

Public Document Pack



Date: 6 November 2023
Our ref: Planning Committee Agenda
Ask For: Steve Matthews
Direct Dial: (01843) 577200
Email: steven.matthews@thanet.gov.uk

PLANNING COMMITTEE

15 NOVEMBER 2023

A meeting of the Planning Committee will be held at **7.00 pm on Wednesday, 15 November 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

A G E N D A

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 - 12)

To approve the Minutes of the Planning Committee meeting held on 18 October 2023, copy attached.

4. **SCHEDULE OF PLANNING APPLICATIONS** (Pages 13 - 20)

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.

For Approval

Item
No

Subject

- 4a **A01 FH/TH/23/0773 - 221 BEACON ROAD, BROADSTAIRS** (Pages 21 - 28)
- 4b **A02 F/TH/23/1217 - HOO FARM, 147 MONKTON ROAD, MINSTER** (Pages 29 - 42)
- 4c **A03 F/TH/23/0834 - 5 BROAD STREET, RAMSGATE** (Pages 43 - 56)
- 4d **A04 F/TH/23/1002 - FORMER PORT CONTROL EAST PIER, RAMSGATE**
(Pages 57 - 66)
- 4e **A05 L/TH/23/1003 - FORMER PORT CONTROL, EAST PIER, RAMSGATE**
(Pages 67 - 72)
- 4f **A06 FH/TH/23/1273 - 60 NORTHUMBERLAND AVENUE, MARGATE**
(Pages 73 - 78)
- 4g **A07 L/TH/23/1199 - 12 LA BELLE ALLIANCE SQUARE, RAMSGATE**
(Pages 79 - 86)
- 4h **A08 L/TH/23/1249 - MARGATE HARBOUR ARM STONE PIER, MARGATE**
(Pages 87 - 92)
- For Refusal**
- 4i **R09 F/TH/23/1303 - 223-227 NORTHDOWN ROAD, MARGATE** (Pages 93 - 102)
- For Deferral**
- 4j **D10 F/TH/23/0983 - LAND BETWEEN 47 AND 49 ROSE GARDENS, MINSTER, RAMSGATE** (Pages 103 - 120)
- 4k **D11 F/TH/21/0671 - LAND TO THE NORTH OF FAIRLAWN ROAD AND THE WEST OF NORTHWOOD ROAD, BROADSTAIRS** (Pages 121 - 160)



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

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

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

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

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

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

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

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

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

An associated person is defined as:

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

An Authority Function is defined as: -

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



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

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

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

Gifts, Benefits and Hospitality

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

What if I am unsure?

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

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

Planning Committee

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

Present: Councillor Helen Crittenden (Chair); Councillors Bright, Albon, J Bayford, Boyd, Garner, Keen, Matterface and Rattigan

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Dennis, Councillor Makinson, Cllr. Moore and Cllr. Wing.

2. DECLARATIONS OF INTEREST

Councillor Albon declared a significant interest in Item 5E – (L/TH/23/0340) as he was the Chair of Ramsgate Town Council and had previously been involved in discussions relating to the application.

Councillor Crittenden also declared a significant interest in Item 5E – (L/TH/23/0340) as she was the Chair of Ramsgate Town Council's Town Promotion Committee which had been directly involved in the application.

3. MINUTES OF PREVIOUS MEETING

Councillor Bayford proposed, Councillor Albon seconded and Members agreed that the minutes of the meeting held on 20 September 2023 be approved as a correct record.

4. UPDATE FOR F/TH/22/1341 - 16 SOWELL STREET, BROADSTAIRS

PROPOSAL: Variation of condition 2 of planning permission F/TH/20/0575 for the "Erection of 4No. two storey 4bed detached dwellings with associated access, parking and landscaping" to allow removal of trees and change to finished floor levels.

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

THAT the officer's recommendation be adopted, namely:

Members approve the application following the additional information submitted subject to the safeguarding conditions as detailed within the original planning committee report (annex 1).

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

5. SCHEDULE OF PLANNING APPLICATIONS

The Chair informed Committee Members that any site visits would take place on the morning of 3 November 2023.

(b) **A02 FH/TH/23/0610 - 52A Stone Road, Broadstairs**

PROPOSAL: Raising of rear garden level by up to 1m to form raised turfed terrace (retrospective application).

Mrs Goddard spoke in favour of the application.

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

THAT the officer's recommendation be adopted, namely:

That the application be approved subject to the following conditions:

1. The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 002A, 003A and details of fencing received and dated 12th September 2023.

GROUND:

To secure the proper development of the area.

2. Within 3 months of the date of this permission, the 1.8m high close boarded fencing shall be erected to both sides of the raised area, as shown on the amended proposed site plan and existing and proposed elevations received 22 September 2023, 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.

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

As a result of the declaration of interest made by the Chair, Councillor Crittenden recused herself from the meeting and left the Council Chamber.

Councillor Albon also recused himself from the meeting and left the Council Chamber.

The Vice-Chair, Councillor Bright assumed the chair and led the proceedings of the remainder of the meeting.

(a) **A01 F/TH/23/0677 - Northwood Court, Millennium Way, Broadstairs**

PROPOSAL: Change of use from former student accommodation in connection with former Canterbury Christchurch University Broadstairs campus (Sui Generis), to proposed workers accommodation in association with Thanet Earth (Sui Generis).

It was proposed by Councillor Keen and seconded by Councillor Matterface:

THAT the officer's recommendation be adopted, namely:

That the application be approved subject to the following conditions:

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

GROUND:

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

2. The development hereby approved shall be carried out in accordance with the submitted drawings numbered 12831-0002-05, 12831-0003-02 and 12831-0004-02.

GROUND:

To secure the proper development of the area.

3. The accommodation hereby approved shall only be occupied by registered employees of Thanet Earth and at no time shall they be let, sold or otherwise used as separate and/or private units of residential accommodation. A register of occupants and their role at Thanet Earth shall be kept at made available for the inspection of the Local Planning Authority at all times.

GROUND:

To ensure that a permanent residential use is not commenced.

4. The occupation of the warden flat shall be limited to a person solely or mainly employed by Thanet Earth, and to any resident dependants and at no time shall it be let, sold or otherwise used as a separate and/or private unit of residential accommodation.

GROUND:

To ensure that a permanent residential use is not commenced.

5. Prior to the first occupation of the development hereby approved, full details of ecological enhancements to be provided within the site together with a timetable for their provision shall be submitted to, and approved in writing by, the Local Planning Authority. These enhancements shall be provided in accordance with the proposed timetable and thereafter permanently retained.

GROUND:

To make a positive contribution to biodiversity, in accordance with Policy SP30 of the Thanet Local Plan, and the advice as contained within the National Planning Policy Framework.

6. The development hereby approved shall be carried out in accordance with the submitted travel plan, with details of the route for coaches and additional cycle parking submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the building. The additional cycle parking shall be provided prior to the first occupation of the building for Thanet Earth workers and thereafter retained and coaches should use the approved route unless otherwise agreed in writing with the Local Planning Authority.

GROUND:

In the interests of highway safety and to promote cycling as an alternative form of transport in accordance with policies TP01, TP03 and SP43 of the Local Plan and the guidance contained in the National Planning Policy Framework.

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

(c) **A03 F/TH/23/0883 - Land East of Parking Bay, Canterbury Road West, Minster, Ramsgate**

PROPOSAL: Variation of condition 3 of approved planning permission for F/TH/22/1454 'Temporary change of use of agricultural land to store timber' to extend the time of the permission to store timber on the site for a further 12 months (until 30th June 2024).

It was proposed by Councillor Keen and seconded by Councillor Matterface:

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 1448/001 and 1448/002 Revision A.

GROUND:

To secure the proper development of the area.

2. At the expiration of a period ending on 30th June 2024 the storage of timber stacks shall be removed and the land restored to its former condition in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

GROUND:

In view of the temporary nature of the proposal and to prevent the uncontrolled and unacceptable storage of timber within the site that could adversely impact upon visual amenity and landscape character contrary to policy SP26 of the Local Plan.

3. The height of timber stored on the site shall not exceed 6m above ground level.

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, SP24 and SP26 of the Thanet Local Plan.

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

- (d) **A04 F/TH/23/0534 - JC Rook and Sons Limited, Cecilia Road, Ramsgate**

PROPOSAL: Change of use from cold storage depot (Use Class B8) to 3no. commercial units (Use Class B2) together with erection of a roof extension, alterations to fenestration, external works and associated parking following partial demolition of existing building.

It was proposed by Councillor Keen and seconded by Councillor Matterface:

THAT the officer's recommendation be adopted, namely:

That the application be approved subject to the following conditions:

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

GROUND:

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

2. The development hereby approved shall be carried out in accordance with the submitted drawings numbered 23.1958.PL006, Rev A, 23.1958.PL007 Rev A and, 23.1958.PL008 Rev A received 18 April 2023 and, 23.1958.PL009 Rev B received 25 April 2023.

GROUND:

To secure the proper development of the area.

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

GROUND:

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.

4. Prior to the first occupation of the development hereby permitted details of the cycle parking, which shall be in the form of 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.

5. Prior to the first use of the development, the area shown on approved plan 23.1958.PL009 Rev B for the parking and maneuvering 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.

6. The rating level of noise emitted from the plant and equipment to be installed on the site shall not exceed the background noise level (LA90,T) or 35dBA,r, whichever is highest, at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

GROUND:

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

7. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 7:00 hrs to 19:00hrs Monday to Saturday and 10:00hrs to 16:00hrs on Sundays and Bank Holiday.

GROUND:

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

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

- (e) **A05 L/TH/23/0340 - 8 to 25 Military Road, Ramsgate**

PROPOSAL: Application for Listed Building Consent for the installation of festoon lighting.

It was proposed by Councillor Keen and seconded by Councillor Matterface:

THAT the officer's recommendation be adopted, namely:

That the application be approved subject to the following conditions:

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

GROUND:

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

2. The size of the bulbs shall not exceed 7 centimetres in diameter and the brightness of the bulbs shall not exceed 50 watts.

GROUND:

To safeguard the special significance of the property as a listed building in accordance with Policy HE03 of the Thanet Local Plan and advice as contained within the NPPF, and in the interests of public safety.

3. Prior to the installation of the festoon lights hereby permitted, detailed drawings at a scale of 1:5 detailing the method of fixing to the building, 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:

To safeguard the special significance of the property as a listed building in accordance with Policy HE03 of the Thanet Local Plan and advice as contained within the NPPF.

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

Meeting concluded: 7:47 pm

This page is intentionally left blank

THANET DISTRICT COUNCIL

PLANNING COMMITTEE

15TH NOVEMBER 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. Westgate-on-Sea Neighbourhood Plan
5. The National Planning Policy Framework and the National Planning Practice Guidance issued by the Ministry of Housing, Communities and Local Government.

(B) Register of Applications for Planning Permission (Article 40 of the Town and Country Planning (Development Management Procedure) (England) Order 2015))

(Copy of applications together with accompanying plans or drawings are available for inspection via the Council's website <https://planning.thanet.gov.uk/online-applications/> or at the Council offices)

(C) Background Papers in relation to specific reports in the Schedule of Planning Applications

(Copies of background papers and any appeal decisions referred to are available via the Council's website <https://planning.thanet.gov.uk/online-applications/>)

I certify that the above items are not exempt information.

(D) Exempt information in accordance with paragraph of Schedule 12 (A) of the Local Government Act 1972.

N/A

I certify that the above items are exempt information.

Prepared by: IAIN LIVINGSTONE



SIGNED:.

Proper Officer

DATE:6th November 2023

This page is intentionally left blank

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF PLACE

PART A

TO: THE PLANNING COMMITTEE

DATE: 15 November 2023

Application Number	Address and Details	Recommendation
A01 FH/TH/23/0773	221 Beacon Road BROADSTAIRS Kent CT10 3DY Erection of dormer to rear together with second floor rear extension and hip to gable extension to facilitate loft conversion Ward: Beacon Road	Approve
A02 F/TH/23/1217	Hoo Farm 147 Monkton Road Minster Kent CT12 4JB Formation of a new footpath to Monkton Road (part-retrospective) Ward: Thanet Villages	Approve
A03 F/TH/23/0834	5 Broad Street RAMSGATE Kent CT11 8QY External alterations including new shopfront fronting Staffordshire Street Car Park, an increase in height of parapet at first floor and roof level and replacement of existing fenestration as well as an air source heat pump and plant associated with the lift to the roof, with internal works including an increase in floorspace from creation of mezzanine Ward: Eastcliff	Approve
A04 F/TH/23/1002	Former Port Control East Pier Ramsgate Kent CT11 8LJ	Approve

Erection of artwork/sign featuring 1.2m high copper letters on aluminium frame attached to wooden fenders on harbour wall

Ward: Central Harbour

A05 L/TH/23/1003

**Former Port Control East Pier
Ramsgate Kent CT11 8LJ**

Approve

Application for Listed Building Consent for the erection of artwork/sign featuring 1.2m high copper letters on aluminium frame attached to wooden fenders on harbour wall.

Ward: Central Harbour

A06 FH/TH/23/1273

**60 Northumberland Avenue
MARGATE Kent CT9 3BJ**

Approve

Erection of a garden outbuilding and pergola (retrospective)

Ward: Cliftonville East

A07 L/TH/23/1199

**12 La Belle Alliance Square
RAMSGATE Kent CT11 8HU**

Approve

Application for Listed Building Consent for partial demolition of the second floor to facilitate the reconstruction of the front and flank elevation, reinstatement of parapet, installation of 2no. timber sliding sash windows, replacement of chimney pots and installation of rooflight within the front facing roofslope

Ward: Eastcliff

A08 L/TH/23/1249

**Margate Harbour Arm Stone Pier
MARGATE Kent CT9 1AP**

Approve

Application for Listed Building Consent for the installation of GRP UKPN electricity cabinet on plinth and 2No bollards

Ward: Margate Central

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF PLACE

PART B

TO: THE PLANNING COMMITTEE

DATE: 15 November 2023

Application Number	Address and Details	Recommendation
R09 F/TH/23/1303	223 - 227 Northdown Road MARGATE Kent CT9 2PJ Installation of aluminium shopfront (Retrospective) Ward: Cliftonville West	Refuse Permission

THANET DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF PLACE

PART C

TO: THE PLANNING COMMITTEE

DATE: 15 November 2023

Application Number	Address and Details	Recommendation
D10 F/TH/23/0983	<p>Land Between 47 And 49 Rose Gardens Minster RAMSGATE Kent</p> <p>Erection of 2no. two storey, two bedroom semi detached dwellings with associated parking</p> <p>Ward: Thanet Villages</p>	Defer & Delegate
D11 F/TH/21/0671	<p>Land To The North Of Fairlawn Road And The West Of Northwood Road Broadstairs Kent</p> <p>Erection of 4no. 1-bed flats, 4no. 2-bed dwellings, 8no 3-bed dwellings, and 17no 4-bed dwellings (single to 3-storey in height), and erection of part 2-storey, part 3-storey detached building accommodating 4no. 2-bed flats and 1no. 3-bed flat, together with associated access, parking and landscaping, following demolition of existing structures.</p> <p>Ward: St Peters</p>	Defer & Delegate

This page is intentionally left blank

A01

FH/TH/23/0773

PROPOSAL: Erection of dormer to rear together with second floor rear extension and hip to gable extension to facilitate loft conversion

LOCATION: 221 Beacon Road BROADSTAIRS Kent CT10 3DY

WARD: Beacon Road

AGENT: Mr James Duncan

APPLICANT: Ms Sara Taylor

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

2 The development hereby approved shall be carried out in accordance with the amended drawing numbered 05/23/02, received 17 October 2023.

GROUND:

To secure the proper development of the area.

3 The external materials and external finishes to be used in the development hereby approved shall be roof tiles to match existing, tile hanging on gable end to match main roof, as confirmed by the Applicant's Agent in correspondence received 17 October 2023, and Brick Red C72 Cedral composite horizontal cladding on the external surfaces of the dormer extension and white render on the first floor extension, as confirmed by the Applicant's Agent in correspondence received 3 November 2023, unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

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

INFORMATIVES

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.

SITE, LOCATION AND DESCRIPTION

The property is a two storey dwelling in Beacon Road which comprises a mix of semi-detached and small groups of terraced properties set back from the highway. The property forms a semi-detached pair with No 223 having hipped roofs and a small front garden to the front.

PLANNING HISTORY

PN01/TH/16/0223 - Erection of single storey rear extension to extend 5.4m in depth, 2.3m to eaves and overall height of 3.1m. Prior Approval Granted 21.03.2016

PROPOSED DEVELOPMENT

The application as originally submitted sought planning permission for the erection of a front dormer and rear dormer together with second floor rear extension and hip to gable extension to facilitate loft conversion. The dormer within the front roof slope has since been removed and replaced with 2 rooflights. The extension to the rear is located above the existing rear projection forming a three storey rear projection.

PLANNING POLICIES

Thanet Local Plan 2020

SP35 - Quality Developments
QD02 - General Design Principles
QD03 - Living Conditions

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

BSP9: Design in Broadstairs & St Peter's

NOTIFICATIONS

Neighbours have been notified and a site notice posted and one representation has been received raising the following concerns:

- Out of keeping with character of similar Victorian properties
- Lack of detail of material finish
- Additional floor out of keeping with character of every other loft extension in the road
- These rear extensions were never designed to have an extra story built on top

- Obtrusive and incongruous when set upon half of a semi pair and would set a precedent in the neighbourhood for this type of Victorian property
- Extension attached to the party wall along the raised roof dividing ridgeline - concerns regarding structural integrity of my property being affected
- Overshadowing from wall facing my property
- How will the wall be repaired or maintained - it can only be reached across my property
- Dormer to front of property is an inappropriate design and completely out of character with the neighbouring street scene
- Reduced privacy in garden from rear facing windows including juliet balcony
- Significant reduction in light reaching both rear habitable rooms; dining room on the ground floor and study/office on 1st floor
- The rearward facing extra storey will eliminate sunlight from reaching the roof of my rear facing part of the house which will mean a build up of moss and moisture on my roof tiling creating a potential opportunity for water ingress to my house.
- Extension infringes on the use and enjoyment of my patio and garden - the first 20m of my garden will become unusable as no sunlight will reach it through Autumn, winter and spring and only usable for a small portion of the mid sommer.
- The proposal should be limited to a conventional loft conversion like others in neighbourhood

The Broadstairs Society has no adverse comment to make on this application.

Broadstairs & St Peter's Town Council - The Committee unanimously recommends REFUSAL on the grounds of overlooking, loss of privacy and loss of light to neighbouring property. The Committee believes the application constitutes overdevelopment of the site and will be out of character with the streetscene.

COMMENTS

This application is reported to the Planning Committee at the request of Cllr Jenny Matterface to enable Members to consider the impact of the development on the neighbour due to overlooking and potential loss of privacy.

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

Character and Appearance

Thanet Local Plan Policy QD02 requires new development to be well designed, respect and enhance the character of the area paying particular attention to context and identity of its location, scale, massing, rhythm, density, layout and use of materials appropriate to the locality. The development itself must be compatible with neighbouring buildings and spaces. This policy is further supported by paragraph 130 of the NPPF which states that decisions should ensure that development will function well and add to the overall quality of the area, and are sympathetic to local character and history, including the surrounding built environment. Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan requires

development proposals to conserve and enhance the local character and sense of identity and reflect the design characteristics of the area.

The property is a semi-detached property with No 223 in Beacon Road. The semi-detached pair are architecturally similar in appearance having hipped roofs finished with red cement tile and bay windows within the front elevation at ground floor level. The front elevation of the application site has off-white painted brickwork whereas the adjoining property has retained its original yellow stock brickwork with red brick detailing.

It was proposed to alter the roof from hipped to gable and install dormers to the front and rear roof slopes. The dormer originally proposed within the front facing roof slope was considered to be overly dominant on the building and out of keeping with the streetscene where there are no other examples in this part of Beacon Road. The application has been amended and the front facing dormer has been removed and replaced with two rooflights.

Altering the roof from hip to gable would appear to unbalance the semi-detached pair as No 223 currently has a matching hip. However, this type of alteration can be carried out without the need for planning permission subject to meeting the requirements of Class B of the General Permitted Development Order, and this constitutes a relevant fallback position when considering this change. Therefore, it is not unusual for this type of alteration to be carried out to facilitate loft conversions and in this instance the neighbouring group of terraced properties would partially screen the gable end of the property when viewed from Beacon Road. The applicant's agent has confirmed that the gable end is to be finished with tile hanging to match existing and this would minimise the visual impact of this change to the roof form. Therefore the change is considered acceptable when assessed against Policy QD02.

To the rear it is proposed to install a dormer extension into the rear roof slope and erect an extension above the existing rear projection. The resulting extensions would form an 'L' shaped extension. Within the dormer extension it is proposed to install a set of french doors with a Juliette balcony to serve the master bedroom whilst the extension above the rear projection would provide an en-suite with a window within the rear elevation facing into the rear garden. The dormer would be set down from the main ridge and in from the edge of the gable end. The applicant's agent has confirmed that the external surfaces of the dormer would be finished with Brick Red C72 Cedral composite horizontal cladding. This would be similar in appearance to the red/brown roof tiles and would help the dormer to blend into the roof. The external walls of the extension would be finished with white render. The front, side and rear elevations of the dwelling have been finished with white painted brickwork and therefore the use of white render on the extension would provide a similar finish and is considered acceptable.

