

Public Document Pack

Date: 11 September 2023
Our ref: Planning Committee Agenda
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PLANNING COMMITTEE

20 SEPTEMBER 2023

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 20 September 2023** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor Crittenden (Chair); Councillors: Bright (Vice-Chair), Albon, J Bayford, Boyd, Dennis, Driver, Garner, Keen, Makinson, Matterface, Paul Moore, Rattigan, Rusiecki and Wing

AGENDA

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)
To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)
3. **MINUTES OF PREVIOUS MEETING** (Pages 5 - 16)
To approve the Minutes of the Planning Committee meeting held on 16 August 2023, copy attached.
4. **UPDATE FOR FH/TH/23/0138 - 54 STONE ROAD, BROADSTAIRS** (Pages 17 - 32)
5. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 33 - 38)
To consider the report of the Director of Place, copy attached for Members of the Committee.

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

Item
No

Subject

For Approval

- 5a **A01 F/TH/22/1058 - LAND NORTH OF TELEGRAPH HILL, INDUSTRIAL ESTATE, LAUNDRY ROAD, RAMSGATE** (Pages 39 - 76)
- 5b **A02 F/TH/22/1718 - MOUNT PLEASANT LORRY PARK, TOTHILL STREET, RAMSGATE** (Pages 77 - 98)
- 5c **A03 PN13/TH23/0004 - BRITISH HEART FOUNDATION, 113-117 HIGH STREET, MARGATE** (Pages 99 - 110)
- 5d **A04 A/TH/23/0452 - PIER HEAD SHELTER, THE HARBOUR, BROADSTAIRS** (Pages 111 - 116)
- 5e **A05 L/TH/23/0237 - CRUMPS FARM, SHUART LANE SOUTH, BIRCHINGTON** (Pages 117 - 128)

For Deferral

- 5f **D06 F/TH/23/0236 - CRUMPS FARM, SHUART LANE SOUTH, BIRCHINGTON** (Pages 129 - 168)
- 5g **D07 F/TH/23/0266 - LAND TO THE NORTH OF FAIRLAWN ROAD AND WEST OF NORTHWOOD ROAD, BROADSTAIRS** (Pages 169 - 190)



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 16 August 2023 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Helen Crittenden (Chair); Councillors J. Bright, Albon, J Bayford, Boyd, Driver, Garner, Keen, Makinson, Matterface, Paul Moore, Rusiecki and Wing

In

Attendance: Councillors Austin, Bambridge and K. Bright

1. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Dennis and Councillor Rattigan who was substituted by Councillor Wright.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **MINUTES OF PREVIOUS MEETING**

Councillor Keen proposed, Councillor Matterface seconded and Members agreed that the minutes of the meeting held on 19 July 2023 be approved as a correct record.

4. **SCHEDULE OF PLANNING APPLICATIONS**

The Chair informed Committee Members that any site visits would take place on the morning of 1 September 2023.

(a) **A01 F/TH/23/0502 - 6-6A Luton Avenue, Broadstairs**

PROPOSAL: Change of Use from Assisted Living home (+ 55 year olds) with no living-in staff Home (Class C3) to a 16 bed House in Multiple Occupation (HMO) (Sui Generis).

Mr Michael spoke in favour of the application.

Mr Wilkinson spoke against the application.

Councillor K. Bright spoke against the application under Council Rule 20.1.

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

THAT the officer's recommendation be adopted, namely:

That the application be approved subject to the following conditions:

1. The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered TMC 002A, TMC 005A, TMC 006, LA/21/7/1.

GROUND:

To secure the proper development of the area.

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

GROUND:

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

3. Within one month of the date of the decision, the cycle storage facilities as shown on approved drawings no. TMC 002A and LA/21/7/1 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.

4. At no time shall the rear garden to the property be used for the parking of vehicles.

GROUND:

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

5. Within one month of the date of the decision, the refuse storage facilities as shown on approved drawing no. TMC 002A shall be provided and thereafter maintained.

GROUND:

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

6. Within three months of the date of the decision, full details of both hard and soft landscape works, to include:
 - Species, size and location of new trees, shrubs, hedges and grassed areas to be planted;
 - The treatment proposed for all hard surfaced areas beyond the limits of the highway;
 - The timetable for implementation of the works;

shall be submitted to, and approved in writing by, the Local Planning Authority.

All hard and soft landscape works, shall be carried out in accordance with the approved details.

Following completion of the landscape works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. 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 as those originally planted, unless written approval to any variation is provided 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.

7. Within one month of the decision date, a plan shall be submitted for the written approval of the Local Planning Authority indicating the height, design and materials of the boundary treatment to the side of no.6A adjacent to the fire exit to be erected, and a timetable for implementation. The boundary treatment shall be constructed in accordance with the approved details and thereafter maintained.

GROUND:

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

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

GROUND:

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

9. The ground floor side elevation fire escape door shall be fitted with a mechanism to only allow opening in the event of activation of the fire alarm, details of which shall be submitted for the written approval of the Local Planning Authority within one month of the decision, to also include a timetable for installation. The mechanism shall be fitted in accordance with the approved details and maintained in good working

order, with the door to be only used in the event of an emergency and at no other time.

GROUND:

In the interests of the amenities of the locality and the living conditions of the neighbouring property, in accordance with the principles of the NPPF and Policy QD02 of the Thanet Local Plan.

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

It was proposed by Councillor Albon, seconded by Councillor Garner and agreed upon by Members, that:

The proposed change of use, by virtue of the increased activity from the users of the HMO, would result in a detrimental increase in noise and disturbance to the neighbouring residential properties, causing significant harm to the living amenity of the occupiers and character of the area, contrary to policies HO19 and QD03 of the Thanet Local Plan, Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan and paragraph 130 of the National Planning Policy Framework.

(b) **A02 F/TH/23/0080 - Winter Gardens, Fort Crescent, Margate**

PROPOSAL: Temporary installation of metal security screens to external openings and metal fencing to public access points (retrospective application).

It was proposed by Councillor Albon, seconded by Councillor Bayford and Members AGREED that:

THAT the officer's recommendation be adopted, namely:

That the application be approved subject to the following conditions:

1. At the expiration of the date 16th August 2026, unless further permission has been granted, the temporary fencing works and shutters hereby approved shall be removed, and the land/building restored to its former condition.

GROUND:

In view of the temporary nature of the proposal in accordance with policies SP36 and HE02 of the Thanet Local Plan and paragraphs 127 and 196 of the NPPF.

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

(c) **A03 L/TH/23/0079 - Winter Gardens, Fort Crescent, Margate**

PROPOSAL: Application for Listed Building Consent for the temporary installation of security screens and fencing (retrospective application).

It was proposed by Councillor Albon, seconded by Councillor Bayford and Members AGREED that:

THAT the officer's recommendation be adopted, namely:

That the application be approved subject to the following conditions:

1. At the expiration of the date 16th August 2026, unless further permission has been granted, the temporary fencing works and shutters hereby approved shall be removed, and the land/building restored to its former condition.

GROUND:

In view of the temporary nature of the proposal in accordance with policies SP36 and HE03 of the Thanet Local Plan and paragraphs 127 and 196 of the NPPF.

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

- (d) **A04 L/TH/23/0700 - Ramsgate Bowling Club, Blowing Greens, Royal Esplanade**

PROPOSAL: Application for Listed Building Consent for resurfacing of promenade and steps of Ramsgate Bowling Club with asphalt following the removal of existing asphalt, replace missing balusters and repair cracks.

It was proposed by Councillor Albon, seconded by Councillor Bayford and Members AGREED that:

THAT the officer's recommendation be adopted, namely:

That the application be approved subject to the following conditions:

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

GROUND:

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

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

- (e) **R05 F/TH/23/0239 - 45-45A York Street, Broadstairs**

PROPOSAL: Erection of extract system / flue with free standing bamboo screening to the north and eastern edges of the roof extension and regularise existing handrail (part retrospective).

Councillor Bambridge spoke in favour of the application under Council Rule 20.1.

Councillor K. Bright spoke against the application under Council 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 reasons:

1. The extraction system by virtue of its size and prominent sitting is an unduly disruptive, obtrusive and incongruous feature unrelated to and out of keeping with the established the street scene, to the detriment of the character and visual amenities of the Broadstairs Conservation Area and detrimental to the visual amenities enjoyed by the occupiers adjoining properties, contrary to Policies SP35, HE02 and QD02 of the Thanet Local Plan and paragraph 197 of the National Planning Policy Framework.

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

(f) **R06 F/TH/23/0492 - 22 Grosvenor Road, Broadstairs**

PROPOSAL: Erection of pitched roof front extensions with alterations to fenestration to provide first floor storage.

Mr Beaumont spoke in favour of the application.

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

THAT the officer's recommendation be adopted, namely:

That the application be refused for the following reasons:

1. The proposed development, by virtue of its design, height and overall scale, would appear unduly dominant and discordant, and an isolated feature within the street scene that appears out of keeping with the adjacent low-rise garage buildings to the south, whilst detracting from and obscuring views of the adjacent historic flint church. The contribution the enlarged storage building would make to the economic needs of the area does not outweigh the severe visual harm to the street scene and surrounding character and appearance of the area (as a result of the materially diminished proposal), contrary to the requirements of Thanet Local Plan Policies SP04 and QD02, Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan and paragraphs 130 and 135 of the National Planning Policy Framework.

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

It was proposed by Councillor Bayford, seconded by Councillor Garner and agreed upon by Members, that:

Approve as the benefits of further expansion of the storage business is considered to outweigh the impact on the character and appearance of the area, subject to safeguarding conditions including samples of material.

(g) **R07 F/TH/23/0782 - Kiosk at Royal Victoria Pavillion, Harbour Parade, Ramsgate**

PROPOSAL: Erection of a single storey kiosk for the sale of food and drink, with associated seating following removal of existing.

It was proposed by Councillor Albon, seconded by Councillor Bayford and Members AGREED that:

THAT the officer's recommendation be adopted, namely:

That the application be refused for the following reasons:

1. The proposed kiosk by virtue of its prominent location, design, proximity to and relationship with the grade II listed Obelisk, is considered to result in an awkward and incongruous form of development, unrelated and incompatible with surrounding built form and representing poor design, that would compete with and detract from the significance of the listed buildings and the Ramsgate Conservation Area, resulting in significant harm to the special character, appearance and historic interest of these designated buildings and area. This harm is not outweighed by the public benefits of the proposal, and the proposal is therefore contrary to policies HE02, HE03, QD02, SP35 and SP36 of the Thanet Local Plan and paragraphs 130, 134, 199, 200 and 202 of the National Planning Policy Framework.

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

(h) **D08 F/TH/22/0769 - The Royal, 51 Harbour Parade, Ramsgate**

PROPOSAL: Change of use of existing public house (sui generis) to commercial unit (Class E), partial demolition of existing building and erection of five-storey side extension with recessed balconies, single storey roof extension and roof terrace and new three-storey building to rear to provide 8no. new apartments (2no 1 bed and 8no 2 bed), and rearrangement of 2no. existing apartments.

Councillor Austin spoke against the application under Council 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 deferred to officers for approval subject to the receipt of a satisfactory signed legal agreement to secure the contributions towards the SAMM 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 and the approved drawings numbered 08740-LEP-ZZ-ZZ-DR-A-00220 Revision P03 (received 19/05/23), 08740-LEP-ZZ-ZZ-DR-A-00221 Revision P02 (received 10/03/23), 08740-LEP-ZZ-ZZ-DR-A-00222 Revision P02 (received 10/03/23), 08740-LEP-ZZ-ZZ-DR-A-00230 Revision P01 (received 02/08/23) and 08740-LEP-ZZ-ZZ-DR-A-00215 Revision P02 (received 10/03/23).

GROUND:

To secure the proper development of the area.

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

GROUND:

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

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

GROUND:

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

5. Prior to the first occupation of the residential development, the secure cycle parking facilities, as shown on approved drawing no. 08740-LEP-ZZ-ZZ-DR-A-00220 Revision P03 (received 19/05/23) shall be provided and thereafter maintained.

GROUND:

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

6. The kitchen/living room window (apartment 6) in the rear elevation of the main building hereby approved shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent and shall be installed prior to first

occupation of the development hereby permitted and permanently retained thereafter.

GROUND:

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

7. Prior to the first use of the roof terrace hereby permitted, privacy screens of a minimum height of 1.8m shall be installed along the northeast side of the roof terrace to apartment 3, as shown on the approved plan numbered 08740-LEP-ZZ-ZZ-DR-A-00230 Revision P03 (received 02/08/23) and thereafter maintained.

GROUND:

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

8. Prior to the first occupation of the residential apartment a verification report demonstrating compliance with the recommendations in the Noise Impact Assessment (ENS 16th June 2022) shall be submitted to and approved by the Local Planning Authority. The assessment shall be submitted for written approval of the Local Planning Authority and all works which form part of the approved scheme shall thereafter be implemented and thereafter maintained.

GROUND:

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

9. Prior to the first occupation of the residential apartment details of a mechanical ventilation system, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be 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.

10. Prior to the first occupation of units 1 or 2 details of the low level planters and gates within the courtyard as shown on drawing 08740-LEP-ZZ-ZZ-DR-A-00220 Revision P03 (received 19/05/23) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

GROUND:

To safeguard the residential amenities of future occupiers of the development in accordance with Policy QD04 of the Thanet Local Plan.

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

GROUND:

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

12. 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.

13. Prior to the installation of balustrades within the south east (front) elevation, at first and second floors their detailed design at a scale of 1:20 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 Thanet Local Plan and advice contained within the National Planning Policy Framework.

14. No demolition or development shall commence until a method statement setting out the details and specifications of works to safeguard the Royal Sailors Rest building (in particular its side elevation), throughout construction, have been submitted to and, agreed in writing, by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

GROUND:

To preserve the character of the Grade II Listed structure attached to the application site in accordance with Policy HE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

15. Prior to the installation of the rainwater goods, details including the material and a sectional profile and connection with the existing built

form shall be submitted to and approved in writing by the Local Planning Authority. The rainwater goods shall be installed in accordance with the approved details.

GROUND:

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

16. Prior to the commencement of the development, including any demolition, 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 be in accordance with BS5228-1:2009+A1:2014: Code of Practice for Noise and Vibration on Construction and Open Sites and IAQM Guidance on the Assessment of dust from demolition and construction 2014; the Plan shall include mitigation measures. The management plan shall also include the following:
- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
 - (f) Measures to control noise affecting nearby residents
 - (g) Dust control measures
 - (h) Access arrangements

The development should be carried out in accordance with the approved details.

GROUND:

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

17. The doors to the bin store shall not open outwards over the highway.

GROUND:

In the interests of highway safety.

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

Meeting concluded: 9:22PM

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Planning Application FH/TH/23/0138 – 54 Stone Road Broadstairs Kent

Meeting	Planning Committee – 20th September 2023
Report Author:	Iain Livingstone, Planning Applications Manager
Planning Reference:	FH/TH/23/0138
Site Address:	54 Stone Road Broadstairs Kent
Applicant:	Mr Dan Clewley
Status:	For Decision
Classification:	Unrestricted
Previously Considered by:	Planning Committee 19 April 2023
Ward:	Bradstowe

Executive Summary:

This report concerns an householder planning application for the erection of two storey front and rear extensions together with 4 roof lights, front flat roof porch and first floor rear balcony and alterations to fenestration and materials at 54 Stone Road, Broadstairs.

The application was reported to the Planning Committee on the 19th April 2023. At this meeting, a motion to approve the application subject to safeguarding conditions was voted down and a motion was passed for members to visit the site.

Prior to the site visit, the applicant appealed against the non-determination of the application, meaning that the determination of the application now rests with the Planning Inspectorate.

The Council has been notified of the start of the appeal on the 4th September and must provide a statement of case/position by 9th October 2023.

The application is reported back to the Planning Committee to agree the position of the Council in regard to the appeal.

Recommendation:

Members confirm that they would have granted planning permission for the application under reference FH/TH/23/0138 subject to safeguarding conditions at Annex 1, thereby raising no objection to the non-determination appeal APP/Z2260/W/23/3322220.

Corporate Implications

Financial and Value for Money

The Planning Committee is not bound to follow the advice of Officers. However, should Members decide not to accept the advice of Officers it should be mindful of the potential cost implications in doing so.

The advice from Central Government within the National Planning Practice Guidance sets out the circumstances in which costs may be awarded against either party in planning appeals. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. An authority is considered to have behaved unreasonably if it does not produce evidence to substantiate each reason for refusal.

The advice outlined is that if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority. There are no funds allocated for any potential fines meaning cost awards will result in spend that is outside of the budgetary framework.

Legal

However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision.

The reasons for any decision must be formally recorded in the minutes and a copy placed on file.

If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.

Corporate

No corporate implications on the Council's priorities.

Equalities Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy and maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.

1.0 Background

- 1.1 The planning application for the erection of two storey front and rear extensions together with 4 roof lights, front flat roof porch and first floor rear balcony and alterations to fenestration and materials at 54 Stone Road, Broadstairs (FH/TH/23/0138) was reported to the Planning Committee on the 19th April 2023.
- 1.2 At this meeting, public speaking on the application occurred prior to the debate of the application by the planning committee. Both public speaking and the debate can be viewed on the Council's youtube channel here: https://youtu.be/ryy0f-_FEi0?t=6210. A motion to approve the application subject to safeguarding conditions was voted down and a motion was passed for members to visit the site. Due to the timing of the local elections, with no planning committee meeting scheduled in May, the site visit was set to occur on 7th July 2023 after the training of new members and the first meeting for the planning committee.
- 1.3 The Council was notified on 16th May 2023 that a planning appeal was received by the Planning Inspectorate against the non-determination of the application (reference Members confirm that they would have granted planning permission for the application under reference FH/TH/23/0138 subject to safeguarding conditions at Annex 1, thereby raising no objection to the non-determination appeal APP/Z2260/W/23/3322220). The deadline for determining the planning application (8 weeks from the date a householder application is made valid) had passed and the applicant had not agreed to extend the time period for determination by the Council. Therefore the application will now be decided by the Planning Inspectorate by way of the appeal.
- 1.4 The appeal will be determined by the Planning Inspectorate's written representations procedure, where an appointed Inspector will decide the appeal based on written material provided by all parties. The Inspector would normally visit the appeal site. Initially the Council provides a questionnaire about the application to the Planning Inspectorate within a week of the start date (4th September), with the statement of case required to be provided within 5 weeks of the start date (9th October 2023). The questionnaire requires the Council to provide information of the relevant local plan policies, as well as sending all objections received during the consultation period of application to the Inspectorate. It is important to emphasise that objectors are still allowed time to respond formally to the appeal by the Inspectorate by 9th October 2023, with notification letters sent by the Council to any person who was notified or consulted about the application and any other interested persons who made

representations. Any comments received by the relevant date by the Inspector will form part of their deliberations.

2.0 Consideration of the appeal

2.1 As the application was not determined by the Council, it falls to determine the position of the Council in regard to the appeal. As the application was “called in” to Planning Committee, the Committee must determine how they would have decided the application if it was decided without the benefit of a site visit.

2.2 The previous committee report produced by officers, recommending approval of the application subject to safeguarding conditions, is appended at Annex 1. The report outlines all relevant material planning considerations, including the impact of the proposed development on the character and appearance of the area and the impact on the living conditions of neighbouring properties, considered against the Thanet Local Plan and Broadstairs and St Peters Neighbourhood Plan. It is not considered that any changes have occurred, including the revised Broadstairs and St Peters Neighbourhood plan accruing significant weight (following the publishing by the Council of the decision statement moving the plan to referendum), which alter the position of officers that the proposal is in accordance with all relevant development plan policies and national guidance.

2.3 Whilst public consultation on the application has closed, further photographs and information have been submitted by the neighbour to the site. These are provided in the Committee member’s room for viewing. No further public speaking will occur on the application as this has already occurred at the April Planning Committee meeting.

2.4 If the Planning Committee are minded to determine that they would have refused planning permission, against officer advice, the Planning Committee is required to give adequate and intelligible reasons on good planning grounds opposing the appeal, and these ground(s) of refusal must be in the minds of members of the Planning Committee at the point of refusal. In addition, the Council is at risk of having costs awarded against it, if on appeal it is unable to justify each ground of refusal. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector.

3.0 Options

3.1 Members confirm that they would have granted planning permission for the application under reference FH/TH/23/0138 subject to safeguarding conditions at Annex 1, thereby raising no objection to the non-determination appeal APP/Z2260/W/23/3322220.

3.2 Members propose an alternative motion.

4.0 Recommendations

4.1 Officers recommend Members of the Planning Committee agree option 3.1.

Contact Officer: *Iain Livingstone, Planning Applications Manager*

Reporting to: *Ashley Jackson, Head of Housing and Planning*

Annex List

Annex 1: Committee Report FH/TH/23/0138

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Agenda Item 4

Annex 1

A02

FH/TH/23/0138

PROPOSAL: Erection of two storey front and rear extensions together with 4 roof lights, front flat roof porch and first floor rear balcony and

LOCATION: alterations to fenestration and materials

54 Stone Road BROADSTAIRS Kent CT10 1DZ

WARD: Bradstowe

AGENT: Mr Daniel McCarthy

APPLICANT: Mr Dan Clewley

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered 04, 05, 06, 07 and 08.

GROUND:

To secure the proper development of the area.

3 Prior to the construction of the external surfaces of the development hereby approved, details and manufacturer's specification of the external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

GROUND:

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

4 The front brick and flint boundary wall shall be retained as part of this development.

GROUND:

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

INFORMATIVES

Agenda Item 4

Annex 1

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

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/>

SITE, LOCATION AND DESCRIPTION

No. 54 Stone Road is a chalet style detached dwelling and attached single garage with amenity space to the front and rear. It is located on the northern side of Stone Road. The house and garden slopes downwards from Stone Road towards properties that front Eastern Esplanade. The site is enclosed to the front boundary by an existing brick and flint wall.

RELEVANT PLANNING HISTORY

FH/TH/22/0894 Erection of two storey front and rear extension, together with 4 roof lights, ground floor terrace and first floor balcony and alterations to external materials. Granted 22/09/22

FH/TH/21/1375 Erection of 2no. three storey, three bed dwellings following demolition of existing chalet bungalow. Refused 1st November 2021.

The above application was refused for the following reasons:

"The proposed 2no three storey dwelling dwellings by virtue of the loss of the front boundary wall, restricted size of the site, its relationship within the site and visually in the area, would be significantly out of keeping with the area and its spacious pattern of development along the eastern side of Stone Road, resulting in a cramped and incongruous form of development that is significantly harmful to the character and appearance of the area, contrary to the aims of policy QD02 of the Thanet Local Plan and paragraphs 119, 130 and 134 of the National Planning Policy Framework."

"The proposed development will result in additional pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to policy

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Annex 1

SP29 of the Thanet Local Plan and paragraph 182 of the National Planning Policy Framework."

PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a two storey front and rear extension, together with roof lights in the north elevation, a flat roof porch to the front, and first floor rear balcony and alterations to external materials. The materials proposed to be used are white render, and vertical slatted cladding composite under a slate roof with aluminum windows and doors.

DEVELOPMENT PLAN POLICIES

THANET LOCAL PLAN 2020

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

Broadstairs and St Peter's Neighbourhood Plan

BSP8 - Local Heritage Assets
BSP9 - Design in Broadstairs & St. Peter's

NOTIFICATIONS

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

One representation was received objecting to the proposal. The concerns are summarised below.

- Loss of natural light to neighbours
- Closer to boundary with No. 52A
- Overlooking from ground floor rear terrace, wider windows and first floor rear balcony
- Concern that there is no privacy screen (1.8m high) to no. 52A
- Removal of trees will also reduce privacy

Broadstairs Town Council: The Committee recommends REFUSAL as this application will have a severe impact on the privacy of the neighbouring property. The Committee also have serious concerns over the overhang of the property and overcrowding of the site. (Unanimous)

Broadstairs Society: There is a history with this property (21/1375 and 22/0894). On both occasions the Society objected. On the second occasion whilst approval was given there were safeguards including:-

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Annex 1

Condition 5 - the front brick and flint boundary wall shall be retained as part of this development.

It may be the developer confirmed the brick and flint wall's retention in the previous application but that same confirmation needs to be reiterated. If the developer also agrees to reinstate the flint wall between 54 and 56a Stone Road and does so that may help to alleviate the hurt and anger felt by neighbours.

CONSULTATIONS

None.

COMMENTS

This application is referred to the Planning Committee at the request of Cllr Jill Bayford on the grounds of loss of light and loss of privacy.

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

Principle

The site comprises an existing dwelling within the urban confines and the principle of extending an existing dwelling is considered to be acceptable subject to all other material considerations.

Character and Appearance

Paragraph 130 of the NPPF states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Policy QD02 of the Thanet Local Plan outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

Policy BSP8 of the Broadstairs and St Peter's Neighbourhood Plan relates to local heritage assets and states that proposals for development which would result in the loss of existing buildings or structures on the local list of heritage assets will not be supported. Alterations, extensions or other development which would adversely affect the appearance or setting of such buildings or structures will also not be supported. The list of local heritage assets is set

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out in appendix 4 of the neighbourhood plan. The flint wall to the front of no. 54 Stone Road is not identified as a heritage asset within that list. Policy BSP9 states that development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged. Proposals should take account of the Design Guidelines set out in Appendix 5. Proposals which demonstrate that they reflect the design characteristics of the area and have taken account of the Design Guidelines will be supported. Therefore, the development should be well designed, respect and enhance the character of the area paying particular attention to context and identity. Design and Character is further amplified by the Broadstairs and St Peters Neighbourhood Plan Policy BSP9.

No. 54 Stone Road is a chalet style detached dwelling with an attached single garage with amenity space to the front and rear. The house and garden slopes downwards from Stone Road towards properties that front Eastern Esplanade.

Planning permission is sought for the erection of a two storey front and rear extension, together roof lights in north elevation, flat roof porch to the front facade, and first floor balcony set in from the eaves of the building and alterations to external materials; white render, and vertical slatted cladding composite under a slate roof with aluminum windows and doors.

The application has similarities with the previously approved application FH/TH/22/0894, but is noticeably smaller.

The proposed extension to the front elevation would alter the appearance and form of the property from a chalet style dwelling to a full two storey dwelling, with its associated increase in height (increasing from 6.2m to 7.3m) and two storey mass. Due to the nature of the extensions proposed the change would be clearly perceivable and visible from the street scene; Stone Road. It is confirmed that the site is not within a Conservation Area. In terms of context the site is located between a two storey dwelling to the east (no. 52A Stone Road) and two and a half storey property at 56A Stone Road to the west.

The dwelling currently has a hipped roof (with centrally positioned front pitched roof dormer) which would change to having a front gable presenting to the road with flat roof porch that links across to the existing flat roof garage. The increase in height would see the dwelling become a comparable height (slightly lower) to those dwellings either side. This would be no higher than previously accepted by Members, although the bulk has been removed. Accordingly it would not appear out of character with adjoining properties. The mass of the building has decreased from the previous scheme, and thus the gaps to adjoining properties would feel more spacious than that previously accepted and would therefore still maintain the character of the area.

In terms of general design the properties within Stone Road, along this side of the road have a variety of designs including gables. With this in mind it is not considered necessary for a dwelling to replicate existing properties. The proposed design of the extended property is considered to integrate within the street scene without resulting in harm.

The proposal also includes a change to the external materials of the property within the street scene. There is a varied material palette, the proposed materials for the extended

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dwelling are considered to be reflective of materials found within the street scene, however precise details of the cladding will need to be secured by condition.

The existing flint and brick wall to the front boundary is not shown to be retained; a condition was attached to the previous consent for extensions to this property for the wall to be retained, it is recommended this is attached again. Similar boundary treatments to the front of properties along Stone Road exist and this would maintain this feature. Whilst, as set out above, the wall is not identified as a local heritage asset within the Broadstairs and St Peter's Neighbourhood Plan, it is a traditional feature and its retention would maintain the sense of place.

The proposed extension is not considered to have significant impact upon the character and appearance of the area and is therefore considered acceptable in terms of policy QD02 of the Local Plan, policies BSP8 and BSP9 of the Broadstairs and St Peter's Neighbourhood Plan and paragraph 130 of the NPPF.

Living Conditions

Paragraph 119 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Local Plan policy QD03 (Living Conditions) is also relevant to this application. It 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.

The property is flanked by two residential properties (56A & 52A Stone Road), to the rear are 7 & 8 Stone Bay Court.

Looking firstly at the relationship with no. 56A, this property has three windows at ground floor; one being high level (utility, shower room and secondary window to kitchen/family room respectively) and two at first floor one of which is high level (bathroom and secondary bedroom). Given that the habitable rooms are at high level and secondary I consider any impact, by loss of light or having an overbearing relationship, not to be significant. The proposed extended dwelling only proposes roof lights within this elevation given that, I do not consider that overlooking would result between dwellings. Whilst the extended property would extend out further than the existing property, given the separation and openings I do not consider this will create harm. This relationship is, therefore, considered acceptable.

With regard to no 52A Stone Road, this has three openings within the side elevation; two serving a garage and the rear side window serving a kitchen. The proposal has ground floor windows serving a hallway, peloton room and snug.

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The windows within the existing property have the same relationship with this property currently; the existing windows within the side elevation of the property have two windows serving the lounge (same position as the snug) and two windows serving two bedrooms serving a peloton room and hallway. It is acknowledged that this is more windows than the previous approved scheme, although not notably worse than the current situation. It is, therefore, considered that the relationship is no worse between these two properties in terms of overlooking.

With regard to loss of light it is considered that there will be no loss of sunlight due to the orientation, the extended property being to the north of no. 52A Stone Road. In terms of outlook, it is appreciated that this will change from the rear side window serving the kitchen, however, this is a secondary window and therefore the impact is not considered to be significant. The previous proposal included a ground floor roof terrace, this has been omitted from this scheme.

First floor windows are now proposed in the rear elevation, there are currently no openings at this level. They would serve a master bedroom, and a balcony inset into the eaves. Whilst it is appreciated that there are no windows at this level currently, the relationship between first floor windows is not dissimilar to those properties that front Stone Road and Eastern Esplanade; there is a distance of approximately 30m between built forms. It is, therefore, considered that this relationship is acceptable.

It is considered that the property, as extended, would provide a good standard of accommodation for future occupiers, with good light and ventilation, a private amenity area and off road parking.

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

Transportation

Policy QD02 outlines that new development proposals should incorporate a high degree of permeability for pedestrians and cyclists and provide safe and satisfactory access for pedestrians, public transport and other vehicles. Policy TP06 outlines that proposals for development will be expected to make satisfactory provision for the parking of vehicles. Suitable levels of provision are considered in relation to individual proposals, taking into account the type of development proposed, the location, accessibility, availability of opportunities for public transport, likely accumulation of parking and design considerations.

The property at present has three bedrooms as a result of the extensions proposed this would remain a three bedroom dwelling. The proposed driveway could accommodate a maximum of two vehicles- but parked in tandem. For a three bedroom dwelling within a suburban setting this should be 1.5 parking spaces.

