effective safeguards against contamination hazards during the development and subsequent occupation of the site. Planning conditions will be attached to any consent to ensure that remedial measures are fully implemented, before occupation. In the case of sites where contamination is only considered to be a possible risk, a site investigation will be required by condition.

The application is supported by a phase 1 Contamination Assessment. This recommends that near-surface soil sampling be undertaken within the upper 1m of the subject site to establish whether any residual contaminants associated with the site's agricultural use are present with Conceptual Site Model identifying the potential for contamination associated with agricultural use to be present within the near surface.

The Council's Contamination Officer has reviewed the application and agrees with the recommendations of the submitted phase 1 Contamination Assessment. He advises that a condition requiring an intrusive investigation for contamination and updated risk assessment be imposed on any grant of planning permission together with a condition requiring a construction environmental management plan to be submitted and approved as well as a condition relating to unexpected contamination.

Given the above, it is considered that subject to the imposition of safeguarding conditions, there would be no adverse contamination impacts from the proposed development in the area or for future occupiers of the site.

### **Other Matters**

Thanet District Council has produced the Strategic Access Management and Monitoring Plan (SAMM) which focuses on the impacts of recreational activities on the Thanet Section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreational activities) and to

comply with the Habitat Regulations a financial contribution is required to contribute to the district wide mitigation strategy. This is secured under policy SP29 of the Council's Local Plan. It is considered that the request meets the tests for inclusion within a S106 legal agreement/undertaking. An undertaking has been submitted to secure this contribution and an appropriate assessment carried out.

Under Policy SP14, as an allocated housing site the development is required to provide one electric charging point to be provided for every new dwelling with parking provision within its curtilage. A condition will be imposed to secure details of the charging points and require their provision in accordance with this policy and Policy SE05, to ensure appropriate mitigation is in place regarding air quality impacts from the development.

## **Conclusion**

The application site forms part of a strategic housing allocation within the local plan and whilst separate in ownership from the strategic development, there is no objection to the principle of residential use of the site.

The conversion of the listed barn and curtilage cow shed on the site will ensure their sympathetic repair and bring them back in an active use albeit not the original use they were designed for.

With the imposition of safeguarding conditions, it is considered that there would be no adverse impact on the character or appearance of the area, heritage assets, the living conditions of adjoining occupiers, highways or parking, biodiversity, archaeology, contamination or drainage or flooding

It is, therefore, considered that the benefits of the proposal, including the economic and social benefits that come from the creation of dwellings, outweigh the limited harm to the listed barn and curtilage listed cow shed by their conversion. Therefore it is a recommended that the application is deferred and delegated to officers for approval subject to the satisfactory completion of a Section 106 agreement within 6 months of the date of this resolution securing the required highway contribution for maintenance of the proposed traffic light system and resolution of the Technical Approval Process to be followed for the new system, and safeguarding conditions.

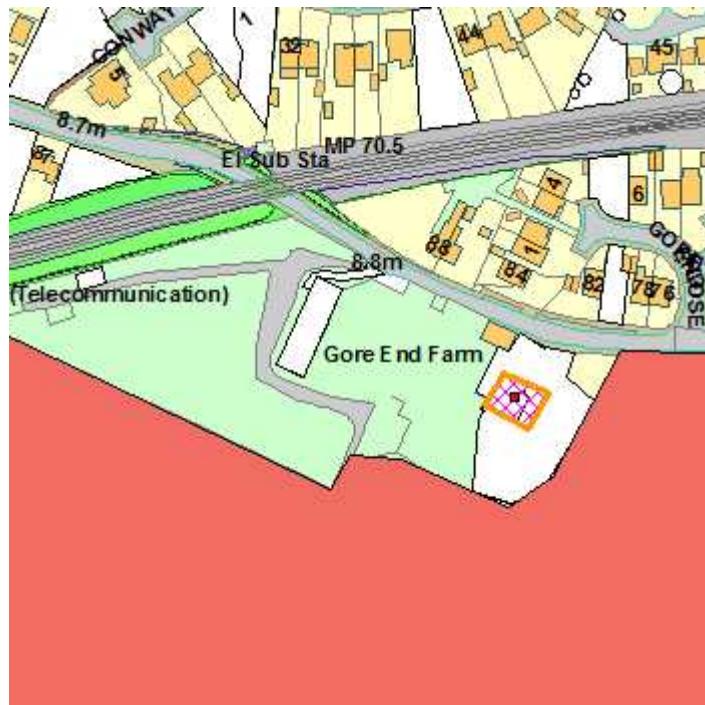
## **Case Officer**

Annabel Hemmings

## Agenda Item 4e

TITLE: F/TH/22/0364

Project Gore End Farm Minnis Road BIRCHINGTON Kent CT7 9SJ



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