Concerns have been raised that the development is not in keeping with development on similar aged properties and that a more traditional dormer would be more appropriate. Whilst extending above the rear projection of Victorian properties is unusual it is noted that there are limited opportunities to view the rear of this property from the public realm. Furthermore, whilst the extension may disrupt the original architectural design of the property, and appear fairly dominant at the rear in relation to the main dwelling, the building is not heritage listed. Views of the extension would be possible from surrounding properties

and from the car parking area for Nos 1-3 Fir Tree Cottages to the rear, where it is possible to view a number of fairly large dormer extensions. Any views of the extensions from surrounding roads would be at a significant distance and therefore the development is unlikely to appear intrusive or out of keeping with the character and appearance of the wider area or the streetscene in this instance.

Given the location of the extensions and minimal impact on the streetscene it is considered the proposed development would not adversely impact the character and appearance of the area and therefore the proposal accords with Policies SP35 and QD02 of the 2020 Thanet District Council Local Plan, and Policy BSP9 of the Broadstairs and St. Peter's Neighbourhood Plan.

Living Conditions

The proposed development would provide a master bedroom with French doors and Juliette balcony within the enlarged roof space and an en-suite at second floor level above the rear projection. Concern has been raised that the windows would cause overlooking and loss of privacy towards the neighbouring garden.

The full length windows within the bedroom would face into the rear garden and beyond towards the rear boundaries of properties fronting Afghan Road at a distance of nearly 49 metres. The red outline defining the application site accords with the boundaries shown on the Council's GIS Mapping and shows the property has a shorter rear garden than its neighbours with a distance of approximately 18 metres from the location of the windows within the dormer extension to the rear boundary. There is no information provided as to the ownership of the land beyond the rear boundary however from Google Map images the land appears to form part of the rear garden of the adjoining semi-detached property (No 223). Within the immediately surrounding gardens there appear to be a number of fairly large outbuildings however there is no planning history to show that these outbuildings have planning permission for use as independent forms of accommodation and therefore these are likely to be outbuilding ancillary to the use of residential properties.

With regards to potential loss of privacy the private amenity space of residential rear gardens is generally acknowledged as being within the first 5 metres from the rear elevation of a dwelling, with the remainder of the garden likely to have a degree of mutual overlooking that is often possible between rear gardens, and from windows within surrounding properties. Views from the Juliette balcony would primarily look down the garden of No 221, with indirect views across the gardens of Nos 215 to 217 with only oblique views towards the rear elevation of No 219. Views towards the private amenity space of the adjoining property (No 223) would be restricted by the extension above the rear projection. Views from this window would otherwise be similar to the views gained from existing windows within the rear of this property and would not therefore give rise to unacceptable overlooking or loss of privacy directly into neighbouring windows or private amenity space.

Concern has been raised that the extension above the rear projection would result in loss of light to windows within the adjoining property no.223. Photographs have been provided that show views from the first floor window and rooflight, and look out onto the roof of the rear projection and towards the neighbouring roof where the extension is proposed to be built.

The photos show shadowing falling across the roofs consistent with the orientation of the property; the application site is located south-west of the adjoining semi-detached property. Further photographs taken during a site visit, from the car parking area looking back towards the rear elevation of these properties, show shadowing across the majority of the first floor window created by the depth of the existing rear projection, with the natural sunlight moving towards the rear of the site during August (photos taken 18:20 on 15 August 2023).

The concerns raised state there would be a significant reduction in light reaching both rear habitable rooms serving a dining room on the ground floor and study/office on the first floor. The flank wall of the extension, facing No 223, would have a depth of approximately 4.3 metres from the existing eaves (finishing in alignment with the end of the rear projection) and a height of approximately 2.3 metres above the height of raised brickwork along the ridge of the roof. A study/office is not considered to be a main habitable room and therefore light to this room would carry less weight compared to a main habitable room such as a lounge or dining room. However, whilst there would be some loss of light and outlook from the first floor window from the proposed second floor extension, there would be a separation distance from the extension to the window of approximately 3 metres and the light levels and outlook to and from this window are already somewhat compromised by the presence of the existing rear projection. The proposed development is therefore not considered to significantly impact on the light or outlook from the first floor window to compromise the living conditions of occupiers.

The windows within the ground floor are likely to be in shadow for most of the day due to the orientation of the property and its relationship with properties to the north-east. The proposed development is not considered to have a greater impact on light levels or outlook to and from the ground floor windows.

With regards to the light and outlook from the neighbour's rooflight, it is unclear whether this room is also used as a study, nevertheless it is likely to provide additional accommodation or storage space for the property but is unlikely to be a main habitable room, unlike a sitting room or lounge. The rooflight is located fairly high within the roofslope and has a high cill level and it is unlikely therefore that there would be views from the window that would be compromised by the location of the proposed extensions. It should be noted that a dormer extension, built through permitted development, is likely to have the same impact on light levels to the rooflight to the development now proposed. The dormer projects approximately 3.5 metres from the rear roofslope, whilst the roof of the extension is set down approximately 0.8 metres from the ridge of the main roof, with internal stairs installed for the change in floor levels thereby keeping the finished height of the roof to a minimum. The photograph, previously mentioned, with the shadowing across the rear of these properties shows the rear dormer of Fir Tree Cottages casting a shadow diagonally across the rear roofslope and therefore some shadowing would likewise occur from the proposed dormer. However, the dormer would be set down approximately 0.4 metres from the main ridge and, given the height and distance of the rooflight, whilst there would be some loss of natural light to the rooflight later in the day, it is unlikely there would be an unacceptable loss of light resulting from the proposed development would significantly harm living conditions to warrant refusal in this instance, particularly given the room does not appear to be a main habitable room.

Concerns are raised by the neighbour that the first 20 metres of the garden will become unusable having no sunlight reaching it through Autumn, winter and spring with only a small portion in mid summer. The photo taken from the car parking area shows shadowing across the car parking area created by the boundary treatment to the space. It is therefore reasonable to assume that the existing rear projection creates a similar overshadowing impact on part of the neighbouring rear garden. However, given the additional height and depth of the wall created by the extension, together with the orientation of the property, it is unlikely that the development would significantly impact on light levels within the rear garden to the detriment of residential amenity.

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

Other Matters

The Party Wall Act and the construction of the extension and any issues arising are not material planning considerations. These issues would be covered through Building Control Regulations.

Concerns regarding future maintenance and build up of moss and moisture on the neighbouring roof are not material planning considerations in assessing this application.

Conclusion

The proposed development is considered to be acceptable in terms of the character and appearance of the area and the living conditions of surrounding neighbouring residential occupiers. The proposed development therefore accords with Policies SP35, QD02 and QD03 of the Thanet Local Plan, Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan and the National Planning Policy Framework.

It is therefore recommended that Members approve the application subject to safeguarding conditions relating to the external materials to be used.

Case Officer

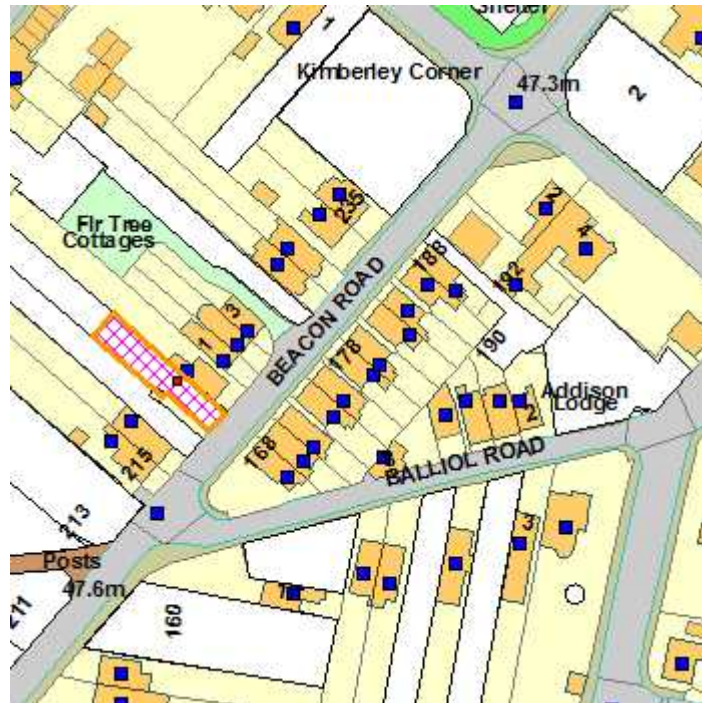
Rosemary Bullivant

TITLE:

FH/TH/23/0773

Project

221 Beacon Road BROADSTAIRS Kent CT10 3DY



(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 provide safe and satisfactory access for pedestrians, in accordance with Thanet Local Plan Policy QD02

INFORMATIVES

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

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

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

SITE, LOCATION AND DESCRIPTION

The application site comprises a strip of land set back from and parallel to the Monkton Road highway, extending from a residential development at Hoo Farm at the west, to an existing public footpath that continues to Minster to the east.

RELEVANT PLANNING HISTORY

F/TH/23/1097 - Variation of conditions 2 and 18 of planning permission F/TH/19/0173 for the 'Erection of 23 no. dwellings following the demolition of existing buildings, with associated parking, open space and landscaping.' to allow the omittance of the car ports and replace with parking bays and amendments to footpath. Under consideration.

F/TH/22/0771 - Formation of vehicular access providing access to farm for vehicles. Approved 7th September 2022.

F/TH/19/0173 - Erection of 23 no. dwellings following the demolition of existing buildings, with associated parking, open space and landscaping. Approved 21st August 2020.

PROPOSED DEVELOPMENT

Planning permission was approved on 21st August 2019 under F/TH/19/0173 for the construction of 23 dwellings following the demolition of existing buildings on Hoo Farm, with associated parking, open space and landscaping. This permission included the provision of a 1.2 metre wide footpath from the development along the northern side of Monkton Road to

provide a eastern link to the existing footpath on that side of the road. Condition 18 of that permission relates to the footpath and whilst it is strictly incomplete as set out in the decision notice - No development, excluding demolition, shall commence until the footpath as shown on approved drawing 2019-3501-001 between the points shown as X and Y on drawing HPC_1258_2019_FP. GROUND: In the interests of highway safety and to facilitate the use of alternative means of transport in accordance with Policies SP43, SP44, TP02 and TP03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework - it is clear from the committee report that it should conclude "has been completed and made available for use".

It became apparent, however, that the full width of the requested 1.2m footpath would require land beyond the adopted highway, some of which appears to be unregistered land. In this instance, the applicant has created a route measuring 1.2 m in width, which connects the approved Farm development to the footpath to the east at a length of 155m. This is set back 2 metres from the road for most of its length and at a higher level than the highway. The footpath as constructed falls outside of the 'red line' site of the previous permission.

As such, retrospective planning consent is sought for the footpath that has been created. It is noted that the footpath is not intended for adoption by KCC, it would be gated (but unlocked) with signage informing users that whilst the path is privately owned and maintained it is available to all.

DEVELOPMENT PLAN POLICIES

SP24 - Development in the Countryside
SP26 - Landscape Character Areas
SP35 - Quality Development
SP43 - Safe and Sustainable Travel
SP44 - Accessible Locations
TP02 - Walking
TP03 - Cycling

NOTIFICATIONS

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

Three representations have been received objecting to the application. They make the following summarised comments.

- * The footpath has not been constructed in the position or layout as per the original plans;
- * In the summer months vegetation either side of the footpath is overgrown and completely covers it;
- * People with wheelchairs and pushchairs have to use the road which is dangerous with speeding traffic using Monkton Road;
- * Path not wide enough for two people to pass;
- * Path is uneven and sloping;
- * Lack of enforcement action by Thanet Council

- * Path will not be adopted by Kent County Council;
- * Does the applicant expect the new residents for the Hoo Farm redevelopment to maintain the path?
- * The public will not use the footpath if it is gated;
- * Technical issues with the footpath should have been dealt with before the previous application was determined and not 4 year later;
- * Who would hold public liability insurance for the path?
- * If planning permission is granted it will encourage other developers to ignore conditions on their planning consents; and
- * The application to remove the condition from the original application that required the footpath in the first place was submitted before this application to retain what has been built.

Minster Parish Council: "Background - The provision of a footway connecting the site to the existing footway in Monkton Road to the east was initiated by Kent Highways as part of the application process; Kent Highways raising concerns that there was no connection between the site and the existing footway to the east. Detailed discussions took place between the applicants and KCC Highways which resulted in amended plans being submitted which included a footway connection from the site to the existing footway to the east within the application red line.

The footway included with the application was the subject of an independent Road Safety Audit which recommended an increased width from 0.9m to 1.2m.

Kent Highways indicated in their letter of 12 February 2020 that "...A Grampian condition for the footway and a S278 would only be required if the applicant were to construct the footway themselves and will not overcome the land issue unless the applicant has gained suitable control of the land necessary for the footway to be constructed. If the applicant can gain suitable control then the footpath could be provided through a Grampian condition and a S278 Agreement...."

The Planning Application for Development considered by TDC Planning Committee on 20 May 2020 acknowledged that "...the proposed development would include a footpath from the development on the north of Monkton Road to link it to the existing footway to the east..." and that "...the site is considered to be in a relatively sustainable location and future occupiers would not be wholly reliant on the private car."

Planning Consent F/TH/19/0173 included Condition 18 which required that:

No development, excluding demolition, shall commence until the footpath as shown on approved drawing 2019-3501-001 between the points as X and Y on drawing HPC_1258_2019_FP

GROUND:

In the interests of highway safety and to facilitate the use of alternative means of transport in accordance with Policies SP43, SP44, TP02 and TP03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

It can be seen, therefore, that there was a fundamental requirement to ensure that a safe pedestrian facility was deemed to be an integral part of ensuring an enduring form of Policy compliant sustainable development would be achieved.

The application of the above mentioned Grampian Condition No 18, pursuant to the advice from Kent Highways, sought to achieve the provision of the technically approved footpath. Beyond the application of the condition, the applicant was notified by Informative No 2 on the Notice of Consent that:

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.

It is understood that, notwithstanding the advice from Kent Highways regarding S278, or the above information, no request was made to pursue the construction of the path through that mechanism.

The Current Application

Planning Application F/TH/23/1217 seeks to regularise the current unauthorised work to provide a footpath. Early intervention by TDC enforcement could have assisted an earlier resolution of the situation.

Such footpath as envisaged through the application does not accord with and is of significant variance to the earlier approved plan; it has also been constructed without recourse to prior agreement, inspection or approval by Kent Highways. Reference is made to uncertainties over land ownership required to enable the approved plan to be achieved. MPC notes that both Notice in relation to possible unregistered land was published and that an application for an adjacent agricultural access required inclusion of the highway verge/banking and could only have been achieved with a clarity of these issues

It is further noted that it is intended that the unauthorised footway remains privately owned and maintained.

Kent Highways subsequently in response to the application indicated:

- The application seeks to provide a (part retrospective) footpath between Hoo Farm and the existing footway on Monkton Road. This application links with the proposed variation of condition application(F/TH/23/1097) for Condition 2 and 18 of planning permission F/TH/19/0173.
- A footpath between the site and the existing footway on Monkton Road has been constructed, albeit without entering a Section 278 Agreement with KCC Highways.
- Having visited the site it is evident that the footpath is not constructed to adoptable standards due to its alignment and levels. It is understood that the footpath is to remain private and maintained as such. By submitting a separate application, I suggest that the

maintenance of the footway and vegetation clearance is secured by way of a suitable condition.

- The extent of the public highway has been established, whereby a small section of the verge immediately adjacent to the highways is deemed as public highway. The extent of the 1.2 metre wide footway is within land beyond the areas of adopted highway, and is constructed on private land. The works are not intended to be offered for adoption by way of a Section 38 Agreement.

- The footway is constructed to the rear of the verge, adjacent to the existing farmland, to be available for public use in perpetuity. I suggest this is secured by way of a suitable condition.

- I am mindful that the footpath is gated with suitable signage to ensure awareness of the private nature.

private nature.

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

- o Maintenance of the footpath in terms of condition and vegetation to ensure constant use is available.

- o The footpath shall remain for use by the general public at all times.

- o Provision and maintenance of gates at the entrances to the footpath, and suitable signage detailing owners contact details. All details should be updated should the ownership change.

MPC notes with concern that, following a site visit, Kent Highways clearly acknowledge that the path has been constructed without a S278 Agreement and that it is evident that the footpath is not constructed to adoptable standards due to its alignment and level. There is tellingly no commentary on the integrity of what has actually been constructed and possible compliance with expected constructional details.

It is suggested that the maintenance of the footway and vegetation clearance is secured by way of a suitable condition. MPC, in noting that the path has already been subjected to substantial incursion from vegetation, find this to be totally impractical, nor achievable. It is further suggested that gates and signing will have no practical benefit and the longevity and responsibility for such cannot be assured.

Reference to the extent of public highway being the limiting factor leading to the construction of the path in the unauthorised position is also not accepted. Given the incursion into adjacent land by an agreement which is silent, it is considered the provision of the approved footway could have been achieved at the outset without the level of land take inherent through the provision of the unauthorised footpath.

In conclusion, MPC, OBJECTS to the application on the following grounds:

The unauthorised footpath does not accord with the earlier approved details;

KCC acknowledge that the footpath, as constructed, does not accord with adoptable standards due to line and level;

There is no assurance over constructional integrity, user liability or future practical maintenance arrangements to keep the footpath in for suitable, safe use by all users at all times the Hoo Farm development is occupied;

There is no legal agreement assuring the enduring availability of the footpath consistent with the acknowledged requirements that the footway will provide to the sustainability of the approved Hoo Farm development contrary to the provisions of the Thanet Local Plan.”

CONSULTATIONS

KCC Highways: The application seeks to provide a (part retrospective) footpath between Hoo Farm and the existing footway on Monkton Road. This application links with the proposed variation of condition application (F/TH/23/1097) for Condition 2 and 18 of planning permission F/TH/19/0173.

A footpath between the site and the existing footway on Monkton Road has been constructed, albeit without entering a Section 278 Agreement with KCC Highways. Having visited the site it is evident that the footpath is not constructed to adoptable standards due to its alignment and levels. It is understood that the footpath is to remain private and maintained as such. By submitting a separate application, I suggest that the maintenance of the footway and vegetation clearance is secured by way of a suitable condition.

The extent of the public highway has been established, whereby a small section of the verge immediately adjacent to the highways is deemed as public highway. The extent of the 1.2 metre wide footway is within land beyond the areas of adopted highway, and is constructed on private land. The works are not intended to be offered for adoption by way of a Section 38 Agreement. The footway is constructed to the rear of the verge, adjacent to the existing farmland, to be available for public use in perpetuity. I suggest this is secured by way of a suitable condition.

I am mindful that the footpath is gated with suitable signage to ensure awareness of the private nature.

In line with the above, I confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:

Maintenance of the footpath in terms of condition and vegetation to ensure constant use is available.

The footpath shall remain for use by the general public at all times.

Provision and maintenance of gates at the entrances to the footpath, and suitable signage detailing owners' contact details. All details should be updated should the ownership change.

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

COMMENTS

This application has been called to committee by Councillor Bambridge for Members to consider the fact that the conditions requiring the installation of the footpath on the previous application have not been met and the footpath installed presents issues of pedestrian and highway safety.

Principle

The application site is outside any defined settlement and in the countryside for planning purposes.

Policy SP24 of the Local Plan relates to development in the countryside. It states

“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.”

This application seeks permission for the retention of a footpath and whilst it is on non allocated land, it has been created in association with the Hoo farm residential development (F/TH/19/0173 refers) which was a brownfield site with that permission including the provision of a footpath. Its scale, form and size is considered compatible with the character of the area and surrounding countryside.

Given the above, it is considered that there are no in principle objections to the provision/creation of a footpath.

Character and Appearance

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

Policy QD02 outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

Policy SP26 of the Local Plan relates to Landscape Character Areas and states that the council will identify and support opportunities to conserve and enhance Thanet's landscape character and local distinctiveness and that 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.

The application site is within the Chalk Slopes Character area, specially the Wantsum North Slopes area. The Landscape Character Assessment advises that within this area the “landscape is very open with few features and the former shoreline is more distinct in some places than in others, with the variation in the contour pattern. From the upper slopes it affords extensive views across the whole of the former Wantsum Channel to the slopes on the opposite banks and in many places to the sea. The former shoreline is more distinct in some places than in others, with the variation in the contour pattern. However, it also provides the unique setting of the former channel side villages of Minster, Monkton, Sarre and St Nicholas, and the smaller, originally farm based, settlements of Shuart, Gore Street and Potten Street. These elements provide important visual evidence of the growth of human settlement, agriculture and commerce in the area.”

The footpath is set up from the level of Monkton road due to the change in land level between the highways and the field to the north. A verge between the highway and the path is retained (constituting the unregistered land), with a post and wire fence erected along the northern boundary of the footpath (not forming part of the application).

It is not uncommon to see a variety of types of footpath adjacent to roads and, whilst this path may not be the traditional level straight footpaths found in more urban areas, it is considered that the footpath as built and the gates proposed have more of a feel of a public right of way than a traditional footpath adjacent to a highway. It is considered that the footpath will become part of the landscape with the planting to the north (outside of the remit of this application) and would not result in an obtrusive impact on the landscape character area. In addition it is not considered that there would be visual harm in the immediate area from the arrangement proposed and it is noted that the proposed gates would be open field type gates that are often found in a countryside location. It is considered appropriate to secure the type of gates via a condition to ensure that the style, and height are appropriate for the location.

Given the above, it is not considered that, subject to safeguarding conditions, that there would be any adverse impact on the character or appearance of the site from the proposed development.

Living Conditions

Paragraph 119 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 130 f) details planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

It falls to consider the impact of the proposed development on nearby residential properties in the surrounding area. The nearest properties are the new dwellings on the development

approved under F/TH/19/0173, nos 139 to 145 Monkton Road and the dwellings on the opposite side of Monkton Road.