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The proposal will lead to a net loss of parking for the site and as such is no worse than the existing situation. It is also noted that parking along this part of Stone Road is unrestricted, so additional parking if required could be accommodated on the road.

I do not consider it would result in an adverse impact on highway safety over and above the current situation.

Given the above, it is not considered that the proposal will result in a significant adverse impact to the local highway network, highway safety or parking, in accordance with Policy TP06 of the Thanet Local Plan and the NPPF.

Conclusion

The proposal would have an acceptable appearance in relation to the host property and the visual amenity of the street scene. It would be unlikely to result in any significant harm to existing residential amenities. The proposal is considered acceptable in terms of parking provision. It is therefore considered that the proposal would comply with paragraphs 130 of the NPPF and policies SP35, QD02, QD03 and TP06 of the Thanet Local Plan and it is therefore recommended that Members approve the application subject to safeguarding conditions.

Case Officer

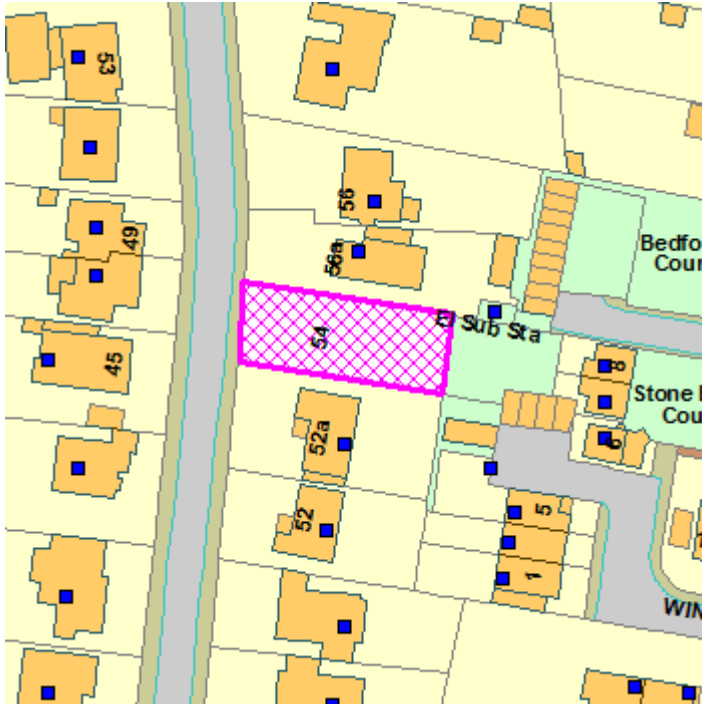
Gillian Daws

Agenda Item 4 Annex 1

TITLE: FH/TH/23/0138

Project 54 Stone Road BROADSTAIRS Kent CT10 1DZ

Scale:



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THANET DISTRICT COUNCIL

PLANNING COMMITTEE

20TH SEPTEMBER 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:11th SEPTEMBER 2023

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THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF PLACE

PART A

TO: THE PLANNING COMMITTEE

DATE: 20 September 2023

Application Number	Address and Details	Recommendation
A01 F/TH/22/1058	Land North Of Telegraph Hill Industrial Estate Laundry Road RAMSGATE Kent	Approve
MAJOR	Erection of a warehouse building for storage and distribution purposes (Use Class B8), provision of associated vehicle parking and change of use of adjoining land to a trailer park to facilitate relocation of existing trailer park.	
A02 F/TH/22/1718	Ward: Thanet Villages Mount Pleasant Lorry Park Tothill Street RAMSGATE Kent CT12 4AG	Approve
	Erection of single storey building comprising 3no. mixed use retail/cafe units (Use Classe E), provision of 2no. lorry bays and parking, together with associated landscaping	
	Ward: Thanet Villages	
A03 PN13/TH/23/0004	British Heart Foundation 113 - 117 High Street MARGATE Kent CT9 1JT	Approve
	Two storey extension at existing roof level to provide 6 no.flats	
	Ward: Margate Central	
A04 A/TH/23/0452	Pier Head Shelter The Harbour BROADSTAIRS Kent CT10 1EU	Approve
	Erection and display of 1No fascia sign with illuminated neon lettering	

(retrospective)

Ward: Bradstowe

A05 L/TH/23/0237

**Crumps Farm Shuart Lane South
BIRCHINGTON Kent**

Approve

Application for Listed Building Consent for the change of use of 3No barns to 1No 5 bed and 1No 4 bed two storey semi-detached dwellings and 4No 3 bed two storey semi-detached dwellings and change of use of 2No 3 bed dwellings to 1No 3 bed dwellings with associated landscaping following demolition of menage and associated stables/storage.

Ward: Thanet Villages

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF PLACE

PART B

TO: THE PLANNING COMMITTEE

DATE: 20 September 2023

Application Number	Address and Details	Recommendation
D06 F/TH/23/0236	<p>Crumps Farm Shuart Lane South BIRCHINGTON Kent</p> <p>Erection of 2No 4 bed two storey detached dwellings together with change of use of 3No barns to 1No 5 bed and 1No 4 bed two storey semi-detached dwellings and 4No 3 bed two storey semi-detached dwellings and change of use of 2No 3 bed dwellings to 1No 3 bed dwellings with associated landscaping following demolition of menage and associated stables/storage.</p> <p>Ward: Thanet Villages</p>	Defer & Delegate for approval
D07 F/TH/23/0266	<p>Land To The North Of Fairlawn Road And The West Of Northwood Road Broadstairs Kent</p> <p>Erection of 2no. 2-storey 2-bed dwellings and 1no. 2-storey 4-bed dwelling, the erection of a detached double garage, together with associated access, parking and landscaping</p> <p>Ward: St Peters</p>	Defer & Delegate for approval

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A01 **F/TH/22/1058**

PROPOSAL: Erection of a warehouse building for storage and distribution purposes (Use Class B8), provision of associated vehicle parking and change of use of adjoining land to a trailer park to facilitate relocation of existing trailer park.

LOCATION: Land North Of Telegraph Hill Industrial Estate Laundry Road RAMSGATE Kent

WARD: Thanet Villages

AGENT: Miss Andrea Risvold

APPLICANT: Mr White

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered 002 Revision B (received 17/11/22), 003 Revision B (received 17/11/22), 004, 005, 006, 007 (received 26/09/22), 008 (received 08/08/23) and 5947-LLB-ZZ-ZZ-DR-L-0001 Rev P02.

GROUND

To secure the proper development of the area.

3 Prior to the erection of the external faces of the development hereby approved, details and manufacturer's specification of the external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

GROUND

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

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

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Any temporary traffic management / signage
- (f) Access arrangements

GROUND

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

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

GROUND

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

6 The area shown on the approved drawings numbered 002 Revision B (received 17/11/22) for vehicle parking and manoeuvring areas for the trailer park area, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first use of the trailer park hereby permitted.

GROUND

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

7 Prior to the first occupation of the warehouse hereby approved the car parking spaces to serve the development hereby approved shall be laid out as shown on the approved proposed site plan 002 Revision B (received 17/11/22) and shall be retained free from obstruction for their intended use at all times thereafter.

GROUND

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

8 Prior to the first occupation of the warehouse hereby approved the provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans 1771 002 Rev A and shall be retained free from obstruction for their intended use at all times thereafter.

GROUND

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

9 Prior to the first occupation of the warehouse hereby approved details of secure and covered cycle parking, which shall be in the form of scale drawings; shall be submitted to and approved in writing by the Local Planning Authority.

GROUND

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

10 Prior to the first use of the warehouse or trailer park, the vehicular access to the site shall be provided with visibility splays of 15 metres x 2.4 metres x 15 metres with no obstructions over 0.9 metres above carriageway level within the splays, which shall thereafter be maintained.

GROUND

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

11 Notwithstanding the details submitted with the planning application, no above ground development shall commence until full details of a scheme of hard and soft landscaping to be incorporated into the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following specific measures:

- A plan showing the location of all native trees/hedges/shrubs to be planted, details of the species mix, the number of specimens to be planted, spacing between them and their height on planting
- A plan showing the location and construction material of all hard surfacing.

The landscaping scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the units hereby approved.

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 All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority.

Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. 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 as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

GROUND

In the interests of the visual amenities of the area, biodiversity enhancement, and to adequately integrate the development into the environment in accordance with Policies QD02, SP30 and GI04 of the Thanet Local Plan

13 A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The 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

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

GROUND

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

15 Prior to the installation of any external lighting associated with the approved development, 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

Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light

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

GROUND

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

16 Prior to the first use of the development hereby approved, details of the number, location and design of the bat boxes which are to be installed shall be submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be installed in accordance with the approved details prior to the first use of the trailer park area hereby approved and hereby retained.

GROUND

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

17 No development above ground level shall commence until details of Biodiversity enhancement measures to be installed as part of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The details shall include a specification of the installations and scaled plans showing their location within the development. The approved enhancement measures shall be installed in accordance with the approved details, prior to the first use of the trailer park area hereby approved and shall be retained as such thereafter.

GROUND

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

18 The development shall be carried out in accordance with the no vegetation removal shall take place during the optimum period for bird nesting (March to July inclusive) unless otherwise agreed in writing with the Local Planning Authority.

GROUND

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

19 A) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification timetable which has been submitted to and approved by the local planning authority.

B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of 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.

C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

D) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

- a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
- b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
- c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

GROUND

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

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

GROUND

To ensure that due regard is had to the preservation in situ of important archaeological remains.

21 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.

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

GROUND

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the NPPF.

23 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 detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

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

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

New cesspit should be fully lined with an impermeable geomembrane material and include mitigations to prevent contamination of the below lying groundwater aquifer. The surface water drainage design should include hydrocarbon treatment.

The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

GROUND

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

24 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.

GROUND

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

INFORMATIVES

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

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/>

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 a 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

SITE, LOCATION AND DESCRIPTION

The site lies outside of the built up confines, within the countryside to the north east of the village of Minster and the former Wantsum channel.

The parcel of land is bound by the Industrial units of the Telegraph Hill Industrial Estate to the south, the haulage yard of Whites Transport to the west, with Laundry Road to the north and east. The land is currently part open and grassed and part hard surfaced, with a fence surrounding the site on all sides and is classified as agricultural land.

The site is visible from Laundry Road and from the new A299 dual carriageway, with an emergency services link from the A299 to Laundry Road opposite the site.

RELEVANT PLANNING HISTORY

F/TH/14/0723 Erection of two storey building including basement for A1 use together with parking. Withdrawn 28th July 2022

OL/TH/14/0722 Outline application for the erection of industrial units (class B1, B2 and B8) including access and layout. Withdrawn 28th July 2022

F/TH/12/0015 change of use of land to a haulage yard for White transport in 2012, to the west of the application site. Approved 30th May 2012.

PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a warehouse building for storage and distribution purposes (Use Class B8).

This new warehouse building will provide 2,106 sqm of storage measuring 57m in length and 38.3m in width with a height of 8.4m. The proposed warehouse is proposed to be located in the south west corner of the site and would be a composite insulated metal panel system in light to mid grey. The existing vehicle access from Channel View Road will be maintained and car parking spaces are positioned along the eastern half of the northern boundary. In addition a change of use of adjoining land to a trailer park to facilitate relocation of existing trailer park is also proposed to the east of the proposed warehouse, there are no new structures proposed within this area.

The applicant advises that the proposed development would employ two full time workers and two part time workers giving the equivalent of 3 full time employees. They also advise that it is proposed that the site would operate Mondays to Saturdays (inclusive) from 9am to 5:30pm. No opening times are given for Sundays or Bank Holidays.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP04 - Economic Growth
SP24 - Development in the Countryside
SP26 - Landscape Character Areas - Manston Chalk Plateau
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP37 - Climate Change
SP43 - Safe and Sustainable Travel
SP44 - Accessible Locations
E01 - Retention of existing employment sites
E13 - Development for new business in the countryside
HE01 - Archaeology
SE04 - Groundwater Protection Zone
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking
TP08 - Freight and Service Delivery

NOTIFICATIONS

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

Ten representations were received, some objectors writing in more than once . The concerns can be summarised as follows:

Would result in traffic congestion issues
Noise nuisance
Increase in pollution
Impact upon ecology
Impact upon source protection zone

Minster Parish Council: No objection.

CONSULTATIONS

Southern Water: Final comment: The updated Surface Water Management Plan provides further detail on the proposed Foul Water and Surface Water systems. No further information has been provided for the current cess pit operation and the surface water strategy lacks sufficient detail to alleviate all Southern Water's previous concerns. The Surface Water Management Strategy suggests a pollution control chamber be fitted on each pipe discharging into the soakaway, but the treatment process of these items is vague.

Southern Water do not object to this planning application on the following conditions;

- Current cesspit to be backfilled/decommissioned/demolished given no design related information for this structure has been presented and the impact to the underlying groundwater is unassessed.
- New cesspit to be fully lined with an impermeable geomembrane material and include mitigations to prevent contamination of the below lying groundwater aquifer. Southern Water requires review and approval of the cesspit design and the final foul water design to discharge this condition.
- The surface water drainage design to include hydrocarbon treatment. The drainage strategy suggests this is an optional treatment, and this is incorrect.
- The Drainage Design be shared with Southern Water for review and approval to ensure the treatment process is reflective of the sensitive groundwater environment.

Further comment: Southern Water has reviewed the agent's response and it provides no further information to alleviate Southern Water's concerns. The hydrogeological setting and risks from this development are not assessed in the current documentation, and this is a very sensitive hydrogeological location.

The Flood Risk Assessment and Drainage Strategy States that all areas of hardstanding will allow passthrough to the underlying geology without consideration of treatment required for the proposed site activity/use. Due to the proposed site use i.e. lorry trailer park, there is inherent contamination risks i.e. hydrocarbon leakage, accidental spills of loaded materials/liquids, etc.

Southern Water note the agent has stated the cess pit has not suffered any contamination over 10 years. How is this assessed? Have any assessments or investigations been completed to ensure no contamination is being received by water users including our public water supply? As stated in our previous response groundwater quality in this area is already

negatively impacted by rising nitrate concentrations that are in exceedance of the UK's Drinking Water Standards and from bacteriological contamination from poorly maintained private wastewater systems.

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

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.

All other comments in our response dated 12/09/2022 remain unchanged and valid.

Further comment: The Environment Agency should be consulted directly by the applicant regarding the use of a cesspit. .

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.

All other comments in our response dated 12/09/2022 remain unchanged and valid for the amended details.

Further comment: There are no public foul sewers in the area to serve this development. The applicant is advised to examine alternative means of foul disposal.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here: water.org.uk/sewerage-sector-guidance-approved-documents
ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

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

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

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Initial comments: This planning application is located in the SPZ2 for our Ramsgate B groundwater abstraction and is located ~850m of the abstraction borehole. The planning application lacks assessment in regard to proposed below ground activities and their potential impact to the Chalk aquifer and our associated Ramsgate B source.

The FRA and drainage strategy does not reference the EA groundwater SPZ2 and therefore considers the sensitivity of the below lying principal Chalk aquifer and enhanced mitigation measures required to avoid potential adverse impact. The proposed drainage design requires enhanced measures to prevent contaminating the Chalk aquifer.

Southern Water also note the proposed foul water management will continue to use the on-site cesspit. The details of and current condition of the cesspit are unknown, such as whether it is lined and discharges directly to the Principal Chalk Aquifer. Given that groundwater quality in this area is already negatively impacted by rising nitrate concentrations that are in exceedance of the UK's Drinking Water Standards and from bacteriological contamination from poorly maintained private wastewater systems, Southern Water will require further information on the foul water management as in its current form it poses a potential risk to our groundwater abstraction.

Based on the proposed works and information provided, Southern Water object to this application in its current form.

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

Condition 1

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

Reasons

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework (NPPF).

The design of infiltration SuDS may be difficult or inappropriate in this location. We therefore

request that the following planning condition is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 174 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 2

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

Reasons

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the NPPF.

Further Information

The application states that foul drainage will connect to mains sewer, this would be the only acceptable solution, given the site sensitivity. Drainage from lorry parking area for the proposed use will need particular attention and surfaces should be fully sealed and if drainage is not to go to foul mains sewer it may need an Environmental Permit to discharge to ground as well as complying with any planning or Building control regulations. Details on permitting requirements for industrial effluents are on the [.gov.website](#).

We would require details of all proposed foul and surface water drainage to be submitted with any application made for a specific site.

We note the submitted desk study report. This report makes the following statement, which is accurate. "The Site overlay a principal aquifer and was within a source protection zone." However this statement is not repeated in the CSM, which in fact indicates that: "The Site does not overlie a principal aquifer, is far from surface water, and is underlain by unproductive strata."

The report indicates there may be some unproductive superficial deposits but it does overlie a principal aquifer and is in an Site Protection Zone (SPZ) and does not overlie unproductive bedrock therefore. The report should be amended to accurately reflect the sensitive setting and make relevant cemental on poetical drainage provision for a potentially high risk use in such a sensitive location.

We do not object to the proposed development, as submitted, because the applicant may be able to provide assurance that the risks of pollution to controlled waters from the proposed activities are acceptable, or can be appropriately managed.

We do however recommend the aforementioned conditions as, although the proposed development site is on agricultural land, it is adjacent to historic potentially contaminating uses (laundry and business estate) therefore presents a possible medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 2 / 3 and is located upon Principal

aquifer and a Safeguard Zone.

The operation of B8 uses could result in release of priority hazardous substances. Therefore a restriction on types of B8 use and vehicle management, surfacing and drainage will also need to be clarified for this sensitive setting, to allow appropriate planning decisions to be made to extend this type of use in this sensitive setting.

Natural England: No objection- Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Kent Police: We have reviewed this application regarding Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF) and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behavior (ASB), Nuisance and Conflict.

SBD is a police initiative that improves the security of buildings and their immediate surroundings to provide safe places to live, work, shop and visit. Independently certificated products that meet recognised security standards have been responsible for consistently high reductions in crime as verified by numerous independent academic research studies of 87% reduction in burglaries.

We request a condition for this site to follow SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

If this application is to be approved, then we strongly request the points below are addressed to show a clear audit trail for Design for Crime Prevention and Community Safety to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. The level of permeability must ensure routes through the development are appropriate and well-designed to create safer accessible neighbourhoods with maximum natural surveillance opportunities and avoid them providing too many access and escape routes. This may require vehicle mitigation at key points, such as a kissing gate to prevent small vehicles such as e-bikes or motorcycles being able to access the area through the pedestrian access points.
2. Defined pedestrian routes are recommended to improve safety and avoid pedestrian and vehicle conflict.

3. The car park must be overlooked by active windows in order to monitor activity in the area. If the site is ever to be unoccupied, installation of swing arm or height restriction barriers or gates - lockable in the open and closed positions to prevent/deter unauthorised vehicle access and anti-social vehicle misuse, fly tipping etc.
4. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. We recommend that a suitable lighting policy is installed to ensure that the units and staff have safe access to and from the units and to help deflect criminality. External lighting to conform to min standard of BS5489-1:2020.
5. CCTV to be installed, especially in areas with limited natural surveillance such as rear of the unit, parking areas, utility areas/ bin stores and on the access/ exit road. The CCTV must not infringe any lighting plan.
6. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding or sliding to meet STS 201 or LPS 2081 Security Rating B+.
7. Windows on the ground floor to meet STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes. Any curtain walling and fixings should be tested and meet BS EN 1627:2011 and/or be certified to LPS 1175: Issue 7, SR1 or STS 202: Issue 3, BR1.
8. Any Shutters should be as close to the building line as possible and must avoid the creation of a recess. Shutters must be certificated to LPS 1175: Issue 7, SR2; STS 202: Issue 3, BR2; Sold Secure Gold or PAS 68:2013
9. Bin Stores to be secure, lit and, if in an area with limited natural surveillance we recommend CCTV cameras be installed.

Please can plans be sent to us to review further.

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

KCC Archeology: The site is in an area of significant archaeological potential with known archaeological remains. The submission is accompanied by an archaeological desk based assessment written by Thanet Archaeological Services (October 2021).

Archaeological Potential

The archaeological potential of the site is informed by previous archaeological evaluation within the site by the Trust For Thanet Archaeology (1995), investigations for the East Kent Access Road (2010) to the north and an investigation in the western part of the site by Oxford Archaeology (2012) where the present hardstanding is located. The potential is also informed by the extensive cropmark complexes that are seen in the surrounding fields and within the site area. It is important to note that the significance of these has been recognised through the designation of crop marks to the east of Laundry Road as a Scheduled Monument. The monument focuses on a large enclosure with internal features and a cluster of ring ditches that are the remains of Bronze Age funerary monuments. The enclosure is

considered to be of Bronze Age, Iron Age or Romano-British in date. It is approached by a trackway from the south west that may be extrapolated to that thought to represent Dunstrete as seen on sites to the north and northwest of Minster. Other cropmarks in the area illustrate ring ditches extending around the industrial estate, a potential Romano-British Building and an elliptical enclosure within the application site itself.

The evaluation in 1995 comprised 15 trenches across the area of the present site and in part the road to the north. The trenches were particularly targeted to examine the elliptical enclosure that was seen as a cropmark. Archaeological features were encountered in six trenches dating from the late Neolithic / Bronze Age, Early to Middle Iron Age and Anglo-Saxon periods. The ditches of the cropmark enclosure were encountered, though the submitted desk appraisal suggests that the plotting is problematic with the western section possibly representing a separate feature. Finds from the enclosure ditches included shards from Beaker vessels and a barbed and tanged arrowhead confirming a probable Early Bronze Age date. Other features dated to the prehistoric period on the northern edge of the site did not emerge conclusively in the works for the East Kent Access Road.

At the southern end of the present site the heavily truncated remains of an Anglo-Saxon grave was investigated. Other features within the trench that were not investigated may also be the remains of graves. These may be associated with the reported discovery of burials on the western boundary of the industrial estate during building works. Saxon burials were not found in the other trenches within the site though the present study suggests that smaller rings seen as possible crop marks within the site may represent small barrows associated with a cemetery. These were not picked up in the evaluation trenching and may be natural markings.

The investigations for the construction of the hard standing area within the western part of the present site did not identify any archaeological remains.

The 1995 evaluation report notes that the only immediately obvious features were investigated in the trenches. In analysis of the archaeological evidence the submitted desk study suggests that the elliptical enclosure may be more likely to be a ring ditch and questions the published interpretation of the cropmark as a relatively rare Beaker period domestic enclosure. The Beaker material may be residual and derived from satellite graves.

The desk based study sets out a summary of the archaeological potential for the application site in paragraphs 5.1 to 5.6. I broadly agree with that potential but feel that the Anglo-Saxon burial evidence is more limited to the southern area of the site and note the highly disturbed nature of the graves.

Development Proposals and Potential Impact

The development proposals involve the construction of a warehouse in the western part of the site and a trailer park in the central and western areas.

The warehouse is mostly to be built in the area of the present hard standing that was the subject of the 1012 investigation. It is likely that there will be only limited impact on archaeology from the warehouse construction in areas that are not on the present hard standing area.

The trailer park will likely have a wider and more significant archaeological impact. The Oxford Archaeology work in 2012 noted levels of 300mm to 500mm overburden to the natural geology and potential archaeological horizon. Stripping and preparation of the site for the construction of hardstanding is likely to expose and truncate archaeology present.

Previous correspondence with Thanetarch Archaeological Services has suggested that it may be possible to limit the potential impact through design of the hard standing to sit above the archaeology. Such an approach would require careful design to limit the depth of excavation to enable an adequate buffer above archaeological levels from the formation base of the hard standing and any drainage. Should this not be possible then the development is likely to impact significant archaeology across the hard standing area including the enclosure and burials.

Mitigation

Given the uncertainty raised by the desk based assessment further evaluation of the undeveloped part of the development site would be needed to properly understand the nature of the enclosure, the extent of the burial ground and whether there is more archaeology present than suggested by the 1995 evaluation.

Such evaluation can be used to inform subsequent mitigation measures such as design of the hard standing to limit the impact of the development and / or further archaeological investigation. Given the present understanding of the archaeology it is likely that should the development impact the archaeological levels then significant archaeological investigation is likely to be required in advance of development. I note the proposal in the applicant's submission that mitigation can be limited to a watching brief however this would not be adequate should the development proposals impact archaeology of the significance and extent as suggested from the known baseline.

I recommend that should planning permission be granted for the above proposals then provision be made for the evaluation of the site and further mitigation measures that secure preservation of significant remains and/or further investigation; preservation of the archaeology may be achieved through agreement of the design of the hard standing and drainage. The following conditions would be appropriate on any forthcoming consent.

To assess and mitigate the impacts of development on significant archaeological remains:

- A) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification handwritten timetable which has been submitted to and approved by the local planning authority.
- B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of 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.
- C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

D) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

- a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
- b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
- c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

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.

And to be timed to work in parallel with Part B above the detail of the development ground excavations should be agreed through the following worded condition:

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

Reason: To ensure that due regard is had to the preservation in situ of important archaeological remains.

KCC Highways: I note the Transport Statement purports to the closure of the warehouse at St Nicholas as being intrinsically linked to this planning application which will reduce the number of vehicle movements currently being executed from this site by 50% or more, the majority of which will occur outside of peak times. As such I am satisfied from the information submitted that the trip generation from this site will be less than existing and no adverse impacts from this proposal will be experienced on the local highway network. The existing access is being utilised and vehicles swept paths have been demonstrated. I am satisfied that off street parking provision for staff and trailers accords to current requirements. Cycle parking should be provided for staff wishing to travel sustainably to the site. Subject to the provision of a safe and overlooked area for staff to leave their bicycles being provided I do not wish to recommend this application for refusal subject to the following:

Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

Provision of measures to prevent the discharge of surface water onto the highway.

Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

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.

Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans 1771 002 Rev A dated August 22 prior to the use of the site commencing.

Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

Provision and maintenance of 15 metres x 2.4 metres x 15 metres visibility splays at the access with no obstructions over 0.9 metres above carriageway level within the splays, prior to use of the site commencing.

Informatives:

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 a 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

KCC Ecological Advice Service: Further comment: I've read through the reply from the agent. We could get into the detail of interpretation and semantics of the various policies but we would just go around in circles. At this point in time, it is considered that the policy, legislation and case law backing is too weak for you to refuse the application on biodiversity grounds alone (hence mandatory biodiversity net-gain from late next year if Defra stick to their proposed timeline).

We cannot be supportive of the replacement of all of a site's ground-flora (albeit of low ecological value) and associated soil organisms with hardstanding. This loss is unlikely to be compensated for with a bit more hedgerow around the perimeter. I would also keep in mind that the more areas that have their capacity to absorb water removed, i.e., grass to hardstanding, the more this will reduce the district's ecosystem service value, as I pointed out (and as mentioned in the NPPF). When it rains heavily, this is just one more area where water has nowhere to go and potentially exacerbates flooding downstream, costing you more money in the long term.

If you are minded to grant planning permission, damage limitation would be in the form of native species-only landscaping and external lighting condition (ideally ensuring the site is not illuminated throughout the entire night).

Initial comment: An ecological assessment and biodiversity net-gain summary have been provided. Whilst we are satisfied that there is unlikely to be any protected species interest (with the exception of breeding birds) associated with the site, we are concerned at the loss of biodiversity resulting from the proposed development.

Full biodiversity net-gain (BNG) calculations have not been provided. Only a summary has been submitted and, therefore, we cannot fully scrutinise the results. However, the conclusion states that "...implementing the creation of soft landscape and a native hedge will lead to the delivery of a significant net gain in biodiversity units for linear features. However, there would be a significant loss of net gain for habitats". This is corroborated by a summary of the calculations which denotes a gain of 641.64% in linear habitats (hedgerows), but a loss of 56.22% for the habitat units, i.e., the area of habitat.

Defra's rules which accompany the metric state that areas of habitat and linear habitats cannot be summed together for a positive result. A gain in linear habitats is not an acceptable trade-off for the loss of habitat units incurred.

We highlight section 40 of the NERC Act (2006), paragraph 174 of the NPPF (2021) and the Environment Act (2021) which state that biodiversity must be maintained and enhanced through the planning system. Specifically, paragraph 174 of the NPPF states that planning decisions should provide 'measurable net-gains' for biodiversity.

We also highlight that a near complete replacement of the site's grassland with hardstanding and a building will severely reduce its ecosystem value (as referenced in paragraph 174 of the NPPF).

As such, the development in its current format contravenes the above policies (as well as potentially contravening Local Plan policies) and will result in an unacceptable loss of biodiversity in our view. We advise that the development is redesigned to retain, and then enhance, habitat on-site to ensure that a biodiversity net-gain is achieved.

KCC Public Rights of Way: No comments to make.

KCC Flood and Water Management: Final comment: Kent County Council as Lead Local Flood Authority have reviewed the additional information and note that groundwater depth readings have been submitted, with no groundwater present 5.08 mbgl during 10 visits between 18/01/23 and 22/03/23. Given that infiltration crates will be maximum of 2 m deep we would expect this to provide satisfactory conditions for infiltration at this site.

We have no further comment and would refer you to our previous response (25/08/22), whereby comments regarding further infiltration testing and conditions stated will still apply.

Initial comment: Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment and Drainage Strategy report prepared by Herrington Consulting (17th May 2022) and have the following comments to provide:

The report informs the LLFA that the site is mostly undeveloped greenfield land, which is to be replaced with a warehouse building and trailer park. To serve the new development, a surface water drainage strategy has been set out that would comprise of a series of shallow soakaways draining into the underlying geology.

Appendix A.6 contained within the report is a summary of the infiltration testing undertaken by YourEnvironment. The summary informs us that two tests were carried out at relatively shallow depth of 2 metres below ground level. The rates achieved within each of the pits appear to be favourable for infiltration.

In addition to the two infiltration tests, a window sample (WS01) was carried out that encountered groundwater at 4.5m below ground level. Whilst the invert levels of the proposed soakaways would be situated at 2.0 m bgl, it would be advised for further groundwater monitoring to be undertaken over the winter months to identify if levels rise above those previously encountered. A minimum 1 metre separation distance must be maintained at all times between the feature and any groundwater.

Further to groundwater monitoring raised above, the report also advises (Section 5.2) for further infiltration testing to be undertaken at the proposed soakaway locations. The testing would confirm the rates within the underlying ground at those locations and confirm the required attenuation storage to meet design requirements (climate adjusted 100 year events). To facilitate the testing and groundwater monitoring, the LLFA would advise that a detailed design condition is attached to this application, should consent be granted. The

wording to the detailed design condition and our verification report condition can be found below:

Condition:

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

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

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

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

Reason:

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

Condition:

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.

TDC Environmental Health: No comments.

COMMENTS

This application is referred to the Planning Committee at the request of Cllr Abi Smith due to concerns that the development would impact upon traffic congestion.

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

Principle

The application site is outside the defined village of Minster, it is within an area designated as countryside as defined by the Thanet Local Plan.

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

Paragraph 28 of the NPPF supports economic growth in rural areas, including "the sustainable growthof all types of business and enterprise in rural areas...through well designed new buildings; and through promoting the development of agricultural and land-based rural businesses".

In addition to the above paragraph 84 and 85 of the NPPF, subject to other considerations, provide support for the growth and expansion of the rural economy, both through conversion of existing buildings and well-designed new buildings.

Policy SP04 (Economic Growth) of the Local Plan details that development is supported that enhances the rural economy subject to protecting the character, quality and function of Thanet's rural settlements and natural environments.

Policy E01 of the Local Plan deals with the Retention of existing employment sites; the application site is not within this area but is adjacent to it. The proposal, if approved, would see the increase in this site.

Policy SP24 (Development in the Countryside) of the Local Plan states that development on non-allocated sites in the countryside will be permitted for either: 1) the growth and expansion of an existing rural business; 2) the development and diversification of agricultural and other land based rural businesses; 3) rural tourism and leisure development; 4) the retention and/or development of accessible local services and community facilities; or 5) the redevelopment of a brownfield site for a use that is compatible with its countryside setting and its surroundings. Isolated homes sites in the countryside will not be permitted unless they fall within one of the exceptions identified in the National Planning Policy Framework. All development proposals to which this policy applies should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated.

The site is part brown and part greenfield site, for the parking of trailers (hard surfaced) area and open area to the east. However the area for both parts of the proposal are not allocated within the Minster Industrial Park under Policy EO1. The policy SP24 allows for the growth and expansion of an existing rural business in addition this is bolstered by the aims of policy SP04. This proposal is for the existing business of Whites Transport Ltd/Channel Freight Storage Ltd and therefore would result in the growth/expansion of an existing rurally located business. The warehouse building would be located primarily on a hard surface (previously developed) area and the submission states that the unit is "primarily required in order to accommodate goods currently stored at premises rented by the applicant at The Packhouse, Wantsum Way, St. Nicholas-at-Wade, whilst also providing the business with additional space for future expansion, according to the variable needs of the market". Given the use of the warehouse, the development would generate a small number of new employees (3 full time equivalents) but does represent an expansion of the existing business and therefore notably economic benefits would be accrued from the development. The existing haulage yard, granted planning permission in 2012, would be relocated to the undeveloped open grassed area to the east of the current location and expanded in size.

Therefore in principle the proposals would represent development on a non-allocated countryside site to expand an existing rural business, in compliance with Policy SP24. There is no objection in principle to the development of this site, subject to assessment of the compatibility of the new development with the character of the local area and the countryside.

Loss of Agricultural land

Policy E16 of the Local Plan relates to best and most versatile agricultural land and details "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 whilst in part greenfield is not used for agricultural purposes. As such it is considered that there would be no direct conflict with this policy.

Character and Appearance

Policy SP24 states that all development proposals to which the policy applies should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics.

Paragraph 174 of the NPPF stipulates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The Planning Practice Guidance (PPG) states where

appropriate, Landscape Character Assessments should be prepared to complement Natural England's National Character Area profiles.

The site is within the countryside and designated within the Manston Chalk Plateau as defined in Policy SP26 of the Local Plan 2020 - Landscape Character Areas. Key characteristics of the Manston Chalk Plateau Landscape Character Area is the generally flat or gently undulating landscape, with extensive, unenclosed fields under intensive arable cultivation. This open landscape is fragmented by the location of large scale developments such as the former airport, Manston Business Park and a sporadic settlement pattern to the north of the airport. The character of this area is also defined by the proximity of the edges of the urban areas. This character area contains the highest point on the island at Telegraph Hill. The elevated plateau results in long distance panoramic views to the south over Minster Marshes and across Pegwell Bay and, in the west, across the Wantsum. The elevated central chalk plateau also forms a skyline in many views back from lower landscapes in Thanet, including the coast and marshlands. As such this site is considered to be located in a sensitive landscape area within the District.

The policy also states that development proposals should demonstrate how they respect and respond to the character, key sensitivities, qualities and guidelines of the relevant landscape character areas, as detailed in the Landscape Character Assessment (LCA), and that all development should seek to avoid skyline intrusion and the loss or interruption of long views of the coast and the sea.

The proposed warehouse unit is a medium scale warehouse type unit approximately 57m x 38.3m (creating 2,106sqm floorspace), with an eaves height of 6.5m and ridge height up to 8.4m high. The warehouse would be sited on land which is elevated by about 2m above the ground level of the adjacent existing Whites Transport building.

A Landscape and Visual Impact Assessment (Lloyd Bore, 2022) has been submitted by the applicant, identifying 9 points surrounding the site where visual receptors would have the potential to be affected by the development, including public rights of way, transport routes and residential properties.. This assessment concludes:

"It has been assessed that the proposed development would give rise to no identifiable adverse impacts upon either landscape character or visual amenity the overall impact and effect of the proposed development has been concluded to be Neutral.

Both the physical and visual landscape are assessed to have a very Low susceptibility to the proposed development. The proposed development is considered to be highly characteristic of and appropriate for its setting and would integrate seamlessly into the wider existing Telegraph Hill Industrial Park site.

This assessment concludes that the proposed site and surrounding landscape has a very high capacity to accommodate the proposed development. The proposed development is of an appropriate type, scale massing and appearance for its immediate setting, and would not cause any adverse change in the prevailing landscape and visual character of the area.

The site is already part of the existing wider Telegraph Hill Industrial Park site and as such would result only in a small-scale intensification of the existing prevailing physical land use and visual characteristics of the site.

The site is visible only from a very small number of locations from which the existing Industrial Park is already a prominent visual component of the view. These locations are also considered generally to be of low visual amenity value, being views from or in close proximity to busy, noisy public roads and in the case of Laundry Road where much of the traffic is directly related to activities carried out on the site and the wider Telegraph Hill Industrial Park.

The small number of residential properties which would also gain views of the proposed new building are also buildings where the existing Industrial Park is already clearly visible and influences the existing visual amenity of these views."

It is considered that the LVIA adequately assesses both the landscape and visual context for the development site, and the broad conclusions are agreed, given the site location adjacent to the existing built form of the industrial estate. In addition, the location of the warehouse currently has a significant number of HGV located on it (as expected through the change of use of land permission in 2012), which create an urbanised appearance to the site, meaning only the north east open grassed area is undeveloped on the Industrial estate bound by Laundry Road. The value of this open land within the landscape character area is therefore not considered to be notable in reflecting the characteristics under SP26, and whilst it has value as undeveloped land in the countryside, this is limited. The proposal also includes the provision of a landscape buffer along the boundary, and therefore it is not considered that the creation of the expanded trailer park would significantly harm the character and appearance of the LCA or the countryside.

Notwithstanding the above, the difference in height of the proposed warehouse building when compared to existing structures on the site would be clearly visible in surrounding locations, which has the potential to impact on the appearance of the sites in its context (in the landscape character area and the countryside). A site section has been submitted by the applicant, showing the adjacent building to the south of the site, the proposed warehouse and the earth bund separating Laundry Road and the A299.

The existing Whites Transport building has an overall height of 7m whereas the proposed warehouse unit has a height of 8.3m. So there will be a relative height difference of 1.3m between the roofs of the two buildings, with an additional change in land level of 2.2metres (approximately). This means a relative difference in ridge height of 3.5metres between the two buildings. This would be primarily visible in views from the west along Laundry Road, from immediate views from the east at Laundry Road and potentially at the northern end of Wayborough Hill, and in glimpsed views when travelling west along the A299 (Hengist Way), in particular through the gap in the earth bund (north-east of the site). Whilst about 65 metres from the carriageway (at its closest point), the section demonstrates that the building will appear prominent in the landscape.

Officers, however, consider there to be adverse effects on both the character of the site and its immediate area, and on those visual receptors (people) closest to the site including

residents and the users of the local road network; Laundry Road. Officers would generally consider that in that regard, there would be some landscape and visual harm from the prominence of the building when viewed from the A299 and Laundry Road looking south towards the site given the topography of the site and the proposed height of the proposed building.

The scheme has proposed some additional tree planting to help reinforce the natural screening available at the more exposed northern end of the site adjacent Laundry Road (3m wide landscape buffer), to either side of Channel View Road in addition woodland planting is proposed to the southeast corner of the site and area on the corner of Laundry Road and Channel View Road and a third area on the inside curve of Laundry Road. This will help to a degree and can be required as part of the landscaping scheme required by condition.

The position of the site also has to be considered, which is the context of the site being bound by Laundry Road, the A299 and the existing Telegraph Hill Industrial Park development with only the north westerly view being the open fields providing the separation between the site and Minster village.

This context is considered to reduce to a minor extent the visual harm in terms of landscape character, albeit there will still be a clear visual change locally.

Conditions can be included regarding hard and soft landscaping. The use of an external cladding and roofing system specially designed to minimise the visual prominence of the buildings in the landscape will assist. The submitted Design and Access Statement details that the proposed building will be clad in a composite insulated metal panel system with the windows and external doors finished in a dark grey metal frame. The external facade is proposed to be finished in neutral tones of grey such as goosewing grey. The precise details can be controlled by condition.

However despite the imposition of planning conditions, the visual harm resulting from the height of the development is recognised as a negative of the scheme to be considered in the overall planning balance.

Design and Appearance

Policy SP35 relates to the quality of development and states that new development will be required to be of high quality and inclusive design. Policy QD02 is a general design policy and sets out that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects. External spaces, landscape, public realm, and boundary treatments must be designed as an integral part of new development proposals and coordinated with adjacent sites and phases.

The proposed warehouse building would have a functional and robust appearance, taking a rectangular form with metal cladding to the elevations. The building would have a shallow pitched roof. The building would run parallel with the western boundary of the plot, thereby setting the main bulk of the buildings back from the Laundry Road frontage. Openings are

contained in the front elevation only. Given the existing building adjacent and the context of the site as an expansion to the industrial estate, no objection is raised to the appearance of the building.

Living Conditions

Local Plan policies QD03 and QD04 are also relevant to this application. Policy QD03 (Living Conditions) states that all new development should:

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

The closest dwellings are approximately 270 m away and situated in Wayborough Hill. Given this distance of separation it is considered that the physical form of the warehouse proposed will not result in neighbour amenity harm, through loss of light, outlight, sense of enclosure or overlooking.

The Council's Environmental Health team have reviewed the application and have considered the amenity impacts of noise and have confirmed that they have no objections. Officers would concur with this given the distance from the closest residential dwellings and the relatively high background noise environment (close to the A299 and an existing industrial estate).

The proposed development is, therefore, considered to be acceptable in terms of the living conditions of adjacent neighbouring properties, in accordance with Policy QD03 of the Thanet Local Plan and paragraph 130 National Planning Policy Framework.

Transportation

Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. Paragraph 112 goes on to highlight that within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by

service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Under Policy QD01, all developments are required to provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Policy QD02 relates to general design principles and states amongst other principles that developments must incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access and Improve people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime. Policy TP01 states that new development will be expected to be designed so as to facilitate safe and convenient movement by pedestrians including people with limited mobility, elderly people and people with young children, whilst Policy TP03 states new development will be expected to consider the need for the safety of cyclists and incorporate facilities for cyclists into the design of new and improved roads, junction improvements and traffic management proposals.

The proposal would utilise the existing access to the site, providing 17no. Trailer parking spaces with 4 spaces for larger vans and 12 parking spaces for cars. It is noted that the current Haulage yard contains more that 17 trailers due to their arrangement on site (a number are not accessible). KCC have stated that there are no objections to the safety of the existing access (with swept path drawings provided) nor to the level of parking provided on site for the development subject to conditions.

The transport statement outlines how the proposal would result in the closure of a satellite facility used by the applicant at Wantsum Way St Nicholas-at-Wade, which is serviced from the Laundry Road site. This states that transportation between the Wantsum Way site and the existing Laundry Road site generates a total of 12-24 vehicle trips (of which 8-16 HGV trips) on average per day, which would be removed from the network from the proposal. The trip generation from the site is considered in the statement to be the same as with the existing operation of the site.

The County Highway Authority has confirmed that, with regard to impacts on the local highways, they have no objections to the proposals on the basis of this submission. They particularly note and place weight on the fact that the Transport Statement purports to the closure of the warehouse at St Nicholas as being intrinsically linked to this planning application which will reduce the number of vehicle movements currently being executed from this site by 50% or more, the majority of which will occur outside of peak times. A series of conditions are recommended to address potential impacts, as set out below. These include a conditions for the provision of construction vehicle loading/unloading and turning facilities for the duration of construction, provision of parking facilities for site personnel and visitors for the duration of construction, provision of measures to prevent the discharge of surface water onto the highway, wheel washing facilities, provision and permanent retention of the vehicle parking spaces, provision and permanent retention of the vehicle loading/unloading and turning facilities, secure, covered cycle parking facilities and visibility.

Subject to the imposition of the requested conditions and following an assessment of the submission and the comments of the highway authority, the impact upon highway safety is considered to be acceptable.

Ecology and biodiversity

The NPPF policy at paragraph 180 states: "When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity 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; Hence there is a clear mitigation hierarchy set out on local and national planning policy which requires: that harm to biodiversity on site should be avoided; or mitigated on site; or as a last resort, compensated for by off-site enhancement works elsewhere.

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.

A Preliminary Ecology Assessment (PEA) and Biodiversity Net Gain Assessment were submitted in support of the application. The PEA looks at impact upon protected species and identified the following:

Birds - Within the local area there are areas of farmland, gardens, hedgerows and grassland that are expected to support a varied bird population. Woody vegetation located in and around the site will support nesting birds.

No evidence of barn owl was observed within the site

Bats - Local habitat features include woodland, gardens and buildings that provide potential roosting, foraging and commuting opportunities for bats. Available habitat within the proposed development site is considered to offer negligible potential for foraging and commuting bats. No trees suitable for roosting bats are located within the proposed development area.

Reptiles - Available vegetation includes an area of short sward grassland that offers only limited opportunities for reptiles. Some longer vegetation is located alongside boundary features but this is limited in area and generally isolated from habitat considered suitable for reptiles. Additional survey work for reptiles is not considered necessary.

Amphibians - No ponds are known to be located within 500 m of the site boundary. Additional survey work for great crested newt is not considered necessary. The proposed development is not considered likely to negatively impact on the local conservation status of

widespread amphibian species. Additional survey work for widespread amphibian species is not considered necessary.

Badgers - No evidence of badgers was observed within the proposed development area. Additional survey work for badgers is not considered necessary.

Dormouse - Habitat located within the site is not considered suitable for dormouse and additional survey work is not considered necessary for the proposed scheme.

Water Vole - No waterbodies suitable for water vole are located within or close to the site boundary and additional survey work for water vole is not considered necessary.

Invertebrates - Available habitat within the site is considered to offer limited opportunities for widespread species of invertebrate. Additional survey work for invertebrates is not considered necessary.

The recommendation of the PEA are:

Working areas will be clearly demarcated and no works that could result in unnecessary disturbance to trees and shrubs will take place.

No vegetation outside of the working areas will be disturbed.

Damping down of dust sources and covering of loose materials to reduce dust deposition within adjacent habitats will be undertaken as appropriate.

Storage of chemicals and hazardous materials will be in line with current best practice guidelines, ensuring that they are secure and cannot be accessed or knocked over by roaming animals.

The storage of topsoil or other 'soft' building materials in the site will be given careful consideration, so as to avoid the adoption of mounds by mammals, such as fox. These will be kept to a minimum and any mounds subject to daily inspections.

No trenches/excavations will be left open overnight without the creation of sloping escape ramps for mammals, which may be achieved by edge profiling of trenches / excavations or by using planks placed into them at the end of each working day.

Any trenches / pits will be inspected each morning to ensure no mammals have become trapped overnight. Should a mammal, such as a fox, become trapped in a trench Calumma Ecological Services will be contacted for further advice.

Open pipe-work larger than 150 mm outside diameter will be blocked off at the end of each day.

Fires will only be lit in secure compounds and not allowed to remain during the night.

Food and litter will not be left within the working areas overnight.

Trees - Retained trees close to the proposed working area will be protected during construction in line with standard arboriculturalist best practice (BS5837:2012) or as otherwise directed by a suitably competent arboriculturalist. This may require the use of protective fencing or other methods appropriate to safeguard the root protection areas of retained trees / shrubs.

Birds - No clearance of features that could support nesting birds should be undertaken during the bird-nesting season (1st March to 31st August inclusive). If this is not practicable, any potential nesting habitat to be removed must first be checked by a competent ecologist in order to determine the location of any active nests. Any active nests identified will then

need to be cordoned off (within a minimum 5m buffer) and protected until the end of the nesting season or until the birds have fledged. These checking surveys would need to be carried out no more than three days in advance of vegetation clearance. If vegetation clearance works have not been completed within this timeframe, an update check should be undertaken.

The applicant should consider installing bird nesting boxes in suitable locations. Suitable exterior boxes include those for songbirds that should be installed at a height of ~3 m above ground with a minimum distance of 3 m between boxes. Boxes should face north to east.

The assessment of protected species has been agreed by KCC biodiversity in providing advice to the Council, and therefore is considered acceptable subject to conditions.

The Biodiversity Net Gain Assessment submitted with the application concludes that implementing the creation of soft landscape and a native hedge will lead to the delivery of a significant net gain in biodiversity units for linear features. However, there would be a loss of net gain for habitats for the loss of the open grassed area and replacement with the trailer park. The submission shows that prior to development the proposal site is valued at 1.85 units for habitats and 0.18 for linear features (using the values assigned to different types of habitat, depending on the size, form etc). The modified grassland habitat units are lost to the proposed development. However, the creation of road tree boundaries around the entire site partially compensates for this loss by creating 0.81 biodiversity units. The enhancement of the existing hedgerow in the northwest corner of the site into a species-rich hedgerow and creation of 160m of native species-rich hedgerow on the northern and eastern boundaries will allow the delivery of 1.33 biodiversity units, resulting in a net gain of 1.15 units. Concerns were raised in response to the assessment by KCC Ecology, due to the loss of the specific type of biodiversity, citing the guidance of the Department for Environment, Food and Rural Affairs (DEFRA) for using a biodiversity metric which does not allow a trade off in types of habitat lost/provided.

Until the requirements of the Environmental Act are enacted (anticipated in November this year), the Council must determine the application against the NPPF paragraph 180 and local plan policy SP30. Paragraph 180 states that "if significant harm to biodiversity 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". In this instance the loss would be compensated from the proposed provision of soft landscaping and hedgerow planting in the submission, which could be conditioned. Policy SP30 of the Thanet Local Plan seeks for development proposals to make a positive contribution to the conservation, enhancement and management of biodiversity through achieving net gain, the policy states that this should be achieved where appropriate, and it is not a policy requirement. Furthermore, 10% biodiversity net gain is not currently a legal requirement.

It is considered that whilst the particular habitat stated (open grassland) will be lost by the proposal, the scheme provided will compensate this loss adequately through the provision of other habitats to accord with the current policy requirements under the NPPF and the local plan at this given time. In summary, it is considered that it would have been preferable and more sustainable, if the proposal was able to deal with at least 100% of the biodiversity harms on the site itself through avoidance and mitigation, landscaping and habitat creation.

That would, however, require smaller scale proposals which are not proposed, with no alternative location for the proposed development given its connection to the existing development. Although the application proposals result in a particular habitat loss there is a linear biodiversity gain, it is considered that this negative consideration is balanced out by the linear gain. Therefore on balance, it is considered that the mitigation and compensation measures proposed are sufficient to deal with the biodiversity impacts of the proposed development in line with policy SP30 of the local plan.

Concerns raised by KCC Biodiversity regarding surface water drainage will be addressed in the section below on drainage.

Archaeology

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.

The application is supported by an Archaeological Appraisal and Assessment of Potential. This appraisal details that there is high potential for archaeological features of Late Neolithic/Early Bronze Age features to survive on the site. This may include features that can be specifically associated with Beaker settlement and/or Beaker period burials, possibly associated with funerary monuments in the landscape. It is possible that the enclosure located on the site is in fact a Bronze Age barrow ring ditch which may have attracted satellite inhumations of Beaker and Middle Bronze Age date. There is Medium potential for features of Middle Bronze Age date to be encountered, possibly in association with an Early Bronze Age funerary monument, if the enclosure has been misinterpreted. There is Medium to High potential for features of Early to Middle Iron Age date to survive on the site. Features of this date were encountered in the 1995 evaluation and in the wider EKA investigations. Crop mark evidence suggests that some of the features within the present development area could be extensions of EKA features of this date into the site. There is High potential for further burials of Anglo-Saxon date to be present within the site. Crop marks suggest that small ring ditches may be associated with the burials, indicating later pre-Christian Anglo-Saxon burials which may have complex grave assemblages. There is Low to Medium potential for smaller cut features and domestic material.

KCC Archaeology reviewed the application and advised that they consider it is likely that there will be only limited impact on archaeology from the warehouse construction in areas that are not on the present hard standing area. In relation to the trailer park this will likely have a wider and more significant archaeological impact. As such KCC advises that should planning permission be granted then provision be made for the evaluation of the site and further mitigation measures that secure preservation of significant remains and/or further investigation; preservation of the archaeology may be achieved through agreement of the design of the hard standing and drainage.

Given the above, Officers are satisfied that matters relating to archaeology can be dealt with via conditions attached to an approval of the application to ensure the development accords with Policy HE01.

Drainage

The application has submitted a Flood Risk Assessment (FRA) with the planning application. The site is located in Flood Zone 1, therefore considered to be at a lower risk of flooding, and is located within a groundwater Source Protection Zone.

The FRA details that the risk of flooding to the site is low. The applicant has stated that the proposed trailer park will be surfaced with MOT type 1 and thus infiltrate through the type 1. In relation to surface water runoff 5 ring soakaways have been proposed to allow clear surface water from the roof of the building to infiltrate into the underlying geology. In relation to foul effluent utilisation of a new cesspit.

Foul water

In relation to foul water the updated FRA details that waste water from the proposed industrial unit will discharge via a foul pipe run to a new cess pit positioned at the southeast corner of the new warehouse (serving this building only). The proposed unit will only employ a maximum of 3 users at any one time. As such there would be minimal loading on the proposed cesspit. The proposed cess pit would have a loading of 18,000 litres. It is indicated that the cess pit will be emptied monthly. It is indicated that the detailed drainage design will need to be completed prior to construction in accordance with Part H of the Building Regulations to ensure that the cess pit will have sufficient capacity and manage wastewater correctly.

Southern Water initially required additional information on the proposed foul water and surface water systems, some of the information relating to the cesspit was felt to be insufficient. They have, however, confirmed that no objection is raised to the application, subject to the imposition of planning conditions. This would include the decommissioning and removal of the existing cesspit, this is not considered to be reasonable to require this as this cesspit serves other buildings and not the proposed building.

The Environment Agency (EA) have been consulted on the application and have not raised any objections to the proposals but have suggested conditions in relation to unexpected contamination and no infiltration of surface water drainage without written consent. These conditions are attached and considered to be reasonable. It will be necessary to obtain an environmental permit from the Environment Agency for a new cesspit before construction of the foul drainage system takes place.

Surface water

It is proposed to provide a permeable surfacing system and two geocellular soakways, including pollution control measures to provide attenuation before allowing treated runoff to infiltration into the ground. This will need to be conditioned to ensure that the pollution control measures are effective and maintained given the site's location in the source protection zone. KCC SUDs have also been consulted on the application and have not raised any objections to the proposals in regard to the surface water drainage flows from the

site. They have suggested a condition requiring a detailed design and a Verification Report pertaining to surface water drainage system conditions should consent be granted.

Following the above assessment, it is considered that the proposals would not result in a detrimental impact on flood risk or drainage capacity.

In summary these conditions are considered to be reasonable and are attached to the recommendation.

Other Matters

As the proposal does not include refrigerated vehicles using the site the District Council's Environmental Health Officer has raised no objections to the proposals.

The Environment Agency has recommended that a standard contaminated land condition is attached to any planning approval granted for development at the site, in relation to unexpected contamination. Given the undeveloped nature of the land, this is considered to be reasonable and such a condition is attached to the recommendation.

In relation to the potential risk of creating opportunities for crime, the scheme does propose that the unit would face Laundry Road and Channel View Road. In addition there are existing commercial buildings to the south.

The northern elevation of the proposed building would increase surveillance to the proposed parking area and would provide surveillance to vehicles entering the trailer park; vehicles would need to pass this building to access this area. This would discourage activity to the rear of those buildings. The main access to the unit would be located on the elevation facing the communal car parking area.

Conclusion

This application is for the construction of one commercial warehouse and the relocation of the trailer park on part green and brownfield land which is unallocated in the Local Plan. The proposal will result in landscape impact given the elevated landform adjacent to the A299 and the scale of the proposed building; and impact to habitats on site. These are considered to be the negatives of the scheme.

The landscape is not protected by any special designation but is identified as being within a landscape character area within the Local Plan, although this does not preclude development and the extent of the existing industrial development to the south does inevitably mean that the additional development proposed would be an incremental addition. The site is bound by the A299 and only the westerly view is open fields. Additional native tree/hedge screening and planting and recessive external cladding colours can be required by condition to help mitigate landscape impacts.

Whilst the proposal cannot mitigate all of its biodiversity loss on site, the proposal will make a significant contribution to linear biodiversity net gain and this is considered to adequately address the onsite site harms to biodiversity. Therefore, some of the negatives of the

development will be mitigated, nevertheless some loss of particular grassland habitat will occur.

There are other technical matters considered above which are not considered to be a constraint to development but conditions will be necessary to ensure that any harm is adequately controlled and mitigated.

The proposal will be in accordance with SP24 as the growth and expansion of an existing rural business, whilst it is supported by the principle of Policy SP04. The proposal will bring investment into the District and will provide for an additional commercial unit for the business to accommodate goods currently stored at rented premises and also allow space for future expansion. The proposal is also anticipated to bring forward up to 2 full and 2 part time jobs within the area with associated economic and social benefits. These are considered to be positives of the development.

The case is therefore considered to be finely balanced but when considering the adverse impacts against the benefits of the scheme it is considered that the harms are outweighed by the economic benefits which will arise from the development.

On this basis when considering all matters the development is considered, on balance, to meet the wider policy objectives of the local plan and national guidance which promotes economic growth and is therefore recommended for approval.

Case Officer

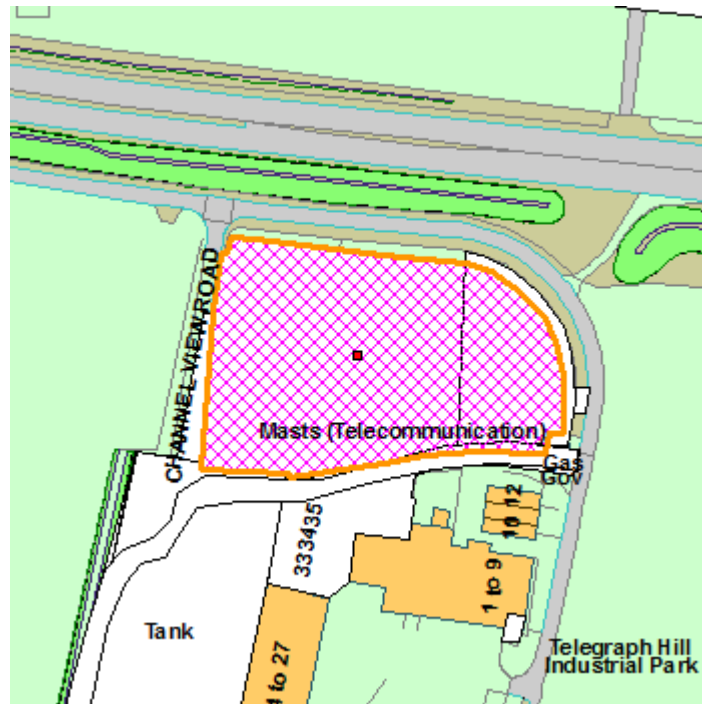
Gillian Daws

TITLE:

F/TH/22/1058

Project

Land North Of Telegraph Hill Industrial Estate Laundry Road RAMSGATE
Kent



A02 **F/TH/22/1718**

PROPOSAL: Erection of single storey building comprising 3no. mixed use retail/cafe units (Use Classe E), provision of 2no. lorry bays and
LOCATION: parking, together with associated landscaping

Mount Pleasant Lorry Park Tothill Street RAMSGATE Kent
CT12 4AG

WARD: Thanet Villages

AGENT: Mr John Lowden

APPLICANT: Mr Mark Trinder

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised plan numbered 1068-1a, received 09 June 2023; 23051/02 Rev A, and 23051/11 Rev A, received 04 August 2023; and 1068-3A Rev B, received 22 March 2023.

GROUND:

To secure the proper development of the area.

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

GROUND:

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

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

GROUND:

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

5 Prior to the commencement of the development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with the Archaeological Strip, Map and Sample Excavation Report, Compiled by Canterbury Archaeological Trust Ltd, Dated October 2022.

GROUND:

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

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

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

shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND:

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

7 All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority.

Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. 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 as those originally planted, unless written approval to any variation is

provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

GROUND:

In the interests of the visual amenities of the area, biodiversity enhancement, and to adequately integrate the development into the environment in accordance with Policies QD02, SP30 and GI04 of the Thanet Local Plan

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

GROUND:

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

9 Prior to the first use of the development hereby permitted, details of the establishment and management of the living wall shall be submitted to, and approved in writing by, the Local Planning Authority. The plan should detail how the living wall will be established and managed in the long term. The living wall, as approved, shall be provided prior to the first use of the development, and maintained in accordance with the approved plan.

GROUND:

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

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

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

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

GROUND:

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

11 Prior to the first use of the retail/cafe units hereby permitted, the 2no. lorry parking spaces as shown on the approved plan numbered 1068-1a, shall be provided and made operational. The lorry parking spaces shall thereafter be maintained.

GROUND:

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

12 Prior to the first use of the development hereby permitted, details of the road signage and markings directing vehicle movements in and around the site, as indicated on plan numbered 23051/02 Rev A, shall be submitted to, and approved in writing by, the Local Planning Authority. The signage shall be installed and the road markings provided in accordance with the approved details, and prior to the first use of the development.

GROUND:

In the interests of highway safety.

13 Prior to the first occupation of the development hereby approved, details of the design of the 4no. electric vehicle charging points to be provided within the site, along with their location, shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter implemented and maintained in good working order as approved.

GROUND:

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

14 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 1068-1a (for 4no. bikes) shall be provided and thereafter maintained.

GROUND:

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

15 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.

16 Prior to the first use of the retail/cafe units hereby permitted, details of the location of the 4no. parking spaces to be made available for general public use shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces identified on the approved plans shall be made available for general public use prior to the first use of the development in accordance with the approved details, and not restricted to use by patrons of the proposed units hereby permitted.

GROUND:

In the interests of highway safety.