It is not considered that there would be any adverse impact on the residential amenities of the surrounding occupiers from the footpath and in any case the impact from having a footpath connecting the housing development with the existing footpath was already accepted under application F/TH/19/0173 with only the details of this amended footpath under consideration now.

Highways

Paragraph 110 of the NPPF states that in assessing applications for development it should be ensured that adequate opportunities to promote sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 111).

The application seeks permission for the existing footpath as constructed with the addition of gates and signage at either end and around the farm access to highlight that whilst the footpath is open to all users it is privately owned and maintained.

KCC Highways have advised that the footpath is not constructed to adoptable standards due to its alignment and levels, but raise no objection to the application if the following are secured by means of a condition or agreement.

- Maintenance of the footpath in terms of condition and vegetation to ensure constant use is available.
- The footpath shall remain for use by the general public at all times.
- Provision and maintenance of gates at the entrances to the footpath, and suitable signage detailing owners' contact details. All details should be updated should the ownership change.

Whilst it is disappointing that the footpath could not be provided in the manner envisaged under the 2019 application, it is acknowledged that a footpath which provides a link required under the planning permission has been provided. However, the footpath constructed does not provide level access along its length or laterally. It is appreciated, therefore, that the alignment, changes in level and addition of gates required by KCC Highways may make the path unsuitable for some users.

Due to the land ownership issue, the footpath as originally proposed cannot be provided, meaning that the provision of a footpath in its current location as constructed must be considered on its own merits. It is considered that the provision of the footpath which will allow many users to avoid having to walk along Monkton Road to adjoin the existing footpath as it heads east has advantages, however this footpath was a requirement of the provision

of the new houses meaning that the weight attributed to the benefits to highway safety is limited.

The consultation response from KCC Highways demonstrates that whilst not ideal, with conditions to ensure that the path is maintained and signage is in place so users are aware of the limitations of the path, the existing path would not result in severe harm to highway safety. The gates and signs proposed will be required to clearly indicate which element of the footpath is privately owned and maintained and which is adopted by KCC.

Concerns are raised by the Parish Council that there are no assurances over construction integrity, user liability or future practical maintenance to keep the footpath in suitable, safe use for all users and that there is no legal agreement ensuring the availability of the footpath.

Whilst it is noted that KCC Highways state that the footpath is not considered suitable for adoption, they do not advise that the footpath is unsafe or not fit for purpose. Conditions are proposed to ensure the ongoing maintenance of the footpath by way of the submission of a maintenance plan which would outline responsibilities and requirements to be carried out for the clearance of vegetation, repair of surfacing and integrity of the path, as well as contact details for the responsible company/body. The future availability of the footpath of the future use of the future path is also secured via a planning condition, which would comply with paragraph 56 of the NPPF being necessary, relevant to planning and to the development to be permitted. enforceable, precise and reasonable in all other respects

Given the above, it is generally considered that, whilst some users may not be able to access the footpath that has been created, many will be able and it provides to many people an alternative to walking in the public highway.

Other Matters

Concerns have been raised by local residents that the new residents of the Hoo Farm development would be expected to pay for the maintenance of the footpath; who would hold public liability insurance for the footpath; that granting consent for this application would set a precedent for developers to ignore conditions on planning consents and that the application to remove condition 18 from planning application F/TH/19/0173 was submitted before this application to approve the footpath. These points will be considered in turn below.

It is common for occupiers of new development to pay service charges to a management company to deal with landscaping, roads and other items that are not adopted by local authorities, county councils or other bodies.

Any requirement to hold public liability insurance is not a material planning consideration.

In terms of a precedent, each case would be determined on its own merits and enforcement action is available should conditions on other developments not be complied with.

An application to vary F/TH/19/0173 to include the removal of condition 18 (amongst other things) has been received by the Council prior to the submission of this application

(reference F/TH/23/1097). The current application for the footpath as constructed has been reported to members to consider if the path is acceptable, and if approved this application will form a material planning consideration in the assessment of the variation application..

Conclusion

This application seeks planning permission for the footpath that has been created together with the addition of gates and signage at either end and around the farm access to signify that it is privately owned and maintained.

It is noted that due to its alignment and changes in level that KCC would not adopt the footpath as part of its network, but do not object to consent being granted for it subject to conditions.

It is considered that the alignment, changes in level and the gates that would be added to the footpath would give the appearance of less of a traditional pavement and more of a public right of way, but it is considered that these are common in countryside areas and would not appear out of character. There is no adverse impact from the footpath or the gates/signage on the residential amenities of surrounding occupiers and whilst some users may find the path difficult to access and use, it is considered that many users will be able use the footpath as an alternative to walking in the highway.

Members are, therefore, recommended to approve the application.

Case Officer

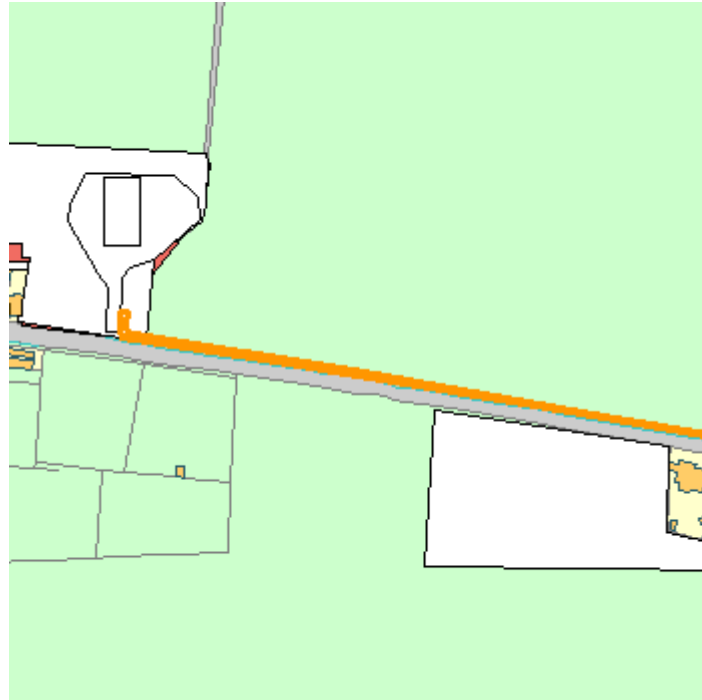
Annabel Hemmings

TITLE:

F/TH/23/1217

Project

Hoo Farm 147 Monkton Road Minster Kent CT12 4JB



A03

F/TH/23/0834

PROPOSAL: External alterations including new shopfront fronting Staffordshire Street Car Park, an increase in height of parapet at first floor and roof level and replacement of existing fenestration as well as an air source heat pump and plant associated with the lift to the roof, with internal works including an increase in floorspace from creation of mezzanine

LOCATION: 5 Broad Street RAMSGATE Kent CT11 8QY

WARD: Eastcliff

AGENT: Miss Heloise Desaissement

APPLICANT: Ms Lucia Tanner, Thanet District Council

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 221 Rev C, 231 Rev C, 232 Rev C, 233 Rev C and 234 Rev C.

GROUND;

To secure the proper development of the area.

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

GROUND:

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with Policies SP36 and HE02 and advice contained within the National Planning Policy Framework.

4 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 secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with Policies SP36 and HE02 and advice contained within the National Planning Policy Framework.

5 Prior to the erection or installation of any extraction system at the site details of such shall be submitted to and agreed in writing by the Local Planning Authority. No extraction system other than that agreed in writing by the Local Planning Authority shall be erected or installed at the site. No fans, louvres, ducts or other similar apparatus shall be installed externally without the prior written approval of the Local Planning Authority.

GROUND:

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

6 The noise rating level (LA,T) associated with the Air Source Heat Pump shall not exceed the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014 + A1:2019. An acoustic assessment of compliance with the above shall be submitted to the Local Planning Authority no later than two months after commencement of the operation of the development hereby permitted. Any provisions indicated in the assessment which need to be made to control noise emanating from the site pursuant to condition (x) shall be submitted in writing for the written approval of the Local Planning Authority within 1 month of the assessment and all works which form part of the approved scheme shall thereafter be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority.

GROUND:

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

7 Noise from the running/operation of the ASHP plant, as measured within neighbouring or adjoining residential premises, not in the occupation of the proprietors of the cafe, shall not exceed a sound level in excess of that described by the undermentioned noise rating curve numbers in the frequency range 31.5Hz to 8KHz: noise rating curve 20. As defined by BS8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006.

GROUND:

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

INFORMATIVES

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

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

Please 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/>

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

No. 5 Broad Street, Ramsgate is an existing three storey building with an accessible flat roof and maintains direct street frontages onto both Broad Street and Cleaver Lane. It appears to be currently used for storage and retail sale of second hand furniture and haberdashery goods.

The rear of the building opens on Broad Street, a street featuring an eclectic grouping of architectural styles and materials, with no continuous building line at street level and no continuous roof line at height. The southwest side of Broad Street maintains parking, loading bays and delivery access to the rear of the High Street businesses.

The front of the building opens onto Cleaver Lane, an access road that links Union Street and Turner Street, beyond which, is an extensive car park, the Staffordshire street car park.

The building is adjoined by a four-storey building (Kingswood Heights) that provides 20 apartments on one side and the former St James' Hall on the other. St James' Hall is currently vacant.

The site and much of the surrounding area lies within the Ramsgate Conservation Area.

RELEVANT PLANNING HISTORY

F/TH/07/1237 - Change of use from storage to retail use together with erection of shopfronts to front and rear elevations and alteration to windows. Approved 31st October 2007

F/TH/06/1108 - Installation of 6no. pole mounted antennas and 2no. equipment cabinets shrouded by a GRP shroud. Refused 13th November 2006. Appeal dismissed 3rd July 2007.

F/TH/04/0787 - Siting of 3No. pole-mounted antennae, provision of internal equipment room and associated equipment. Refused 13th August 2004.

F/TH/03/0755 - Installation of telecommunications equipment comprising 3No. wall-mounted polar antennae and 1No. transmission dish, mounted at third floor level together with the installation of 4No. roof-top equipment cabins mounted on steel support frames and ground-based electrical meter cabinet. Approved 1st September 2003.

F/TH/03/0044 - Installation of telecommunications equipment comprising 2 No. wall-mounted antennae and 2 No. dishes at third floor level on the south-eastern side elevation of the above property and 1 No. wall-mounted antenna and 1 No. dish on the north-western side elevation, together with the installation of roof-top equipment cabinets and one ground level cabin. Refused 6th May 2003.

F/TH/02/1186 - Installation of telecommunications equipment comprising 2 No. wall-mounted antennae at third floor level on rear elevation and 1 No. wall-mounted antenna at third floor level on front elevation together with erection of 1.1m high steel balustrade around perimeter of roof and associated equipment and roof top cabinet. Approved 28th March 2003.

PROPOSED DEVELOPMENT

Planning permission is sought for the external alterations including new shopfront fronting Staffordshire Street Car Park, an increase in height of parapet at first floor and roof level, and replacement of existing fenestration as well as an air source heat pump and plant associated with the lift to the roof, with internal works including an increase in floorspace from creation of mezzanine.

The proposal as originally submitted proposed an extension at roof level to create a fourth floor with bar at roof top level and the erection of a three storey lift extension to the Broad Street elevation. Following concerns raised by officers these elements have been removed from the application.

The application has been submitted by the Council's regeneration team as a project to create a creative workspace in a vacant town centre building, funded by the Future High Street Fund award.

DEVELOPMENT PLAN POLICIES

SP04 - Economic Growth

SP11 - Ramsgate

SP35 - Quality Development

SP36 - Conservation and Enhancement of Thanet's Historic Environment

SP37 - Climate Change

SP43 - Safe and Sustainable Travel

SP44 - Accessible Locations
QD01 - Sustainable Development
QD02 - General Design Principles
QD03 - Living conditions
HE02 - Development in Conservation Areas
SE06 - Noise pollution
TP02 - Walking
TP03 - Cycling
TP03 - Car Parking

NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice displayed close to the application site and the application publicised in a local newspaper. No representations have been received.

Ramsgate Town Council: No comment

Ramsgate Heritage and Design Forum: No objection

CONSULTATIONS

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

Southern Water: It appears that the developer is intending to build-over a public foul sewer which is crossing the site. Building over a "public sewer" is not normally permitted by Southern Water. An investigation of the sewer is required to confirm its size and depth, ascertain its condition, number of properties served and potential means of access before any decision can be made as to whether it would be acceptable for Southern Water to allow building-over the sewer

The length of sewer to be built over under the terms of Part H of the Building Regulations dictates that the matter is determined by the sewerage undertaker, which in this case is Southern Water. The conditions and application associated with the build-over/close-to a public sewer are available at Southern Water's Get Connected service: developerservices.southernwater.co.uk

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.

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

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

In situations where surface water is being considered for discharge to our network, we require the following hierarchy for surface water to be followed - reuse, infiltration, water course, storm sewer, combined sewer - which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

TDC Environmental Health: Final Comment - To safeguard neighbours from potential Air Source Heat Pump (ASHP) noise and nuisance from commercial kitchen extraction it is necessary for the following conditions to be attached:

Condition: Noise from ASHP Plant

The noise rating level (LA,T) associated with the Air Source Heat Pump shall not exceed the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014 + A1:2019. An acoustic assessment of compliance with condition (x) shall be submitted to the Local Planning Authority no later than two months after commencement of the operation of the development hereby permitted. Any provisions indicated in the assessment which need to be made to control noise emanating from the site pursuant to condition (x) shall be submitted in writing for the written approval of the Local Planning Authority within 1 month of the assessment and all works which form part of the approved scheme shall thereafter be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority and thereafter maintained.

Condition: Noise internal

Noise from the running/operation of the ASHP plant, as measured within neighbouring or adjoining residential premises, not in the occupation of the proprietors of the food business, shall not exceed a sound level in excess of that described by the undermentioned noise rating curve numbers in the frequency range 31.5Hz to 8KHz: noise rating curve 20. As defined by BS8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006.

Reason: In order that the Council may be satisfied that development proposals that generate significant levels of noise are accompanied by a scheme to mitigate such effects on surrounding uses in accordance with The National Planning Policy Framework 2023 and Thanet District Council Policy SE06 - Noise Pollution.

Condition: Control of External Apparatus (Café extraction)

Prior to the erection or installation of any extraction system at the site details of such shall be submitted to and agreed in writing by the Local Planning Authority. No extraction system other than that agreed in writing by the Local Planning Authority shall be erected or installed at the site. No fans, louvers, ducts or other similar apparatus shall be installed externally without the prior written approval of the Local Planning Authority.

Reason: In order that the Council may be satisfied that development proposals that generate significant levels of noise and odour are accompanied by a scheme to mitigate such effects on surrounding uses in accordance with The National Planning Policy Framework 2023 and Thanet District Council Policy SE01 Potentially Polluting Development.

Initial comment - EH would be concerned with the proposed roof top bar and terrace particularly given the proximity to residential flats nearby, as well as the proposed Cox and Son development. It would not be appropriate to introduce a licensed premise or open communal area serving patrons without having assessed noise impacts. Although the proposed curfew is 10pm; significant noise is often generated by licensed premises who automatically benefit from provisions within the Live Music Act. The application also seeks to install an air source heat pump. Therefore, without further supporting information demonstrating the noise has been assessed and where adverse impacts identified are mitigated EH must recommend refusal.

TDC Conservation Officer: Final comment - Following a review of the proposed application, subsequent to the removal of the proposed roof extension, I have no objections to the scheme and would consider the unification, maintenance and continued use of the building would appear positively in the context of the surrounding conservation area.

Should this application be approved I would suggest joinery details of any newly proposed windows and doors, proposed shopfront and neon signage before the work is undertaken in order to further protect the setting and appearance of the surrounding conservation area.

Initial comment - On further review of the application I do have concerns regarding the roof extension element of the proposed scheme. The building in question is already dominant in the existing street scene and to further elevate this would cause quite a high level of harm to the setting and appearance of the surrounding conservation area. This design choice is somewhat further exacerbated by the use of the contemporary lift shaft which sits predominantly to the front of the building, adding to its bulk and protruding form.

Given the form of the surrounding street scene and its setting and appearance within the conservation environment. Ideally I would like this application amended to remove the top floor development or at least reviewed.

COMMENTS

This application is to be determined by the Planning Committee as the application is submitted by Thanet District Council.

Principle

There are no in principle objections to the extension or alteration of an existing property.

Character and Appearance

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires decision makers to pay special attention to the desirability of preserving or

enhancing the character or appearance of conservation areas. The NPPF 2019 states that when considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 193). The NPPF goes on to state in paragraph 196 states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

Policies SP36 and HE02 of the Thanet Local Plan are also relevant to this application. Policy SP36 of the Council's Local Plan is a strategic policy which states that the council will support, value and have regard to the historic significance of Heritage Assets. Policy HE02 states that within conservation areas, development proposals which preserve or enhance the character or appearance of the area will be permitted and states that where proposals are for extensions that they will be granted where "the character, scale and plan form of the original building are respected and the extension is subordinate to it and does not dominate principal elevations", and "appropriate materials and detailing are proposed and the extension would not result in the loss of features that contribute to the character or appearance of the conservation area".

The Ramsgate Conservation Area Appraisal was adopted in March 2022. The application site is identified as lying within character area 2 in the appraisal - the historic commercial core. This encompasses the town centre and is arranged along 4 principal streets - High Street, Harbour Street, Queen Street and King Street. It states that most buildings within that character area have a commercial function, often with flats to the upper floors, and that development is very dense and built hard up to the pavement, with a prevailing height of three to four storeys. It is noted that the adjoining property to the application site, St James Hall, is identified as a building which makes a positive contribution to this part of the conservation 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 QD02 outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

The external works proposed to the building now include a new shopfront fronting Staffordshire Street Car Park, an increase in height of parapet at first floor and roof level,

replacement of existing fenestration as well as an air source heat pump and plant associated with the lift to the roof.

The proposed shopfront would be timber double glazed and be traditional in design including stall risers. It is considered that the shopfront is acceptable in design terms and is considered to make access to the building from the rear more accessible. It would also see the removal of the large fascia to the shopfront which is a benefit to the character and appearance of the conservation area.

The raising of the parapets at roof and first floor level are considered to add interest to the building and provide a usable space at first space at the existing ground floor flat roof element of the Broad Street elevation. It is not considered unusual to have activity at that level within the streetscene as such as the balconies found at the adjoining Kingswood Heights.

The proposal would also see the installation of some plant relating to the proposed internal lift introduced at roof level along with the air source heat pump. It is not considered unusual to see mechanical plant on buildings and it is noted that the building has over a number of years had a number of telecommunication masts and other plant on its roof which would be fully removed as part of this application. It is not considered that either the lift equipment or the air source heat pump would be particularly dominant or visible, although it is recognised that they could be visible in long distance views of the building. However in those instances, the changes can be seen in the context of the building and other surrounding development and it would be considered an enhancement to the area.

The alterations to fenestration will see a combination of new windows added into existing openings as well as some windows on the Broad Street and flank elevation infilled with glazed bricks. This is considered to add interest to the building, whilst allowing light to still enter the building through the openings and also distinguishing the alterations to the building that form part of this application from the building as existing from this application helping to tell the story of the buildings evolution. A rooflight would also be removed as part of this application.

It is also noted that the proposal would increase the usable floor space within the building by the addition of mezzanine floors in some areas. This would have no impact on the character or appearance of the building externally and, given that the building is not listed and the limited floorspace created, planning permission is not required for this change.

It is considered appropriate that joinery details are secured for the new windows and doors including those in the new shopfront as well as samples/details of the glazed bricks proposed to be utilised to ensure that the development preserves and enhances its setting.

Given the above, it is not considered that, subject to safeguarding conditions, that there would be any adverse impact on the character or appearance of the site or its conservation area setting from the proposed development.

Living Conditions

Paragraph 119 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 130 f) details planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy QD03 of the Local Plan deals specifically with living conditions. This policy states that all new development should:

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

It falls to consider the impact of the proposed development on nearby residential properties in the surrounding area, particularly properties in Kingswood Heights.

Environmental Health raised concerns initially about the potential noise impact of the rooftop bar on surrounding residents, but this element, as set out earlier in the report, has been removed from the application. They do, however, have some concerns about the noise impact of the air source heat pump both and the method of extraction for the area shown on the plans as a cafe, but advise that their concerns can be dealt with via the imposition of conditions.

The air source heat pump, whilst located on the roof of the building, would not be located in close proximity to any windows of Kingswood Heights and it is recognised that the application site is an edge of town centre location where some background noise is to be expected. Environmental Health have suggested two conditions relating to limiting noise from the heat pump and they are considered to meet the test for conditions under paragraph 55 of the National Planning Policy Framework.

In terms of extraction, it is recognised that there is the potential for flues or other plant associated with cafes and other uses producing food to cause noise and disturbance to the occupiers of residential properties. Although it has been confirmed by the applicant that the cafe in this instance would have no on site food preparation with limited preparation facilities (microwave, kettle, fridge), it is considered reasonable that a condition is attached so that any means of extraction if required in the future would be submitted and agreed by the planning department prior to their installation.

Given the above, it is not considered, subject to safeguarding conditions, that there would be any adverse impact on the residential amenities of surrounding occupiers from the proposed development.

Highways

Paragraph 110 of the NPPF states that in assessing applications for development it should be ensured that adequate opportunities to promote sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 111).

Whilst it is noted that the proposed mezzanine floors would increase the amount of usable floorspace within the building, the site lies within the area identified within Policy TP06 as an area of the town centre where new development proposals will not be required or expected to provide on site car parking spaces. The site is in a sustainable location, close to public transport links, facilities and services and public car parks. The proposed works to the building are considered to be minor in nature and would not be likely to generate traffic movements or requirements for additional parking.

It is, therefore, that the proposed development would not have an adverse impact on highway safety or parking in the local area.

Other Matters

Southern Water has raised concerns that the development would be built over a public sewer crossing the application site which is not normally permitted by them. Following the amendments to the application, the proposal seeks to make changes to the existing building with no changes to its footprint, as such it is not considered that the proposed development would have any additional impact on the sewer crossing the site than the existing.

Conclusion

This application seeks consent for external alterations to 5 Broad Street including new shopfront fronting Staffordshire Street Car Park, an increase in height of parapet at first floor and roof level and replacement of existing fenestration as well as an air source heat pump and plant associated with the lift to the roof, with internal works including an increase in floorspace from creation of mezzanine.

The proposed works are generally low key and would unify and maintain the building and help secure its continued use. It is considered that with safeguarding conditions that there would be no adverse impact on the character appearance of the site or its conservation area setting, the residential amenities of nearby occupiers or highway safety or parking.

Members are, therefore, recommended to approve the application.

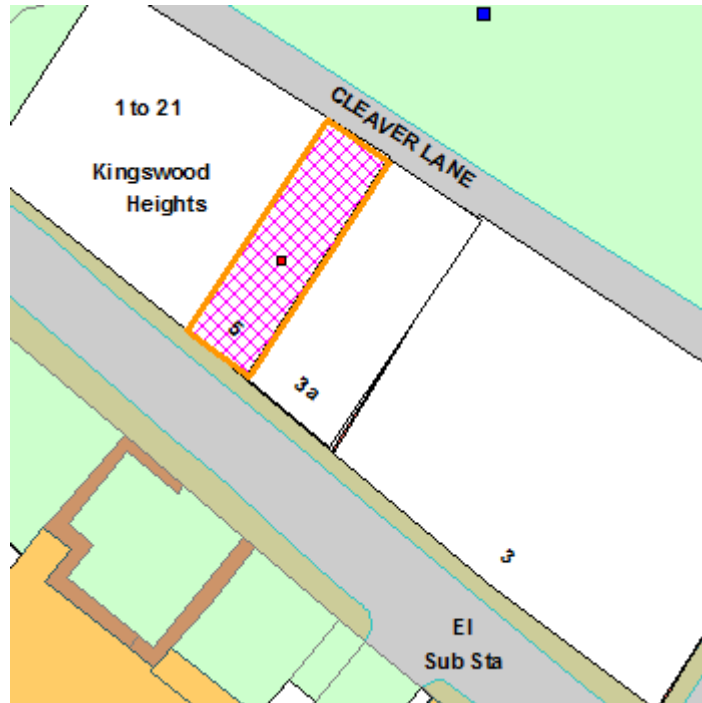
Case Officer
Annabel Hemmings

TITLE:

F/TH/23/0834

Project

5 Broad Street RAMSGATE Kent CT11 8QY



This page is intentionally left blank

A04

F/TH/23/1002

PROPOSAL: Erection of artwork/sign featuring 1.2m high copper letters on aluminium frame attached to wooden fenders on harbour wall

LOCATION: Former Port Control East Pier Ramsgate Kent CT11 8LJ

WARD: Central Harbour

AGENT: No agent

APPLICANT: Ms Theresa Smith

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND:

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

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 400-LOC-002 received 26 July 2023, EL01 Rev 4 and AA Rev 4, received 09 October 2023.

GROUND;

To secure the proper development of the area.

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.

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

The site is located on the inside of the East Pier, to the north of the Royal Harbour Brasserie. This part of the pier is accessible to both pedestrians and vehicles and visible in long views across the harbour. The East Pier is part of the grade II* listed Royal Harbour and the site comprises a stone wall with vertical timber fenders.

RELEVANT PLANNING HISTORY

There is an extensive planning history for the East Pier. The planning history below relates to a similar development in a different location on the pier.

F/TH/20/1781 - Erection of illuminated art work / sign featuring 1.8m high copper letters 'PERFUGIUM MISERIS' on perforated steel back plate with supporting steel structure and fibre optic lighting system. Granted 30 April 2021

PROPOSED DEVELOPMENT

The proposed development is the erection of artwork/sign featuring 1.2m high copper letters on aluminium frame attached to wooden fenders on harbour wall. The proposed letters would spell 'PERFUGIUM MISERIS' which translates from Latin to "refuge for those in need". The aluminium frame would be mounted onto four of the wooden fenders on the harbour wall and four additional bolt fixings would be made into the harbour wall. The artwork would be mounted below the high tide level so that when the tide comes in it disappears from view and 12 rubber fenders would be erected above and below the sign to protect it.

DEVELOPMENT PLAN POLICIES

SP04 - Economic Growth
SP11 - Ramsgate
SP26 - Landscape Character Areas
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP36 - Conservation and Enhancement of Thanet's Historic Environment
SP37 - Climate Change
SP38 - Healthy and Inclusive Communities
HE01 - Archaeology
HE02 - Development in Conservation Areas
HE03 - Heritage Assets
CC01 - Fluvial and Tidal Flooding

CC02 - Surface Water Management
QD01 - Sustainable Development
QD02 - General Design Principles
QD03 - Living Conditions
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

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

One letter of objection has been received raising the following concerns:

- Harm to the appearance of the listed harbour
- Harm to the character and appearance of the area
- Should be for a temporary period of time
- Benefits of the development are subjective
- Seven letters of support have been received raising the following points:
 - Tourist attraction
 - Positive message for the town
 - Links to Ramsgate's history
 - Previous version of the artwork was positive for the area
 - In keeping with the harbour
 - Visually attractive
 - Economic boost to the area

Ramsgate Town Council - No comment

Ramsgate Heritage and Design Forum - The forum is very much in support of this new artwork telling the story of the history of the harbour. No objection.

CONSULTATIONS

KCC Highways - I refer to the above planning application and consider that there are no highway implications associated with the proposals.

Marine Management Organisation - Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

Response to your consultation

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government.

The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

Marine Licensing

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the MMO's online portal to register for an application for marine licence

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that would affect a UK or European protected marine species.

The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application:

- local planning authority name,
- planning officer name and contact details,
- planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

Environmental Impact Assessment

With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately.

Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A map showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our Explore Marine Plans service.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist. If you wish to contact your local marine planning officer you can find their details on our gov.uk page.

TDC Conservation Officer - I would consider there to be a level of harm caused to the setting and appearance of the listed asset and royal harbour, however all mitigations have been made in the approach to the attachment to the pier that the physical harm is reduced where it can be. There are also other public and social benefits to consider as well as this proposal being a long term but temporary project.

As such I do not object to the application proposed but would suggest that a date is set for the condition of the artwork to be reviewed after the proposed ten years.

TDC Harbour Master - The works have previously been done and there were no issues regarding it then so from our side no comments.

TDC Environmental Health - No comments or concerns regarding the installation of art work to the harbour wall.

COMMENTS

This application is brought before members as the site belongs to Thanet District Council.

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.

Policy SP04 seeks to support the regeneration of the towns and the growth of the Port of Ramsgate. It sets out that new tourism development and the increased attraction of tourists to the area will be supported.

Overall there is not considered to be any in-principle objection to the works. The main considerations in relation to the proposal are the impact on the character and appearance of the area (including the setting of listed buildings and structures and the Ramsgate Conservation Area), on the living conditions of neighbouring occupiers and public safety, flood risk and drainage, archaeology and highways safety.

Character and Appearance

As part of the site is located within the Ramsgate 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 is also located within the Ramsgate and Broadstairs Cliffs Landscape Character Area 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.

In considering these matters, paragraph 7 of the NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development and this is later categorised into achieving three objectives relating to economic sustainability, social sustainability and environmental sustainability. Paragraph 92 of the NPPF states that decisions should aim to achieve healthy, inclusive and safe places, by promoting social interaction, including meetings between people who might not otherwise come together, creating strong neighbourhood centres, and to provide the social, recreational and cultural facilities and services the community needs. Policy SP11 of the Thanet Local Plan sets out that within Ramsgate the Council will seek to support continued regeneration and development that focuses on the maritime heritage and developing leisure role that it has to play. Policy SP38 seeks to improve health and wellbeing by safeguarding or providing public open space, promoting healthier options for transport such as cycling and walking, creating social interaction and by creating safe environments through mixed uses, design, and layout. 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.

Whilst the works would undoubtedly cause some harm to the designated heritage asset and the historic environment through the attachment to the pier and the alteration to its appearance, as the Council's Conservation Officer highlights, this harm is considered to be limited. There would be some public benefit in the provision of the installations in terms of creating social interaction and inclusivity, and some economic benefit in terms of the potential for increased tourism and regeneration to Ramsgate. Therefore, on balance, the

provision of the proposed artwork here is considered to create a community benefit that would outweigh the harm to the historic environment and character and appearance of the area, and is considered by Officers to comply with the overall aims of policies SP11, SP38, and QD02 of the Thanet Local Plan, and aims of paragraphs 7, 92, 130 and 202 of the National Planning Policy Framework.

Living Conditions

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

Paragraph 130 states that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users. Policy QD02 of the Thanet Local Plan outlines that new development should be compatible with neighbouring buildings and spaces, and should be inclusive in its design for all users. It should improve people's quality of life by creating safe and accessible environments and promote public safety and security. Policy QD03 outlines that new development must not lead to unacceptable living conditions through overlooking, noise, vibrations, light pollution, overshadowing, loss of natural light or a sense of enclosure.

The site is located a significant distance from the closest residential property and does not represent a significant projection beyond the side of the pier. No moving parts or illumination is proposed as part of the art work. It is therefore considered that this development would have no significant impact upon the living amenity of the neighbouring property occupiers.

Transportation

The artwork would be located on the side of the pier and is not considered to represent an obstruction to vehicles or pedestrians moving along the pier. The site is located close to the centre of Ramsgate and parking in the surrounding area is subject to controls. Given the scale and location of the artwork this development is not considered to result in any significant harm to highway safety.

Flood Risk and Drainage

Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from those areas at highest risk (whether existing or future).

The site is located within flood zone 3 and has a high risk of flooding, however the artwork would be set well below the level of the highway and there would be no public access. Given the nature of the development and its scale this proposal is not considered to result in a significant increase in flood risk.

Biodiversity

The proposed development would be located on the side of the existing pier and would not significantly alter the scale of the pier or increase activity in the immediate vicinity. Given the scale of the development and the number of proposed fixings the installation of the artwork is not anticipated to take a prolonged period of time.

Conclusion

Overall the site is very sensitively located, being within the Ramsgate Conservation Area, a listed structure and highly prominent.

The works would not cause any significant or material harm to nearby occupiers, highways safety, biodiversity or flood risk. There would be some harm through the physical attachment of the sign to the listed pier and the alteration to its appearance, however this is considered to be limited.

Where harm is identified the NPPF requires a balancing exercise with any public benefit that might outweigh the harm caused. In this case, the artwork would give regard to the maritime heritage of Ramsgate's past and there would be social and economic benefits. These benefits are considered to outweigh any harm and therefore Officers recommend this application be approved.

Case Officer

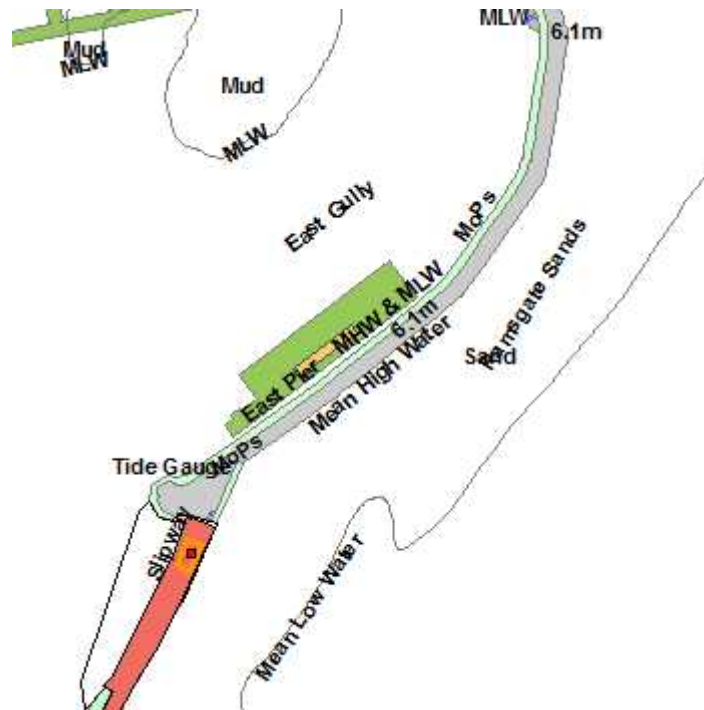
Duncan Fitt

TITLE:

F/TH/23/1002

Project

Former Port Control East Pier Ramsgate Kent CT11 8LJ



A05

L/TH/23/1003

PROPOSAL: Application for Listed Building Consent for the erection of artwork/sign featuring 1.2m high copper letters on aluminium frame attached to wooden fenders on harbour wall.

LOCATION: Former Port Control East Pier Ramsgate Kent CT11 8LJ

WARD: Central Harbour

AGENT: No agent

APPLICANT: Ms Theresa Smith

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND;

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

2 The artwork hereby approved shall be installed in accordance with the details included in the Design Access and Heritage Statement Mooch v2 received 29 August 2023 and on plans numbered 400-LOC-002 received 26 July 2023, EL01 Rev 4 and AA Rev 4 received 09 October 2023.

GROUND

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.

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.

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 400-LOC-002 received 26 July 2023, EL01 Rev 4 and AA Rev 4 received 09 October 2023.

SITE, LOCATION AND DESCRIPTION

The site is located on the inside of the East Pier, to the north of the Royal Harbour Brasserie. This part of the pier is accessible to both pedestrians and vehicles and visible in long views across the harbour. The East Pier is part of the grade II* listed Royal Harbour and the site comprises a stone wall with vertical timber fenders.

RELEVANT PLANNING HISTORY

There is an extensive planning history for the East Pier. The planning history below relates to a similar development in a different location on the pier.

F/TH/20/1781 - Erection of illuminated art work / sign featuring 1.8m high copper letters 'PERFUGIUM MISERIS' on perforated steel back plate with supporting steel structure and fibre optic lighting system. Granted 30 April 2021

PROPOSED DEVELOPMENT

The proposed development is the erection of artwork/sign featuring 1.2m high copper letters on aluminium frame attached to wooden fenders on harbour wall. The proposed letters would spell 'PERFUGIUM MISERIS' which translates from Latin to "refuge for those in need". The aluminium frame would be mounted onto four of the wooden fenders on the harbour wall and four additional bolt fixings would be made into the harbour wall. The artwork would be mounted below the high tide level so that when the tide comes in it disappears from view and 12 rubber fenders would be erected above and below the sign to protect it.

DEVELOPMENT PLAN POLICIES

SP35 - Quality Development

SP36 - Conservation and Enhancement of Thanet's Historic Environment

HE03 - Heritage Assets

QD01 - Sustainable Development

QD02 - General Design Principles

NOTIFICATIONS

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

No responses have been received.

Ramsgate Town Council - No comment

CONSULTATIONS

TDC Conservation Officer - I would consider there to be a level of harm caused to the setting and appearance of the listed asset and royal harbour, however all mitigations have been made in the approach to the attachment to the pier that the physical harm is reduced where it can be. There are also other public and social benefits to consider as well as this proposal being a long term but temporary project.

As such I do not object to the application proposed but would suggest that a date is set for the condition of the artwork to be reviewed after the proposed ten years.

COMMENTS

This application is brought before members as the site belongs to Thanet District Council.

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 sign and frame would measure 1.5m high, 22m wide and project 0.17m beyond the fenders on the face of the pier. It would be connected to four timber fenders, one at each

end and two close to the centre, with four bolts in each fender and bolted directly to the face of the pier at four points between the timber fenders. 12 fenders would be installed 0.3m above and below the sign.

The physical attachment of the sign to the pier would result in some damage to the historic fabric of the pier, however the number of attachments is considered to be limited in number and the resulting damage is not considered to be significant or prejudice the future of the listed structure.

This part of the pier is highly prominent in long views across the harbour and the sign would alter the appearance of the pier. This is an application for permanent permission, however the applicant indicates that the expected duration of the installation is tens years and it is considered that when the sign is removed the pier could readily be restored to its current condition. Furthermore the sign would be located below the high tide mark so would only be visible for part of the time and this is a working harbour where various boats would be moored against the harbour wall obstructing views of the pier.

Signage with the same wording has previously been installed in a similar location on the pier and it is considered that the installation of artwork related to the maritime heritage of the pier and harbour would promote public interest, social interaction and have some economic benefits through increased tourism to the harbour and Ramsgate. It is therefore considered that this proposal would represent a number of public benefits and the limited harm to the listed structure would be outweighed and this application should be approved.

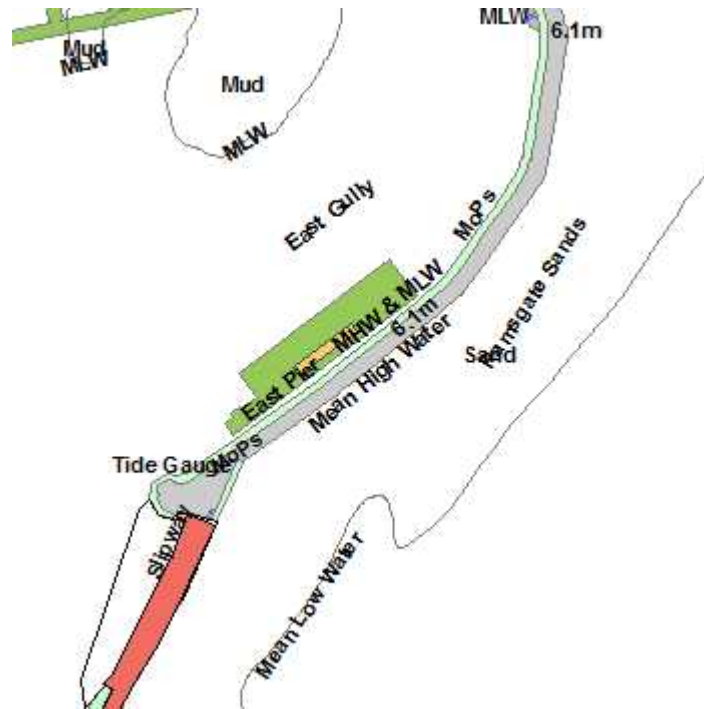
Case Officer

Duncan Fitt

TITLE: L/TH/23/1003

Project Former Port Control East Pier Ramsgate Kent CT11 8LJ

Scale:



This page is intentionally left blank

A06

FH/TH/23/1273

PROPOSAL: Erection of a garden outbuilding and pergola (retrospective)

LOCATION: 60 Northumberland Avenue MARGATE Kent CT9 3BJ

WARD: Cliftonville East

AGENT: Claire Langridge

APPLICANT: Mr Marc Rattigan

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby approved shall be carried out in accordance with the submitted drawings numbered Drawing 18.045_14 received 22 September 2023.

GROUND;

To secure the proper development of the area.

SITE, LOCATION AND DESCRIPTION

The application site is a two storey detached dwelling on a corner plot next to the junction of Northumberland Avenue and Northdown Road. The surrounding area is characterised by single and two storey dwellings, set in largely regular linear plots with moderate rear gardens, and are set back from the road following consistent building lines, with open frontages. The boundary to the site comprises timber fencing set above a brick boundary wall with metal entrance gates located across the vehicle hardstanding fronting Northumberland Avenue.

PREVIOUS PLANNING HISTORY

F/TH/22/0889 GTD 22 September 2022

Variation of conditions 2 and 3 of planning permission F/TH/20/1044 for the "Erection of a two storey 5 bed dwelling following demolition of existing bungalow" to allow alterations to materials, and fenestration and removal of chimney stack

F/TH/20/1044 GTD 28 June 2021

Erection of a two storey 5 bed dwelling following demolition of existing bungalow

FH/TH/17/0597 GTD 10 August 2017

Retrospective application for the erection of a climbing frame

F/TH/15/0070 REF 30 April 2015
Erection of dwelling with associated parking

PROPOSED DEVELOPMENT

The application seeks to regularise unauthorised development for the erection of an outbuilding and a pergola that has been erected within the front garden between the principal elevation of the dwelling and the boundary wall.

PLANNING POLICIES

SP35 - Quality Developments
QD02 - General Design Principles
QD03 - Living Conditions

NOTIFICATIONS

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

COMMENTS

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

The application is retrospective as the structures have been built without the benefit of planning permission and without complying with planning conditions attached to the previous planning permission for the enlargement of the property. The main considerations for Members to assess are the impact of the development on the character and appearance of the area, impact on neighbouring amenity and highway safety.

Character and Appearance

The property occupies a prominent corner plot on the junction of Northumberland Avenue and Northdown Road. The decision notice permitting the erection of a two storey 5 bed dwelling, following demolition of the existing bungalow (planning application reference F/TH/20/1044), included a condition removing permitted development rights for future development pertaining to the erection of outbuildings; *Condition 5: No further enlargements or alterations to the dwellinghouse or erection of outbuildings whether approved by Class B, or E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.*

As a result of the significant increase in scale of the dwelling within this plot, and its relationship with neighbouring dwellings, the condition was required in order to ensure that any future development that may have been automatically permitted through the General Permitted Development Order (GPDO) could first be fully assessed by the Local Planning Authority with regards to its impact on both the visual amenities of the locality and the

residential amenities of neighbouring residential occupiers. This safeguarding condition was carried through to the subsequent application that further altered the original decision to allow for alterations to materials, fenestration and the removal of the chimney stack (planning reference F/TH/22/0889).