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

GROUND:

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

18 The development hereby approved shall be used as a mixed use retail and cafe use (use classes E(a) and (b)) and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (outside of those permitted above), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

GROUND:

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

19 Prior to the construction of the external surfaces of the development hereby approved samples of 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

20 Prior to the first use of the development hereby permitted, refuse storage shall be provided in the location as shown on the approved plan numbered 1068-1a, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. The refuse storage facilities, along with the 'keep clear' hatchings and access way required to serve the collection, as shown on plan numbered 23051/11 Rev A, shall be provided prior to the first use of the development, and thereafter maintained.

GROUND:

In the interests of visual amenity, and to provide a satisfactory refuse collection to serve the development, in accordance with Policy QD02 of the Thanet Local Plan.

SITE, LOCATION AND DESCRIPTION

The site is located on the northern edge of Minster Village, adjacent to the existing roadside services. To the west of the site is the Petrol Station and McDonalds, to the south and south-west of the site is Premier Inn and a newly constructed Costa Coffee building, and to the east of the site is amenity/agricultural land. North of the site is Hengist Way (A299).

The site is mostly hard surfaced, with the majority of the land used for lorry parking, and part of the land previously approved for additional overflow parking space, which has been implemented with gravel and surrounding timber fencing.

RELEVANT PLANNING HISTORY

F/TH/22/1624 - Change of use of car park spaces for siting of portacabin together with a canopy for use as a tyre change facility - Pending

F/TH/19/1548 - Erection of single storey building comprising 2no. mixed use retail/cafe units (Use Classes A1 and A3), provision of 2no. lorry bays and parking, together with associated landscaping - Granted - 20/05/2021

F/TH/19/0794 - Retrospective application for change of use of amenity land to carpark - Granted - 27/09/2019

F/TH/18/0349 - Change of use of existing parking area to storage facility (use class B8) to include the siting of 77no. Storage container units, office unit, the erection of 3m high palisade fence to all boundaries, the erection of 7no. 4m high CCTV camera poles, and associated parking; and change of use of amenity land to a hand car wash (use class sui generis), to include car wash canopy and 2no. Storage units - Refused - 29/06/2018

F/TH/16/0228 - Change of use of car parking spaces for siting of porta cabin together with canopy for use as car wash and wheel repair - Granted - 11/04/2016

R/TH/02/1074 -Creation of HGV parking area in connection with roadside services area, being details (in part) pursuant to outline planning consent ref no OL/TH/02/0375. Granted - 19/02/2004

R/TH/02/1073 - Erection of roadside services comprising refuelling area, car wash, shop and access roads being details (in part) pursuant to outline planning consent reference number OL/TH/02/0375. Granted - 25/05/2005

OL/TH/02/0375 - Variation of condition 2 of planning permission reference TH/99/0295 for outline permission for the erection of petrol filling station, motorist restaurant and lodge, cafe and provision of lorry, coach and car parking, picnic area, woodland and landscaping, to extend the time period for the submission of reserved matters to the 30/05/2003. Granted - 10/07/2002

OL/TH/99/0295 - Variation of condition 2 of planning reference 92/0953 to extend the time period for the submission of reserved matters to 30th May 2002. Granted - 27/05/1999

OL/TH/92/0953 - Erection of petrol filling station, motorist restaurant and lodge, cafe and provision of lorry, coach and car parking, picnic area, woodland and landscaping - Granted

PROPOSED DEVELOPMENT

The proposal is for the erection of 3no. single storey retail/cafe units (use class E), with unit no.3 a large unit that can accommodate two retailers with shared seating space. To the sides of the units external seating space is proposed, and to the front of the site is car parking, and the creation of 2no. lorry parking spaces.

The units measure 11.5m by 33m in total (348sqm floor area), with an eaves level of 2.7m, and a maximum height of 5m. The roof will be fibreglass with metal clad fascias, the front and western side elevation walls will be vertically timber clad, and rear and eastern side elevation walls will be living walls. The windows and doors will be grey aluminium. On the roof 120no. solar panels are proposed.

Parking is provided for 29no. cars, and the two lorry parking spaces are provided in a layby design to be accessed via the adjacent access within the petrol station.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP24 - Development in the Countryside

SP26 - Landscape Character Area

E05 - Sequential and Impact Test

E13 - Development for new businesses in the countryside

CM01 - Provision of New Community Facilities

HE01 - Archaeology

TP03 - Cycling

TP06 - Car Parking Provision

QD02 - Design Principles
QD03 - Living Conditions
SE04 - Groundwater Protection
SE05 - Air Quality

NOTIFICATIONS

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

- Impact on highway safety,
- Lack of clear signage and road markings for direction of traffic,
- Impact from drainage on the groundwater protection zone and future maintenance.

Minster Parish Council - Minster Parish Council wish to raise the issue that it was not formally notified of this application given the impact that a development of this kind would have on parishioners and wish to see this rectified in future and all applications formally advised regardless of previous responses or change to existing applications.

Minster Parish Council object to this application on the following grounds and in support of the KCC Highways comment on the application and this sits in parallel with application F/TH/22/1624.

Layout of main building differs in each drawing. The applicant needs to submit an accurate drawing of the building proposed alongside the proposed landscaping, etc to fit the correct layout.

The applicant's agents have not met KCC's request for them to provide details for the largest potential delivery vehicles that could access the site only addressing up to 7.5 tonne vehicles.

Committee Members have experienced the filling station and its exit area as users since it was first constructed, the proposed white lining is not complied with by users of the filling station at the best of times, let alone in the dark and/or in wet weather. This lends to concerns around safety and the potential for accidents and wish to see only one entrance and one exit from the whole service area site: entrance adjacent to Tothill Street/Laundry Road junction for ALL vehicles, and the exit on the eastern side of the service area (this particular area must not be allowed to be two-way, especially given the potential of increased traffic compared to now).

The site operates at times in a very congested manner and this situation will appreciate with further development. The whole site needs proper and effective operational management with clear signage and with separate entry and egress from and to Laundry Road.

CONSULTATIONS

KCC Highways and Transportation -

(Final Comments)

Further to previous comments dated 23 March 2023, additional information has been submitted in relation to both applications F/TH/22/1718 & F/TH/22/1624. Parking space 1 - planting has been removed which is acceptable and removes the conflict. Tracking for a 7.5tonne HGV has been submitted which is acceptable. Refuse collections have been outlined, with a 'keep clear' markings ensuring safe passage is secured. Details of signing and lining has been submitted which I am satisfied can be secured by way of a suitable condition. This ensures that the layout is managed to minimise any potential conflicts. In line with the above, I confirm that subject to safeguarding conditions I would raise no objection on behalf of the local highway authority.

(Initial Comments)

Comments are provided for both F/TH/22/1718 & F/TH/22/1624, whereby a combined Transport Statement (TS) has been submitted to enable the transport impact of the proposals to be assessed.

The site currently operates as an HGV parking facility, whereby the proposals seek to construct a café and 2x take away food outlets, a tyre fitting units and associated on site parking for cars, cycles and EVC facilities.

The immediate surrounding uses include a Premier Inn hotel, The Smugglers Retreat restaurant, McDonalds, petrol station with associate Co-Op shopping facilities and a Costa drive through. Therefore access if proposed via the Minster Services internal road network, with an entry only junction via Laundry Road. A further two way entry and exit junction is available to the east of the services, which is proposed to provide entry and exit facilities for vehicles accessing the propose site. While it is acknowledged that visitors will not be able to access the wider site from this junction, further details as to how this is to be managed are required. This may be by way of a robust signage strategy, which could be secured by was a suitable Condition.

Parking is proposed for 29 cars, including 2 disabled bays. 2 lay-by HGV spaces are proposed adjacent to the internal access road to alleviate current parking issues.

The two applications comprise the following:

Café unit of 150sqm GFA

Subway type take away unit of 98sqm GFA

Greggs type take away unit of 98sqm GFA

2 bay tyre fitting station with a GFA of 69sqm

A previous application (F/TH/19/1548) for the erection of 2x retail / café units. I note that the proposal involved extensive dialogue with KCC Highways to agree the scope of the development, acceptable level of parking, trip generation and distributions.

It was previously agreed that 40% of trips would be linked trips; ie those already visiting the site. I am minded to agree with this assumption, which also ties with the approved Costs drive through site to the site. It has been assumed that all trips would be from the west utilising the Laundry Road / Tothill Road junction. In line with the Costa proposal,

distributions of 61% north / 39% south in the AM and 72% north / 28% south in the PM peaks have been assumed.

TRICS has been interrogated to assess the estimated trips associated with the site, which sees a decrease from 541 to 496 two way trips. Previous junction modelling, including widening of the Laundry Road junction ascertained that the additional trips would not have an adverse impact on the capacity of the junction. In line with the previous proposal, I confirm that the proposals are unlikely to have a severe impact on the highway that would warrant a recommendation for refusal.

Parking

29 car parking spaces are proposed (alongside 2 HGV spaces), and 12 cycle spaces, All parking spaces are required to measure 2.5 x 5 metres, widening to 2.7 metres where spaces abut a boundary or building. This enables both doors to open without conflict. Parking space 1 is located in direct conflict with the access, where planting restricts visibility.

It is assumed that delivery vehicles will be required for both the retail / cafes and tyre change facility. Details of the largest vehicles required to access the site are required, together with details of how servicing is to be managed.

Details of refuse collections are required. A bin storage area is noted, but now this is to be collected by operatives needs clarification.

While I have no objection to the principle of the proposal, the parking proposed requires some amendments to ensure that spaces are fully accessible. Details are required with regard to the refuse and servicing requirements.

Details of how the internal movements are proposed to be managed are required to minimise possible conflicts.

KCC Archaeological Officer - The present lorry park and CO-OP site was subject to prior stripping and partial excavation in 2004. The area of the present applications is located in an area that was mainly covered over without excavation but with archaeology intended to be left preserved beneath. The figures below are for a development proposal for a couple of units in the north of the present site which subsequently went to investigation of the new footprint. That investigation did not encounter any surviving archaeology, was reported towards the end of last year and discharged.

The proposed new building is sited mostly on the area that was investigated and reported last year. There do however appear to be drainage proposals to the south of the building which may have potential to affect archaeology and as a precaution I recommend provision is made for a watching brief through condition.

KCC Biodiversity Officer - No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos, habitat surveys and biological records) and the information submitted with the planning application, we consider that there is no requirement for an ecological survey to be

carried out but advise that additional information is required on the proposed lighting and landscaping.

Protected/notable species

The site is predominantly hard standing with areas of rough grassland/overgrown vegetation around the perimeters of the site. These areas do contain suitable habitat for reptiles, however the area is not well connected to the wider landscape and has a history of major disturbance reducing the likelihood of reptiles being present. However the presence of reptiles cannot be ruled out and we advise that any clearance of vegetation must be carried out under a precautionary approach when reptiles are active. We can provide suggested wording once the additional requested information has been provided.

Lighting

High levels of lighting is proposed within the site but it's not clear the extent of the light spill on to the adjacent area. We recommend that an updated lighting plan is submitted demonstrating the anticipated light spill from the site and providing details of any measures to be implemented to minimise light spill in to the site boundaries.

Biodiversity and Ecological Enhancements

One of the principles of the National Planning Policy Framework is that planning policies and planning decisions should contribute to and enhance the natural and local environment by "minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

It is our understanding that the grassland to the north and east of the site is to be retained and if the land is in the applicants control we advise this vegetation to be improved and managed to benefit biodiversity. We can provide suggested condition wording if this is possible.

A landscaping has been submitted and it provides details of the species mix to be included in a wildflower meadow and the species in a native hedgerow. However the landscaping plan does not clearly demonstrate where these habitats will be located within the site. We recommend an updated landscaping plan is submitted clearly depicting the habitats to be created in the site.

A green roof is proposed and only one of the sedum species is native. We recommend that the species mix is updated to incorporate native sedum species in to the mix. Details of the 4 native sedum species used on green roofs can be found here:

<https://sedumgreenroof.co.uk/british-sedum-varieties-the-perfect-green-roof-plants/>

Southern Water - Our investigations indicate that Southern Water can facilitate foul sewerage disposal (at manhole reference TR31650602) to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

The submitted drainage details indicate the SuDS to be maintained within private ownership and maintenance. However, under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

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.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

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

TDC Environmental Health - Thank you for consulting Environmental Health on the above planning application which has been reviewed for Environmental Health impacts. The scale of development does not meet the criteria requiring an air quality assessment. The applicant is proposing 4 EV charging points which is most welcome and complies with 10% parking spaces requirement in SP06 and SE05. The position of the EV spaces are shown on site plan 1068-1 and the specification of the proposed EV stations have been submitted. These details should be conditioned to be implemented before any of the units are brought into use and the condition should specify that the EVCP shall be maintained and kept in good working order thereafter as specified by the manufacturer.

Contamination

Due to the nature of the proposed site a contaminated land condition is recommended.

Natural England - No objections

COMMENTS

The application is brought before members as a departure to Policy E05 of the Thanet Local Plan.

Principle

History

The site originally fell within the area allocated for roadside services within Thanet Local Plan 2006 Policy TR7, and permission was granted on this site for the provision of 10no. lorry parking spaces. These spaces were provided and utilised, but approximately ten years ago the site was sold off and the lorry parking area was blocked off. Within the last few years the lorry parking area has been made available again, with gated access provided to the parking area during the opening times of a food van, which is located within the site. Planning permission for the food van was applied for, but the application was withdrawn when officers advised that the application was unlikely to be successful. A subsequent application was submitted and approved for the erection of a single storey building comprising 2no. mixed use retail/cafe units (Use Classes A1 and A3), provision of 2no. lorry bays and parking, together with associated landscaping (F/TH/19/1548). This is an extant consent, with works having recently commenced on site. It was the intention of the food van owners to relocate the business to one of the retail/cafe units approved.

Development in the Countryside

The site is located outside of the urban and rural confines, and as such the proposed development requires consideration under Policy SP24 of the Thanet Local Plan, which states that 'development on non-allocated sites in the countryside will be permitted for the retention and/or development of accessible local services and community facilities; or the redevelopment of a brownfield site for a use that is compatible with its countryside setting and its surroundings'.

The site is a brownfield site, having previous consent for lorry parking, and being almost entirely hard surfaced. Furthermore, the proposed retail/cafe uses would be accessible local services/community facilities for nearby residents within Minster Village; with the preamble of the communities section within the Thanet Local Plan defining community facilities as village shops and meeting places. A similar proposal has been previously approved, which is an extant consent that has commenced works, which is a material consideration in the determination of this application. For these reasons the proposed development would comply with Policy SP24 of the Thanet Local Plan.

Proposed Retail and Cafe Use

The proposed retail/cafe use is defined within the NPPF as a town centre use. Paragraph 86 of the NPPF, and Policy E05 of the Thanet Local Plan, require that a sequential test is applied to planning applications for new town centre uses, which are not in an existing centre; with the sequentially preferable location being within the town centre, then the edge of town centre. Whilst there is a requirement for a sequential test to be submitted with this new retail application, given the modest size of the units proposed, it is likely that a vacant unit exists within one of the existing town centres that could accommodate this development, and as such the proposed development would not accord with Policy E05 of the Thanet Local Plan. Policy E05 states that 'where an application fails to satisfy the sequential test.....it will be refused'.

Whilst contrary to this policy in the Thanet Local Plan, the proposal is not considered to be contrary to the NPPF, as paragraph 25 states that a sequential approach should not be applied to small scale rural development, which the proposal would be given its edge of village location. Furthermore, the floor area of the proposed units is 348sqm, which falls below the threshold for an impact assessment.

Paragraph 28 of the NPPF supports economic growth in rural areas, including "the sustainable growthof all types of business and enterprise in rural areas...through well designed new buildings; and through promoting the development of agricultural and land-based rural businesses". Furthermore, Policy E13 of the Thanet Local Plan permits 'well-designed new development for economic development purposes for new businesses in sustainable location, at a scale and form compatible with their rural location'. The proposed development would incorporate the growth of three new businesses in the rural area, which are sustainably located at the edge of Minster Village. It is anticipated by the applicant that the proposed development would provide approximately 9no. full-time jobs and 2no. part-time jobs, and the retail/cafe use will provide a local shop/meeting space that could help to enhance the sustainability of the village and its existing and future community, as supported by paragraph 92 of the NPPF. As such the proposed development would provide economic and social benefits.

Whilst there is not a need for additional roadside services, and whilst the proposal is contrary to Policy E05 of the Thanet Local Plan, which requires need retail development to be located within existing town centres, the proposed development will provide economic and social benefits for the village, which is supported by the NPPF.

The benefits provided by the development provide some justification towards the need, and therefore the principle of development could be considered acceptable as a departure to Policy E05 of the Thanet Local Plan if the social and economic benefits of the proposal outweigh the environmental harm to the countryside and landscape character area, and subject to all other material considerations such as impact upon highway safety and neighbouring living conditions being considered acceptable. It needs to be acknowledged that this view has already been taken with the previously approved application, whereby the application was approved as an acceptable departure to Policy E05, which is an extant consent. The only difference between the previously approved application and the current application is that the floor area is being split into three units, instead of two, however, the overall floor area remains the same.

Character and Appearance

Impact upon Countryside

Policy SP24 states that all development proposals to which the policy applies should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics.

The previously approved application included a single storey lean to roof building to the north of the site. This proposal is for a building of the same size, in the same location, with

the only difference being the ridge height of the roof, which has increased from 3.7m to 5m in height.

The building continues to be located 2m from the northern boundary, where a hedge exists, along with a raised embankment, meaning that the application site falls below the raised road level of Hengist Way to the north. The embankment will lie level with the eaves of the building, meaning that it will mainly be the roof, and longer views of the eastern side elevation, that will be visible from the A299.

The roof was previously approved with Sea Hardened Sedum, however, this application proposes the use of solar panels on the roof, which has led to the need to increase the pitch, as well as the removal of the sedum roof. The increased height of the roof and the loss of the sedum roof will result in a greater visual impact upon the surrounding area than the previously approved scheme. The rest of the building remains the same, with the use of vertical timber cladding, a material characteristic of rural locations. In order to try and address the concerns regarding the increased visual impact of the development, amended plans have been submitted showing a living wall on the eastern side elevation and the northern rear elevation, which will soften long distance views of the building from the A299, whilst providing biodiversity benefits.

There continues to be a backdrop to the proposed building of existing development within the services, and given the presence of surrounding cafe/retail units in the vicinity, including the recently approved Costa unit, which is located opposite the site, the proposed development will appear in keeping with the surrounding commercial character of the Minster services.

This is a brownfield site, with the majority of the site already hard surfaced for the existing parking area, and as such whilst the site is located within the designated countryside, it will not result in the loss of agricultural or soft landscaped land, and will not therefore have an impact upon the intrinsic character and beauty of the countryside, a consideration under paragraph 170 of the NPPF.

The increased visual harm needs to be balanced against the renewable energy benefits resulting from the use of solar panels, which is supported by Policy QD01 and the NPPF.

A landscaping plan has been submitted with the application. The plan shows the retention of existing hedge planting to the northern and eastern boundary, and the provision of new tree planting around the site along with shrub planting. The new landscaping will help to soften the appearance of the site, which is currently predominantly hard surfaced with minimal landscaping.

It is therefore considered that subject to conditions requiring the submission of timber cladding samples, and the provision of the living walls and proposed landscaping, that the impact upon the surrounding countryside and landscape character area is acceptable. The proposed landscaping could even be viewed as an enhancement of the site. As such, the proposed development is considered to comply with Policy QD02 of the Thanet Local Plan.

Living Conditions

The site is a significant distance from the nearest neighbouring residential property, which is south of the site behind the recently constructed Costa unit. As such there will be no light, outlook or privacy issues caused by the proposed development. Whilst the proposed use and associated parking may cause some noise and disturbance, this is no worse than that provided through the existing lorry parking use or existing commercial units within the services area.

Environmental Health has been consulted, but due to the distance to neighbouring occupiers Environmental Health has raised no objections to the proposed retail/cafe units.

The impact upon the neighbouring occupiers is therefore considered to be acceptable and in accordance with Policy QD03 of the Thanet Local Plan and the NPPF, which requires that a high standard of amenity for neighbouring occupiers is maintained.

Transportation

The proposal provides for a single access point into the site from the adjacent petrol station, and the provision of 29no. car parking spaces, along with 2no. lorry parking spaces. Within the parking area, 4no. spaces have designated electric vehicle charging points.

The proposed building has the same floor area as the previously approved building, but with this application the building has been further subdivided to create three units, with one of the units accommodating two retailers. Consideration therefore needs to be given as to whether this will have any impact on vehicle movements. Furthermore, there is a pending application for a tyre changing facility within the curtilage of the site, which has reduced the number of parking spaces for the retail units from 35 to 29.

A transport statement has been submitted with the application. The statement identifies the trip generation and includes modelling of the Laundry Road/Tothill Road junction. The currently assessed two way trip level of 496 is down on the 541 assessed in the previous transport statement. It has been assumed that all trips would be from the west utilising the Laundry Road / Tothill Road junction, and in line with the Costa proposal, distributions of 61% north / 39% south in the AM and 72% north / 28% south in the PM peaks have been assumed. It is also proposed that 40% of trips would be linked trips; i.e. those already visiting the site. This assumption ties in with the previous assessment of Costa opposite the site.

KCC Highways have been consulted and confirm their agreement with the assumptions set out within the transport statement, and are of the view that with the previous junction modelling, including the widening of the Laundry Road junction that was carried out with the Costa planning approval, it is accepted that the additional trips generated by this development would not have an adverse impact on the capacity of the junction (which is in line with the determination made with the previous proposal). It is therefore considered that the proposal is unlikely to have a severe impact on the highway that would warrant a recommendation for refusal.

In terms of the access arrangements, it's proposed to access the site from the Laundry Road junction, which currently provides an exit from the Minster Services. KCC Highways advised in their initial response that a robust signage strategy would be needed for this area in order to manage access in and out of the site. In response an indicative signing and lining plan has been submitted that details the location of 'no entry' signage for HGVs at the junction entrance (requiring HGVs to access the site from the access to the west, through the Minster Services), and further 'no entry' signs at the exit points from the Minster Services, to the north and west of the proposed access point for the development. Furthermore, white lines have been proposed to provide clarity on stopping points that are needed in order to slow down traffic and enable safe access into the site. KCC have been consulted on this additional plan, and have advised that they are satisfied with the proposed signage and lining, and that subject to a condition securing its provision and maintenance the proposal should satisfactorily minimise potential conflicts.

In terms of parking, 29 car parking spaces are proposed (alongside 2 HGV spaces), and 12 cycle spaces. Within the parking area 2no. disabled bays are included along with 4no. electric vehicle charging points. KCC initially commented that parking space 1 required amendments as it was located adjacent to proposed planting that would limit visibility. This has been amended and the planting area removed. In terms of the parking number, this has reduced from the previously approved 35no. spaces, however, the previous application had provided an excess of parking spaces, with only 25no. spaces having previously been required. Given the previous oversupply of parking spaces, the currently proposed 29no. spaces are considered to be acceptable. However, as there continues to be an oversupply of spaces, KCC has recommended that a condition be added (as there was previously), which allows for the additional parking spaces to be made available to wider uses within the Minster Services.

KCC further requested information on the largest vehicle required to access the site, and the intention for refuse collection from the site. The highway response received from the applicant advised that a 7.5t rigid HGV is expected to be the largest vehicle used for deliveries within the site, and a tracking plan has been submitted proving that this size vehicle would be able to enter and exit the site in a forward gear. In terms of the refuse storage collection, the agents response advises that the refuse store area is to the south of the site, adjacent to the proposed HCV parking space, and that a link can be provided from the rear of the HGV bay to the Bin Store, allowing the refuse collection to be carried out from the HGV layby. Should an HGV be in the bay already, the agent has commented that the refuse vehicle can pull up alongside for the short period needed to remove the bins. The amended plan shows that an area to the north of the HGV parking space will be marked as 'keep clear' and a walkway to the refuse storage area will be provided to enable bins to be moved to the waste collection vehicle. KCC has commented that the submitted details are acceptable and they have no further concerns regarding these two issues.

Subject to the required safeguarding conditions, the impact upon highway safety is considered to be acceptable. The proposal is therefore considered to be in accordance with Policy TP06 of the Thanet Local Plan, and the NPPF.

Ecology

No information in relation to protected species has been submitted; however, the site is predominantly hard surfaced, so it is likely that the application will have limited impacts upon protected species.

KCC Biodiversity has been consulted and advise that there is the potential for the areas of rough grassland around the perimeters of the site to contain suitable habitat for reptiles; however the area is not well connected to the wider landscape and has a history of major disturbance reducing the likelihood of reptiles being present.

The retention of the grassland around the perimeters is supported, and a condition recommending further ecological enhancements of this area is recommended, in order to provide net gains for biodiversity. Furthermore, the landscaping plan provides details of the species mix to be included in a wildflower meadow and the species in a native hedgerow, however the landscaping plan does not clearly demonstrate where these habitats will be located within the site. A condition requiring the submission of an updated landscaping plan in line with the landscape strategy is therefore also proposed.

High levels of lighting is proposed within the site, but KCC has advised that it's not clear the extent of the light spill on to the adjacent area, and therefore an updated lighting plan is required for submission via condition providing details of any measures to be implemented to minimise light spill to the site boundaries.

A green roof is no longer proposed for this application, but living walls are proposed to the north and eastern elevations. The landscaping plan shows that this will consist of timber planter boxes with a 1.8m Mobilane Ivy green screen, which is a ready-made hedge consisting of a steel grid intertwined and covered with climbing plants. KCC Biodiversity has advised that an establishment and management plan for the living wall should be submitted via condition, but that the detail submitted so far in relation to the living wall appears to be acceptable.

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

Archaeology

The area is rich in archaeological remains, particularly of prehistoric and Romano-British as has been seen from investigations at the services, the Premier Inn and the East Kent Access Road.

The KCC Archaeology Officer has been consulted, and advises that the present lorry park and CO-OP site was subject to prior stripping and partial excavation in 2004. The area of the present application is located in an area that was mainly covered over without excavation but with archaeology intended to be left preserved beneath. Some investigation has taken place, which has not encountered any surviving archaeology. The proposed new building is sited mostly on the area that was investigated and reported last year, and therefore no concerns are raised with the proposed development; however, the drainage proposals to the south of the building may have potential to affect archaeology, and as a precaution the KCC Archaeological Officer has recommended that a watching brief condition be included.

Subject to this safeguarding condition, the impact upon archaeology is considered to be acceptable and in accordance with Policy HE01 of the Thanet Local Plan and the NPPF.

Drainage

Southern Water has advised that they can provide foul sewage disposal and a water supply to service the proposed development. A condition to provide details of surface water and foul drainage has been recommended.

The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources. The Environment Agency has been consulted, but raises no objections subject to safeguarding conditions.

The impact upon flood risk and the water supply is therefore considered to be acceptable, and in accordance with the NPPF.

Conclusion

Whilst the site was historically allocated for roadside services, the site currently lies within the countryside, with no designated allocation. However, the site is previously developed land, being hard surfaced and having been used for lorry parking for an extensive period of time under a historic planning permission, and there is an extant consent for the erection of a building of a similar scale and use on the site, under which development has commenced. The previous approval therefore provides a realistic fallback for the proposed development, and is a strong material consideration in the determination of this application.

The proposed development is for the erection of 3no. cafe/retail units that are small in scale, rural in appearance, and result in limited impact upon long distance views, even with the raised ridge height of the development. The proposed use would be accessible to the occupiers of Minster Village given its edge of village location, providing some community benefit, and would provide jobs in a sustainable rural location. There will be limited highway impact, and sufficient parking provision, including the benefit of general parking provision for the Minster services (rather than to specifically serve the proposed units) and electric vehicle charging points.

Whilst a sequential test has not been provided, the distance to the nearest town centre and the small scale of the proposed development means it is unlikely that the requirements of the test could be met, and therefore the proposed development is viewed as a departure to Policy E05 of the Thanet Local Plan. However, the proposed development would not require an impact assessment, and the rural location of the proposed use without the benefit of a sequential test is supported by the NPPF. The proposed use will provide community social benefits, and economic benefits through the provision of new jobs, and there will be limited environmental harm on the countryside given the scale and design of the development and the benefits provided through the proposed landscaping plan.

Overall the benefits of the scheme are considered to outweigh the harm to the town centres, and the use of a condition restricting the proposed development to a cafe/retail use will

prevent the unit from turning to an alternative use that would be better suited to a town centre location.

Subject to this and other safeguarding conditions, the benefits of the scheme are considered to outweigh the harm, and therefore the proposal is considered as an acceptable departure to Policy E05 of the Thanet Local Plan. It is therefore recommended that Members approve the application.

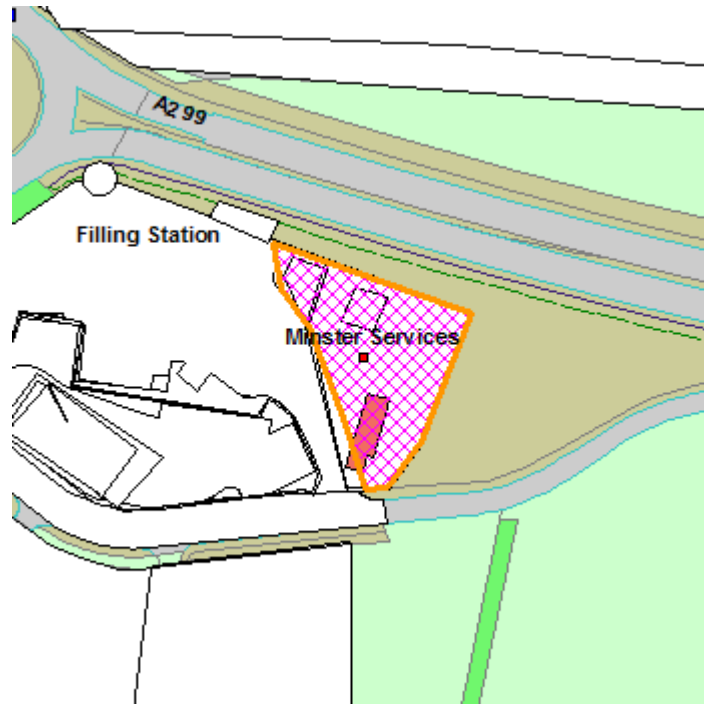
Case Officer

Emma Fibbens

TITLE: F/TH/22/1718

Project Mount Pleasant Lorry Park Tothill Street RAMSGATE Kent CT12 4AG

Scale:



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5 Prior to the first occupation of the flats hereby approved, the secure cycle parking facilities, as shown on approved drawing numbered 0543-PL 1101 Rev A, received 14 February 2023, shall be provided and thereafter maintained.

GROUND:

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

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

- (a) 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.