The structures as constructed fall outside the requirements of the GPDO due to their height and distance from the boundary. Therefore even without the safeguarding condition that removed the permitted development rights for this property, both structures require the benefit of planning permission.

The dark grey aluminium clad outbuilding has a footprint of 6 metres by 4 metres and has a height of 2.5 metres, with the flat roof finished with a layer of green artificial plastic grass. The building has a window facing towards the front elevation of the main dwelling and bi-folding doors facing towards the pergola and towards the driveway. The building has an integral tool shed to the rear with a single door, and the remainder of the building is annotated as providing a 'garden & bike store/gym'. The building is set forward of the principal elevation of the dwelling and approximately 1.5 metres from the boundary wall.

The pergola is 3 metres by 3 metres and has a height of 2.3 metres and is also finished in dark grey aluminium. The pergola is also located forward of the principal elevation of the dwelling and is 1 metre from the boundary wall.

The boundary wall, with fence panels above, has a height of 2 metres which provides screening of the main part of the structures when viewed from the street. Nevertheless the uppermost portions of both buildings are visible above the height of the boundary wall. The outbuilding, being taller, is more visible and the bright green artificial grass covering on the roof draws attention to its presence. Views of the buildings through the entrance gate are mostly screened by a brick wall that has been built perpendicular to the front elevation (extending from the front elevation of the dwelling and the boundary wall). The presence of the pergola is nonetheless apparent from the public highway.

With regards to the character and appearance of the area, dwellings in this location are set within fairly generous plots, and the dwellings are set back from the road following consistent building lines, with open frontages. The structures infill the open space to the boundary and appear somewhat cramped within the space, and screen the interesting architectural features of the main dwelling, whilst at the same time disrupt the prevailing pattern and rhythm of development of open frontages, which makes a positive contribution to the character and appearance of Northumberland Avenue.

However, in the wider character and appearance of the area the structures are relatively modest in scale, in relation to the scale of the main dwelling, and the pergola does not comprise a solid form, thereby appearing ancillary to the main building. The height of the boundary wall prevents the buildings appearing significantly prominent and incongruous within the street scene and therefore, on balance, the development does not result in significant harm to the character and appearance of the area to warrant refusal in this instance, and the development is therefore in accordance with Policies SP35 and QD02 and the National Planning Policy Framework.

Living Conditions

The structures are located between the dwelling and the boundary wall and located away from neighbouring windows and therefore, there is no loss of light or outlook caused to neighbouring residential occupiers.

The buildings are located within the front garden, close to the public highway, and screened by a high level brick wall and therefore, activity around the structures, including any external lighting, would be similar to the normal use of the residential garden and would not result in unacceptable overlooking, loss of privacy or noise and disturbance to nearby neighbouring residential occupiers.

The development is therefore considered to be acceptable and meets the requirements of Thanet Local Plan QD03 and the NPPF.

Highway Safety

The pergola has been erected on an area of garden to the front of the dwelling that was previously available for the parking and manoeuvring of vehicles. The pergola together with the brick wall makes a 4.5 metre wide by 6 metre deep area unavailable for off-street parking. Whilst this is a significant reduction to the size of the previous hardstanding for manoeuvring vehicles comfortably within the site, the existing access onto the highway remains and there is a 9.5 metre wide and 5 metres deep area retained for off-street parking.

Given the above it is considered that the proposed development would not adversely impact upon highway safety.

Conclusion

The development occupies a prominent forward location within the site and reduces the available garden and parking area within the site, however the structures are mostly screened by the high level boundary wall and therefore do not appear overly prominent within the streetscene to warrant refusal. The development is located away from neighbouring properties and therefore has limited impact upon the living conditions of neighbouring occupiers and does not adversely impact upon highway safety. It is therefore recommended that Members approve this application.

Case Officer

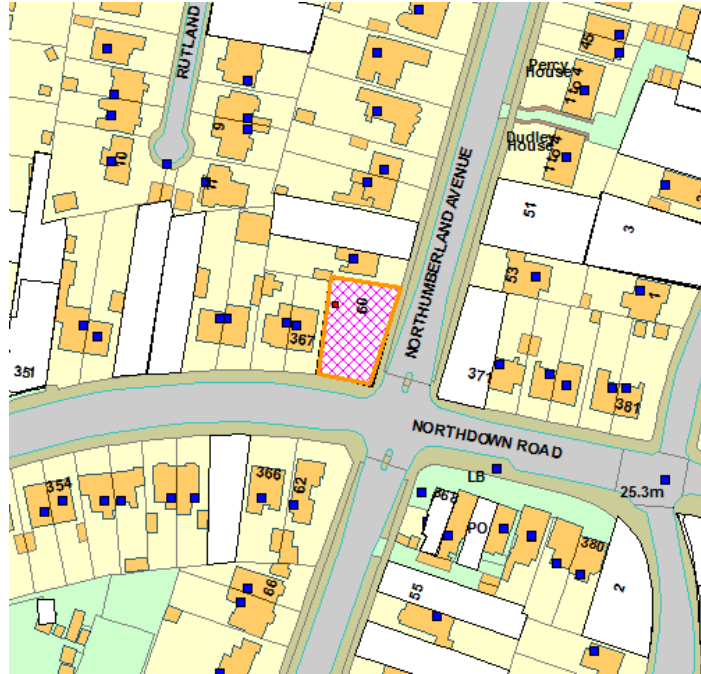
Rosemary Bullivant

TITLE:

FH/TH/23/1273

Project

60 Northumberland Avenue MARGATE Kent CT9 3BJ



This page is intentionally left blank

4 The rooflight hereby approved shall be 'conservation style' rooflights, set flush with the roof plane in the location shown on drawing numbered 25/593/MG/PL02 Rev A, received 8 September 2023.

GROUND:

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

5 The new facing brickwork/stonework shall match the existing brickwork/stonework in respect of the dimensions, colour, texture, face bond and pointing and the use of lime mortar.

GROUND

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with HE03 advice contained within the National Planning Policy Framework.

INFORMATIVES

For the avoidance of doubt, the Council has determined the application on the following plans numbered 25/593/MG/PL01 received 4 September 2023, 25/593/MG/PL02 Rev A, received 8 September 2023 and joinery details on amended drawing numbered 25/593/MG/PL03 Rev B, received 23 October 2023.

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.

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 property is an end of terrace three storey dwelling with basement in La Belle Alliance Square. The property is Grade II Heritage Listed along with Nos 9, 10 and 11 and forms a terraced group. The flank elevation of the property is highly visible from the Plains of Waterloo with views across the car parking area located on the corner with the junction.

PLANNING HISTORY

L/TH/15/0366 GTD 9 October 2015

Application for Listed Building Consent to infill elliptical arch to first floor front elevation

PROPOSED DEVELOPMENT

The application seeks to stabilise the masonry on the building and reconstruct the front and flank elevation of the second floor of the building and reinstate the parapet. Two timber sliding sash windows are proposed to be installed to replace the existing windows, together with the replacement of chimney pots. It is also proposed to install a rooflight within the front facing roofslope.

PLANNING POLICIES

HE03 - Heritage Assets

NOTIFICATIONS

A site notice has been posted and letters sent to neighbouring properties and an advert placed in the local newspaper and no representations have been received.

Ramsgate Town Council - The planning application was not called in for consideration and therefore no comment is made.

CONSULTATIONS

TDC Conservation Officer - 12 La Belle Alliance Square is located within Ramsgate Conservation Area a short distance from the main thoroughfare of the commercial town.

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

NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (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.

This application proposes to partially demolish the existing listed property in order to fully rebuild it in a like for like manner, with the intention to keep material where possible. This is due to a structural failure in the property which needs to be fully investigated and repaired rather than superficially maintaining its fabric with repeated repairs as has been achieved until now.

Materials proposed match that directly from that being removed which is a positive aspect of this application, keeping the reconstruction consistent and truly like for like.

Works to the building to ensure its maintained appearance and structure ultimately would appear positive to the setting and appearance of the surrounding conservation area.

The intention is to retain the listed property sustainably for future generations and if the work through this application supports that through partial demolition and reconstruction then it should be supported. The works proposed are invasive and do implicate the fabric of the building, however if it is that or total loss of collapse of the structure then I do not object to the application proposed. I also consider it to comply with the aforementioned legislation.

If this application was to be approved I would suggest that the building is recorded photographically before its demolition in order to preserve its fabric visually before works start, this can be achieved through condition.

Details should be submitted of all replacement windows proposed via condition also.

Historic England - Thank you for your letter of 14 September 2023 regarding the above application for listed building consent.

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 comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

COMMENTS

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

The consideration for Members to assess is the impact of the work on the architectural and historic significance of the listed building.

The proposed works would stabilise, repair and refurbish the Grade II Listed building. A detailed Inspection Report has been provided together with a detailed Structural Works schedule identifying a number of issues and methodology for carrying out essential repairs and refurbishment.

The proposed works need to be assessed against Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when 'considering whether

to grant listed building consent for any works the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Furthermore, Thanet Local Plan policy HE03 seeks to safeguard heritage assets against harm in line with the criteria set out in the National Planning Policy Framework (NPPF). Paragraph 198 of the NPPF requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 199 of the NPPF goes on to advise that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The top floor of the building, on the front and flank elevation of the property, is in need of repairs due to structural failures as a result of historic settlement of the building. The proposed works seek to remove the damaged section of wall to the front and side elevations and reconstruct the walls, restoring the parapet wall and replacing broken chimney pots. Photographic evidence has been provided showing the condition of the windows and the Statement explains that the existing sash windows have been adjusted to cope with the settlement and due to this adjustment it is unlikely that it would be possible to incorporate the windows back into the front facade. It is therefore proposed to install two new timber sash windows of the same design. Joinery details have been provided with the application that initially showed double glazed windows, however following concerns that double glazed units would be unacceptable within a listed building the joinery details have been amended and now show single glazed units, and these are considered acceptable.

The flank wall is constructed of randomly coursed flintwork and is in poor condition. It is proposed to remove the damaged part of the wall and reconstruct and tie the wall into the roof. The repointing of the flint wall is to be carried out with lime mortar to match existing.

Within the front facing roofslope of the M shaped roof it is proposed to install a rooflight. The Applicant's Agent has advised that the rooflight is required to provide access for the maintenance of the gutter. The lack of safe access to the front parapet has resulted in the gutter becoming blocked and a rooflight in this location would facilitate safer access for repair and maintenance and limit future damage to the listed building. Whilst the Council would prefer to see the rooflight located within a rear facing roofslope it is considered the benefits of facilitating repairs and maintenance would provide an overall benefit to the future preservation of the building. In this instance the rooflight is relatively small in scale and would result in limited disruption to the original roof which is being refurbished through these works, and it would be mostly screened behind the parapet wall and therefore would not significantly detract from the appearance of the building. Provided the rooflight is a conservation style rooflight that lays flat to the roof surface this is considered acceptable on balance.

The Conservation Officer has been consulted and raises no objections to the works as this would ensure the future preservation of the building. It is recommended that photographs are taken of the elements being removed in order to maintain an historic record.

It is considered the proposed works would sympathetically stabilise and repair the building and prevent its further deterioration. Paragraph 199 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this instance the proposed works are considered to preserve the listed building, with public benefits from the refurbishment preserving the building as a whole to allow for its future use, in line with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, Thanet Local Plan Policy HE03 and the NPPF.

Conclusion

The proposed works are considered to comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, Thanet Local Plan Policy HE03 and the NPPF, and as such it is recommended that Members approve the application subject to safeguarding conditions.

Case Officer

Rosemary Bullivant

TITLE:

L/TH/23/1199

Project

12 La Belle Alliance Square RAMSGATE Kent CT11 8HU



This page is intentionally left blank

A08

L/TH/23/1249

PROPOSAL: Application for Listed Building Consent for the installation of GRP UKPN electricity cabinet on plinth and 2No bollards

LOCATION: Margate Harbour Arm Stone Pier MARGATE Kent CT9 1AP

WARD: Margate Central

AGENT: No agent

APPLICANT: Mark Galloway, Thanet District Council

RECOMMENDATION: Approve

Subject to the following conditions:

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

GROUND;

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

2 The cabinet hereby permitted shall be finished in grey and the bollards shall be black metal as annotated on the approved plan numbered CR/23-24/103/01, received 18 September 2023, unless otherwise agreed in writing by the Local Planning Authority.

GROUND:

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

INFORMATIVES

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

For the avoidance of doubt, the Council has determined the application on the following plan numbered CR/23-24/103/01 received 18 September 2023.

SITE, LOCATION AND DESCRIPTION

The Grade II listed Harbour Arm in Margate is situated to the east of Margate Main Sands. The site is located adjacent to the Park and Display ticket machine and approximately 10.5 metres north-west of the Droit House. The electricity cabinet and bollards are proposed to be sited immediately in front of the metal railings at the base of the steps leading onto the upper level of the Stone Pier.

RECENT PLANNING HISTORY

L/TH/23/0164 - Application for Listed Building Consent for installation of replacement entrance doors and internal alterations Granted 20.04.2023

PROPOSED DEVELOPMENT

The application seeks listed building consent to install a metal GRP UKPN electricity cabinet on the Stone Pier, set on a concrete plinth with two metal bollards located immediately in front of the doors.

PLANNING POLICIES

HE03 - Heritage Assets

NOTIFICATIONS

The nearest neighbouring properties have been notified, a site notice posted and an advert placed in the newspaper and no representations have been received.

CONSULTATIONS

TDC Conservation Officer - Following a review of the proposed application I would consider there to be a limited implication to the setting and appearance of the listed structure given its functional nature and existing paraphernalia. As such I do not object to the application proposed.

Historic England - Thank you for your letter of 26 September 2023 regarding the above application for listed building consent.

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 comment on the merits of the application.

COMMENTS

The application is brought before members as the land is owned by Thanet District Council. The only consideration required in this instance is the impact of the works on the listed building.

The Stone Pier is a Grade II Listed therefore the proposed works need to be assessed against Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

which requires that when "considering whether to grant listed building consent for any works the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Furthermore, Thanet Local Plan policy HE03 seeks to safeguard heritage assets against harm in line with the criteria set out in the National Planning Policy Framework (NPPF).

The heritage listing describes the pier as comprising five sections, angled to form a westward curve enclosing the harbour with single-storey C20 workshops built on the fourth and fifth sections of the pier, backing up against the promenade. The works relate to the installation of a metal GRP UKPN electricity cabinet on the Stone Pier, adjacent to the Parking metre and approximately 10.5 metres north-west of the Droit House. The metal cabinet would be finished in a grey colour and is to be set on a concrete plinth with two black metal bollards located immediately in front of the doors. The cabinet measures 1.2 metres wide, 0.55 metres deep and 1.5 metres high, set above a 100mm high concrete support plinth, giving the cabinet a finished height of approximately 1.6 metres. Immediately to the front of the cabinet it is proposed to install 1.1 metre high black metal bollards with a diameter of approximately 180mm.

The Supporting Statement explains that the current electrical supply to business on the Stone pier is provided from Droit House and the increased demand is resulting in overheating of the electrical system and it is recommended on health and safety grounds that the electrical system be disconnected. The proposed cabinet would provide a separate utility service for the Droit House and for businesses operating on the pier.

The size and design of the cabinet is dictated by UKPN requirements and the electrical demand requirements. The cabinet has been sited adjacent to the steps leading to the upper promenade and close to the parking meter cabinet and associated signage. This is considered the least disruptive location for the cabinet without compromising pedestrian or vehicular movements on the pier. It is considered the cabinet, with its grey coloured finish, would blend in successfully with the light coloured pavement slabs and stonework of the pier and would not therefore appear unduly prominent or intrusive when seen from longer views. The bollards are required to protect the cabinet from vehicular impact and it is considered that their traditional design would be sympathetic to their location whilst protecting the integrity of the cabinet.

With regards to the listed Stone Pier, as a listed building, there is a requirement for decisions to 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 193 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this instance the electrical cabinet, together with the bollards, would be discreetly located against the backdrop of existing railings, and adjacent to an existing parking metre and bollards. The

cabinet is required to provide future resilience for the safe supply of electrical power for existing and future business on the Stone Pier, for which there is an identified need.

Taking the above into account the proposed works are considered to have limited impact on the historic fabric of the listed building. The works would therefore result in less than substantial harm to the listed building when weighed against the public benefits of providing a safe electrical supply to the Stone Pier with minimal disruption to original fabric and having minimal visual impact on the appearance of the Pier in line with the NPPF.

Conclusion

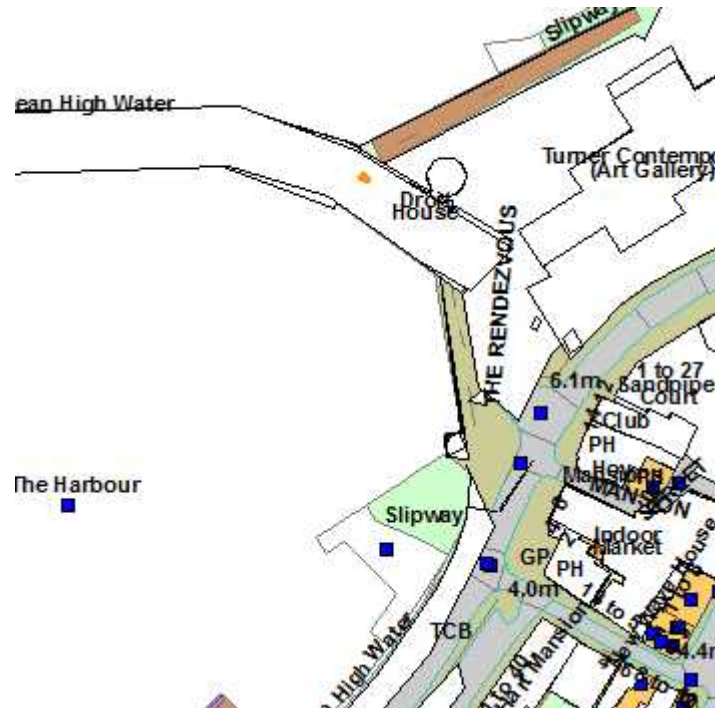
The works proposed would not have a significant detrimental impact or harm the historic features and fabric of the listed building. The works are therefore considered to have sufficient regard to the Listed Building in accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Plan Policy HE03 and the NPPF and it is therefore recommended that members approve the application.

Case Officer

Rosemary Bullivant

TITLE: L/TH/23/1249

Project Margate Harbour Arm Stone Pier MARGATE Kent CT9 1AP



This page is intentionally left blank

R09

F/TH/23/1303

PROPOSAL: Installation of aluminium shopfront (Retrospective)

LOCATION: 223 - 227 Northdown Road MARGATE Kent CT9 2PJ

WARD: Cliftonville West

AGENT: Mr Mohamed Abdulla

APPLICANT: Mr Cankat

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The proposed development, by virtue of its modern design and materials fails to preserve the architectural and historic merit of the building, detracting from the special character and significance of the Conservation Area as a designated heritage asset, resulting in harm which is not considered to be outweighed by the public benefits of the proposal. This development is therefore contrary to the aims of paragraphs 130, 197, 199, 200, and 202 of the National Planning Policy Framework and Thanet Local Plan Policies HE02 and QD02, whilst diminishing the quality of the approved development contrary to paragraph 135 of the Framework.

SITE, LOCATION AND DESCRIPTION

The application site relates to the ground floor of numbers 223-229 Northdown Road. It is a four storey corner property located on the northern side of Northdown Road, at the junction with Norfolk Road and within a row of commercial properties at ground floor level. The property is within a prominent position within the Northdown Road Conservation Area.

The application form indicates that the works to the shopfront requested as part of this application have been completed.

RELEVANT PLANNING HISTORY

F/TH/23/0033 - Replacement of windows from timber and UPVC sash windows to composite sash double glazed windows in white. Refused 29th March 2023. Appeal lodged

F/TH/22/0725 - Installation of replacement shopfront - Refused 1st March 2023

F/TH/21/1927 - Retrospective application for the proposed removal of the existing shop front and the reinstatement of the traditional timber shop front. Granted 27th June 2022

PROPOSED DEVELOPMENT

This is a retrospective application for installation of replacement aluminium shopfront.

DEVELOPMENT PLAN POLICIES

SP35 - Quality Development

SP36 - Conservation and Enhancement of Thanet's Historic Environment

HE02 - Development in Conservation Areas

HE03 - Heritage Assets

QD01 - Sustainable Design

QD02 - General design Principles

QD03 - Living Conditions

TP02 - Walking

TP03 - Cycling

TP06 - Car Parking

NOTIFICATIONS

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

No third party letters of representation have been received.

CONSULTATIONS

TDC Conservation Officer - 223 - 229 Northdown Road is a property located within Northdown Road conservation area affronting the main thoroughfare through the street.

Previously this following comment was made under reference F/TH/22/0725 objecting to the application on the ground that it was aluminium within the conservation area and a lack of justification for the level of harm which it would consider to be caused. It had since become apparent that the work had already been undertaken and the entirety of the shopfront has been removed with all reference to what was previously present removed from the site.

This application looks to formalise the unlawful replacement of this shopfront which I maintain my objection to based on my previous response for F/TH/22/0725.

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

NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (c) the desirability of new development making a positive contribution to local character and distinctiveness.

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

Under reference F/TH/21/1927 work to this shopfront was approved for replacement, but with timber panels and reflective of its previous form with fan light windows, traditional proportions and recesses at its openings. It was also considered that it was a benefit to the surrounding conservation environment given it was the removal of aluminium and its replacement with timber, a more appropriate and authentic material.

What has been installed is a heavy aluminium design which totally loses any legibility of being separate shop fronts but instead appears to have taken the space of three entire shop fronts and spaces. Excessive lighting has been installed as well as heavy unperforated external shutters. Fanlights have been included but are minimally visible given the external shutter boxes which largely cover this detail.

New information has been submitted as part of the current application to justify the works which makes reference to other aluminium shopfronts in the surrounding environment which is not considered to justify the retrospective work but instead dilute the integrity of the surrounding environment. No effort has been made to reference the traditional property already present on the site and how the shopfront integrates with its history, architecture, influence or design which I would consider integral part of this application and site.

To understand now that this application is retrospective is incredibly disappointing and in direct contradiction of the previously approved timber replacement for the site. I do not think it has considered its implication to the setting and appearance of the surrounding conservation area or its relationship with the rest of the traditional albeit unlisted property which is a large part of the site. As such I object to the application proposed and would suggest that it is referred to enforcement.

Previous Comment Made in 2022.

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

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

NPPF Section 16, Paragraph 197 states, In determining applications, local planning authorities should take account of (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Typically with shop fronts, even more so within the conservation environment, it is a preferred approach to retain traditional materials where possible as well as keep a sense of recess and openings and undulation to their facade. I can acknowledge that an attempt has been made to retain and reinstate in some aspects these recesses however the material of the shopfront is changing from timber to aluminium which would not be the preference in this environment. Within the conservation area, timber would be the appropriate and traditional material of choice, as this is already in place I would insist that it should be retained. Some areas appear to be staying timber which is a positive, but this should be retained throughout the scheme.

No design and access statement has been included as part of this application and as such neither has any justification for the works or material choices been included. I can see looking through the development of the site that the commercial aspect of the unit has been redeveloped in the past. However due to a lack of statement no further history has been provided.

Overall I do not think this application has considered the implication to the character and appearance of the surrounding conservation area or the importance of acceptable shop fronts in this setting. As such I object to the application proposed and suggest that it is reconsidered."

COMMENTS

This application has been called in to the Planning Committee by Cllr Currie due to concerns regarding the safety and security of the building, similar shop fronts within the vicinity and potential economic impacts of replacing the installed shopfront.

Principle

The site comprises an existing building located within the urban confines of Margate. The principle of extending and altering an existing building is considered acceptable subject to all other material considerations.

Character and Appearance

The site is located within the Northdown Road Conservation Area and, therefore, the Council must take into account Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that in relation to conservation areas, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.' The NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's

conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." (Paragraph 199)

Policy SP36 of the Council's Local Plan is a strategic policy which states that the council will support, value and have regard to the historic or archaeological significance of Heritage Assets. Policy HE02 of the Thanet Local Plan requires that appropriate materials and detailing are proposed and that developments would not result in the loss of features that contribute to the character or appearance of the conservation area. New development which would detract from the immediate or wider landscape setting of any part of a conservation area will not be permitted.

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

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

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

Policy QD02 of the Thanet Local Plan provides general design principles for new development and states that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects.

The shopfront in the ground floor front elevation that has been installed prior to this application being submitted is constructed from aluminium and has a flat frontage and aluminium bars dividing the windows within the shopfront. Fan lights are included at the top of the glazing/main windows. The door openings to two of the three commercial units are not recessed, the only recessed one being the corner unit. The proposal also includes a grey shutter box to house the shutters for the shopfronts when the shops are closed/evenings. A fascia is located above the shopfronts, this remains unchanged.

This building is identified as a positive unlisted building within the Northdown Road Character Appraisal and Management Plan (October 2016).

The shopfront that was previously located within the front of the property was constructed from aluminium which is a non-traditional material within the Conservation Area.

The planning history is important within the context to this application as it clearly sets out the Local Planning Authority's constant and clear line within this proposed replacement

shopfront. Under reference F/TH/21/1927 work to this shopfront was approved for its replacement, but with timber panels and a form reflective of its previous form with fan light windows, traditional proportions and recesses at its openings. It was also considered that it was a benefit to the surrounding conservation area given it was the removal of non traditional aluminium and its replacement with timber, a more appropriate and authentic material. Following on from that decision an application was lodged under application reference F/TH/22/0725 for the installation of a replacement shopfront which altered its form and materials to aluminium which was refused on the 1st March 2023.

This application which seeks to regularise the existing shopfront is to install a heavy aluminium design which totally loses any legibility of being separate shop fronts but instead appears to have taken the space of three entire shop fronts and spaces. Excessive lighting has been installed as well as heavy unperforated external shutters, which is not encouraged within Conservation Areas. Fanlights have been included but are mean in their dimensions especially given the external shutter boxes which largely cover this detail. The overall design is not considered to link the shop front with the design of the rest of the building, giving it no sense of visual coherence in the street scene. Overall the design and use of inappropriate materials combined represent poor design that destroys the character and coherence of the design of the original buildings and gives an uninteresting and inappropriate shopfront.

Whilst it is appreciated that there may be other aluminium shop fronts within the area, these may have been installed prior to the designation of the Conservation Area and it is confirmed that each case is treated on its own merits. In addition the site 274 Northdown Road which is specifically cited within the supporting statement was considered by Members and approved, however, it is considered that the two schemes are fundamentally different. This current proposal before Members is effectively three shop fronts and therefore covers a much greater length of the Northdown Road Conservation Area adding to its prominence, furthermore this current proposal does not include traditional features such as stall risers, appropriately sized fanlights and traditional styled door openings which you would expect and would give a much more diluted appearance to the shop fronts which has no real traditional aspects within its design or use of materials.

The earlier approved scheme for the reinstatement of a traditional timber shopfront was considered to be more appropriate to this Conservation Area, where traditional shop fronts are sought to be retained and put back wherever possible, this application is a clear retrograde step and in officers opinion would be severely harmful to the special character. Traditional materials and with a traditional design are features that are visible in a number of the older shopfronts that remain along Northdown Road. It is therefore considered that the shopfront that was previously approved, due to its design (angled recesses) and materials made a positive contribution to the character and appearance of the conservation area and no overriding justification has been given to relax the Council's policy stance. Reference is also made to paragraph 135 (as detailed above) of the NPPF and that the agreement of this application would effectively diminish the quality of the development between the original consent and what has been constructed and as such it is considered to be at clear odds within the aims of paragraph 135.

The approval of this application and the acceptance of aluminium, a non-traditional material within the Conservation Area, is a clear retrograde step to the previous approval for timber.

No evidence has been provided to justify this change to this large and prominent shopfront, which equates to three single shopfronts. It is therefore considered that whilst there are examples of poor quality shop fronts in the surrounding, the shopfront that was previously approved made a positive contribution to the character and appearance of the conservation area and the replacement shop front which shares a number of similarities with shop fronts has resulted in clear harm to the character and appearance of the Conservation Area.

Cllr Currie has indicated that the refusal of this proposal could raise safety and security issues, and potential economic impacts of replacing the installed shopfront. It appears that the property has operated for a significant period of time as a commercial premises with the previous shopfront arrangement in place. No evidence has been provided to demonstrate that it was not possible to repair the shop front or improve the security, by using a design that incorporated traditional design and materials. Whilst there now may be an additional cost to the applicant as a shopfront was installed without having the required planning consent in place, these works were carried out at the applicants' risk.

The public benefits, such as improved the security of the property, must be weighed against the harm to the Conservation Area through the change of the shopfront. Given the modern design and materials of the shopfront and the absence of any evidence to show that these benefits could not be achieved through the previously approved timber shopfront the harm resulting to the conservation area is considered to outweigh these benefits.

It is considered that paragraph 135 of the NPPF is directly applicable, as the proposed change in design and materials would materially diminish the quality of the approved development. It is, therefore, considered that the alteration to the shop front that has been completed without the benefit of planning permission, has resulted in significant harm to the character and appearance of the conservation area and without justification the public benefits of the proposal do not outweigh this harm. This development is therefore considered to be contrary to policies HE02 and QD02 of the Thanet Local Plan and paragraphs 130, 135, 202, 203 and 206.

Living Conditions

This development has not significantly altered the scale of the property and is therefore not considered to result in any significant harm to the living conditions of the neighbouring property occupiers, in line with policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

This development has not significantly increased the scale of the property or its proximity to the highway and the door opens inwards and would therefore have no effect pedestrian movements. It is therefore considered that this development would have no adverse impact upon pedestrian or highway safety.

Conclusion

The site lies within the Northdown Road Conservation Area, in which it is the duty of the Council, as Local Planning Authority, to preserve or enhance the area's special character and appearance under Section 72(1) of the Planning (listed Buildings and Conservation Areas) Act 1990.

The harm identified falls within the category of "less than substantial harm" to the significance of the heritage asset. Paragraph 202 of the National Planning Policy Framework (the Framework) states that where a development proposal will lead to less than substantial harm of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The alterations carried out to the shop front have resulted in the replacement with non traditional materials and with a non traditional design. The new shopfront has resulted in some public benefits such as improved security, however, it has not been adequately demonstrated that these benefits could not be achieved through the adaption of the previously approved shopfront or the use of more sympathetic materials and design and therefore these benefits are considered to be outweighed by the harm. The replacement shopfront by virtue of its modern design and materials fails to preserve the architectural and historic merit of the building, detracting from the special character and significance of the Conservation Area as a designated heritage asset, resulting in significant harm which is not considered to be outweighed by the public benefits of the proposal. The development also conflicts with the aims of the Framework particularly paragraph 135 which seeks to guard against the quality of developments being materially diminished between permission and completion through changes to the permitted scheme. This development is therefore contrary to the aims of paragraphs 130, 135, 197, 199, 200, and 202 of the National Planning Policy Framework and Thanet Local Plan Policies SP36, HE02 and QD02.

Case Officer

Gillian Daws

TITLE:

F/TH/23/1303

Project

223 - 227 Northdown Road MARGATE Kent CT9 2PJ



This page is intentionally left blank

D10

F/TH/23/0983

PROPOSAL: Erection of 2no. two storey, two bedroom semi detached dwellings with associated parking

LOCATION: Land Between 47 And 49 Rose Gardens Minster RAMSGATE Kent

WARD: Thanet Villages

AGENT: Mr John Payne

APPLICANT: Leigh James

RECOMMENDATION: Defer & Delegate

Defer and delegate 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 as amended by the revised drawings numbered 1995/05 Rev F, 1995/06 Rev E, 1995/07 Rev B, 1995/08 Rev A, received 04 October 2023, 1995/02 Rev B, 1995/03 Rev F and, 1995/04 Rev F received 19 October 2023.

GROUND;

To secure the proper development of the area.

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

GROUND

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.

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

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

GROUND

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

5 The dwellings hereby permitted shall be constructed using white render, cedar cladding and concrete roof tiles, in accordance with correspondence from the applicants agent received 21 October 2023 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.

6 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.

7 Prior to the first occupation of the development, the area shown on approved plan 1995/02 Rev F for the parking and manoeuvring 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.

8 The refuse storage facilities as specified upon the approved drawing numbered on approved plan 1995/02 Rev F 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.

9 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 1995/02 Rev F shall be provided and thereafter maintained.

GROUND

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

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

GROUND

To protect air quality, in accordance with Policy QD01 of the Thanet Local Plan and the advice as contained within the NPPF

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no windows or other openings shall be inserted in the front elevation of the dwellings hereby approved without the prior written permission 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.

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

GROUND

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

13 Prior to the first occupation of the development hereby permitted, the boundary fence adjacent to the footpath as shown on the approved plan numbered 1995/02 Rev F shall be provided and thereafter maintained.

GROUND

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

14 No piling shall be used in the construction of the foundations of the dwellings hereby approved.

GROUND

To protect the district's groundwater, in accordance with policy SE04 of the Thanet Local Plan and advice 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.

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

The site is located at the north western end of Rose Gardens and has an existing vehicular access between 47 and 49 Rose Gardens. The site is currently overgrown and enclosed by temporary fencing. The northern boundary of the site opens onto a parking area that is accessed from Brockmans Close. A footpath runs between Rose Gardens and Brockmans Close. The western end of Rose Gardens immediately surrounding the site is characterised by modest semi-detached bungalows. Due to the position of the site, behind 47 and 49 Rose Gardens, and without a direct frontage to the highway, it would be considered a backland location.

RELEVANT PLANNING HISTORY

There is no planning history for the site.

PROPOSED DEVELOPMENT

The initial application proposed the erection of 2 two storey, two bedroom semi-detached dwellings with associated parking.

Following concerns raised by officers regarding the impact of the development upon the character and appearance of the area, the neighbouring living conditions and highway safety amended plans were submitted. The amended plans have reduced the height of the dwellings, removed the front dormers, altered the proposed materials and amended the parking arrangements for the site.

The amended dwellings would be semi-detached with a barn hipped roof. Rooflights are proposed in the front and side roof slopes and a flat roof dormer is proposed at the rear. The dwellings would be constructed from concrete roof tiles, cedar cladding and white render. The site would be accessed by the existing access between the footpath next to 47 Rose Gardens and 49 Rose Gardens. One parking space would be provided for each

dwelling and a visitor parking space would be provided in the site. Each dwelling would have a garden to the rear and cycle storage and bin storage would be accommodated in the site.

DEVELOPMENT PLAN POLICIES

SP01 - Spatial Strategy - Housing
SP13 - Housing Provision
SP14 - General Housing Policy
SP22 - Type and Size of Dwellings
SP26 - Landscape Character Areas
SP28 - Protection of International and European Designated Sites
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP31 - Biodiversity Opportunity Areas
SP35 - Quality Development
SP37 - Climate Change
SP43 - Safe and Sustainable Travel
SP44 - Accessible Locations
CC01 - Fluvial and Tidal Flooding
CC02 - Surface Water Management
GI04 - Amenity Green Space and Equipped Play Areas
GI06 - Landscaping and Green Infrastructure
HE01 - Archaeology
H01 - Housing Development
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
SE04 - Groundwater Protection
SE05 - Air Quality
SE06 - Noise Pollution
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

NOTIFICATIONS

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

- * Design of the dwellings
- * Impact upon the character and appearance of the area
- * Loss of privacy
- * Noise and disturbance
- * Increase in pollution
- * Light pollution
- * Highway Safety

- * Access for emergency vehicles
- * Access to neighbouring properties
- * Loss of outlook
- * Loss of light
- * Overdevelopment
- * Scale of development
- * Contrary to policy
- * Need for development
- * Loss of a view
- * Increase in anti-social behaviour
- * Loss of allotment
- * Alternative development would be more suitable for the site
- * Double yellow lines should be put in place
- * Development is for profit

10 letters of support have been received raising the following points regarding the initial plans:

- * Need for housing in the area
- * Land is an eyesore
- * Use of an empty site
- * No impact upon the area
- * No impact upon neighbouring properties
- * Good access to the site
- * Mix of dwellings in the area
- * Local school is undersubscribed
- * Development would support local shops
- * No increase in noise and disturbance
- * Obscure windows could be used
- * Following the submission of amended plans an additional consultation was completed
- * Seven letters of objection were received raising the following concerns on the amended plans:

- * No significant change to the development
- * Overlooking
- * Loss of privacy
- * Cramped development
- * Inadequate parking
- * Proximity to the footpath
- * Increase in pollution
- * Impact upon the character and appearance of the area
- * Loss of light
- * Overdevelopment
- * Noise and disturbance
- * Access for emergency vehicles
- * Design of the dwellings
- * Impact upon safety
- * Noise and disturbance during construction
- * Impact upon health
- * Highway safety

- * Development is for profit
- * Four letters of support were received raising the following points on the amended plans:
- * No impact upon privacy
- * Developer has south to address
- * Improvement to the character and appearance of the area

Minster Parish Council - Further comments received 18 October 2023

With regard to the above AMENDED planning application, Minster Parish Council have NO OBJECTION to the amendments.

Initial comments received 22 August 2023

Minster parish Council SUPPORT this application, subject to clarification of a suitable construction management plan via Brockmans Close car park and the resolution of the parking issue raised by Kent highways.

CONSULTATIONS

KCC Highways – “ One of the parking spaces has been removed, which equates to 1.5 parking spaces per dwelling, with one space allocated per dwelling. The parking spaces measure 2.5 metres x 5 metres which is acceptable. Tracking has been submitted, to demonstrate that vehicles can enter and exit the site in a forward gear, which is acceptable.

I suggest the following conditions:

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.

Use of a bound surface for the first 5 metres of the access from the edge of the highway.

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”

Initial comment

The proposal seeks to provide 2 x 2 bed dwellings with 2 parking space for each dwelling. IGN3 parking standards require 1.5 (1 allocated space) per unit, which would equate to 3 spaces.

That aside, all parking spaces should measure 2.5 metres x 5 metres, with sufficient space to enter and exit in a forward gear. The northern parking space for plot B does not have sufficient turning space available.

I suggest the removal of one of the parking spaces and the submission of tracking to illustrate that vehicles are able to enter and exit the site in a forward gear. The dimensions of all car parking spaces should also be annotated for the avoidance of doubt.

Natural England - No objection subject to securing appropriate mitigation.

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

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

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

TDC Environmental Health - We don't have any comments to offer on this application; SPZ issues should be deferred to the EA as statutory consultee for groundwater contamination; usually as long as the drainage is all mains connected and hard standing for the cars they are unlikely to have concerns.

TDC Waste and Recycling - The waste and recycling would have to be presented at the top of the driveway where it meets Rose Gardens.

COMMENTS

This application has been called to Planning Committee by Cllr Bambridge for Members to consider the impact of the development upon the character and appearance of the area, overdevelopment of the site and the scale of the development.

This application has also been called to committee by Cllr Smith for Members to consider the impact of the development upon the character and appearance of the area, overdevelopment of the site and overlooking to the neighbouring properties.

Principle

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

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

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

Character and Appearance

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

Policy QD02 of the Thanet Local Plan 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 is located within the Wantsum North Slopes Landscape Character Area as defined by policy SP26 of the Thanet Local Plan. This policy states that within the Landscape Character Area development proposals should demonstrate how their location, scale, design and materials will conserve and enhance Thanet's local distinctiveness. The Wantsum North Slopes landscape is very open with few features and the former shoreline is more distinct in some places than in others, with the variation in the contour pattern. From the upper slopes it affords extensive views across the whole of the former Wantsum Channel to the slopes on the opposite banks and in many places to the sea. The former shoreline is more distinct in some places than in others, with the variation in the contour pattern.

The proposed dwellings would be set back from the highway behind the front elevation of 49 Rose Gardens and facing towards the side elevation of 47 Rose Gardens. Due to this position the proposed dwelling would be considered to be situated in a backland location. The site is visible from a number of public viewpoints including the car park to the north, the public footpath that wraps around the front of the site and the existing vehicular entrance to the site from Rose Gardens. The dwellings would be 0.36m higher than 49 Rose Gardens and 0.2m lower than 47 Rose Gardens. The neighbouring dwellings in Rose Gardens have direct street frontage, however there is variation to the building line in Rose Gardens and variation to the pattern of development in the surrounding area.

The agent has confirmed that the dwellings would be constructed from roof tiles to match the neighbouring properties with white render and cedar cladding. The neighbouring properties are similar in design to each other, however there is some variation in materials, with sections of render and cladding visible in the immediate vicinity.

The eastern end of Rose Gardens is characterised by semi-detached bungalows with pitched roofs and none of these neighbouring properties appear to have accommodation in the roof. The roof form of the proposed dwellings would be different to the neighbouring properties due to the barn hipped design, however following the submission of the amended plan, removing the front dormers, altering the roof tiles to match the neighbouring properties and demonstrating the height of the dwellings in relation to the neighbouring properties, the difference is not considered to be so different or prominent to result in significant harm to the character and appearance of the area.

An additional plan has been submitted during the application process confirming the height and design of the proposed boundary treatment. A 2m high timber fence would enclose the rear boundary and the side boundaries finishing level in a similar position to the eastern end of the proposed parking spaces. A 0.9m high timber fence would enclose the remaining part of the site in front of the dwellings and around the access. There are a variety of boundary treatments visible in the street scene. The taller sections of proposed fencing are located away from Rose Gardens and the lower sections, due to their height, would not require planning permission. It is therefore considered that whilst the proposed boundary treatment would be visible, it would not result in significant harm to the character and appearance of the area.

Block paving is proposed to the front of the site and gardens are proposed to the rear of the dwellings. Whilst this development would result in an increase in hard surfacing, driveways and off street parking areas are visible in the immediate area and therefore the proposed arrangement is not considered to be significantly harmful.

Overall it is considered that, whilst the proposed dwellings would have some visual differences to the neighbouring properties and would be visible from the public realm, the amended plans are not considered to be significantly harmful, and the impact of the development upon the character and appearance of the area must be weighed against the benefits of the development.

Living Conditions

The proposed dwellings would measure 5.7m high, 11m wide and 10.3m deep. At the closest point there would be a separation distance of 5.4m to the front boundary of the site, 6.4m to the rear boundary of the site, 0.9m to the southern boundary and 1.1m to the northern boundary. There is no direct neighbour to the north as this boundary is shared with a car park. There would be a separation distance of 13.4m to the side elevation of 47 Rose Gardens and there would be 35.2m to the closest rear neighbour, 27 Freemans Road. Given these separation distances the proposed dwellings are not considered to result in any significant loss of light or sense of enclosure to these neighbouring properties. A single storey side and rear extension has been approved to 49 Rose Gardens (Application reference FH/TH/22/1027) and is shown on the proposed plans. This extension is yet to be

built, however the permission is extant and should be given some weight in the determination of this application. Currently there would be a separation distance of 4m to the side elevation of 49 Rose Gardens from the southern side elevation of the proposed dwellings. There is a window in the northern side elevation of 49 serving a bedroom, however due to the angle of this neighbouring property and the setback of the proposed dwellings this window would face across the proposed parking area. The extension approved at this neighbouring property would be set on the boundary of the site and would have no windows in the side elevation on the boundary. The proposed dwellings would extend 2.4m past the rear elevation of the approved extension. The closest opening in the rear elevation of the approved extension is bi-folding doors. It is therefore considered that given the northern orientation of the site, separation distances, and the existing and approved arrangements of 49 Rose Gardens, the proposed dwellings are not considered to result in any significant loss of light or sense of enclosure to this neighbouring dwelling.