SITE, LOCATION AND DESCRIPTION

The site lies within the main town centre of Margate and is a two storey building built in the 1960s and currently occupied by the British Heart Foundation Furniture and Electrical store. The building covers a floor area of three single shop units and has a wide shopfront comprising 8 large display windows and two sets of double doors at ground floor level facing onto the High Street. The ground floor is used for the main display area and the first floor, accessed by a stairwell to the rear of the store, is used for the storage and display of further large furniture items and electrical goods such as washing machines and fridges. The lower ground floor provides a small basement area with a staff room, toilet facilities and a plant room. The rear elevation faces onto Herbert Place and towards the Multi Storey Car Park and comprises double doors used for collections and donations. Planning permission has recently been granted for the ground floor to be subdivided into 3 retail units and for flatted accommodation at first floor level.

PLANNING HISTORY

F/TH/22/1668 - Change of use of first floor retail (Use Class E) to 3no. 2 bed flats and 1no. 1 bed flat (Use Class C3), alterations to shopfront to facilitate sub-division of ground floor into 3no. retail units, following two storey rear extension GTD 29 August 2023

F/TH/17/0333 - Alterations to shopfront GTD 19 April 2017

TH/78/0770/A - Alterations to shopfront GTD 7 April 1981

TH/78/0770 - Retention of loading dock GTD 7 February 1979

PROPOSED DEVELOPMENT

This application is for prior approval under Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to erect a 2 storey extension above the existing first floor of the British Heart Foundation shop to provide 6 two bedroomed flats.

NOTIFICATIONS

Neighbours have been notified and a site notice posted and 5 representations have been received raising the following concerns:

- No precedent for this kind of development on the High Street and shops further down are listed.
- Out of character with the High Street due to its height and the imposing nature of the building being much higher than surrounding properties
- Unsightly in what is supposed to be a retail environment.
- Visually oppressive.
- Enclosing and blocking light.
- No infrastructure in this part of town for more housing.
- Will overlook existing neighbours
- Building works will be disruptive & detrimental to business and trade
- Poor access, noise and air contamination will put off customers and decline trade.
- The development will contain 10 residential flats - the area is not suitable for this density of residential units with poor pedestrian access
- Zero parking or unloading in Herbert Place.
- The construction will cause much disruptions to the already struggling High Street
- The loss of British Heart Foundation will be a major blow.
- Impact on trading and would further cause and add to the already decline of the High Street.

Following re-consultation on the amended plans one representation has been received: Following the amendment to the plans I see no reason to object and hope the owners/contractors all the best.

CONSULTATIONS

Conservation Officer - Following a history of approvals on the site I do not object to the prior notification notice.

COMMENTS

This application is reported to the Planning Committee at the request of Cllr Helen Whitehead to enable Members to consider the impact of the proposal upon the character and appearance of the area and impact upon neighbouring residential occupiers.

This application is for prior approval under Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to erect a 2 storey extension above the existing first floor of the British Heart Foundation shop to provide 6 two bedroomed flats. The prior approval process for Class AB development came into force in September 2020 and provides permitted development rights to allow for upwards extensions to provide flats above existing commercial premises subject to the development meeting conditions set out in the legislation.

Provided the proposal does not fall under the 'development not permitted' within Class AB (set out within section AB.1), the development would be permitted development, subject to the conditions set out within section AB.2. The conditions require the developer to apply to the local planning authority for the prior approval (and assessment of) the transport & highways impacts, air traffic and defence asset impacts, contamination risks, flood risk, external appearance, natural light in all habitable rooms, impacts of noise from any commercial premises on the intended occupiers of the new flats, impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area, impact upon amenity space of the existing building and neighbouring ones, overlooking/privacy/loss of light, and impact on a protected view identified in the Directions Relating to Protected Vistas.

Permitted Development

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 20, Class AB permits the construction of up to two additional storeys above the topmost storey on a terraced building, for new dwellinghouses, where that building is in Class A1(Shop) use (paragraphs AB(1)(a) and AB2(a).

Note - the term 'dwellinghouses' is used in the legislation to cover units of residential accommodation such as flats.

The development complies with the requirements of AB(1)(a) and AB2(a) as the building is an existing retail shop, the building is terraced and the residential accommodation is proposed above the topmost storey of the building.

Paragraph AB(3) allows for development consisting of

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;

(c) works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises, including means of escape from fire, via additional external doors or external staircases;

(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Development is **not** permitted by the provisions of Class AB if the following applies:

(a) the building was constructed before 1st July 1948 or after 5th March 2018;

Complies - N/A

(b) on 5th March 2018 the building was in a use other than -

(i) a use or mixed use within paragraph AB(2)(a) or (b); or

(ii) a use falling within Class C3 of the Schedule to the Use Classes Order;

Complies - The building is in retail use and is not residential (Class C3).

(c) the additional storeys are constructed other than on the principal part of the building;

Complies - The additional storeys are on principal part of the building.

(d) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

(i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;

Complies - Does not exceed measurements

(e) the new dwellinghouses are not flats;

Complies - Flats are proposed.

(f) the height of the highest part of the roof of the extended building (not including plant) would be greater than 18 metres;

Complies - Does not exceed 18 metres

(g) the height of the highest part of the roof of the extended building would exceed by more than 3.5 metres the height of the highest part of the roof of every other building in the row of terrace buildings of which it forms part (not including plant, in each case);

Complies - Does not exceed height

(h) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building (not including plant, in each case) by more than—

(i) 3.5 metres, where the existing building consists of one storey; or

(ii) 7 metres, where the existing building consists of more than one storey;

Complies - The building is 6 metres higher

(i) the existing building has been enlarged by the addition of one or more storeys above the original building, whether in reliance on permission granted under this Part or otherwise;

Complies - No enlarged

(j) development under Class AB(3)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

Complies - Not proposed

(k) development under Class AB(3)(a) would consist of engineering operations other than works within the existing curtilage of the building to—

(i) strengthen existing walls;

(ii) strengthen existing foundations; or

(iii) install or replace water, drainage, electricity, gas or other services;

Complies - Not proposed

(l) in the case of Class AB(3)(b) development there is no existing plant on the building;

Complies - The development does not propose the replacement or installation of plant on the roof of the extended building

(m) in the case of Class AB(3)(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;

Complies - N/A

(n) development under Class AB(3)(c) would extend beyond the curtilage of the existing building;

Complies - The development would not extend beyond the curtilage of the existing building to provide a means of escape from fire via additional external doors or external staircases

(o) development under Class AB(3)(d) would—

[AB3(d) - works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.]

(i) extend beyond the curtilage of the existing building;

(ii) be situated on land forward of a wall forming the principal elevation of the existing building; or

(iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;

Complies - The refuse storage for the proposed flats is contained within the building to the rear

(p) the land or site on which the building is located, is or forms part of—

(i) article 2(3) land;

(ii) a site of special scientific interest;

(iii) a listed building or land within its curtilage;

(iv) a scheduled monument or land within its curtilage;

(v) a safety hazard area;

(vi) a military explosives storage area; or

(vii) land within 3 kilometres of the perimeter of an aerodrome.

Complies - The site does is not located within a conservation area and none of the other criteria above apply

The proposed development meets all of the above criteria, and is therefore permitted development, subject to the prior approval of the considerations set out within section AB.2 of the 'Conditions' (as identified above).

Prior Approval Assessment

The relevant considerations for prior approval assessment for this application are the impact on the character and appearance of the area, impact on the living conditions of future and neighbouring residential occupiers and transport and highway safety. In assessing these impacts, consideration is given to the National Planning Policy Framework, rather than local plan policies.

With regards to the requirement of assessing the prior approval application there would be no impact on air traffic and defence assets, contamination or flood risk concerns.

Character and Appearance

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being.

The application proposes to extend the building upwards through the erection of two additional storeys. Concerns have been raised that the increased height of the building would appear oppressive and out of keeping with the character of the area. The design of the top floor has been amended and the front elevation of the mansard roof has been set further back from the parapet and the projecting dormers replaced with windows.

The building has a distinctly different appearance from that of the neighbouring buildings and is architecturally unrelated to any other building in this part of the High Street. The extension would increase the height of the building and its finished height would make the building one of the taller buildings at this end of the High Street. A streetscene elevation drawing has been provided showing the height relationship of the property with neighbouring buildings however in its 2D form it is not possible to easily appreciate that the uppermost floor is set back from the front edge of the property. The cross section drawings (AA and BB) more effectively show the angle of the amended mansard roof in relation to the edge of the parapet and its height and set back relationship with the taller neighbouring building (No

121) to the south. The cross section drawings also show the finished height of the building would be taller than properties directly opposite the site within the High Street.

With regards to the character and appearance of the area the development would be visible from the public realm, with the front elevation visible from the High Street and the rear elevation visible from Herbert Road and the service road to the rear of the multi-storey car park. The site is located close to the Margate Conservation Area which commences approximately 21 metres to the south beyond Covells Row, and is separated from the boundary of the conservation area to the east by the multi-storey car park. The development would introduce light grey reinforced concrete over cladding between each set of windows within the front elevation, with the windows finished with dark grey aluminium frames. The mansard roof addition would be finished in grey zinc and the flank elevation finished with facing bricks. From the High Street elevation it is considered the alterations would enhance the existing severe appearance of the building and given the variety of architectural styles within the road, it would bring a more contemporary form of architecture and add interest to this part of the High Street.

The rear elevation of the building has a functional appearance with large prominent red coloured doors providing loading and unloading access for the building at ground floor level. Herbert Road was originally provided as a service road by KCC and together with the multi-storey car park this section of highway is functional rather than attractive to the wider streetscene. The prior approval application relates only to the additional floors and in this regard the proposal would introduce additional dark grey aluminium framed windows and doors to serve the flats in addition to sections of dark grey metal balustrading. The upper floors of the development would be located towards the High Street elevation and whilst visible from longer views from the rear it would not appear overly dominant or intrusive within the streetscene and would generally improve the appearance of this elevation.

The proposed development taken as a whole would respect the alterations previously approved on the building through the full planning application (ref F/TH/22/1668), and the proposal is considered to have a positive impact on the appearance on the wider character and appearance of the area. With regards to the requirement of assessing the prior approval application the external appearance of the building is considered an enhancement to the existing building and the development would not impact on any protected views or protected vistas. The proposal is therefore considered to comply with paragraph 130 of the NPPF.

Living Conditions

Paragraph 130 of the NPPF requires that a high standard of amenity is provided for existing and future users.

Many of the commercial buildings within the High Street have residential accommodation within the upper floors and the additional accommodation proposed would be compatible with neighbouring uses and it is unlikely that increased residential use of the premises would impact on the carrying on of any trade, business or other uses of the land in the area. The accommodation would be separated from the commercial activity at ground floor level by residential flats approved at ground floor level and building control regulations would require sound insulation to be provided between flats.

In terms of the living conditions of the future occupiers of the proposed flats, the floor plans shows 6 two bedroomed flats arranged over two floors with private balcony areas to the rear. The flats meet the requirements of the National Described Space Standards which is required for all dwellings created by the permitted development order (Article 3), and each flat has a good internal layout, with adequate natural light and ventilation, providing a good standard of living accommodation for future occupiers.

The windows within the front elevation would face towards the High Street where neighbouring concerns were raised regarding overlooking and loss of privacy. The second floor windows serve the main bedroom and the windows within the mansard roof serve the main living space. Whilst the original design included large projecting windows that projected forward from the main building, the amended design shows the mansard roof set back from the front parapet and windows installed within the slope of the roof. The views from the bedroom windows are unlikely to result in unacceptable overlooking towards neighbouring properties and the windows within the mansard roof would be approximately level with the opposite roofs and given their setback location are unlikely to result in overlooking opportunities that would result in loss of privacy or unacceptable overlooking.

The windows and balconies within the rear elevation would face across the rear part of the building and towards Herbert Road and the multi-storey car park. The entrance to the flats is over the flat roof of the building. The nearest residential properties to the rear are the properties fronting Hawley Square and it is unlikely that the rearward facing windows, balconies and terraced area would result in unacceptable overlooking towards occupiers of surrounding residential properties.

Whilst there may be overlooking potential from the public car park towards the flats it is unlikely that there would be prolonged overlooking that would result in unacceptable loss of amenity for future occupiers of the flats.

The prior approval assessment does not require assessment of playspace, but each flat is provided with a small balcony that provides some external amenity space to the benefit of amenity for future occupiers.

The recycling refuse storage for the residential units is located on the ground floor and is accessible from Herbert Place. This bin storage is separate from the commercial bin storage which is accessed through a separate door adjacent to the residential storage. In accordance with the requirements of Class AB(3)(d) the provision of refuse storage does not require the building to be extended and it is contained within the building. The proposal is therefore considered to comply with paragraph 130 of the NPPF.

Highway Safety

Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location; and b) safe and suitable access to the site can be achieved for all users.

The site is located within the town centre of Margate and whilst no parking provision has been provided the site lies within easy reach of public transport and there are public car parks within easy walking distance of the site including the multi-storey car park to the rear. Cycle storage is available and accessible for occupiers through the approval of the development of the existing building. This facility would be available for occupiers of the flats being considered through the prior approval application.

As the High Street is a pedestrian zone and Herbert Place has double yellow lines Kent Highways have recommended a Construction Management Plan be included in order that the impact of the construction process be controlled.

Adequate pedestrian access to the site is achieved, and sustainable transport is supported. The proposed development would not have a detrimental impact on highway safety. The proposal is therefore considered to comply with paragraph 110 of the NPPF.

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.

The development would comprise 6 two bedroomed flats and therefore a Unilateral Undertaking is required to secure the required mitigation sought from Natural England, which in this instance would be £1,920. The applicant has confirmed a willingness to enter into a Unilateral Undertaking for the required contribution and therefore subject to this being received the proposal meets the requirements of the Habitats Regulations.

Other Matters

The impact of the construction process and potential disruption on local trade is regarded as temporary in nature and noise nuisance complaints are considered through Environmental Health and would be a civil matter and is not considered to be material consideration in the determination of this prior approval planning application.

Recommendation

The proposed development falls under permitted development under Class AB of Part 20 of the GPDO. Consideration has been given to the impact of the development under the conditions set out within section AB.2 for the prior approval process, including the impact upon the external appearance, living conditions (light), and traffic/highways. In all these respects it is considered the proposed development would not result in significant harm and as such prior approval should be granted subject to reasonable safeguarding conditions.

It is therefore recommended that Members approve the prior approval application subject to the submission of a signed unilateral undertaking being received securing the SPA contribution, and safeguarding conditions.

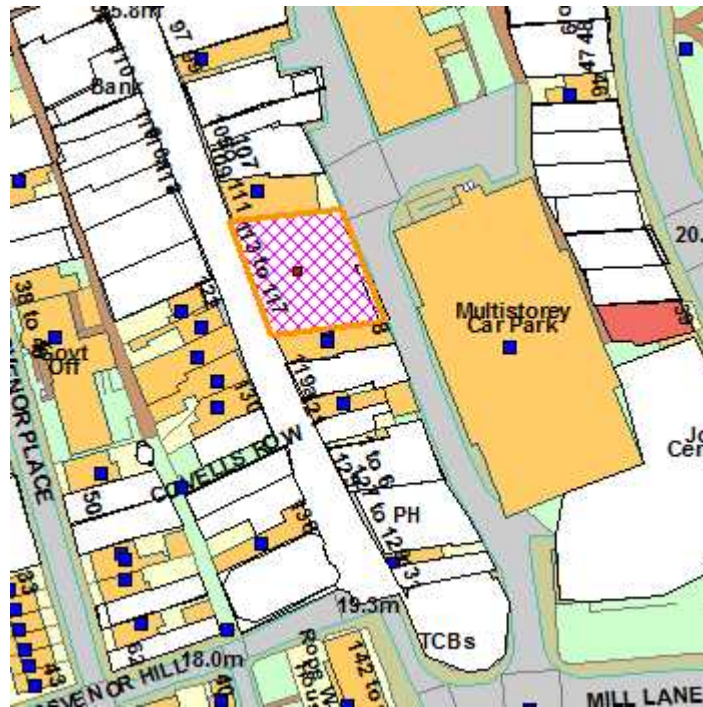
Case Officer

Rosemary Bullivant

TITLE: PN13/TH/23/0004

Project British Heart Foundation 113 - 117 High Street MARGATE Kent CT9 1JT

Scale:



5 No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

GROUND;

In pursuance with Schedule 1, Regulation 2(1) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

6 The intensity of the illumination of the advertisement hereby approved by this consent shall at no time exceed 150 cd/sq.m , ****

GROUND;

In the interest of the visual amenity of the area in accordance with Policy QD06 of the Thanet local Plan.

INFORMATIVES

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 relates to the shelter at the end of the Jetty in Viking Bay which lies within the Broadstairs Conservation Area. The timber clad structure comprises a restaurant at one end with an external seating area, with the remainder of the shelter currently open for members of the public to use. The space within the roof is used for storage and the restaurant and store area at ground floor are enclosed. The remainder of the shelter currently comprises upright supports allowing open views through to the sea from the arm of the jetty. Planning permission was recently approved to extend the restaurant within the shelter and the permission is extant.

PLANNING HISTORY

F/TH/22/1638 GTD 20 April 2023

Erection of single storey front, side and rear extensions to existing restaurant together with landscaping and seating areas

PROPOSED DEVELOPMENT

The application seeks Advertisement Consent for the retention of an illuminated neon sign displaying the name of the restaurant 'JETTY'. The applicant advises the sign has been in place since 1st May 2022 and therefore the application is retrospective.

The sign is located on the west facing side elevation of the building and faces across the bay. The double outline yellow neon text is illuminated at 150 cd/m² and spells 'JETTY'

which is the name of the restaurant. The sign is mounted onto a 1.5 metre by 0.7 metre black pan with a clear acrylic cover. The letter 'J' is 600mm high and resembles an anchor with the remaining letters being 400mm high.

PLANNING POLICIES

Thanet Local Plan 2020

QD06 - Advertisements

NOTIFICATIONS

Neighbours have been notified, a site notice posted and an advert placed in the newspaper and one representations have been received from The Broadstairs Society:

The Society is aware the application is retrospective and it is a shame professional help was not sought from either the Planning Officer or the Conservation Officer beforehand. The Society is not keen on an illuminated sign in a sensitive area in and around the Jetty.

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

Conservation Officer - Following a review of the proposed application I would consider there to be a less than significant implication to the setting and appearance of the surrounding conservation area.

Environmental Health - EH has no objection to the application, we have had no complaints and given its location the sign will have negligible impact on neighbouring dwellings in terms of light nuisance.

Kent Highways and Transportation - Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

Environment Agency - We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.

COMMENTS

The application is brought before members as the land is owned by Thanet District Council. The main considerations in assessing the proposal are the principle of development, impact on the amenity of the area and public safety.

In considering the application the Local Planning Authority is required to take into account the requirements of Thanet Local Plan Policy QD06 which states applications for advertisements will be considered in relation to their effects upon amenity and public safety. In and adjoining conservation areas the Council will require that the design and siting of advertisements does not detract from, and preferably makes a positive contribution to, the character and/or appearance of the area. This policy is supported by paragraph 136 of the National Planning Policy Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed and consents should take into account cumulative impacts.

There are no specific policies within The Broadstairs and St Peter's Neighbourhood Development Plan however there are Design Guidelines for Advertisements and Signs within Appendix 5 which require advertisement signs to be considered in relation to their effect upon the amenity of the location, public safety and their suitability in relation to the area in which they are provided. They should not dominate but blend into the scale and character of the surrounding area, and where illuminated they should only highlight the proposed sign. The design guidelines support the requirements of policies within the Local Plan and the NPPF and are consistent with the aims of Policy BSP4 which seeks to protect the key characteristics of the Broadstairs seafront area.

Impact on the Amenity of the Area

Consideration needs to be given as to whether the signs would have a detrimental impact on the character and appearance of the Broadstairs Conservation Area. The Conservation Officer has been consulted and raises no objections to the sign considering there to be a less than significant implication to the setting and appearance of the surrounding conservation area.

The sign is located on the western elevation of the building close to the entrance to the restaurant. The sign has been in place since May 2022 and comprises the word 'JETTY' spelt out in illuminated neon lettering. The double outlined yellow neon text spelling 'JETTY' is mounted onto a 1.5 metre by 0.7 metre black pan with a clear acrylic cover. The letter 'J' is 600mm high and resembles an anchor with the remaining letters being 400mm high.

The sign faces Viking Bay and can be seen from Eldon Place and The Promenade. Neon signs are visible from long distances and can be seen even in foggy and misty weather conditions. Environmental Health have been consulted and advise that due to its location the sign will have a negligible impact on neighbouring dwellings in terms of light nuisance. With regards to the impact of the sign on the amenity of the area, and in particular the Conservation Area, the sign is fairly modest in size in relation to the scale of the building and the illumination is static, providing a yellow glow at a fairly low illuminance level of 150 cd/m². There is only one sign on this elevation, other than the menu board, and therefore with regards to paragraph 136 of the NPPF the sign does not appear overly dominant and being a single sign it does not amount to visual clutter. The sign has been sensitively located on the side of the building allowing the building to be appreciated and the character of the area to be maintained. Environmental Health have further confirmed that they have received no complaints in relation to the retrospective sign.

With regards to the amenity of the area the building faces across Viking Bay which is surrounded by a number of commercial properties displaying a number of different sized signs and therefore the sign would not harm the amenity of the area and would not detract from the character and appearance of the Broadstairs Conservation Area and is therefore considered acceptable.

Public Safety

Policy QD06 sets out that advertisements will be considered in relation to their impact upon public safety. In this instance the sign is attached to the side of the building and does not project onto the area around the shelter in such a way as to cause obstruction to passers by.

The bottom edge of the sign finishes 2.8 metres above ground level. Kent Highways do not normally comment on small scale development where there is unlikely to be a complex highway issues. Nevertheless, with regards to public safety Kent Highways require the bottom edge of projecting signs to be between 2.5 and 2.7 metres above the ground leaving room for pedestrians using the highway. The lower edge of the sign is above this height and would not obstruct users of the public highway and does not obstruct access into the restaurant.

The sign is located a significant distance from the public highways and has static illumination at a relatively low level that would not cause glare to users of the highway.

Given the above the signs would not result in harm to public safety.

Conclusion

The sign has been sensitively placed on the building and would not adversely impact upon the amenities of the area, making a positive contribution to the overall appearance of the Broadstairs Conservation Area, whilst not causing harm to public safety. The proposal therefore accords with the requirements of Thanet Local Plan Policy QD06 and the NPPF. It is therefore recommended that members approve this application for advertisement consent.

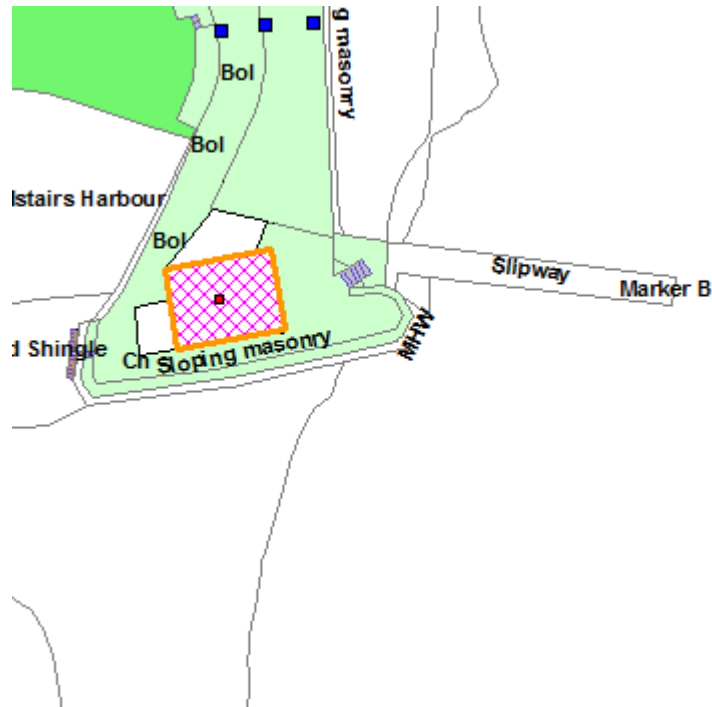
Case Officer

Rosemary Bullivant

TITLE: A/TH/23/0452

Project Pier Head Shelter The Harbour BROADSTAIRS Kent CT10 1EU

Scale:



A05

L/TH/23/0237

PROPOSAL: Application for Listed Building Consent for the change of use of 3No barns to 1No 5 bed and 1No 4 bed two storey semi-detached dwellings and 4No 3 bed two storey semi-detached dwellings and change of use of 2No 3 bed dwellings to 1No 3 bed dwellings with associated landscaping following demolition of menage and associated stables/storage.

LOCATION: Crumps Farm Shuart Lane South BIRCHINGTON Kent

WARD: Thanet Villages

AGENT: Mrs Susanna Sanlon

APPLICANT: St. John's College (Cambridge)

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND;

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

2 Prior to the installation of any external windows and doors, joinery details at a scale of 1:5 of the windows and doors to include sections through glazing bars, frames and mouldings 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 and advice contained within the National Planning Policy Framework.

3 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

4 The brick bond, mortar mix and pointing techniques for the works hereby approved shall precisely match those on the existing building.

GROUND

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

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

GROUND

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

INFORMATIVES

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

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.

Thanet District Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband.

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/>

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 Council has determined the application on the following plans; 30216B_200, 30216B_201, 30216B_202, 30216B_203, 30216B_204, 30216B_205, 30216B_225 Rev A, 30216B_230 Rev B, 30216B_231 Rev B, 30216B_235 Rev B, 30216B_236 Rev A, 30216B_240 Rev A, 30216B_310 Rev A, 30216B_315 Rev A, 30216B_320 Rev A, 30216B_325 Rev A, 30216B_330 Rev B 30216B_335 Rev A, 30216B_415 Rev A, 30216B_420 Rev A, 30216B_425 Rev A, 30216B_430 Rev A, 30216B_435, received 14 February 2023, 30216B_105, 30216B_215 Rev B, 30216B_220 Rev B, received 03 March 2023, 30216B_210 Rev C, 30216B_410 Rev B received 18 April 2023, 05, 30216B_110 Rev G received 26 June 2023, 30216B_112 Rev G, 30216B_115 Rev D, 2203230-001 Rev B, 2203230-003 Rev A received 14 August 2023.

SITE, LOCATION AND DESCRIPTION

Crumps Farm which contains a Grade II Listed historic 8 bay threshing barn, a further smaller historic threshing barn to the east and single storey stores sited along the southern boundary. These buildings appear together as a group from approximately 1870-1890 and given this, their siting and relationship with the main barn, the smaller barn and outbuilding are considered to be curtilage Listed. The site also contains a Dutch barn, a pair of cottages and a number of later single storey buildings and outbuildings.

The southern portion of the site, which contains all of the historic development with the exception of the Dutch barn, is located within the St Nicholas at Wade Conservation Area. Several Listed Buildings are located within close proximity to the site, including Grade I Listed St Nicholas Church, located immediately to the south of the site, and Ambry Court, located opposite the site to the west.

An existing dwelling is located on the site and part of the site appears to have been most recently used as a livery yard.

RELEVANT PLANNING HISTORY

F/TH/23/0236 - Erection of 2No 4 bed two storey detached dwellings together with change of use of 3No barns to 1No 5 bed and 1No 4 bed two storey semi-detached dwellings and 4No 3 bed two storey semi-detached dwellings and change of use of 2No 3 bed dwellings to 1No 3 bed dwellings with associated landscaping following demolition of menage and associated stables/storage. Pending consideration

F/TH/03/0766 -Erection of 2no. buildings to comprise 9no. livery stables (one 5no. stable block and one 4no. stable block) & the change of use & conversion of existing farm building to 3no. livery stables. Granted 16 September 2003

F/TH/03/0316 - Continued use, on a permanent basis, of former agricultural building for the purpose of livery stables for 10 horses, in accordance with the provisions of Section 73A(2)(a). Granted 14 May 2003

F/TH/98/0933 - Retention of use of agricultural building as livery stables for 13 horses in accordance with the provisions of section 73a(2)(a) together with provision of parking area for 10 cars. Refused 27 January 1999

F/TH/93/0757 - Change of use of agricultural building to do it yourself livery and stabling for 15 horses and adjoining tack room. Granted 26 February 1998

TH/89/0785 - Erection of two dwellinghouses. Granted 27 March 1990

PROPOSED DEVELOPMENT

The proposed development is the erection of 2No 4 bed two storey detached dwellings together with change of use of 3No barns to 1No 5 bed and 1No 4 bed two storey semi-detached dwellings and 4No 3 bed two storey semi-detached dwellings and change of use of 2No 3 bed dwellings to 1No 3 bed dwellings with associated landscaping following demolition of menage and associated stables/storage.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP36 - Conservation and Enhancement of Thanet's Historic Environment

HE03 - Heritage Assets

HE05 - Works to a Heritage Asset to Address Climate Change

NOTIFICATIONS

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

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

Public right of way across the site

Development should not result in the loss of further farmland

Impact upon local facilities and services

Impact upon the character and appearance of the area

CONSULTATIONS

Historic England - Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as a comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers.

TDC Conservation Officer - Crumps Farm is a complex of listed, industrial and out building properties located within the St Nicholas at Wade conservation area, a short distance from the main village thoroughfare. This application looks to redevelop the site as whole, demolishing modern functional aspects and then constructing more design conscious residential dwellings.

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.'

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.

Reviewing the design and access statement the general principle of this application is that where possible the existing fabric is going to be retained where possible and incorporated into the development alongside new features which would not appear out of context in the same setting. Where fabric is failing or past repair a sympathetic or industrial choice has been made in order to reflect the scheme that was approved throughout the rest of the site. Given the nature of the buildings being reinstated and their industrial and functional past, this approach is supported and deemed appropriate and positive. It is clear throughout images included as part of the application, as well as the site visit, that if no action is taken these buildings will degrade further and will likely fail at some point and become unusable.

More specifically the listed barn has been very much treated in the manner discussed above. Features which are currently lost or failing are to be reinstated whilst the main structure and fabric of the barn will remain as it is just incorporated into the scheme. There is no requirement for the removal of the detailed timber frame in order to add an additional floor to the property which is positive, with all remaining lower bays staying intact too. Elsewhere in the scheme newly proposed properties are reflective of the form and palette already in existence across the site and therefore considered to form a cohesive and balanced appearance.

The design approach to the proposed redevelopment appears to be thoughtful of the constraints of the site whilst reflective of the land's agricultural past and functional use. These design principles have not only been applied to the buildings themselves but also any proposed smaller outbuildings and garages. the existing and proposed boundary treatments,

hard surfaces and generalised landscaping. All of which combined result in a cohesive scheme which appears appropriately in the context of the existing listed farmhouse whilst retaining character and a clear definitive influence.

The surrounding conservation area will be somewhat impacted by the proposed changes as part of this development due to the nature of change within its context. With that being said the conversion of these properties ensures their future use and maintenance, ultimately improving the external outlook of the site and as such its setting and appearance in the context of the surrounding conservation area.

Overall I would consider the setting and the appearance of the main listed property preserved and improved by the proposed scheme. Whilst the additional assets of historical importance sympathetically converted, ensuring their sustained maintenance and use as part of the farm complex. As such I consider that local and national legislation has been complied with and I do not object to the application proposed.