The amended plan proposed two windows in the ground floor front elevation and two rooflights in the front roof slope. A window and a door are proposed in each ground floor side elevation and bi-folding doors are proposed in the ground floor rear elevation. One rooflight is proposed in each side roof slope and two windows are proposed in the rear dormer. The proposed ground floor openings, due to their location and the boundary treatment proposed around the site are not considered to result in any significant overlooking. Due to the 35m separation distance to the rear neighbour the windows in the dormer are not considered to result in any significant overlooking to the rear neighbours. Any views from these windows the neighbouring properties on Rose Gardens would be at an obscure angle and are not considered to be significantly harmful. The proposed front and side rooflights would be set with a minimum cill height of 1.7m above the internal floor and are therefore not considered to provide any significant opportunity for overlooking.

There is an existing high level fence around the southern and western boundaries of the site and the proposed 2m high fence along the northern boundary would abut a parking area. Lower fencing extends along the boundary at the front of the site with 49 Rose Gardens. Temporary metal fencing currently separates the site from the footpath and would be replaced with 0.9m high fencing. Given the height and location of the proposed fencing and the existing arrangement, the proposed boundary treatment is not considered to result in any significant loss of light or sense of enclosure to the neighbouring dwellings.

The use of the site for two residential dwellings is not considered to result in a significant increase in noise and disturbance to the existing 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, however given the proximity to the existing dwellings a construction management plan is considered to be justified in this instance.

The proposed dwellings would meet the space standards set out in policy QD04 of the Thanet Local Plan and all habitable rooms would receive natural light and ventilation. The outlook for the front bedrooms would be restricted due to the height of the front rooflight, however this is a secondary bedroom and would still receive some outlook. All other habitable rooms are considered to receive an acceptable standard of outlook. An amenity

area would be provided at the rear of each dwelling and is considered to be secure doorstep garden space that would comply with policy GI04 of the Thanet Local Plan. The harm to the living conditions through the restricted outlook to the front bedroom must be weighed against the benefits of the development.

Transportation

The site is considered to be positioned in a sustainable location and would be accessed through an existing vehicular access from Rose Gardens. Following concerns raised by KCC Highways regarding the arrangement of the proposed parking area an amended plan was submitted reducing the number of spaces to three and demonstrating that vehicles can enter and exit the site in a forward gear. The amended number of parking spaces would comply with the guidance for this location and cycle storage would be provided in the rear gardens of each dwelling.

A footpath wraps around the front boundary of the site and concern has been raised regarding the potential for conflict between vehicles using the site and pedestrians using the footpath. An updated plan has been submitted during the application process indicating that a 0.9m high fence would separate the parking area from the footpath and 2m high fence would be erected along the northern boundary of the site.

The proposal would not impact on any existing property in regards to access for emergency vehicles, given its location. Fire safety requirements within the new homes will be subject to assessment under building regulations, with the furthest part of the new dwellings within 45metres distance (not a straight line) of the entrance to the site where a fire engine would be able to access.

As the proposed has been considered to provide an appropriate level of parking on site, it is not appropriate nor required to mitigate issues along Rose Gardens through conditions for a Traffic Regulation Order (TRO) to be enacted, however the development does not preclude a TRO for yellow lines coming forward in the future.

Given the low speeds vehicles are likely to be moving in the site, the separation between the site and the footpath, and that it has been demonstrated that there is adequate space for vehicles to turn and park in the site, this proposal is not considered to result in significant harm to highway safety in the area.

Biodiversity

The site appears to have been unused for a significant period of time as aerial images indicate the site was previously overgrown, however at the time of the site visit much of the site has been cleared and only low level growth was present. Given that there appears to be some management of the site and that it is located in an area surrounded by residential properties, it is considered to present limited potential for biodiversity. Block paving is proposed to the front of the site and gardens are proposed to the rear of the dwellings. Full details of the proposed landscaping and measures to improve biodiversity. Given the existing condition of the site and subject to conditions detailing the proposed ecological

enhancements, this proposal is not considered to result in 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.

Other Matters

The site is located within the Groundwater Protection Zone as defined by policy SE04 of the Thanet Local Plan. This policy states that "Proposals for development within the Groundwater Source Protection Zones identified on the Policies Map will only be permitted if there is no risk of contamination to groundwater sources." The Council's Environmental Health Department have provided no comments as the site is not identified as contaminated and the erection of dwellings does not comprise Potentially contaminating development as defined by the Environment Agency. It is therefore considered that given the scale of the development and subject to a condition securing details of the proposed foul and surface water drainage and preventing piling being used in the construction of the foundations, this proposal is not considered to present a significant risk to protected groundwater.

Concern has been raised regarding the loss of the site as an allotment. The site is not allocated as an allotment in the Thanet Local Plan and therefore there is no policy protection for this use on the site.

Loss of a view is not a material planning consideration.

Concern has been raised regarding the potential increase in pollution as a result of the development. Given the use of the site for residential dwellings and the number of dwellings proposed, this application is not considered to result in any significant increase in pollution in the area.

Concern has been raised regarding the increased light pollution in the area as a result of the development. Given the proposed use of the site as residential dwellings and the location of the site, surrounded by residential properties, this proposal is not considered to result in any significant increase in light pollution.

The erection of two dwellings on the site is not considered to result in any significant increase in anti-social behaviour, harm to the safety of the existing residents or their health.

Comments have been submitted suggesting that alternative developments would be more suitable for the site, however the Council must consider that application and amendments that have been submitted as part of this application and it is not possible to consider alternative proposals as part of this application.

Developers profit is not a material planning consideration.

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 two new dwellings on the site and provide a use for an empty parcel of land. This is considered to be a limited contribution to the district's housing supply. Following the submission of the amended plans, this application is not considered to result in significant harm to the neighbouring living conditions, highway safety, or biodiversity in the area.

The proposed dwellings would be visible from the public realm and the dwellings would have some visual difference to the neighbouring properties, however following the submission of the amended plan these differences are not considered to be significantly harmful to the character and appearance of the area, given the scale of the proposed dwellings and their location.

In terms of the living conditions for the future occupants, the outlook from the front bedroom would be restricted due to the height of the proposed rooflight, however as this is a secondary bedroom this harm is considered to be limited. The dwellings would be of an acceptable size, all other habitable rooms would receive an acceptable level of natural light, outlook and ventilation and secure doorstep playspace would be provided.

The benefits of providing two dwellings to the district's housing supply and re-using an empty site is considered to outweigh the limited harm to the character and appearance of the area and the living conditions of the future occupants, and therefore it is recommended that this application is deferred and delegated for approval subject to receipt of the legal agreement securing the SAMM contribution.

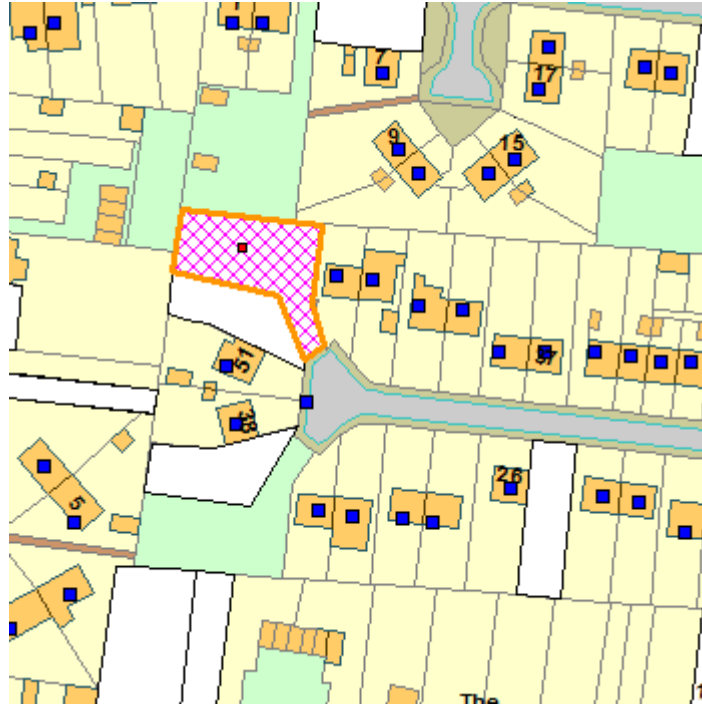
Case Officer
Duncan Fitt

TITLE:

F/TH/23/0983

Project

Land Between 47 And 49 Rose Gardens Minster RAMSGATE Kent



This page is intentionally left blank

D11 **F/TH/21/0671**

PROPOSAL: Erection of 4no. 1-bed flats, 4no. 2-bed dwellings, 8no 3-bed dwellings, and 17no 4-bed dwellings (single to 3-storey in height), and erection of part 2-storey, part 3-storey detached building accommodating 4no. 2-bed flats and 1no. 3-bed flat, together with associated access, parking and landscaping, following demolition of existing structures.

LOCATION: Land To The North Of Fairlawn Road And The West Of Northwood Road Broadstairs Kent

WARD: St Peters

AGENT: Ms Karen Banks

APPLICANT: Mr Rizwan Ali

RECOMMENDATION: Defer & Delegate

Defer and delegate for approval subject to the receipt of a satisfactory signed legal agreement to secure the required planning obligations and 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 as amended by the revised drawings numbered 454-PLN-287 Rev B, 454-PLN-285 Rev C, 454-PLN-212 Rev D, and 454-PLN-210 Rev D, received 19 October 2023; and revised plans numbered 454-PLN-201 Rev C, 454-PLN-211 Rev C, 454-PLN-250 Rev G, 454-PLN-253, 454-PLN-254, 454-PLN-255 Rev G, 454-PLN-260 Rev D, 454-PLN-265 Rev H, 454-PLN-270 Rev F, 454-PLN-280 Rev B, 454-PLN-286 Rev B, 454-PLN-297 Rev A, 454-PLN-298 Rev A, and 5699-LLB-XX-XX-DR-L-0002 rev P03, and 1900 Rev P02, received 04 October 2023.

GROUND:

To secure the proper development of the area.

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

GROUND:

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

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

GROUND:

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

5 Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to be beyond being reasonable practical then any surface water leaving site shall not exceed a discharge rate of 2l/s for all rainfall events, in line with proposals set out within the Flood Risk Assessment and Drainage Strategy Report (21/09/2023- Revision P04). 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

6 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

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

GROUND:

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

8 Prior to the commencement of any development on site, a construction management plan to include the dust mitigation measures set out in Section 6 - Table 9 of the Air Quality Mitigation Statement dated April 2023 by Lustre Consulting, and the following, shall be submitted to and approved by the Local Planning Authority.

- (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) Access arrangements

Construction works shall 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 NPPF.

9 The area shown on the approved plan numbered 454-A-PLN-212 Rev D for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

GROUND:

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

10 Prior to the first occupation of the site hereby permitted, the vehicular access as shown on the approved plan numbered 454-A-PLN-212 Rev D should be completed and made operational.

GROUND:

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

11 Prior to the first occupation of the development, the secure cycle parking facilities, as shown on approved drawing no. 454-A-PLN-212 Rev D shall be provided and thereafter maintained.

GROUND:

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

12 Prior to the first occupation of the development hereby approved, visibility splays of 2.4m x 43m shall be provided to the access on to Northwood Road, as shown on the approved plan no. 1900 Rev P01, with no obstructions over 0.6m above carriageway level within the splays, which shall thereafter be maintained.

GROUND:

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

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

GROUND:

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

14 Prior to the first occupation of the development hereby granted, a Travel Plan and a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority. The agreed programme shall thereafter be implemented in full.

GROUND:

To facilitate the use of alternative means of transport in accordance with Policies TP01, SP43, and SE05 of the Thanet Local Plan, and the advice contained within the NPPF.

15 Prior to the commencement of the development hereby approved, an Acoustic Design Statement in accordance with ProPG Planning & Noise 2017 scheme to demonstrate that the internal noise levels within the residential units plots 9-20. and the external noise levels within their 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

16 The development hereby permitted shall be constructed and occupied in accordance with the proposed mitigation measures for emissions identified within section 6.2 of the Air Quality Mitigation Statement, dated April 2023 by Lustre Consulting, to off-set against the damage cost calculation set out within section 5.1 of the report, in order to achieve air quality improvements through the development.

GROUND:

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

17 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.

18 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.

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

GROUND:

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

20 Unit nos. 14, 19, 34 and 35 shall be built in compliance with building regulation part M4(2) accessible and adaptable dwellings, as shown on plan numbered 454-A-PLN-210 Rev D.

GROUND:

To provide accessible accommodation in accordance with Policy QD05 of the Thanet Local Plan.

21 The refuse storage facilities for the self-contained flats shall be provided prior to the first occupation of the associated flat, as shown on plan numbered 454-A-PLN-212 Rev D 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.

22 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

23 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.

24 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, which shall accord with the principles of the approved landscape masterplan numbered 5699-LLB-XX-XX-DR-L-0002 rev P03, and include the following:

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted, (which shall include a minimum of 60no. new trees including street and native woodland trees),

- 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.

25 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

26 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

27 Prior to commencement of works (including site clearance), an Ecological Design Strategy (EDS) will be submitted to, and approved by, the local planning authority. The EDS shall demonstrate how proposals mitigate, compensate and enhance biodiversity during construction and operation. The EDS shall include the following:

- Purpose and biodiversity objectives for the proposed works;
- Review of site potential and constraints;
- Detailed design(s)/planting schedules, and/or working method(s) to achieve stated objectives;
- Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb bat activity;
- Extent and location/area of proposed works on appropriate scale maps and plans;
- Type and source of materials to be used where appropriate, e.g., native species of local provenance;
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development where relevant;
- Persons responsible for implementing the works;
- Details of initial aftercare and long-term maintenance, and;
- Details for monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details and all features shall be retained thereafter.

GROUND:

To make a positive contribution to biodiversity, in accordance with Policy SP30 of the Thanet Local Plan, and the advice as contained within the NPPF.

28 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.

29 No further alterations to the roof or insertion of window openings to unit nos. 1-9 and 29-33, whether approved by Classes A, B or C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

GROUND

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

SITE, LOCATION AND DESCRIPTION

The site is located to the west of Northwood Road, and is served by a single access point onto Northwood Road. The land is undeveloped, having historically been used as an orchard.

To the south of the site is Fairlawn Road, which contains a number of 2-storey semi-detached properties. Between the application site and Fairlawn Road is a further undeveloped piece of land that had planning permission granted recently for six units of accommodation initially, and then three units of accommodation (including semi-detached and detached units).

To the west of the site Northwood Road contains 2-storey properties and bungalows, with a mix of detached, semi-detached and terraced units.

To the north of the site is a further undeveloped piece of land, which fronts onto Millenium Way, but is allocated for housing.

To the west of the site are commercial units that are located within the Broadstairs Retail Park, with their rear yard area for loading/unloading located closest to the western boundary of the application site.

The site itself contains a number of trees and hedgerow. Some of the trees have recently been removed. Four of the remaining trees within the site have recently been protected through a Tree Preservation Order.

RELEVANT PLANNING HISTORY

F/TH/16/1357 - Variation of condition 2 and 5 of planning permission F/TH/14/0709 for erection of two storey dwelling to allow repositioning of dwelling, erection of a single storey porch to the front elevation, alterations to height and alterations to fenestration - Granted

F/TH/14/0709 - Erection of two storey dwelling - Granted

F/TH/13/0890 - Installation of 16No. solar panels - Granted

F/TH/11/0297 - Change of use of land to provide for the storage of caravans - Refused

PROPOSED DEVELOPMENT

The application was originally submitted for 44no. residential units. Following negotiation the application has been amended and is now for the erection of 38no. residential units, consisting of 4no. 1-bed flats, 4no. 2-bed flats, 4no. 2-bed dwellings, 1no. 3-bed flat, 8no 3-bed dwellings, and 17no 4-bed dwellings.

The dwellings are 2-3 storey in height with pitched roofs, and consist of detached, semi-detached and terraced buildings. The flats are provided within a 2-3 storey detached pitched roof block to the centre of the site.

Parking is provided in the form of one to two spaces to serve each unit, and each unit is provided with its own garden, with a shared amenity space to serve the flats.

It is intended to retain the trees covered by a Tree Preservation Order.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing
SP22 - Type and Size of Dwellings
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
HO1 - Housing Development
GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
HE01 - Archaeology
CC02 - Surface Water Management
CC04 - Renewable Energy
CC05 - District Heating
SE04 - Groundwater Protection
SE05 - Air Quality
SE06 - Noise Pollution
SE08 - Light Pollution
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

Broadstairs and St Peters Neighbourhood Plan

BSP3 - Protecting and Providing Important Trees

BSP9 - Design in Broadstairs & St Peters

NOTIFICATIONS

Neighbouring occupiers have been notified and site notice posted on site. Twenty-one letters of objection have been received raising the following concerns:

- No of units,
- Increased traffic,
- Impact upon neighbouring living conditions,
- Loss of farmland to housing development,
- Overdevelopment,
- Lack of medical services,
- Loss of mature trees and hedgerow,
- Loss of wildlife habitat,
- Impact on air quality,
- Is access wide enough for two way traffic?,
- Trucks have been seen depositing landfill at the site so a full investigation should be carried out,
- Lack of parking,
- Loss of privacy,
- Highway and pedestrian safety,
- Noise and disruption from construction works.

Broadstairs & St.Peters Town Council - The Planning Committee of the Town Council has considered this application and resolved unanimously to recommend REFUSAL with the following concerns: Overdevelopment of site and density of design, loss of trees, adverse effect on local ecology, loss of privacy and KCC Highways report required regarding access.

Ramsgate Town Council - RTC objects to the application on the grounds that it is considered to be overdevelopment and concerns that the single access point is insufficient.

The Broadstairs Society - OBJECTS most strongly to this proposed development. This is a wildlife location of some significance with impacts far beyond its borders. There is also the matter of traffic congestion that was entirely predictable at the planning stage of all those shopping sheds that purport to be shops, Also the nearby schools which at chuck out time effectively bring the area to a halt. There will be many opposition comments on this proposal, but none of them we suspect will touch upon the root cause of the housing problem being global over population. Bring that under control- say a 150 year world governments initiatives programme down to 1960s levels and we will have no housing problems, along with sufficient farmland with real natural countryside!

CONSULTATIONS

KCC Highways and Transportation -

(Final Comment)

Further to my previous comments dated on the above planning application I confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no further objection on behalf of the local highway authority.

(Interim Comment)

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

1) It is noted that generally, improvements have been made to the layout proposal from the previous plans in terms of parking provision. I would, however, point out that although the total number of visitor parking spaces is adequate, these should be more evenly spread out throughout the site in order to discourage on-street parking. In particular, more spaces could be offered down the western part of the site, to ensure free movement of refuse freighters, emergency and delivery vehicles.

2) Another notable change has been the creation of a shared surface throughout the development, with light segregation for non-motorised users, as opposed to a carriageway and kerbed footway. Although the internal road geometry does lend itself to low vehicle speeds, the number of dwellings served off the internal road and number of related vehicle movements is higher than that which would usually be permitted by the Kent Design Guide for shared surfaces. I would recommend that the kerbed footway at the access from Northwood Road be extended further into the site as far as Units 2 and 33, to assist pedestrians. Furthermore, careful consideration should be given to the type of surfacing used, to indicate a predominantly pedestrian environment, and to keep vehicle speeds down.

I trust the above comments are of use and will consult further when required.

(Initial Comment)

Thank you for your consultation in relation to the above reference development site.

They have used the IGN3 maximum standard for an edge of town centre location, which this is not, it is a suburban location. Combined with the high use of tandem parking and low number of visitor parking bays we would undoubtedly see excessive footway parking, especially on the bends and along the access road. This causes significant problems for refuse, delivery, emergency vehicles accessing the site and we could even see parking overspill onto Northwood Road in the proximity of the bus stops. In order to bring parking provision to where it needs to be would probably mean alterations to layout - an additional 16 parking bays would need to be created for us to consider adoption of the internal roads.

The swept paths for refuse would also need to be amended to show the 13 metre freighters that are in use in the Thanet District.

KCC Biodiversity -

(Final Comments)

SUMMARY - SUFFICIENT INFORMATION PROVIDED

We have reviewed the updated ecological information submitted by the applicant and

advise that sufficient ecological information has been provided.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. As such, if planning permission is granted, we advise the conditions below are included.

Developer Contributions will need to be provided due to the increase in dwellings within the zone of influence of a Special Protection Area.

Ecological Design Strategy

To mitigate for the loss of biodiversity as a result of proposals, and to provide a biodiversity net gain, an Ecological Design Strategy is recommended to be secured by condition if planning permission is granted.

We suggest that the below wording is included if planning permission is granted. This will mitigate for impacts to biodiversity and help ensure compliance with relevant legislation.

We advise that with regards to construction impacts, the below suggested wording does not cover all aspects usually covered within a Construction Environmental Management Plan (CEMP) (such as pollution control, noise, lighting etc. during construction). Therefore, we can help provided wording to form part of any larger CEMP / Construction Management Plan (CMP) condition if required.