If this application was to be approved I would suggest conditions providing samples of any external materials alongside a schedule of detailed drawings for the windows as well as a finalised landscaping and hardstanding plan.

Southern Water - Please see the attached extract from Southern Water records showing the approximate position of our existing combined sewer in the immediate vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 150 mm diameter combined sewer requires a clearance of 3 metres on either side of the combined sewer to protect it from construction works and to allow for future access for maintenance.
- No development or new tree planting should be carried out within 3 metres of the external edge of the combined sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public combined sewer.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public or adoptable gravity sewer.
- All existing infrastructure should be protected during the course of construction works.

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

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

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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.

COMMENTS

This application has been called in to the Planning Committee for a decision by Councillors Reece Pugh and Abi Smith with concerns about increased traffic, the impact upon biodiversity, trees, heritage assets, highway safety, the local community and services.

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when 'considering whether to grant listed building consent for any works the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Paragraph 197 of the National Planning Policy Framework requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets , and the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF requires that where a development causes substantial harm, or less than substantial harm but where the harm is not outweighed by public benefit, permission should be refused.

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

Policy HE03 of the Thanet Local Plan 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 grade II listed barn in the centre of the site is constructed from a timber frame on a flint and brick base and weatherboarded with corrugated iron. This barn would be converted to a five bedroom and a four bedroom dwelling. Both dwellings would be set over two floors and the main living spaces would be open plan. There is no existing first floor within the building or any significant internal subdivision.

It appears that there have been alterations and repairs to the barn over the years although large sections of the timber frame remain. No timber floor remains within the building and the cart doors appear to have been increased in size. The building has been unused for a significant period of time and is in a poor condition.

Historic images of the barn appear to show a tiled roof and timber cladding to the walls. These images also show pitched roof midstreys on the southern side of the barn

Externally the corrugated roof would be replaced with Kent Peg Tiles and the corrugated weatherboarding would be replaced with black timber weatherboarding. The brick and flint plinth would be repointed and the pitched roof midstreys would be reinstated to the southern

side of the building. The existing attached outbuildings at the eastern end of the property would be demolished and doors and windows would be inserted around the building. Conservation style rooflights would be inserted in the pitched roof.

The replacement of the roof and wall coverings along with the installation of replacement pitched roof midstreys would be significant alterations to the design and form of the building. These alterations would however give the building a traditional appearance and given the historic images showing a similar appearance, these alterations are considered to preserve the significance of the listed building.

The installation of doors and windows around the building would alter its appearance from a functional barn to residential. Where there are existing openings these would be used for the new openings, however a number of these would be enlarged. The proposed openings would be constructed from timber, with large areas of glazing and have a vertical emphasis. On the northern side of the building recessed porches would be created with new barn doors that would be pinned open. Given that the external materials are being replaced, the insertion of these doors and windows would result in limited alterations to historic fabric. The harm resulting from the domesticated appearance that would result from the installation of doors and windows would need to be weighed against the benefits of the scheme.

The repointing of the brick and flint plinth around the building would help to preserve this section of the building and would be conditioned to be completed using lime mortar and matching pointing techniques.

Two flues would be inserted into the roof. These would be painted black and are limited in scale.

Internally the building would be divided into two, with plot 8 occupying the eastern third and plot 9 occupying the western two thirds. Internally there is currently no significant subdivision to the building. The proposed ground floor plans for both dwellings would include large open plan living areas and a double height space over the entrance. Internal walls would be formed around the northern and eastern ends of each dwelling to create ground floor rooms. The first floor would comprise a new structure and the proposed rooms would be set in the roof. The submitted plans and sections indicate that the existing beams and frame would be retained within the building. The internal subdivision of this barn would result in a significant alteration to its internal form, although the retention of the frame, large open plan areas and a double height space would allow some appreciation of the previous use and form of the barn to be retained.

The Dutch Barn to the north of the listed barn and the cottage and attached barn to the east would be retained on the site and converted to dwellings. These buildings are visible in the historic photos submitted with the application.

The store buildings on the southern boundary of the site would be retained and converted for use in association with plots 7, 8 and 9. All other existing buildings on the site would be demolished. The removal of the large agricultural buildings and the store buildings between the listed barn and the barn and cottage is considered to be a significant benefit to the site

through the creation of space around the listed and historic buildings and the removal of the modern structures.

The cottage and attached barn are historic elements on the site, however both appear to have been significantly altered and the barn is in a poor condition.

This application would remove the extensions to the cottage and restore it to a single dwelling. A new extension would be erected on the northern side of the cottage. This would be constructed with timber weatherboarding to the elevations and a brick plinth and Kent Peg tile roof to match the existing property. The existing UPVC windows and doors would be replaced with timber doors and windows. The change of use back to a single dwelling, the removal of the existing side extensions and the replacement of the UPVC windows and doors with timber is considered to be a significant improvement in the appearance of this building. The proposed extension would alter the form of the building, however it would project to the north away from the listed and attached barn and is considered to be of a scale and form that is appropriate for the age and character of the building.

The barn attached to the cottage would be treated in a similar manner to the listed barn with the corrugated roofing and cladding being replaced with Kent Peg tiles and black timber weatherboarding. This building would also be subdivided into two dwellings and new openings would be installed around the building. Currently there is some division between the northern and southern sections of the barn and this would remain as the division between the proposed dwellings. As with the listed barn historic features such as the internal frame would be retained, however the subdivision and the proposed openings would reduce the appreciation for the previous use and create a domestic appearance.

The existing Dutch barn to the north of the listed barn would be retained and converted to two dwellings. This building is in a significant state of disrepair, however the existing frame and concrete footings would be retained and repaired along with the timber restraints and steel cross beams. The existing corrugated sheeting covering the building is in a poor state or repair and would be replaced with dark steel cladding to match the existing. There are a number of openings in the corrugated metal of the building that are covered with corrugated plastic. These openings would be used to form the new openings, however some additional openings would be formed around the building. Again the subdivision of this building would alter its form and create a domestic appearance to this farm building.

Two new dwellings would be erected on the site (Plots 1 and 4). These would not be attached to any listed or historic buildings and, therefore, do not require listed building consent. The impacts of these new build dwellings would be considered as part of application reference F/TH/23/0236.

The Council's Conservation Officer has reviewed the application and has considered that the design approach to the redevelopment appears to be thoughtful of the constraints of the site whilst reflective of the land's agricultural past and functional use and that this approach has not only been applied to the listed buildings but also the small buildings and landscaping around the site. The Conservation Officer acknowledges that there would be an impact that would result from the works and the change of use of the site, however due to the

sympathetic conversion of the buildings and the ongoing maintenance of the site has raised no objection to the development.

This development would significantly alter the character of the site from an agricultural use to a domestic use and result in some significant alterations to historic buildings, however this proposal is considered to result in a number of significant benefits. A number of modern and unsympathetic buildings would be removed from the site improving the setting of the historic buildings on the site. The replacement of the materials and the external reconfiguration of the remaining buildings on the site would restore historic designs and appearances and add to the significance of these properties. The reuse of the buildings would help to ensure that the buildings are preserved for the future. It is considered that whilst the proposed alterations to the buildings are significant, they have been planned in a sensitive and sympathetic manner, and the resulting harm would be less than substantial. The public benefits of restoring traditional materials and features to the historic buildings is considered significant and the preservation of the buildings and the arrangement of the site for the future is also considered to carry great weight. Given these public benefits the resulting harm is considered to be outweighed and this proposal would comply with the guidance in the National Planning Policy Framework relating to heritage assets and Policies SP36 and HE03 of the Thanet Local Plan.

Other Matters

The impact of the development upon public right of way, farmland, water and drainage infrastructure and local facilities and services is being considered as part of application reference F/TH/23/0236 and cannot be considered as part of this application.

Conclusion

The proposal is considered to result in public benefits which outweigh the impact of the development on the significance of the group of Listed buildings, in accordance with paragraph 202 of the National Planning Policy Framework and Policy HE03 of the Thanet Local Plan.

Case Officer

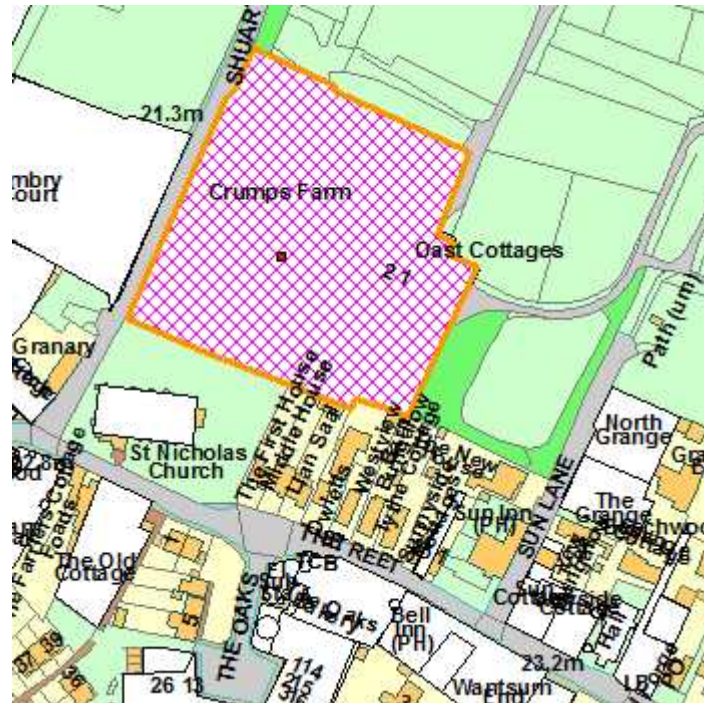
Duncan Fitt

TITLE:

L/TH/23/0237

Project

Crumps Farm Shuart Lane South BIRCHINGTON Kent



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D06

F/TH/23/0236

PROPOSAL: Erection of 2No 4 bed two storey detached dwellings together with change of use of 3No barns to 1No 5 bed and 1No 4 bed two storey semi-detached dwellings and 4No 3 bed two storey semi-detached dwellings and change of use of 2No 3 bed dwellings to 1No 3 bed dwellings with associated landscaping following demolition of menage and associated stables/storage.

LOCATION: Crumps Farm Shuart Lane South BIRCHINGTON Kent

WARD: Thanet Villages

AGENT: Mrs Susanna Sanlon

APPLICANT: St. John's College (Cambridge)

RECOMMENDATION: Defer & Delegate

Defer and delegate to officers for approval subject to the receipt of a legal agreement securing the contribution towards altering the speed limit in the village and the following conditions:

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

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 30216B_200, 30216B_201, 30216B_202, 30216B_203, 30216B_204, 30216B_205, 30216B_225 Rev A, 30216B_230 Rev B, 30216B_231 Rev B, 30216B_235 Rev B, 30216B_236 Rev A, 30216B_240 Rev A, 30216B_310 Rev A, 30216B_315 Rev A, 30216B_320 Rev A, 30216B_325 Rev A, 30216B_330 Rev B 30216B_335 Rev A, 30216B_415 Rev A, 30216B_420 Rev A, 30216B_425 Rev A, 30216B_430 Rev A, 30216B_435, received 14 February 2023, 30216B_105, 30216B_215 Rev B, 30216B_220 Rev B, received 03 March 2023, 30216B_210 Rev C, 30216B_410 Rev B received 18 April 2023, 05, 30216B_110 Rev G received 26 June 2023, 30216B_112 Rev G, 30216B_115 Rev D, 2203230-001 Rev B, 2203230-003 Rev A received 14 August 2023.

GROUND;

To secure the proper development of the area.

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

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

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

GROUND

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

4 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,
- o ecological enhancements to be provided within the site

shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND

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

5 The development hereby permitted shall be compelled in accordance with the submitted Bat Survey and Mitigation Strategy, KB Ecology, November 2022, received 14 February 2023.

GROUND

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

6 A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small,

privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The amenity areas shall be managed in accordance with the approved landscape management plan in perpetuity.

GROUND

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

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

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

GROUND

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

8

No development shall commence until a site characterisation and remediation scheme has been submitted to and approved in writing by the Local Planning Authority and the remediation scheme has been implemented in accordance with the approved details. The site characterisation, remediation scheme and implementation of the approved remediation scheme shall be carried out in accordance with the following criteria (a) Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority, and shall include

- o A survey of the extent, scale and nature of contamination

- o An assessment of the potential risks to
- o Human health
- o Property
- o Adjoining land
- o Groundwaters and surface waters
- o Ecological system

- o An appraisal of remedial options and a recommendation of the preferred options

The site characterisation report shall be conducted in accordance with British Standards and current DEFRA and Environment Agency best practice.(b) Submission of remediation scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site cannot be considered as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.(c) Implementation of Approved Remediation Scheme The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of the development other than that required to carry out remediation. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority

GROUND

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

9 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.

10 Prior to the commencement of development hereby approved an arboricultural method statement shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

GROUND

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

11 All hard and soft landscape works, including ecological enhancement features, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation/use of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority.

Following completion of the landscape and enhancement works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. 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 as those originally planted, unless written approval to any variation is provided by the Local Planning Authority. All ecological enhancement features shall thereafter be maintained.

GROUND

In the interests of the visual amenities of the area, biodiversity enhancement, and to adequately integrate the development into the environment in accordance with Policies QD02, SP30 and GI04 of the Thanet Local Plan

12 No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate 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.

GROUND

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

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

GROUND

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

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

GROUND

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

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

GROUND

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

16 Prior to the installation of any external windows and doors, joinery details at a scale of 1:5 of the windows and doors to include sections through glazing bars, frames and mouldings 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 and advice contained within the National Planning Policy Framework.

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

GROUND

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

18 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

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

19 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 Listed Buildings, Conservation area and the visual amenities of the area in accordance with Policies HE02, HE03 and QD02 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

20 Prior to the first use of the site hereby permitted, the vehicular access and associated vehicle crossing point onto the highway, as shown on the approved plan numbered 30216B_110 Rev G and 2203230-001 Rev B should be completed and made operational.

GROUND

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

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

GROUND

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

22 Prior to the first occupation of the development hereby approved, details of the design of the electric vehicle charging points, to be located as shown on the approved plan numbered 30216B_110 Rev G shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter implemented and maintained as approved.

GROUND

To protect air quality, in accordance with Policy SP14 of the Thanet Local Plan and the advice as contained within the NPPF

23 Prior to the first occupation of the development, the area shown on approved plan 30216B_110 Rev G for the parking and manouvering of vehicles shall be operational. The area approved shall thereafter be maintained for that purpose.

GROUND

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

24 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 30216B_110 Rev G 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.

25 Prior to the first occupation of the development, the refuse storage and collections points, as shown on approved drawing no. 30216B_110 Rev G shall be provided and thereafter maintained.

GROUND

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

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

GROUND

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

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

GROUND

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

28 Prior to the first occupation of the development hereby permitted, the footpath along the boundary of the site with Shuart Lane, as shown on the approved plan numbered 30216B_110 Rev G should be completed and made operational.

GROUND

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

29 Prior to the first occupation of the development hereby approved visibility splays shown on the submitted plans 2203230-001 Rev B shall be provided with no obstructions over 1.05m above carriageway level within the splays, which shall thereafter be maintained.

GROUND

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

30 Prior to the first occupation of the dwelling the following works between the dwelling and the adopted highway shall be complete

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

GROUND

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

INFORMATIVES

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

Thanet District Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband.

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/>

It is the responsibility of the applicant to ensure, prior to the commencement of the development hereby approved, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being 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 such legislation and common law. It is therefore important for the applicant to contact KCC Highway and Transportation to progress this aspect of the works prior to commencement on site

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.

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

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.

SITE, LOCATION AND DESCRIPTION

Crumps Farm contains a Grade II Listed historic 8 bay threshing barn, a further smaller historic threshing barn to the east and single storey stores sited along the southern boundary. These buildings appear as a group together from approximately 1870-1890 and given this, their siting and relationship with the main barn, the smaller barn and outbuilding are considered to be curtilage Listed. The site also contains a Dutch barn, a pair of cottages and a number of later single storey buildings and outbuildings. The site appears to have been most recently used as a livery yard.

The southern portion of the site, which contains all of the historic development with the exception of the Dutch barn, is located within the St Nicholas at Wade Conservation Area. Several Listed Buildings are located within close proximity to the site, including Grade I Listed St Nicholas Church, located immediately to the south of the site, and Ambry Court, located opposite the site to the west.

Views of the site can be obtained from Shuart Lane and the public footpaths that are located to the north and east of the site.

RELEVANT PLANNING HISTORY

L/TH/23/0237 - Application for Listed Building Consent for the change of use of 3No barns to 1No 5 bed and 1No 4 bed two storey semi-detached dwellings and 4No 3 bed two storey semi-detached dwellings and change of use of 2No 3 bed dwellings to 1No 3 bed dwellings with associated landscaping following demolition of menage and associated stables/storage. Pending consideration

F/TH/03/0766 -Erection of 2no. buildings to comprise 9no. livery stables (one 5no. stable block and one 4no. stable block) & the change of use & conversion of existing farm building to 3no. livery stables. Granted 16 September 2003

F/TH/03/0316 - Continued use, on a permanent basis, of former agricultural building for the purpose of livery stables for 10 horses, in accordance with the provisions of Section 73A(2)(a). Granted 14 May 2003

F/TH/98/0933 - Retention of use of agricultural building as livery stables for 13 horses in accordance with the provisions of section 73a(2)(a) together with provision of parking area for 10 cars. Refused 27 January 1999

F/TH/93/0757 - Change of use of agricultural building to do it yourself livery and stabling for 15 horses and adjoining tack room. Granted 26 February 1998

TH/89/0785 - Erection of two dwellinghouses. Granted 27 March 1990

PROPOSED DEVELOPMENT

The proposed development is the erection of 2No 4 bed two storey detached dwellings together with change of use of 3No barns to 1No 5 bed and 1No 4 bed two storey semi-detached dwellings and 4No 3 bed two storey semi-detached dwellings and change of use of 2No 3 bed dwellings to 1No 3 bed dwellings with associated landscaping following demolition of menage and associated stables/storage.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing
SP13 - Housing Provision
SP14 - General Housing Policy
SP24 - Development in the Countryside
SP26 - Landscape Character Areas
SP27 - Green Infrastructure
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP35 - Quality Development
SP36 - Conservation and Enhancement of Thanet's Historic Environment
SP43 - Safe and Sustainable Travel
SP44 - Accessible Locations
E14 - Conversion of Rural Buildings for Economic Development Purposes
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
HE05 - Works to a Heritage Asset to Address Climate Change
CC02 - Surface Water Drainage
TP01 - Transport Assessments and Travel Plans
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

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

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

Highway Safety
Pedestrian safety
Increase in traffic
Proposed neighbouring development
Quality of information within the traffic survey
Access for emergency vehicles
Public right of way across the site
Impact upon the church
Impact upon the conservation area
Impact upon local facilities
Drainage
Impact upon the character and appearance of the area

CONSULTATIONS

Environment Agency - Due to the scale, nature and setting of this proposal and the supporting information submitted, we have assessed this proposal as low risk. We, therefore, do not have any specific comments to add.

Please note that although this proposal is considered as low risk, we would still need to be re-consulted if, during development, contamination not previously identified is found to be present at the site. This will be subject to a remediation strategy.

Historic England - Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as a comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers.

KCC Biodiversity - *Updated comments received 19 July 2023*

We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided. We have taken this view due to satisfactory information having been provided following our previous response, including:

Photographic evidence to support the barn owl assessment which confirms no evidence of nesting;

Reptile survey information which confirms likely absence of reptiles;

Reference to protection of the Local Wildlife Site during construction through implementation of a CEMP.

If planning permission is granted, we advise that the conditions below are included.

CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

Prior to commencement of works (including site clearance), a construction environmental management plan (CEMP) will be submitted to and approved in writing by the local planning authority. The CEMP will include the following:

Risk assessment of potentially damaging construction activities;

Identification of 'biodiversity protection zones';

Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of species or habitat-specific method statements). This should include reference to pre-works surveys and mitigation measures for tree-roosting bats and barn owl;

The location and timing of sensitive works to avoid harm to biodiversity features;

The times during construction when specialist ecologists need to be present on site to oversee works;

Responsible persons and lines of communication;

The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and;

Use of protective fences, exclusion barriers and warning signs.

The approved CEMP will be adhered to and implemented throughout the construction period in accordance with the approved details.

LANDSCAPE MANAGEMENT PLAN

A Landscape Strategy Plan (Decimus Designs, June 2023) has been provided which includes retention of c. 40% of existing trees and a predominantly native species planting scheme. We advise that implementation of the Plan is secured by condition, to include habitat management information. Suggested wording:

Prior to completion, a Landscape Management Plan will be submitted to the Local Planning Authority for approval in writing. The Plan will include all habitat retention and creation measures detailed within the Landscape Strategy Plan, Decimus Designs, June 2023, in addition to the following:

Description and evaluation of features to be managed;

Constraints on site that might influence management;

Aims and objectives of management;
Appropriate management prescriptions for achieving aims and objectives;
Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
Details of the body or organisation responsible for implementation of the plan, and;
Ongoing monitoring and remedial measures.

The LMP will include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

BREEDING BIRD INFORMATIVE INCLUDING BARN OWL

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), 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.

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting

Barn owls have been recorded intermittently roosting at the site. Breeding barn owl are protected against disturbance under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). Works to structures should be carried out outside of the bird breeding season. Where this cannot be achieved, a pre-works check must be undertaken by a suitably qualified/experienced ecologist. If nesting barn owls are confirmed present, mitigation will be required to avoid disturbance of the birds while nesting. No works should be undertaken in the vicinity until nesting has finished.

BAT MITIGATION STRATEGY

All mitigation for bats will be carried out in accordance with the details contained in the Bat Survey and Mitigation Strategy, KB Ecology, November 2022, unless additional measures are required by Natural England. Should Natural England require less mitigation than that detailed within the report, then all remaining measures will be included as enhancements under NPPF 2021. Bat mitigation, and any enhancements, will be implemented as above and retained thereafter.

BIODIVERSITY ENHANCEMENT PLAN

Suggested wording: Within three months of works commencement (to ensure that integral features can be accommodated), details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include measures detailed within Section 4.10 of the Preliminary Ecological Appraisal report (KB Ecology, June 2022), including integrated and tree-mounted Woodstone/Woodcrete boxes for bats and for red or amber listed bird species. Bat boxes will include those suitable for summer and winter roosting. Two barn owl boxes will also be included in suitable locations within the site. The approved measures will be implemented and retained thereafter.

SENSITIVE LIGHTING PLAN

Artificial lighting has been proven to significantly impact on the behaviour of insects, birds, bats, and other nocturnal mammals. This is relevant to the habitats of the adjacent Local Wildlife Site, retained and created/enhanced areas of vegetation, and any proposed features such as bat and bird boxes. If planning permission is approved, we advise that the avoidance of increased artificial lighting impacts is secured through provision of a sensitive lighting plan. The Plan should be designed in accordance with National Planning Policy Framework 2021 and the Bat Conservation Trust's 'Guidance Note 8: Bats and Artificial Lighting 08/18' (or subsequent updates). Suggested wording:

Prior to completion, a lighting design plan for biodiversity will be submitted to and approved in writing by the local planning authority. The plan will show how and where external lighting will be installed and will include a baseline lighting assessment for the site/site boundaries. The Plan will detail the expected vertical and horizontal light spill in lux levels, so that it can be clearly demonstrated that areas to be lit will not increase lighting impacts on Local Wildlife Site, and areas of retained/proposed landscaping and biodiversity enhancement. All lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter. During occupation, no additional lighting will be installed without prior written agreement from the Local Planning Authority.

THANET AND CANTERBURY SAMMP

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

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be considered when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMP there is a need for an appropriate assessment to be carried out as part of this application.

Initial comments received 11 May 2023

We have reviewed the ecological information submitted in support of this application and advise that additional information is sought from the applicant prior to determination of the planning application. This includes:

- o Further details of the barn owl assessment
- o Clarification regarding the presence / likely absence of reptiles
- o Assessment of potential impacts on the adjacent Local Wildlife Site.

This information should be included within a revised Preliminary Ecological Appraisal (or Ecological Impact Assessment if additional surveys are undertaken) and will need to be submitted prior to determination of the planning application. This is in alignment with paragraph 99 of the ODPM 06/2005, which states "it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"

DETAILED COMMENTS

Barn owl Section 3.5 of the Preliminary Ecological Appraisal (KB Ecology, June 2022) states: "Evidence of roosting barn owl *Tyto alba* was found in the Grade II listed threshing barn but nesting activity was not recorded and is not expected." The site photographs indicate free flight access into the barn and the surrounding habitat is described as suitable for foraging and potentially nesting. Barn owls do not build nests and require a cavity, hollow or a wide ledge in an elevated and hidden location. While it is acknowledged that the barn was visited for both the PEA and bat surveys during the bird breeding season and no sightings of parent birds were made, due to the hidden nature of nesting areas we require clarification of the extent of evidence recorded. This should include details of any ledge/platform and field signs such as white splashing, including clearly labelled photographs.

Reptiles

We require clarification regarding the potential for the site to support reptiles. Section 3.4 of the PEA report states: "There is restricted suitable reptile habitat on site in the shape of long grass and areas of nettles and ruderals. Such areas are regularly disturbed by the yard activities and thus the likelihood of reptiles being present is low. However slow worms are known to be present locally and could thus be present on site and hibernate under tree roots."

Given the above it is understood that reptile surveys have not been undertaken. However, section 4.4 of the PEA appears to provide a reptile mitigation strategy which refers to the site supporting a population of reptiles and outlines a trapping/translocation program:

"The proposal entails large garden areas and the creation of a 'Landscaped green buffer zone'. Thus it is expected that it will be possible to retain the population by enhancing an area of land outside the works footprint (with creation of brash/log piles and management aiming at enabling tussocky grassland to develop with areas to be mown on rotation).

Prior to any ground works starting, a relocation exercise should take place, entailing the erection of reptile-proof fence around all area of the site where ground works will take place, following some strimming (to force animals out of the trapping area), the installation of refuges and the trapping of animals for a number of sessions¹⁸ between March and October, during suitable weather conditions (i.e. cool weather with no heavy rain but sunny intervals between showers, and ambient air temperatures between 10-20C)."

We require further information as to whether the site is deemed sufficiently suitable for reptiles to require a presence/likely absence survey. Should this be the case then survey results and details of any required mitigation will need to be submitted prior to determination (in EclA format).

Local Wildlife Sites

The proposed development is located adjacent to TH 13 St Nicholas at Wade Churchyard Local Wildlife Site (LWS). These sites are non-statutory designated sites which are important for the conservation of wildlife in Kent and it should be demonstrated within the proposals that impacts to the LWS have been considered and mitigated for. This LWS has been designated for its grassland and lichen communities. An assessment of potential impacts of the development on the LWS during both construction and operation phases, including dust, lighting, hydrology, exposure and shade, is required.

KCC Flood and Water Management - Unfortunately the surface water drainage strategy is incomplete. We would therefore recommend the application is not determined until a complete surface water drainage strategy has been provided for review.

At a minimum, a drainage strategy submission must comprise:

A location plan

A site layout

A drainage proposal schematic or sketch

A clear description of key drainage features within the drainage scheme (e.g. attenuation volumes, flow control devices etc.)

Information to support any key assumptions (e.g. impermeable areas, infiltration rates etc.)

Supporting calculations to demonstrate the drainage system's operation and drainage model network schematic

Drainage strategy summary form (from our Drainage and Planning Policy Statement)

Consideration of key questions and / or local authority planning policy requirements.

KCC Highways - *Updated comment received 08 September 2023*

Revised plans have been submitted which now demonstrate the truing of a 13m long refuse vehicle, and these are acceptable.

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:-

Agenda Item 5f

Submission of a Construction Management Plan before the commencement of any development on site to include the following: (a) Routing of construction and delivery vehicles to / from site (b) Parking and turning areas for construction and delivery vehicles and site personnel (c) Timing of deliveries (d) Provision of wheel washing facilities (e) Temporary traffic management / signage

Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

Provision and maintenance of the visibility splays shown on the submitted plans 2203230-001 Rev B with no obstructions over 1.05metres 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 2203230-003 Rev A prior to the use of the site commencing.

Provision and permanent retention of the vehicle parking spaces shown on the submitted plans 30216B_110 Rev G prior to the use of the site commencing.

Provision and permanent retention of the Electric Vehicle charging spaces shown on the submitted plans prior to the use of the site commencing. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) 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 secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

Provision and permanent retention of the internal pedestrian footpath, as indicatively shown on site plan 30216B_110 Rev G, prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

The applicant is to progress by their best endeavours the implementation of a Traffic Regulation Order for a 20mph zone through the village, to include The Street, The Length, Manor Road, Shuart Lane, Down Barton Road and Court Road, in accordance with details to

be submitted to and approved by the Local Planning Authority. This should be implemented prior to the first occupation at the site.

Updated comments received 27 July 2023

Further to my previous comments, revised plans and information have been submitted. Having reviewed these I have the following comments to make.

A drawing has been submitted demonstrating the tracking for a 13m long refuse vehicle, however there is no scale bar against which I can assess this. In addition tracking needs to be demonstrated within the site itself, to show that a vehicle of this size has sufficient space to enable it to turn around so it can exit in a forward gear.

I am satisfied with the revisions to the parking layout, however I do need to see the tracking for a refuse vehicle within the site to confirm the EV charging space for plot 5 will not impinge on this.

Bicycle storage for Plots 7,8 and 9 is acceptable.

I note the comments regarding maintaining access to the adjacent farmland which is acceptable.

A pedestrian footway has been provided internally within the site, running parallel with Shuart Lane and this is acceptable. No additional pedestrian signage has been indicated on any plans, but I am content to apply a suitable worded condition for this aspect.

I am still of the opinion that the requested 20mph zone through the village is the most appropriate way to improve pedestrian safety for future residents within the village, and as such our request for this to be implemented as part of this application remains.

The applicant has stated that as an alternative they would be willing to provide a footway link to PROW TE2 which runs to the northwest of the site. This would also require PROW TE2 to be upgraded to ensure it is suitable for pedestrians to use. However this route would be unlit and in my eyes not attractive for pedestrians and future residents to use. I would also have concerns that the area this PROW crosses is land that houses livestock, and it would not be safe for pedestrians to be expected to use this as a regular access from the village to their homes, especially at night. The PROW team here at KCC would need to be consulted on this aspect and can provide figures and further details for this upgrade.

The proposed footway link has not been demonstrated on any plans, This footway link is outside of the red line area for this application, and I am unable to find a blue line drawing confirming the extent of land under the ownership of the applicant. I would point out that if the section of PROW TE2 requiring an upgrade does not fall on land owned by the applicant, then the applicant would have to seek permission from the land owner. In addition this may also restrict the ability of the applicant to provide a footway link to PROW TE2.

Initial comments received 16 May 2023

Agenda Item 5f

The proposals are for redevelopment of the site to provide a total of 9 three and four bedroom dwellings. The site is located on Shuart Lane, a rural road serving a small number of dwellings which commences at The Street and terminates before the A299 Thanet Way.

A Transport Assessment has been submitted to accompany this application. Having reviewed this and other relevant submitted documents I have the following comments to make.

The existing access to the site is to be used, albeit re-designed so it is suitable to serve the proposed 9 dwellings.

TRICS has been interrogated to determine the traffic movements that will be generated by the proposals. This has shown that the proposals will generate 4 two way movements in the AM peak (08.00 - 09.00hrs) and 5 two-way movements in the PM peak (17.00 - 18.00hrs), with a total of 37 way two movements over a 12 hour period. As such the traffic movements generated by the proposed 9 dwellings would have a negligible impact on the highway network, and in line with the NPPF cannot be classed as severe. As such in terms of highway capacity and safety this proposal would not warrant a recommendation of refusal on these grounds.

An Automated Traffic Counter survey was conducted to determine driven speeds on Shuart Lane in the location of the existing access. This has demonstrated the driven speeds are low in this vicinity, (17.7mph northbound and 23.2mph southbound). Visibility splays based on these speeds have been demonstrated on the proposed site access plan and I am content to accept these.

Tracking has been shown for a 12.1m long refuse vehicle, however, Thanet District Council Refuse Services team use vehicles that are 13m long. In addition tracking has only been shown for a vehicle making a right turn in/ left turn out of the site. We would expect to see all directions shown, to ensure the access is appropriately designed (a refuse vehicle may visit this site first prior to visiting other properties located further north along Shuart Lane).

I note that an access is to be retained to the remainder of land belonging to the applicant between Plots 4 and 5, however I could see no narrative to explain why this will remain.

I note that the site plan has been re-submitted, which would appear to take into account the comments of the PROW team here at KCC. However the plan does not show the full extent of the site (especially Plot 1), or indicate the PROW TE1 itself to show that the proposed block plan does not interfere with this PROW.

The parking allocation is acceptable, the only comment I would make is that the visitor parking bays are not obvious and located at the two furthest ends of the site. However as the site is not to be adopted, this is an observation only. I do note that the EV charging bay for Plots 5 may interfere with the turning circle of a refuse vehicle. In addition the parking for Plot 6 is located opposite the plot itself, how would the EV charging point be provided?

Plots 7,8 and 9 do not appear to have bicycle storage facilities - the storage buildings at the rear of the gardens may provide this but there is no narrative to confirm this.

Shuart Lane is rural in nature, however the development has the potential to increase pedestrian footfall along here. Given the narrow lane here, and to provide a safer means for residents to access the village, the applicant should provide an internal footpath, that links from within the site, close to the entrance, along the boundary to Plot 9 and emerge at the south western most corner of the site, onto Shuart Lane. In addition, 'Pedestrians in Road' warning signs should be placed at the entrance of Shuart Lane, to advise drivers to be vigilant with their speed.

In addition, to facilitate improved safety for pedestrians, we would ask the applicant to implement a 20mph speed limit zone throughout the village. Due to geometry constraints in the vicinity of the site, it is not possible to install additional pedestrian footways on neighbouring roads, to provide safe access to local amenities. However the implementation of a 20mph zone throughout the village will be of benefit not just to new residents but also to the village as a whole, providing a safer pedestrian environment where they do have to use the main carriageway to navigate through the village. The cost of this would be no more than £15,000 (exact figures can be confirmed prior to any decision being made on this application).

KCC Public Rights of Way - Updated comments received 07 September 2023

The revised plans have addressed my concerns, but I must stress that there should be no planting within a metre and a half of the footpath adjacent to the east of plot 1. Neither should there be any obstructions on this side such as parking or storage.

Plot 1 has been adjusted, as long as this reflects the actual build I have no further objections.

Initial comments received 21 March 2023

The proposed development directly affects Public Right of Way TE1A the location of which is indicated on the attached extract of the Network Map of Kent. The Network Map is a working copy of the Definitive Map. The existence of the right of way is a material consideration.

The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.

We do not appear to have been consulted on this application. The application makes no reference to Public Right of Way TE1A and is not shown on the plans, which is directly affected by the proposals. As the application is currently presented, I must object to it for the above reason. I would ask that the applicant submit an amended application reflecting the existence of the right of way, and indicating how it will be dealt with. Having looked at the plans, plot 1 appears to obstruct the public right of way.

The grant of planning consent does not entitle the developer to obstruct the Public Right of Way. In order to avoid delays, the diversion or extinguishment of the right of way should be considered at an early stage. Where it is probable that consent will be granted, it is sensible

to initiate consultation on proposed alterations to the path network as soon as possible. It is important that your Authority are in a position to make the necessary Orders at the point at which consent is given

General Informatives:-

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development:
3. There should be no Closeboard Fencing or similar structure over 1.2 metres erected adjacent to a highway used by vehicles (including bicycles) or in any circumstance which will block out the views:
4. No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Path. Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

Natural England - No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (european sites).

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for the following European designated site[s], North Kent Special Protection Area (SPA). It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development. 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.

Southern Water - Please see the attached extract from Southern Water records showing the approximate position of our existing combined sewer in the immediate vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 150 mm diameter combined sewer requires a clearance of 3 metres on either side of the combined sewer to protect it from construction works and to allow for future access for maintenance.
- No development or new tree planting should be carried out within 3 metres of the external edge of the combined sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public combined sewer.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public or adoptable gravity sewer.
- All existing infrastructure should be protected during the course of construction works.

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

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

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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.

TDC Arboricultural Consultant - *Updated comments received 25 August 2023*

The Tree Protection Plan now includes a note that root protection areas, areas of ground protection and no-dig around trees, particularly around the now retained Sycamore in G6, may need to be revised once initial clearance works have taken place to accurately plot trees in relation to the build area. This is acceptable.

It should be in the form of a site specific Arb Method Statement (SSMS), to be submitted for approval under a condition on any grant of planning consent. (See reference to an SSMS in my comments dated 27th June.)

Updated comments received 27 June 2023

My initial comments suggested consideration of the retention of selected trees within groups 3, 6, 7 & 8. I did not suggest retention of the entire groups and accept that the majority are of poor quality. I have no objection to the removal of such trees.

I understand the difficulty of assessing individual trees in dense groups with overgrown vegetation impeding access, but at the time of my site visit a number of trees did appear to be in better condition. However I also understand that clearing around such trees may reveal structural issues, unbalanced canopy growth or incompatible ground levels that mean

retention is not possible. In principle the retention of existing trees of reasonable quality is likely to provide a better landscape setting, as in my experience getting new tree planting established on development sites can be challenging. However I accept this presents its own challenges.

I note that the revised plans propose the additional retention of the larger Sycamore in G6. Having reviewed my notes and photos, and on the basis of the difficulties noted above, I am happy to accept removal of the other trees in G's 6 & 7, also the Hawthorn T3 for a vision splay and the Sycamore in G8 as a small tree not visible from the public realm.

I also note the proposed provision of a footpath just inside the site boundary wall along Stuart Lane. The line of the footpath crosses the root protection areas (rpa's) of T's 4 & 5 and the revised Tree Protection Plan shows ground protection and manual excavation for these areas (also for the driveway and parking area in the rpa of T4). Rather than excavation I would hope the developers would use a "no-dig" construction to prevent root damage.

There is a note on the Tree Protection Plan proposing a site specific method statement for details of the location and specification of fencing and ground protection, provided as a condition on any consent, once initial clearance has taken place. This is sensible but any condition should require implementation of the tree protection measures before any construction related activity other than initial clearance takes place. Note that: - The ground protection / "no-dig" footpath construction may need to be extended to the newly retained Sycamore in G6 - from recollection, the size of the tree suggests the rpa shown on the plan may be too small. - Areas of proposed tree planting and soft landscaping should also be fenced, to protect soils from compaction during any demolition or construction works.

The species suggested in the Landscape Strategy Plan are a reasonable selection but more detailed proposals showing specific locations and planting sizes should be submitted, also perhaps as a condition.

Initial comments received 31 May 2023

These comments are based on documents provided with the application and a site visit on 17th May 2023.

The Application proposes two new detached dwellings and the conversion of existing farm buildings to residential use.

An Arboricultural Survey and Impact Assessment, dated September 2022, has been submitted in support of the application. It identifies six individual trees (4x Sycamore, 1x Hawthorn, 1x Silver Birch) and six groups of trees (predominantly Sycamores, with some Hawthorn and Birch, also a group each of Cypress and of Laurel) on the site. Recommendations in the schedule of trees suggests all but two mature Sycamore are to be removed, but this is not entirely clear from the tree removal plan at Appendix 4 (which suggests T's 1 & 2 (young Sycamore, 7m to 8m in height) are also to be retained).

A tree removal plan from Clague Architects (also dated September 2022) appears to be based on a slightly different tree location base plan. This plan is not annotated with tree numbers from the report, and differs slightly from the plan in the Arb Survey.

These comments are based on the numbering and location provided as part of the Arb Report.

T1 Sycamore Small, young tree, not shown on the Clague plan. Proposed fell to clear utility wires in Arb report. Although on boundary with Shuart Lane it's growing into o/h wires and not considered appropriate to retain.

T2 Sycamore Small, young tree, shown removed on Clague plan and proposed fell to clear utility wires in Arb report. It's growing immediately adjacent to a utility pole and into o/h wires, not considered appropriate to retain.

T3 Hawthorn Group of early mature trees at entrance, proposed fell in Arb report to provide visibility splay, not shown on Clague plan. Potentially nice feature at the entrance, attempt retain if not within vision splay.

T4 Sycamore Mature tree, proposed for retention. Likely multi-stemmed, condition hidden by dense ivy and may need checking / cleaning out but not that close to proposed dwelling so support retention.

T5 Sycamore Mature tree, proposed for retention. As above, likely multi-stemmed, condition hidden by dense ivy and may need checking / cleaning out but away from proposed dwelling so support retention. Crown possibly unbalanced by previous cutting back from adjacent utility pole.

G6 Sycamore Group of trees adjacent to road, in the south-west corner of the site, proposed for removal and replacement. There appears to be a very large Sycamore at the northern end of the group, in apparently good physiological condition, but dense undergrowth hides whether it is a single multi-stemmed tree or a collection of separate stems. It is well away from development and I would like to see some initial clearance to see whether it is suitable for retention. The other trees in the group cannot really be assessed due to the extent of vegetation around them but again some initial clearance may reveal some worthy of retention.

G7 Identified as a "messy" group of Birch, Sycamore and Hawthorn in the Arb report, to be removed and replaced. Not shown on Clague plan. The area is very overgrown with much dead wood, with the majority of trees not seen from the road. Generally support removal and new planting but there is a Sycamore adjacent to the road in the south-west corner of the site that perhaps could be looked at for retention.

G8 Appears to be a relatively young Sycamore surrounded by dense ivy and bramble, proposed for felling and replacement. Unclear if it would be in the garden to Plot 7 or a landscaped green buffer zone shown on proposed site plan. Not a significant tree, and not visible from the road, but could perhaps be retained to provide some age to the landscaping scheme.

G9 Cypress Linear group of trees near barn, proposed for removal. They are in poor condition, previously topped at around 5m, with dead wood and broken branches. Support removal.

T10 Birch Mature tree, close to retained buildings, proposed for felling. In poor condition, support removal.

G11 Laurel Likely planted as a hedge and now overgrown. Only partially shown on Clague plan. Support removal.

G12 Identified as Elder, Buddleia and bramble scrub, to be removed to accommodate development proposals. Again, only partially shown on Clague plan. A linear group or overgrown hedge immediately adjacent to an existing farm building, poor condition, support removal.

I noted a couple of other trees, not listed in the survey. One is a young Sycamore, currently growing immediately adjacent to an existing farm building being removed, possibly shown retained on the Site Plan in the garden to Plot 1. I think retention would be optimistic and have no objection to removal.

The other is a young, clipped Holly on the garden boundary of the existing cottage, shown removed on the Clague plan. Not a significant tree, no objection to removal.

TDC Conservation Officer - Updated comments received 15 August 2023

Following a review of the proposed amendments I maintain my no objections to the proposed work.

Initial comments received 03 May 2023

Crumps Farm is a complex of listed, industrial and out building properties located within the St Nicholas at Wade conservation area, a short distance from the main village thoroughfare. This application looks to redevelop the site as whole, demolishing modern functional aspects and then constructing more design conscious residential dwellings.

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.'

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.

Reviewing the design and access statement the general principle of this application is that where possible the existing fabric is going to be retained where possible and incorporated into the development alongside new features which would not appear out of context in the same setting. Where fabric is failing or past repair a sympathetic or industrial choice has been made in order to reflect the scheme that was approved throughout the rest of the site. Given the nature of the buildings being reinstated and their industrial and functional past, this approach is supported and deemed appropriate and positive. It is clear throughout images included as part of the application, as well as the site visit, that if no action is taken these buildings will degrade further and will likely fail at some point and become unusable.

More specifically the listed barn has been very much treated in the manner discussed above. Features which are currently lost or failing are to be reinstated whilst the main structure and fabric of the barn will remain as it is just incorporated into the scheme. There is no requirement for the removal of the detailed timber frame in order to add an additional floor to the property which is positive, with all remaining lower bays staying intact too. Elsewhere in the scheme newly proposed properties are reflective of the form and palette already in existence across the site and therefore considered to form a cohesive and balanced appearance.

The design approach to the proposed redevelopment appears to be thoughtful of the constraints of the site whilst reflective of the land's agricultural past and functional use. These design principles have not only been applied to the buildings themselves but also any proposed smaller outbuildings and garages. the existing and proposed boundary treatments, hard surfaces and generalised landscaping. All of which combined result in a cohesive scheme which appears appropriately in the context of the existing listed farmhouse whilst retaining character and a clear definitive influence.

The surrounding conservation area will be somewhat impacted by the proposed changes as part of this development due to the nature of change within its context. With that being said the conversion of these properties ensures their future use and maintenance, ultimately improving the external outlook of the site and as such its setting and appearance in the context of the surrounding conservation area.

Overall I would consider the setting and the appearance of the main listed property preserved and improved by the proposed scheme. Whilst the additional assets of historical importance sympathetically converted, ensuring their sustained maintenance and use as part of the farm complex. As such I consider that local and national legislation has been complied with and I do not object to the application proposed.

If this application was to be approved I would suggest conditions providing samples of any external materials alongside a schedule of detailed drawings for the windows as well as a finalised landscaping and hardstanding plan.

TDC Environmental Health - A Phase 1 contamination report has been submitted and reviewed, indicating a low-medium risk for contaminations given the former agricultural use. It recommends sampling and the following safeguarding condition is recommended. In terms of noise impacts, the proposed use will have less potential for adverse effects than the current commercial use.

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:

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.

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.

TDC Waste and Recycling - As with all new developments we wish to be kept advised of progress. As always we have concerns around access, parking, street furniture placement and residents being moved onto the site prior to building works being completed. For us to collect we will need to see proof of vehicle tracking, site completion and will need to make a site visit prior to collections starting.

COMMENTS

This application has been called in to the Planning Committee for a decision by Councillors Reece Pugh and Abi Smith with concerns about increased traffic, the impact upon biodiversity, trees, heritage assets, highway safety, the local community and services.

Principle

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

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

Policy SP01 sets out the spatial strategy for the district. It states that the primary focus for new housing is the district's urban area. The supporting text to the policy explains that the strategy has been determined by the size and geography of the district with the largest settlements following the coast forming the urban area. It also reflects constraints such as international and national wildlife designations and the presence of predominantly grade 1 agricultural land beyond the urban area.

Policy SP24 (Development in the Countryside) of the Local Plan states that development on non-allocated sites in the countryside will be permitted for either:

- 1) the growth and expansion of an existing rural business;
- 2) the development and diversification of agricultural and other land based rural businesses;
- 3) rural tourism and leisure development;
- 4) the retention and/or development of accessible local services and community facilities; or
- 5) the redevelopment of a brownfield site for a use that is compatible with its countryside setting and its surroundings. Isolated homes sites in the countryside will not be permitted unless they fall within one of the exceptions identified in the National Planning Policy Framework.

All development proposals to which this policy applies should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated.

At the current time, the District Council cannot demonstrate a 5 year supply of housing land. Consequently, the Council's policy SP01, which focuses housing development within the urban area, is considered out-of-date and the weight attached to this policy is limited. In accordance with paragraph 11 of the NPPF, applications for housing should be considered in the context of the presumption in favour of sustainable development. Paragraph 11 of the NPPF describes the presumption in favour of sustainable development and closes by saying that where development plan policies are out of date, planning permission should be granted "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be refused".

The site is located close to the village confines and comprises a number of existing structures including an existing dwelling.

Given the above, the benefits of the development including the provision of additional housing, must be weighed against any harm that may result.

Character and Appearance

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

Paragraph 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 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 states that 'within conservation areas, development proposals which preserve or enhance the character or appearance of the area, and accord with other relevant policies of this Plan, will be permitted'. For extensions the policy requires that the 'character, scale and plan form of the original building are respected and the extension is subordinate to it and does not dominate principal elevations'; and that 'appropriate materials and detailing are proposed and the extension would not result in the loss of features that contribute to the character or appearance of the conservation area'.

Policy HE03 of the Thanet Local Plan 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 and the significance of the heritage asset in accordance with the criteria in the National Planning Policy Framework.

Policy QD02 of the Thanet Local Plan 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 site falls within the St Nicholas at Wade Undulating Chalk Farmland Landscape Character areas as defined by policy SP26 of the Thanet Local Plan. Within these areas development proposals should demonstrate how they respect and respond to the character, key sensitivities, qualities and guidelines of the relevant landscape character areas. All development should seek to avoid skyline intrusion and the loss or interruption of long views of the coast and the sea, and proposals should demonstrate how the development will take advantage of and engage with these views.

Development proposals that conflict with the above principles will only be permitted where it can be demonstrated that they are essential for the economic or social well-being of the area. In such cases, landscape impacts should be minimised and mitigated as far as possible.

The single storey barns in the north western corner of the site adjacent to Shuart Lane, the large barn located to the rear of the Dutch Barn, the outbuildings located to the east of the Dutch Barn and the stores adjacent to the listed barn are considered to be of limited historical or architectural merit and, therefore, their demolition is not considered to result in any significant harm to the character and appearance of the area.

The dwellings on plots 2, 3, 5, 6, 7, 8 and 9 would be created through the conversion of existing buildings on the site and are set away from the entrance to the site.

Plots 2 and 3 would be created through the conversion of an existing Dutch Barn. The existing metal cladding would be replaced with new metal cladding and new openings would be inserted in the elevations of the building. These alterations would not significantly alter the form of this building.

Plots 5, 6 and 7 would be created through the conversion of the existing cottages and the attached barn. Plots 8 and 9 would be created through the conversion of the grade II listed barn. Plot 5 is currently two dwellings, however appears to have originally been one dwelling that was converted to two dwellings following the addition of extensions to the eastern and western sides of the property. The demolition of these extensions and the conversion of this building back to a single dwelling is considered to help restore a historic arrangement of this part of the site and improve the appearance of this building. The proposed extension is considered to be of an appropriate scale and design. The existing attached and detached store buildings around these plots would be removed and plots 6-9 would be located within the existing main barn buildings. The corrugated cladding would be removed the elevations and roofs of these barns and replaced with Kent Peg tiles and black weatherboarding. The existing brick and flint plinths would be retained and repointed. A number of doors and windows would be inserted around these barns and the pitched roof midstreys would be resorted to the southern elevation of the listed barn. The applicant has provided historic photographs and the proposed design and arrangement of these buildings would appear to closely reflect the historic design and form.

Plot 1 is a new dwelling that would replace the existing stable and store buildings in the north western corner of the site and would be the closest dwelling to Shuart Lane. The existing buildings are clearly visible from Shuart Lane, the entrance to the site and the public right of way. They are considered to be of limited architectural merit and their removal is not considered to result in any significant harm to the character and appearance of the area. The proposed dwelling would be two storeys in height and constructed from brick and black weatherboarding to the elevations and Kent Peg roof tiles. The design and materials are considered to be appropriate for the character of the area and whilst it would be clearly visible from the public realm, given the quality of the existing buildings in this location the proposed dwelling would have a neutral impact upon the setting of the nearby listed buildings and the adjacent conservation area.

Plot 4 is also a new build dwelling and has been designed as a Dutch Barn similar to the existing Dutch Barn at plots 2 and 3. This dwelling would be positioned on the location of an existing single storey store building and close to the large building that is currently located to the north. Given the existing Dutch Barn on the site the provision of a new dwelling with the same form is considered to be appropriate.

The proposed new build dwellings would not extend closer to the listed barn than the existing Dutch barn and the removal of the existing store buildings around the site is considered to be a significant improvement in the space around the buildings and the wider site. Gardens for the dwellings would be directed towards the boundaries of the site and a green buffer zone is proposed to the rear of the gardens on the northern and eastern

boundaries of the site. The creation of additional space on the site through the removal of a number of the existing buildings and the arrangement of the gardens and buffer zones is considered to provide a suitable transition to the surrounding open countryside.

The existing entrance to the site would be widened and a permeable bound gravel surface is proposed across the site with cobble setts for parking demarcation. The site is currently covered by a mixture of hard surfaces that are in a significant state of disrepair. The proposed hard surfacing would provide a consistent appearance across the site and is considered suitable for the rural and historic context.

The site is largely open with hard surfacing, however there are pockets of trees and soft landscaping around the site and due to the limited recent use a number of areas are overgrown. A tree report has been submitted with the application and reviewed by the Council's Arboricultural Consultant. As noted above the southern part of the site is located within the Conservation Area, however there are no Tree Protection Orders on the site. The initial plan proposed the removal of a number of individual trees and groups within the site. Two large trees were identified for retention on the boundary with Shuart Lane, however the remaining trees and soft landscaping would be removed from this boundary. During the application process an amended plan was submitted to provide a footpath within the site along the boundary with Shuart Lane from the boundary with the church to the entrance to the site. This amended plan has identified an additional tree on this boundary to be retained. The existing trees on the site are considered to be of limited quality and the trees located away from the boundaries are considered to have a limited contribution to the amenity of the area. The removal of the soft landscaping and trees on the boundary with Shuart Lane would be the most visible alteration to the site in terms of existing landscaping. The amended plan has identified the largest trees in this area to be retained and the smaller trees and bushes in this area are considered to be of limited quality and could be removed without permission. The amended landscaping strategy proposes the planting of a large number of trees across the site, with many located on the northern, eastern and southern boundaries. Native hedgerows would also be planted around the boundaries of the dwellings and along the boundary of the proposed footpath. Following the submission of the amended plans, including tree protection measures and details of the no-dig construction of the proposed footpath the Council's Arboricultural Consultant has raised no objection to the development. Full details of the proposed landscaping and an arboricultural method statement would be secured by condition. It is acknowledged that this development would remove some of the existing soft landscaping around the site, however much of this landscaping could be removed without permission and the proposed soft landscaping is considered to be a significant improvement to the quality of the landscaping across the site.

This development would result in a change to the character and appearance of the site, however the alterations are considered to be a sensitive and considered approach to the change of use and redevelopment of the buildings and the site.

Given the existing buildings and the space around the site, this proposal is not considered to result in any significant harm to the character and appearance of the area, the conservation area, or the setting of the adjacent listed buildings. The alterations to the historic buildings on the site would change their character and appearance, however the removal of the modern buildings and stores is considered to be a significant improvement to the arrangement of the site and the proposed new dwellings are considered to be of a suitable scale and design.

Living Conditions

The closest residential dwellings are located to the south and west of the site.

On the western side of the site the closest neighbouring property is Ambry Court located on the western side of Shuart Lane. Given the location of this neighbouring property, the proposed dwellings are not considered to result in any significant loss of light sense of enclosure or overlooking.

The existing store buildings on the southern boundary of the site would be retained and converted to outbuildings for use in association with plots 7, 8 and 9.

No windows are proposed in the first floor southern side elevation of plot 7 and this existing building would not be altered in scale. Plots 8 and 9 would also be located in an existing barn and this building would also not be altered in scale. There would be a separation distance from the southern end of plot 7 to the boundary with the closest neighbour of 12m. There would be a separation distance of 26m from plots 8 and 9 to the closest neighbour. There are no neighbouring properties to the north and there would be a separation distance of 80m to the closest property to the east.

The use of the site for residential development is not considered to result in a significant increase in noise and disturbance compared to the existing use to warrant refusal of the application.

Given the arrangement of the site and the proposed dwellings this development is not considered to result in any significant loss of light sense of enclosure or overlooking to the neighbouring properties.

Noise and disturbance during construction is considered to be temporary in nature and would be covered by other legislation outside of the planning system/

All of the proposed dwellings would exceed the space standards set out in policy QD04 of the Thanet Local Plan and all habitable rooms would receive natural light, outlook and ventilation. All dwellings would also be provided with secure doorstep play space that would comply with policy GI04 of the Thanet Local Plan. It is therefore considered that the proposed development would provide an acceptable standard of accommodation for the future occupants.

Transportation

The existing vehicular access from Shuart Lane would be used to access the site. Some minor alterations would be required to this access to ensure that adequate visibility and space is provided for vehicles, including refuse lorries to access the site. Tracking plans have been provided during the application process and demonstrate that vehicles up to the size of a 13m long refuse lorry can enter and exit the site in both directions in a forward gear.

Each dwelling would benefit from a minimum of two allocated parking spaces with the larger dwellings being allocated three spaces. Each dwelling would also have an electric vehicle charging point and cycle storage in the rear gardens. Two visitor parking spaces would be provided in the site. Given the proposed number of spaces it is considered that adequate parking would be provided within the site.

There are a number of public rights of way in and around the site. TE1A is a public footpath that extends from the entrance of the site alongside Shuart Lane to the crossing with the Thanet Way. TE3 is located to the north of the site, extends across the northern boundary and then to the north west and TE2 extends from Sun Lane to meet TE3 to the north east of the site.

An amended plan has been submitted during the application process relocating plot 1 to ensure that the section of TE1A located within the site would be retained.

The amended plan has also added a public footpath that would run alongside Shuart Lane within the site from the boundary with the church to the existing entrance to the site. This is considered to improve highway safety in this section of Shuart Lane where there is no footpath and also improve connectivity to the public footpath in the northern section of the site.

KCC Highways have indicated that in addition to the above measures to ensure pedestrian and highway safety a 20mph speed limit zone for the village. The applicant has agreed to provide a contribution of £15,000 to facilitate the 20mph speed limit zone. KCC would pursue the Traffic Regulation Order to change the speed limit in the village.

Concern has been raised regarding the requirement for neighbouring accesses to be altered due to the increase in traffic that would result from this development. KCC Highways have reviewed the application and consider that the increase in traffic that would result from this development would be negligible. Given the extant use of the site and the number of dwellings proposed this development is not considered to result in any significant increase in traffic. The development has been reviewed taking into account the arrangement of the neighbouring properties and accesses and any alterations to the access of neighbouring properties would be considered on their own merits where applications are required.

Given the extant use of the site, the number of dwellings that are proposed, the proposed improvements to the access to the site for both pedestrians and vehicles and the changes to the speed limit throughout the village that are proposed by the applicant, this development is not considered to result in any significant harm to highway safety.

Biodiversity

The site has boundaries with open countryside to the north, east and west. A number of the buildings on the site appear to have openings that would be suitable for wildlife and appear to have been unused for an extended period of time. Large areas of the site are also either covered in soft landscaping or are overgrown. It is therefore considered that the site has significant potential for biodiversity.

Immediately to the south of the site the St Nicholas at Wade Churchyard is designated as a local wildlife site under policy GI02 of the Thanet Local Plan. This policy states that "Development which would have a detrimental impact on locally designated wildlife sites will not be permitted unless suitable mitigation can be provided either on or off site within Thanet. Exceptionally, where a strategic need for a proposed development is identified which outweighs the importance of the locally designated sites and cannot be located elsewhere, an equivalent area of habitat will be created elsewhere at a suitable location well related to other existing habitats.

Wherever possible and appropriate, new developments will provide a net environmental gain in accordance with Policy SP30, and include measures to enhance and improve wildlife connectivity to designated wildlife sites."

KCC Biodiversity reviewed the application and considered that the initial submission did not include sufficient information regarding the potential for Barn owls and reptiles on the site and the impacts of the development upon the adjacent local wildlife site. Subsequently a Reptile Survey report, additional ecological statement, and an updated landscaping strategy were submitted. These reports conclude that no reptiles have been found on the site and there are no suitable nesting platforms, ledges or cavities for Barn Owls, however, a small number of pellets were found, indicating intermittent use as a roost. The report recommends that a construction management plan is submitted to minimise dust, noise and light during construction to the adjacent local wildlife site. KCC Biodiversity reviewed the additional information and concluded that sufficient ecological information has been submitted. Consequently they have raised no objection subject to conditions requiring the submission of a construction management plan, landscape management plan, a biodiversity enhancement plan, sensitive lighting plan and for the development to be completed in accordance with the submitted bat mitigation strategy.

The extant uses of the site relating agriculture, horse riding and the dwellings have the potential to generate significant levels of activity and whilst much of the site is overgrown, large areas could be cleared without the need for planning permission.

Given these uses, the locations of the proposed buildings compared to the existing buildings and subject to the conditions requested by KCC Biodiversity this development is not considered to result in any significant harm to biodiversity in the area.

Financial Contributions

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

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

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

The applicant has provided a legal agreement securing the SAMM contribution and, therefore, it is considered that the impacts of the development upon the special protection area around the Thanet Coast would be sufficiently mitigated.

The applicant has also agreed to provide a legal agreement securing the £15,000 contribution towards changing the speed limit within the village to 20mph. Therefore subject to the submission of a completed and signed unilateral agreement, the impact upon highway safety is considered to be acceptable.

Drainage

Concern has been raised regarding the impact of the development upon drainage in the area. The site is located in flood zone 1 and therefore has a low probability of flooding from rivers and the sea.

The applicant has indicated that the development would be connected to mains drainage and a formal application would be required by the development to Southern Water for this connection. Southern Water have provided a number of requirements to ensure that existing infrastructure would be protected and the developer has confirmed that they would comply with these requirements.

Kent County Council Flood and Water Management have also reviewed the application and stated that the submitted surface water drainage strategy is incomplete. The applicant has requested that the required information is submitted via a pre-commencement condition. Submitting the information at application stage would allow any required alterations to the layout to be completed prior to determination. Given that the built development is largely located in the same location as existing built development a pre-commencement condition is considered to be acceptable in this instance. Should alterations to the layout of the site be required the applicant would have to submit a further application for planning permission.

It is, therefore, considered that subject to the details of the proposed drainage scheme being submitted by condition, this development would have no significant impact upon drainage or result in an increased flood risk in the area.

Other Matters

Concern has been raised regarding the impact of the development upon local facilities. As the total proposed increase in dwellings on the site is seven this is below the threshold for affordable housing contributions and the level for contributions for community infrastructure in the Thanet Local Plan. An additional eight dwellings in this location is not considered to result in significant harm to community infrastructure or facilities and contributions are not required in this instance.

Comments have been submitted stating that the public right of way has been blocked for a significant period of time. As noted above the amended plans maintain the public right of

way. Maintenance and enforcement of public rights of way is a separate matter that falls outside of the planning system.

Concern has been raised regarding the number of developments in the area. Each case is considered on its own merits. Extant and approved planning applications are considered in the decision making process.

A Phase 1 contamination report has been submitted and reviewed by the Council's Environmental Health Department. This report indicates a low-medium risk for contaminations given the former agricultural use. The Environmental Health Department have recommended conditions securing further investigation and remediation measures if required. A construction management plan has also been requested to secure details to prevent noise and disturbance and pollution.

Given the location and previous use of the site these conditions are considered to be appropriate and necessary 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 application would provide eight new dwellings on the site and the existing pair of dwellings would be converted to a single dwelling resulting in an increase of seven dwellings on the site. This is considered to be a modest contribution to the district's housing supply.

This proposal would remove a number of modern buildings and stores from around the site which is considered to improve the setting of the historic buildings on the site that would be retained. The proposed new build dwellings are considered to be of an appropriate scale design and location for the historic character of the site and whilst the change of use of the remaining historic buildings and the wider site to a residential use would be an alteration to its character, the proposed alterations are considered to be a sensitive and considered approach to the listed and historic buildings that are retained on the site.

Following the submission of additional information and subject to the required conditions the proposed development is not considered to result in any significant harm to the living conditions of the neighbouring property occupiers, biodiversity, highway safety, drainage or protected sites in the area.

Whilst there would be some alteration to the character of the site, this would be a local impact and the benefits of providing the additional housing on the site would outweigh this harm. It is therefore considered that this development would comply with the Thanet Local Plan and the National Planning Policy Framework and should be deferred and delegated to officers for approval subject to safeguarding conditions and the receipt of a legal agreement securing the contribution towards altering the speed limit in the village.

Case Officer
Duncan Fitt

measures for hedgehogs will be carried in accordance with the details in sections 10 of the Preliminary Ecological Appraisal (Native Ecology October 2020).

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

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

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

GROUND:

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

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

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted,
- the retention of the mature hedgerow along the southern boundary of the site,
- the treatment proposed for all hard surfaced areas beyond the limits of the highway,
- walls, fences, other means of enclosure proposed,
- ecological enhancements to be provided within the site;

shall be submitted to, and approved in writing by, the Local Planning Authority.

GROUND:

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

7 All hard and soft landscape works shall be carried out in accordance with the approved hard and soft landscaping plans. 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

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

GROUND:

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

9 Prior to the commencement of the development hereby approved, a 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.

GROUND:

In the interests of amenity for future occupiers in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF

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

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

GROUND:

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

11 Prior to the first occupation of the development, the area shown on plan numbered 167_006.PL3.2 for the parking of vehicles shall be operational. The area approved shall thereafter be maintained for that purpose.

GROUND:

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

12 Prior to the installation of the boundary treatment to the northern boundary of the site, details of the height, design and materials of the boundary (which may include a retaining wall), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved boundary details.

GROUND:

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

13 The refuse storage facilities as specified upon the approved drawing numbered 167_006.PL3.2 shall be provided prior to the first occupation of the dwellings hereby approved and shall be kept available for that use at all times.

GROUND:

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

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

GROUND:

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

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

GROUND:

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

16 Prior to the first occupation of the dwellings hereby permitted a sprinkler system shall be installed within the dwellings, as agreed by the agent in correspondence received 10 August 2023. The sprinkler system shall be made operational and thereafter maintained.

GROUND:

To protect the safety of future occupiers, in accordance with Policy QD02 of the Thanet Local Plan.

17 The first floor window in the side elevation of the plot 1 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.

18 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

19 No further extensions, alterations or insertion of windows to plots 2, whether approved by or 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

GROUND:

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

INFORMATIVES

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

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/>

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.

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/>

It is the responsibility of the applicant to ensure, prior to the commencement of the development hereby approved, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being 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 such legislation and common law. It is therefore important for the applicant to contact KCC Highway and Transportation to progress this aspect of the works prior to commencement on site

SITE, LOCATION AND DESCRIPTION

The site is currently accessed from Northwood Road, and physically forms part of a much larger site, all of which is previously undeveloped land that has historically been used as an orchard and agricultural use. The application site is in separate ownership to the adjoining northern larger site, but there is no physical boundary treatment between them. The two sites form part of one allocated housing site within the Thanet Local Plan.

The site is located at the end of Fairlawn Road, with a fence preventing either vehicular or pedestrian access onto the site from Fairlawn Road. Fairlawn Road is a cul-de-sac, containing semi-detached 2-storey dwellings.

To the west of the site is Broadstairs Retail Park, located within Westwood Town Centre. The site backs close onto the rear service yard area serving The Range retail unit.

To the east of the site are existing residential properties that front Northwood Road, including a bungalow and 2-storey detached and semi-detached dwellings.

The site is a green undeveloped area of land. Historically a few boundary trees were located within the site but these have since been removed. The site does not fall within a conservation area and the trees were not covered by a TPO, so consent for their removal was not required.

RELEVANT PLANNING HISTORY

F/TH/22/0653 - Variation of condition 8 of planning consent F/TH/21/1732 Erection of 6no. dwellings (4no four bedroom dwellings and 2no three bedroom dwellings) with associated access, parking and landscaping to allow for the use of Fairlawn Road for construction traffic
Granted - 21 October 2022

F/TH/21/1732 - Erection of 6no. dwellings (4no. Four bedroom dwellings and 2no. Three bedroom dwellings) with associated access, parking and landscaping
Granted - 13 April 2022

There is also a pending application for the adjoining site to the north :-

F/TH/21/0671 - Erection of 12No 3-bed dwellings, 26No 4-bed dwellings, 3No 1-bed flats, and 3No 2-bed flats, together with associated access, parking and landscaping, following demolition of existing structures.

PROPOSED DEVELOPMENT

The application was originally submitted for the erection of 4no. dwellings, but following negotiation the number of units have been reduced and the layout and design of the scheme amended.

The application is now for the erection of 3no. dwellings, including a 4-bed 2-storey detached dwelling and 2no. 2-bed 2-storey detached dwellings, with a continuation of Fairlawn Road to access the dwellings. The larger detached dwelling is located on the west side of Fairlawn Road, with a front driveway that contains a single detached garage and space for at least three vehicles to park, and a rear garden. The two smaller detached dwellings are setback on the eastern side of Fairlawn Road, and are of a chalet bungalow design with the first floor accommodation within the roofspace. Each property has a designated parking space, and a rear garden area. A further five parking spaces are provided opposite the dwellings, two of which are designated for the dwellings, with the other three available for visitor use.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

- SP01 - Spatial Strategy - Housing
- SP29 - Strategic Access Management and Monitoring Plan (SAMM)
- SP30 - Biodiversity and Geodiversity Assets

SP35 - Quality Development
SP43 - Safe and Sustainable Travel
SP45 - Transport Infrastructure
HO1 - Housing Development
GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
HE01 - Archaeology
CC02 - Surface Water Management
SE04 - Groundwater Protection
SE06 - Noise Pollution
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

Broadstairs and St Peters Neighbourhood Plan

BSP9 - Design

NOTIFICATIONS

A site notice has been posted and neighbouring occupiers notified. Three letters of objection have been received raising the following concerns:

- Loss of privacy,
- Should be no access provision to the site to the north,
- Five bed property will appear out of place,
- Roof terrace will overlook,
- Building is too high,
- Loss of trees and impact on wildlife.

Broadstairs and St.Peters Town Council - No comment

Broadstairs Society - No comment

CONSULTATIONS

KCC Highways and Transportation -

(Final Comment)

The proposal has been reduced to 3 units as opposed to 4, whereby comments were previously made in relation to the parking.

The current arrangement of refuse vehicles reversing along Fairlawn Road is to remain to service the proposed dwellings, which is considered acceptable.

Tracking has not been provided to illustrate that a fire tender can access the site. It is understood that an integrated sprinkler system is to be installed in all properties, which is acceptable in line with Kent Fire & Rescue guidance.

Plot 1 proposes garages, which do not count towards parking standards. However, there is sufficient space for vehicles to be parked within the gates curtilage of the dwelling. Each dwelling proposes 2 independently accessible parking spaces, alongside a further 1 visitor space per dwelling. In line with this I am satisfied with the level of parking proposed.

While the gates for Plot 1 are not set back by 5 metres from the highway edge, it is considered that there is sufficient space available for vehicles to pass should one be waiting for the gates to open.

Bike storage is illustrated for Pots 2 and 3 which is acceptable.

In line with the previously approved scheme (F/TH/21/1732) a suitable Construction Management Plan should be secured by way of a suitable condition. Sufficient information will be required to mitigate disruption during the construction phase, which should include (but not limited to) timings of deliveries and the restriction of vehicle sizes.

In line with the above, I confirm that subject to safeguarding conditions that no objections are raised on behalf of the Local Planning Authority.

(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 :-

I understand that prior application has been granted at this site (TH/21/1732) for 6 dwellings which could not be delivered. Therefore, the applicant is now seeking to erect 4 dwellings with an access point via Fairlawn Road, whereby the existing carriageway is proposed to be extended to serve the 4 dwellings. This includes the extension of the existing footway. In anticipation of a site to the North undergoing development (TH/21/0671), there should be submission and approval of a pedestrian link between the application site and the site to the North. Although the applicant has acknowledged that this site is yet to undergo construction, both sites should work cohesively and encourage pedestrian links upon completion. I would advise this be conditioned should the LPA be minded to grant this application.

It is understood that refuse freighters currently reverse along Fairlawn Road, and the current proposal seeks to maintain this strategy. Confirmation should be sought from Waste and Recycling as to whether this strategy is appropriate for the increased distance. If Waste and Recycling are not satisfied with this strategy and wish to enter and exit site in a forward gear, swept path analysis will be required to demonstrate that fire tenders can enter and site and turn within the turning area

The following matters require further clarification or amendment so that I may submit my further comments, for ease I have separated Plot 1 as this raises different concerns than Plots 2, 3 and 4.

Plot 1;-

As per the Kent Parking Standards, garages do not count towards parking provisions due to their under utilisation. 2 independently accessible parking spaces serving this dwelling should be provided measuring a minimum of 2.5m wide by 5m in length. This width should be increased to 2.7m if the bay is restricted by a hard boundary such as a wall on one side.

If the applicant intends to maintain the garage and provide an additional 2 bays, it should be noted that if situated in front of a garage, spaces should be 6m in length.

Plot 1 has been drawn with a gated access however this should be setback a minimum of 5m from the highway edge, allowing vehicles to pull off of the highway fully should the gates be closed.

Bound surface should be used for a minimum of 5m from the highway edge at the plot access, to ensure no debris is dragged onto the highway by vehicles.

All dwellings with private off-street car parking should have an electric vehicle (EV) charging point installed and this should be subject to a planning condition. 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>. EV charging should be represented on an amended site plan.

Plots 2, 3 and 4;-

These plots have proposed car ports to provide 1 of 2 parking bays. As these ports are enclosed on three sides, they should measure a minimum of 2.9m in width and 5.5m in length to provide suitable space for one vehicle.

Additional bays provided opposite plots 2-4 should all measure a minimum of 2.5m in width and 5m in length.

All dwellings with private off-street car parking should have an electric vehicle (EV) charging point installed and this should be subject to a planning condition. 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>. EV charging should be represented on an amended site plan.

To the best of my knowledge plot 3 has no cycle storage demonstrated. This should be shown on an amended site plan.

All dropped kerb driveways should demonstrate pedestrian visibility of 2 metres x 2 metres from either side of the access, with no obstruction above 0.6 metres within the splays.

KCC Archaeology - Thank you for consulting on the above application for residential development on this piece of agricultural / farm land. I provided advice in November 21 on the site immediately north and I repeat that advice for this site concerning archaeology though I note the former barns are not included in this site.

The submission for the site to the north included a desk based study compiled by MOLES Archaeology that provided a good account of the rich archaeological potential of the site and the surrounding area. It also illustrated that the site was the location of a former farm since at least the beginning of the 19th century and possibly the 18th century according to historic maps. The farm appears on the Kent Historic Farmsteads survey and in the Kent Historic Environment Record. Of the present buildings on the site, a couple of barns, the southern one appears to date to the late Victorian period according to historic maps. Significant multiperiod archaeology has been found in the area of the business park to the north including remains of Neolithic, Bronze Age and Iron Age date. A Palaeolithic hand axe was found in brickearth deposits in the college site to the north. A Bronze Age gold penannular ring was found by a detectorist in the area of the site according to Portable Antiquities Scheme database. The site has been generally open land and relatively undisturbed.

Given the above archaeological potential and the potential impacts of groundworks from the development across the site, it would be appropriate to make provision in any forthcoming planning consent for a programme of archaeological works. A safeguarding programme of archaeological work condition would be appropriate.

KCC Biodiversity -

(Final Comments)

We have reviewed the updated site plans and we advise that the comments we provided in March 2023 are still valid.

We have reviewed the ecological information submitted in support of this application and we advise that sufficient ecological information has been provided to determine the planning application.

Habitat of Principle Importance

The ecology report cites a "...native species hedgerow of hawthorn (*Crataegus monogyna*) partially covered in thick ivy (*Hedera helix*)", present along the southern and western site boundaries, as a habitat of principle importance (as defined in section 41 of the NERC Act 2006).

The site plan shows the southern hedgerow as being (mostly) removed, which does not appear to be in keeping the mitigation hierarchy (BS:42020). We also highlight that this habitat removal would not be in alignment with section 40 of the NERC Act (2006), which cites a local authority's duty to maintain biodiversity through the planning process.

As such, we strongly recommend that the southern boundary vegetation is retained in the proposed layout of the development. If this cannot be achieved we recommend that all the hedgerows proposed for the development are mixed native species.

We advise that if planning permission is granted a detailed planting plan is submitted as a condition of planning permission. We have not provided specific condition wording as TDC will be better placed to write that condition wording.

Bats

The mature popular trees on the western boundary have been assessed as having low potential to be use by roosting bats. It our understanding that those trees will be retained and therefore we are satisfied that no further information regarding these trees are required.

The ecology report cites the potential for bats to forage and commute around the site. Lighting can be detrimental to commuting and foraging bats so we advise that the external lighting of the development should be designed in a way that minimises the impact on bat activity.

To mitigate against potential adverse effects on bats, and in accordance with paragraph 180 of the National Planning Policy Framework 2019, we suggest that the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority, as recommended in the ecology report, and secured via an attached condition with any planning permission.

Thanet and Canterbury SAMMS

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

Hedgehogs

Under the NERC Act (2006), hedgehogs are a priority species. As hedgehogs may be present in the area, precautionary mitigation measures have been proposed. This includes pre-works checks and the covering of excavations overnight (also benefiting other

protected species, such as badgers). Therefore, we advise that a condition is attached to planning permission (if granted) to ensure the implementation these measures.

Breeding Bird Informative

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation that may provide suitable nesting habitats should be carried out

outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged.

Ecological Enhancements

Under section 40 of the NERC Act (2006) and paragraph 174 of the NPPF (2021) biodiversity should be maintained and enhanced through the planning system. Suitable recommendations have been made in ecology report, which includes native hedge planting and provision of bird boxes.

To ensure enhancements are implemented, we advise that a condition is attached to any granted planning permission.

TDC Waste and Recycling - As with all new developments we wish to be kept advised of progress. As always we have concerns around access, parking, street furniture placement and residents being moved onto the site prior to building works being completed. For us to collect we will need to see proof of vehicle tracking, site completion and will need to make a site visit prior to collections starting. There also appears to be a bin pick up point at the entrance to the development, whilst we are happy with bin stores, we are not happy to collect from collection points. When a number of bins are presented in one point we are unable to identify which properties have not presented bins, which have contaminated them, who has damaged or missing bins. It is also reliant on residents taking their bins back to within the boundary of their properties. It is also very hard to enforce once the developers have moved on.

TDC Environmental Health - The site is in close proximity to a retail park which means there is a potential for noise to be caused by the operation of the retail premises including deliveries and mechanical plant. A noise assessment is required to assess the impact on the new dwellings along with any mitigation measures needed.

Environment Agency -

(Final comment)

We have no further comments to make on this planning application, Beyond those in our previous comments, dated 8 March 2023.

(Initial Comment)

Due to the scale, nature and setting of this proposal and the supporting information submitted, we have assessed this proposal as low risk. We therefore do not have any specific comments to add.

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

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.

COMMENTS

The application is brought before members as it had been called in by Cllr Garner, to enable members to consider access issues during the construction phase within Fairlawn Road, and access issues for residents of the new houses.

Principle

The site lies within the urban confines. The site is sustainably located within close proximity of facilities and services and the bus stop, and is walking distance of Westwood Town Centre. The site is allocated for housing under Policy HO1 of the Thanet Local Plan, for a notional 45no. dwellings (when combined with the neighbouring site to the north). The proposal therefore complies with Policies SP01 and HO1 of the Thanet Local Plan.

The principle of development has been accepted through the original application F/TH/21/1732, which is an extant consent that expires on the 12th April 2025. The principle of development is therefore considered to be acceptable, subject to other material considerations.

Character and Appearance

Policy QD02 of the Local Plan outlines that the primary planning aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

The previously approved application was for 6no. dwellings, with three dwellings on either side of Fairlawn Road. The development continued the existing building line and provided development in keeping with the scale and general design of the properties in Fairlawn Road. Following the approval of that application a covenant on the land has been identified that restricts the number of units and the area of land that can be developed. The covenant prevents development on the eastern side of Fairlawn Road from following the building line, with the only option being a setback development.

The originally submitted application provided a deep detached dwelling to the west that projected forward of the front building line, with an associated double garage. To the east 3no. 2-storey terraced dwellings were proposed that were setback beyond the rear boundary of the adjacent neighbouring property. There were significant concerns with this proposed layout in that it poorly related to the existing pattern of development within Fairlawn Road,

and would have appeared significantly out of keeping with the character and appearance of the area.

Amended plans have been submitted that reduce the number of units to three, one to the west of Fairlawn Road (plot 1) and two to the east (plots 2 and 3). The layout of the units has changed, with the larger detached unit reorientated so that it follows the front and rear building lines of the existing properties in Fairlawn Road. Whilst still a larger detached unit, the dwelling is of a similar width to the pairs of semi-detached properties in Fairlawn Road, and is therefore of a form and layout that could be viewed as sympathetic to the existing pattern of development in the locality. A detached single garage is proposed within the front driveway, which has been reduced in size from the former double garage. The garage is 3.9m to ridge height, but is setback on the site, lying adjacent to the northern boundary. Amendments to the landscaping now show a grass verge and tree/hedge planting to the front and side boundaries of the driveway, which will help screen views towards the garage. Given its setback location, reduced scale, and the screening from soft landscaping, the garage is considered acceptable.

The smaller units are now detached, and whilst they are still setback (a requirement of the covenant), they have a more spacious setting, and have been reorientated so that they directly front the road rather than be angled towards the rear of the neighbouring property. The scale of the two smaller units has also been significantly reduced, changing from flat roof 2-storey dwellings at a height of 6.4m, to pitched roof bungalows with accommodation at roof level, at heights of 3.3m to eaves level and 6m to ridge level. This reduction in the number and scale of the units creates a more modest form of development that could be considered suitable and less visually intrusive in this setback location. The smaller dwellings are each provided with their own car parking space within the curtilage of the site, along with additional amenity space for refuse storage. Doorstep playspace is provided to the rear and side of the units, with space for soft landscaping.

The access road extends off of Fairlawn Road, with access to plot 1 directly to the north of Fairlawn Road, and access to plots 2 and 3 from a continuation of the access road that bends around to the right. Opposite the smaller units are 5no.parking spaces. Next to the parking spaces is a turning head, which is beneficial for existing residents given the lack of any existing turning arrangements within the road. Whilst the design of the road alters through this scheme, it provides more of a feature at the end of the cul-de-sac, with the added benefit of new soft landscaping, which will screen the parking spaces and provide a softening effect. The overall layout and scale of the development is therefore considered to be acceptable.

In terms of the design, plot 1 is pitched roof with gable ends, with a wide glazed entrance, and other large floor to ceiling windows fronting the street. Materials proposed include timber cladding and brick to the gable ends, brick to the front and rear elevations, roof tiles, and metal framed windows. Whilst the design does not replicate the fenestration visible on the neighbouring semi-detached properties, it is considered to be sympathetic to the general character visible within the road. The wider spacing between the proposed dwelling and the neighbouring property, along with its position at the end of the road, means that a slightly varied design will not appear out of character with the area, even with the uniform design that is currently present in the street.

Plots 2 and 3, as amended, have a narrow frontage, and a deep projection into the plots, that enable a pitched roof to be maintained. A slightly raised eaves level is provided in order to achieve the accommodation at roof level, but given the setback location of the units in relation to the neighbouring properties, the eaves level variation will not be highly visible to appear incongruous in the streetscene. A central entrance with windows either side are proposed, creating active frontages onto the street. In terms of materials the units are constructed of brick, with timber cladding at eaves level that will add interest to the front elevation, and tie in the elevations with that of plot 1. Metal windows and roof tiles are again proposed.

Overall, the layout, scale and design of the units, along with the proposed landscaping, are considered acceptable, and in keeping with the character and appearance of the area, in accordance with Policy QD02 of the Thanet Local Plan, Policy BSP9 of the Broadstairs and St Peters Neighbourhood Plan and the NPPF.

Living Conditions

Policy QD03 of the Thanet Local Plan states that 'all new development should be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions through overlooking, noise or vibration, light'.

Concern was raised with the originally submitted scheme, which included a first floor terrace area for plot 1, and first floor windows within the front elevation of plots 2 and 3, which would have resulted in a loss of privacy for neighbouring occupiers. The amended plans have addressed this issue. The roof terrace for plot 1 has been removed, and all side windows are to be obscure glazed, as agreed by the agent. Given the presence of the building in line with the neighbours front and rear building lines, there will be no overlooking subject to the safeguarding condition requiring obscure glazing to the side windows.

In terms of overlooking for plots 2 and 3, the reduction in height of the dwellings and the removal of the first floor main windows, along with the reorientation of the buildings away from the neighbouring property, means that the potential for overlooking has been reduced. The velux windows face towards the other proposed neighbouring unit rather than any neighbouring properties, and will therefore not impact upon existing neighbouring amenity.

No windows are proposed to the rear elevation of plots 2 and 3, and therefore there would be no overlooking to the neighbouring allocated housing site to the rear. In the same way the windows in the northern elevation of plot 1 facing the allocated housing site are obscure glazed, and will therefore not prejudice any future development of the allocated site to the north.

In terms of light and outlook, plot 1 is located 8m from the side elevation of the neighbouring dwelling, and will not project beyond their front and rear windows, and will therefore not affect their light or outlook.

Plot 3 is located at least 10m from the corner of the nearest neighbouring property, and beyond their rear boundary. Given the reduction in the height of plot 3, along with the distance the impact on light and outlook is considered to be acceptable.

All of the plots are provided with doorstep playspace in accordance with Policies QD03 and GI04 of the Thanet Local Plan.

There is space within the curtilage of the properties for cycle storage, refuse storage and clothes drying. On refuse collection days plots 2 and 3 will need to move their wheelie bins to the main Fairlawn Road, but there are footpaths proposed that will provide space for the refuse on collection day close to plot 1.

Plots 2 and 3 measure 110sqm, which exceeds the 79sqm requirement of the Nationally Described Space Standards set out within Policy QD04 of the Thanet Local Plan. Plot 1 measures 212sqm, which exceeds the 115sqm requirement of the policy.

The impact upon the living conditions of existing neighbouring properties, and future occupiers of the development, is therefore considered to be acceptable subject to safeguarding conditions, in accordance with Policy QD03 of the Thanet Local Plan and the NPPF.

Highway Safety

Planning permission has previously been granted for the development of the site, with access off of Fairlawn Road to be used for both future occupiers and during construction works.

The proposal seeks to continue with this access, with the main difference being the layout of the access, which now bends round to the east rather than continuing straight towards the northern boundary. Tracking plans for the access have not been provided, but the plans show that there is clearly space for cars to manoeuvre in the turning head provided, along with small vans. Larger HGVs would need to reverse into the road as they currently do, therefore the proposal does not create a worse situation than the current arrangement. This is the same for the waste and recycling vehicle, as confirmed by the waste and recycling team. On the basis of this arrangement, KCC have raised no objections to the proposed access layout.

In terms of access into the plots, the gates for plot 1 are not set back by 5 metres from the highway edge, however, KCC has advised that there is sufficient space available for vehicles to pass should one be waiting for the gates to open.

Given the limitations for fire engines to reach plots 2 and 3, the agent has agreed to the provision of a sprinkler system within the units to avoid the need for fire engines to manoeuvre, which KCC advise is in line with Kent Fire and Rescue guidance.

In terms of parking provision, each property is provided with a minimum of two independently accessible parking spaces, with plot 1 parking within the curtilage of the site, in addition to the garage, and plots 2 and 3's parking partly within the curtilage of the site (with the

provision of a single parking space), and partly outside of the site in the parking court opposite the site. In addition three visitor parking spaces are proposed, along with a turning head that will benefit residents of the street. KCC advise there is sufficient parking provision to serve the development.

Bike storage is illustrated for each of the plots, in accordance with Policy TP03 of the Thanet Local Plan.

Concern was previously raised by residents to construction traffic using Fairlawn Road; however, a detailed construction management plan was submitted with the application showing how construction traffic could be managed in order to avoid a significant impact upon residents. A Construction Management Plan has not been submitted with this application, but KCC has advised that a safeguarding condition for this would be suitable. Given the reduction in unit numbers when compared to the previously approved scheme, and the subsequent increase in space around the site for construction parking/offices etc, it is not considered that there would be an impact on residents from construction traffic, and therefore a safeguarding condition would be adequate in this instance to manage this.

It was previously requested that a pedestrian link be provided to the northern boundary of the site to provide a pedestrian connection with the allocated site to the north. This has not been shown on the plans, and the current layout plans that have been submitted for the site to the north show residential properties backing onto the boundary, with limited space for a connection point, other than to create a narrow footpath between properties. This arrangement would not achieve secure design and could result in anti-social issues. The connection, if provided, would have achieved a link to the centre of Westwood Cross, however, access can be achieved along Coxes Lane and Margate Road, and a link is likely to impact upon the layout of the neighbouring site. The link is also not supported by neighbouring occupiers, who have objected to such a link within consultation response letters. On balance, given the number of units proposed, and the minimal benefits achieved from providing such a link, the lack of a connection is not considered a reason to refuse the application.

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

Archaeology

KCC Archaeology have been consulted and advised that the archaeology submission for the adjacent site to the north included a desk based study that provided a good account of the rich archaeological potential of the site and the surrounding area. It also illustrated that the site was the location of a former farm since at least the beginning of the 19th century and possibly the 18th century according to historic maps. The farm appears on the Kent Historic Farmsteads survey and in the Kent Historic Environment Record. Of the present buildings on the neighbouring site, which include a couple of barns, the southern one appears to date to the late Victorian period according to historic maps. Significant multiperiod archaeology has been found in the area of the business park to the north including remains of Neolithic, Bronze Age and Iron Age date; a Palaeolithic hand axe was found in brickearth deposits in

the college site to the north; and a Bronze Age gold penannular ring was found by a detectorist in the area of the site according to Portable Antiquities Scheme database.

The site has been generally open land and relatively undisturbed, and therefore given the above archaeological potential, and the potential impacts of groundworks from the development across the site, it would be appropriate to make provision in any forthcoming planning consent for a programme of archaeological works through a safeguarding condition.

Subject to this safeguarding condition the impact upon archaeology is considered to be acceptable, and in accordance with Policy HE01 of the Thanet Local Plan.

Biodiversity and Trees

Historically there have been trees on the site, but these were not covered by a TPO, and were removed prior to the submission of the previous application. Only a few trees along the north western boundary (just outside of the site) remain, which are being retained. The site is currently undeveloped, and there is the opportunity for biodiversity within the site. However, the site is allocated for housing, so the loss of the biodiversity needs to be managed, and balanced with new opportunities for biodiversity.

A Preliminary Ecological Appraisal has been submitted with the application. The report found that Reptiles, Great Crested Newts and Badgers are not likely to be found within the site as it does not form suitable habitat; and the site is unlikely to be of significant value to foraging and commuting bats, with limited harm if the trees along the north western boundary are being retained. For hedgehogs precautionary mitigation is proposed during construction, and for nesting birds the loss of some native hedgerow to the site boundary means that careful consideration needs to be given to the timing of works. Within the report enhancement measures were recommended, including the planting of new native hedgerow, planting around buildings, the integration of bird boxes to the new buildings, and the incorporation of bee bricks.

KCC Biodiversity have been consulted and they advise that they have reviewed the ecological information submitted in support of this planning application and are satisfied that sufficient information has been provided. They advise that the current application, if approved, would result in further losses of biodiversity, including the mature hedgerow along the southern boundary. The agent has advised that this can be retained, and this can be shown on a more detailed landscaping plan to be submitted via condition, along with the location of ecological enhancements to be provided.

Subject to safeguarding conditions the impact upon biodiversity is therefore considered to be acceptable, and in accordance with Policy SP30 of the Thanet Local Plan, and paragraph 174 of the NPPF.

Drainage

The application proposes a main sewer connection. Southern Water has advised that they require a formal application for a connection to the public foul sewer to be made by the applicant or developer, but they raise no objections to this proposed approach.

Southern Water has advised that it is possible that a sewer now deemed to be public could be crossing the development site; however they've again raised no concerns and advised of the process for if a sewer is found within the site during construction works.

The Environment Agency has classed the application as low risk and raise no concerns.

The impact upon groundwater is therefore considered to be acceptable.

SAMM Contribution

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

The tariff for this contribution is provided in the SAMM report, and Policy SP29 of the Thanet Local Plan, and consists of £320 per 2-bed units, and £530 per 4-bed (plus) unit, resulting in a total of £1,170 for this development. The applicant has agreed to this contribution, which will be secured through the submitted legal agreement.

An appropriate assessment has been undertaken and accepted. This mitigation means that the Council has accorded with the Habitat Regulations.

Conclusion

The proposed development is located on an allocated housing site within the urban confines. The layout and design of the development is not considered to detract from the character and appearance of the area, and there will be limited impact upon neighbouring living conditions and highway safety. Soft landscaping is proposed to soften the appearance of the development. The proposal is therefore considered to form sustainable development that complies with the development plan.

It is therefore recommended that members defer and delegate the application for approval, subject to safeguarding conditions and the receipt of a signed unilateral undertaking securing the SPA contribution.

Case Officer

Emma Fibbens

TITLE: F/TH/23/0266

Project Land To The North Of Fairlawn Road And The West Of Northwood Road
Broadstairs Kent

Scale:



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