The below wording also includes provision for wildlife sensitive lighting. However, where another lighting condition is proposed for this development should planning permission be granted, we advise that text to include wildlife-friendly lighting be included instead within that condition. We can advise further as required.

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.

(Interim Comments)

Thank you for your further consultation on this application following our previous advice dated 14th October 2021. We have reviewed the further submissions on ecology and have the following advice.

Bats and other protected species

We advise that, based on the recent climbed inspection of trees with the potential to support roosting bats, that bats are likely to be absent from these trees and other suitable roosting features within the application site. However, we advise a precautionary approach to the removal of all trees and buildings on the site with the potential to support roosting bats and if you are minded to approve this application, recommended condition wording is provided below.

Likewise, we advise that other legally protected species including reptiles and badger are likely absent from the site based upon the surveys results. However, certain species such as hedgehog and nesting birds are likely to be present within suitable vegetation within the application site. Again therefore, a precautionary approach to site clearance is advised should you be minded to approve the application and recommended condition wording is provided below.

Biodiversity losses and net gain

Further to our previous advice on this matter, we have read the letter from Lloyd Bore stating that: "... there is no particular formal requirement to include Biodiversity Net Gain assessment as part of the planning submission". We would remind you in this context that the NPPF, July 2021 requires that: 174. Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; 180. 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;

We would normally advise the inclusion of a planning condition requiring the submission of proposals for ecological enhancements to offset biodiversity losses and provide biodiversity gains. However, in this case, as the submitted plans do not include any open space or landscaping proposals nor is it proposed to have any above ground SuDS features (such as vegetated swales, detention ponds etc.) we cannot see any opportunities for mitigating for the loss of the current habitats on the application site and providing any net gains. Therefore, we do not believe that such a condition would be implementable, and therefore would not be acceptable under the tests for applying planning conditions.

(Initial Comment)

Summary - Additional Information Required. We have reviewed the ecological information submitted in respect of this application and we advise that additional information is sought prior to determination of the planning application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that further information is sought with regards to the potential for ecological impacts to arise as a result of the proposed development.

- o Further surveys along with any necessary mitigation measures for bats;
- o Further surveys along with any necessary mitigation measures for badgers.

Any further necessary surveys, and mitigation measures, will need to be submitted prior to determination of the planning application. This is in accordance 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".

Bats

The Preliminary Ecological Appraisal (PEA) submitted with the planning application identifies the line of mature sycamore and horse chestnut trees (W1 and G16 on the Tree Protection Plan) as being of "...high and moderate suitability for roosting bats". The PEA states that: "If impacts to any of the trees of 'moderate' suitability for roosting bats cannot be avoided, elevated tree inspections of the relevant tree(s) will be required to better assess their suitability for roosting bats and, dependent on timing, search for evidence and indicators of roosting bat presence. Elevated tree inspections can be undertaken at any time of year. If the elevated tree inspection confirms the on-site trees are of 'moderate' or 'high' suitability for roosting bats, a bat emergence / re-entry survey or further climbed inspections of these trees will be required within the period May to August, inclusive".

The Bat Report further states that: "The on-site tree line, G16, has 'moderate' and 'high' suitability for roosting bats and will require an elevated tree inspection for roosting bats. These trees are recommended to be retained if possible. If these trees are required to be removed, further emergence survey would be required".

As the submitted development proposals require the removal of all of the trees within G16, then the recommended further surveys must be undertaken to establish the presence or likely absence of roosting bats, prior to the determination of the planning application.

Badgers

The PEA notes that a limitation of the filed surveys of the application site was that no access was possible to survey for signs of badgers within 30metres of the site boundaries outside of the application site. The PEA therefore recommends: "A badger field sign survey of accessible adjacent land areas within 30m of the site boundary should be undertaken within the period October to April (inclusive) with optimal period being March to April, when vegetation is less dense and badger field signs and badger setts are more easily detected. If a badger sett is located within 30m of the proposed development areas, further sett survey and/or mitigation under licence from Natural England may be required".

Again this further survey should be undertaken prior to the determination of the application.

Biodiversity Losses and Net Gain

The proposed development will result in the loss of all current habitats on the application site with the exception of the boundary hedgerows which are proposed to be retained. All of the grassland and scrub habitats plus a large number of mature trees are proposed for removal. This will result in a significant loss of biodiversity. No proposals have been submitted to seek

to offset those losses or provide any ecological enhancements or Biodiversity Net Gain in accordance with the requirements of the NPPF. Paragraphs 4.7 to 4.14 of the submitted PEA recommend the production of a Biodiversity Mitigation Strategy to demonstrate how the required net gain is to be delivered.

The submitted development plans do not include any open space or any landscaping, other than in private gardens. The submitted Landscape Masterplan, is not actually a Masterplan as it does not cover the entirety of the application site and is only an indicative planting plan. As no open space is proposed, no landscaping proposed other than in private gardens and no proposals for biodiversity enhancement have been submitted, we have to advise that the plans as currently will result in a significant net loss of biodiversity contrary to the requirements of the NPPF.

Thanet and Canterbury SAMM

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.

KCC Archaeology - Thank you for consulting on the above application for residential development on this piece of agricultural / farm land. The submission includes a desk based study compiled by MOLES Archaeology that provides a good account of the rich archaeological potential of the site and the surrounding area. It also illustrates 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. Other than the farm buildings in part of the site, it 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. The following condition would be appropriate:

Given the presence of the late 19th century barn on the site it would also be appropriate to secure a rapid historic building survey to ensure that a record is made of the building before it's demolition. The following condition would be appropriate:

KCC Accommodation -

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution. A summary of the projects serving the development and proportionate contributions requested is set out in Table 1.

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

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

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

KCC SUDs -

(Final Comment)

Thank you for your consultation on the above referenced planning application. Kent County Council as Lead Local Flood Authority understand that the proposal and subsequent layout of the development has changed since our previous consultation response on the 23rd of September 2021.

With the change to the application, an update has been made to the Flood Risk Assessment and Drainage Strategy report (24th April 2023). The LLFA have subsequently reviewed the report and understand that the principles set out previously have remained unchanged. The principle being the utilisation of permeable paving and below ground cellular attenuation to facilitate a limited 2 l/s discharge rate to the combined sewer.

Whilst the LLFA raise no objections to this same proposal, we did highlight in our previous consultation the need to undertake ground investigations and infiltration testing as part of the future detailed design stage. This request has been strengthened through the findings contained within the Ground Investigation Report (March 2023).

The outcomes of the investigations undertaken to date have identified the extent of the less permeable Thanet Formation is relatively shallow and is underlain by the more permeable Margate Chalk formation (maximum depth of encountering 4.2m bgl). Section 5.8 within the report has indicated that the Margate Chalk might provide higher rates of infiltration through the use of deepbore soakaways. On this basis, we would encourage for testing to be undertaken to a greater depth within the Margate Chalk formation to confirm if infiltration is suitable. The future use of such features would be dependent upon the rates achieved, the stability of the formation, separation distances and groundwater protection.

Please note, the LLFA would still seek for our previously recommended conditions of the detailed design condition and verification report conditions are still attached to the application should consent be granted.

(Interim Comment)

Thank you for your consultation on the above referenced planning application. Kent County Council as Lead Local Flood Authority have reviewed the latest revision of the Flood Risk Assessment and Drainage Strategy report by Considine (21/09/2023-Revision P04) and understand that the surface water drainage proposals remain unchanged from earlier reports. In view of this, the LLFA's previous consultation response (18/05/2023) remains current.

Despite our previous consultation response remaining the same, the LLFA does seek to change the wording to our detailed design condition to instruct for ample consideration of infiltration first before a discharge to sewer.

(Initial Comment)

Kent County Council as Lead Local Flood Authority have reviewed the information submitted and have the following comments to provide the LPA:

The LLFA are aware that the current site is formerly agricultural land and has some existing farm/ store buildings. The proposal presented currently would see this be replaced with a 53 dwelling development. The Flood Risk Assessment and Drainage Strategy report prepared by Considine presents a surface water strategy to serve the development.

The report details that the proposed development would be served by a combination of Type C permeable paving and cellular attenuation. The permeable paved areas would have a below sub-base for below ground storage of surface water within the parking spaces of properties. Two large cellular storage tanks are proposed under the two access roads to attenuate surface water and meet the discharge limitation of 2 l/s for all return periods (100 year event plus 40% climate change).

As permeable paving is proposed for the driveways, it is likely that these will provide a significant contribution for attenuation of surface water. Consideration should be given to future obligation of home owners to maintain and reinstate these features for the lifetime of the development. The LLFA would therefore advise against the installation of these features however, if this option is used then options for restrictive covenants or other agreements will have to be made.

Discharge from the site at 2 l/s would be directed into an existing combined sewer under Northwood Road (new connection). Typically, we would object to discharging into combined sewer systems however, the LLFA are aware that desk based geology mapping shows this area to be underlain by superficial head deposits and the Thanet Formation. These formations may offer limited permeability and as such may be unsuitable for infiltrating features. Despite this, we would advise that an investigation is undertaken on site because the mapping indicates that the site is close to a geological boundary of Upper Chalk and the exact locations of these formations is not certain. These further investigations can be undertaken as part of a detailed design stage.

The LLFA would also advise that Southern Water are consulted with the proposal to connect/ discharge surface water into their combined sewer to determine whether sufficient capacity exists. It is essential that available capacity is present and if not then suitable upgrades may be required to reinforce the network and this should ideally be confirmed by them at this stage.

Southern Water - Our initial investigations indicate that Southern Water can provide foul and surface water disposal to service the proposed development (surface water runoff 2 l/s at manhole reference TR37671401). Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

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.

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.

The proposed development would lie within a Source Protection Zone. The applicant will need to consult with the Environment Agency to ensure the protection of the public water supply source is maintained and inform Southern Water of the outcome of this consultation.

Environment Agency - We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee. Please refer to the attached 'When to consult the Environment Agency' document for guidance on when to consult us.

TDC Environmental Health -

Noise

The site backs on to a retail park; there is a potential for noise associated with goods deliveries and mechanical plant to impact on the new dwellings and mitigation / sound reduction measures may need to be incorporated into the development. A noise assessment is required.

Air Quality

(final Comment)

Thank you for consulting Environmental Health on the updated Emissions Mitigation Assessment April 2023. The revised damage costs are in accordance with DEFRA's AQ damage cost guidance (March 2023) and the proposed mitigation measures set out in 6.2 will offset the costs. The operational mitigation includes EVCP.

(Initial Comment)

The scale of the development (>10 parking spaces) means that standard air quality conditions apply in relation to electric vehicle charge points must be provided to all allocated

parking spaces and 10% of unallocated. An air quality impact assessment is not required as it doesn't meet relevant criteria set out in IAQM Planning for Air Quality or TDC Technical Air Quality Guidance and there are no air quality exceedance areas nearby. An Emissions Mitigation Assessment (Lustre May 2021) has been submitted which includes construction impact assessment as well as damage costs (£22,313) associated with vehicle trip generations. The assessment methodology and conclusions are accepted.

The Air Quality Emissions Statement gives details of proposed EV spec in Appendix A, but safeguarding conditions should be attached.

The report also points the developer toward possible offsetting measures in S6.4; the damage cost goes towards these but can be used for standard mitigation.

Contamination

(Final comment)

No concerns following phase 2 assessment; we only require to keep the unsuspected contamination condition.

(Initial comment)

A Standard condition for a preliminary risk assessment is required.

TDC Arboricultural Officer -

(Final Comments)

Thank you for letting me know about the amended plans.

The Master Site Plan now shows the existing line of Poplars along the western boundary removed and replaced with native hedgerow. I support this amendment, having previously raised the issue of Poplars being an unsuitable species for retention in close proximity to housing and small domestic gardens. Another amendment shows bin and cycle stores moved away from the stems of trees along the eastern boundary, to the edge or outside the root protection areas, also supported.

The changes to the various tree reports and plans appear to mainly reflect the removal of a number of trees and note that a TPO has now been made to protect some of the trees on site, but details otherwise appear unchanged. Other than noted above, my original comments of 5th May 2023 remain valid.

With regard to the arboricultural aspects of the Landscape Masterplan (Rev. P05, dated 19.09.23), the species for proposed street and native woodland trees, native and mixed species ornamental hedges are all appropriate and acceptable. Planting position/spacing, size at planting and establishment/management details are presumably to be provided.

(Initial Comments)

The revised Arboricultural Impact Assessment (AIA) suggest two individual trees and two linear groups of trees would need to be removed to facilitate the proposed development. The individual trees are T1, an early mature, 13m tall Sycamore and T3, an early mature 5m tall

Apple tree. The groups, G8 & G9, are young, 9m tall Lombardy Poplars. All the trees have been identified as Category "C", of poor quality but with an estimated life expectancy of 20+ years (British Standard tree quality assessment criteria). All are said to be in "Fair" physiological and structural condition.

Although T1 is shown to be removed on the Tree Protection Plan (TPP), due to the extent of hard surfacing shown within its root protection area (rpa), both the AIA and Design & Access Statement (D&AS) suggest "no-dig" construction techniques will be used to allow retention of the tree. I do not consider T3 or G's 8 & 9 to be significant to the character and setting of the area, and have no objection to their loss.

The AIA proposes minor pruning works: the cutting back of the canopies of G5 & T10 (all Lombardy Poplars) by 1m to facilitate construction and crown lifting the canopies of G7 (also Lombardy Poplars) to 4m for compatibility with proposed gardens. This represents minor work, of marginal significance to the trees or their contribution the amenity of the area.

Although not specified in the tree surgery schedule at Appendix 4, the AIA suggests there may also be the partial removal of H12, a 6m tall Hawthorn hedge along the northern boundary. The TPP shows the removal of a short length of hedge in the northern corner of the site to accommodate parking spaces, and the cutting back of some lateral growth to reduce encroachment into proposed garden areas. (The partial removal in the northern corner may also be to facilitate a pedestrian 'connection' from the site to the housing allocation to the north side, referred to in the covering letter from Rebus Planning Solutions, dated 27th April 2023.)

The TPP shows the location for protective fencing, ground protection and areas where hard surfacing will be constructed using "no-dig" techniques to safeguard the rpa's of retained trees (specifically T1, G5 & T10). Some specifications and methodology for working practices are described in the AIA, but it also suggests that a detailed Arboricultural Method Statement (AMS) should be produced once final plans, locations for site compounds and storage etc, and service runs have been confirmed. Section 5 of the AIA sets out the areas of work that an AMS should address. The submission and prior approval of an AMS could be made subject of a condition on any consent.

The plans show a number of Lombardy Polar trees retained around the boundaries of the site, particularly G7 along the majority of the western boundary, T10 in the north-west corner and T's 16 & 18 on the eastern boundary with neighbouring domestic gardens. The majority of these trees are described as early mature, around 16m tall, and either of poor shape and form or spindly. Although retention of existing trees is desirable to provide a mature landscape setting and boundary features, Lombardy Poplar trees have the potential to grow very tall and have a high propensity to shed large branches and fail due to weak fork structures or decay. They are not really a suitable species for retention in close proximity to housing and growing over small domestic gardens. The trees in G7, if in early maturity as described, may respond to pollarding but may then produce dense pollard re-growth around large cuts prone to decay, and become a maintenance issue for the new owners.

(N.B.

- The tree survey sheets at Appendix 2 of the AIA lists T's 19 to 23, but these are not shown on the revised Tree Protection and Proposed Site plans. Aerial photos suggest they may have already been removed.
- The survey sheets do not include T18, shown retained on the plans. Cross referencing them with an earlier report and plans, it appears to be a 16m tall, early mature Lombardy Poplar, identified as Category "B", in "Fair" physiological and structural condition, but described as "spindly" and with only a 10+ year life expectancy.)

TDC Open Spaces - Yes there is a play area which could be expanded on the back of the wimpey estate, Vincent Close Playground.

TDC Strategic Housing -

(Final Comment)

Within Thanet District Council's Local Plan (adopted July 2020), SP23 requires residential schemes of 10 or more units to provide 30% of the dwellings as affordable housing, including extra care facilities falling under the Use Class C3. To be policy compliant, a contribution of 30% affordable housing (AH) across the 38 units (whole site) is required. The 30% AH equates to 11no. units, which this development proposes. The 30% AH shall be split 70% Affordable Rent (AR) which equates to 8no. units and 30% Shared Ownership (SO) equates to 3no. units; however, the exact tenure split can be confirmed during the course of the application process.

In the Planning Cover letter dated 27th April 2023 submitted by Rebus Planning Solutions on behalf of Knights Lodge Construction Ltd, states the following:

This statement indicates that the proposal is compliant with policy SP23 and is broadly reflective of the district's housing needs as identified within the SHMA (updated 2021).

This proposal incorporates four units, which meet Building Regulation Part M4(2) and Part M4(3) and contribute towards meeting Policy QD05 requirements. However to be compliant with Policy QD05, the M4(2) units equate to 10% of the whole site, this is 4no. units. The M4(3) units required are 5% of the whole site, this equates to 2no. units. Therefore, Policy QD05 is partly met and to be fully compliant a further two M4(2) units across the whole site is required.

Upon review of the, Proposed Site Layout and Accommodation Schedule, dated 07.11.2022, drawing number 454-A-PLN-210, created by del Renzio & del Renzio, it is apparent that the affordable housing is congregated in one area of the site. It would be advantageous if the 11no. of affordable housing units could be more integrated across the site and dispersed within the market housing.

(Initial Comment)

Within Thanet District Council's Local Plan (adopted July 2020), SP23 requires residential schemes of 10 or more units to provide 30% of the dwellings as affordable housing, including extra care facilities falling under the Use Class C3. To be policy compliant, a contribution of 30% affordable housing (AH) across the 44 units (whole site) is required. The

30% AH shall be split 70% Affordable Rent (AR) and 30% Shared Ownership (SO) which equates to 13no. AH units - split 9no. AR and 4no. SO. However, the exact tenure can be confirmed during the course of the application process. In line with Local Plan Policy QD05 - accessibility provision, accommodation shall be provided as follows:

TDC Waste and Recycling -

(Final Comment)

No objections to this now.

(Initial Comment)

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.

Natural England - Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

DESIGNATED SITES [EUROPEAN] - NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION

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

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

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

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

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

If your authority's appropriate assessment has identified any other adverse impacts from the proposed development in addition to those that may be caused by increased recreational pressure and which have not been addressed by your Authority, you must consult Natural England for further advice on this appropriate assessment. Permission should not be granted until such time as Natural England has been able to consider these additional impacts and respond.

Kent Police - We recommend the use of the Secured By Design (SBD) initiative for this proposal and we are satisfied that the Planning Statement for this project acknowledges 'Design for Crime Prevention - A Kent Design Guide for Developers, Designers and Planners'. Paragraph 4.33 states: 'Providing guidance for developers, Kent Police and planners, the design guidance seeks to ensure that all development proposals incorporate the principles of designing out crime. This guidance document considers how developments can reduce crime by setting out the seven attributes to the provision of sustainable communities which are handed down by Government guidance: Safer Places: The Planning System and Crime Prevention. The purpose of the document is to assist designers and developers in ensuring that developments are accessible and safe and through the careful consideration of (i) access and movement, (ii) structure (iii) surveillance (iv) ownership, (v) physical protection, (vi) activity and (vii) management and maintenance.' Furthermore, Crime Prevention through the Design Process (paragraph 8.19 - 8.35), shows that careful consideration was given to the crime prevention principles and reasonable steps seemed to be taken to incorporate them into the development proposal.

Clinical Commissioning Group - NHS Kent and Medway Group (CCG) has delegated co-commissioning responsibility for general practice services in East Kent and is the body that reviews planning applications to assess the direct impact on general practice. I refer to the above full planning application which concerns the proposed residential development comprising up to 38 dwellings. The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution. In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) requests for development contributions must comply with the three specific legal tests: 1. Necessary 2. Related to the development 3. Reasonably related in scale and kind We have applied these tests in relation to this planning application and can confirm the following specific requirements. The calculations supporting this requirement are set out in Appendix 1.

COMMENTS

The application has been called to the planning committee by Cllr Mike Garner, on the grounds of unnecessary loss of trees, adverse impact on the biodiversity of the area, and overcrowding.

Principle

The site is non-previously developed land within the urban confines. The site is allocated for housing within the Thanet Local Plan under Policy H01, for a notional 45no. dwellings; however, this includes land to the south that has recently received planning permission for six dwellings initially, and following on from this a revised scheme for three dwellings.

Policy HO1 permits new housing development on sites that are allocated for housing development, subject to compliance with Policy SP14 of the Thanet Local Plan, and providing the necessary infrastructure.

The submitted plan shows a total of 38no. residential units, including 9no. self-contained flats and 29no. dwellings. When added to the number already approved on the site to the south, the number proposed would fall within the notional allocation number, reaching a total of either 44no. or 41no. units (depending upon which of the extent schemes to the south are implemented).

There is a current need for housing in Thanet and, on this basis, the National Planning Policy Framework (NPPF) requires that applications for housing should be considered in the context of the presumption in favour of sustainable development. The application site is sustainably located on the edge of the town centre, which is within easy walking distance of the site. Northwood Road is also on a bus route, and pedestrian links are proposed that would improve pedestrian movement.

The principle of development is therefore considered to be acceptable, and in compliance with Policies SP01 and HO1 of the Thanet Local Plan, subject to other material planning 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.

Paragraph 130 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture and appropriate landscaping; are sympathetic to local character and history; establish and maintain a strong sense of place; and provide a high standard of amenity for existing and future users.

The site is undeveloped, with the only structures being two existing barns that are in a poor condition, and are intended for demolition. No concerns are raised regarding the loss of the structures as they are not located within the conservation area, and have limited historic significance.

The proposal is for the erection of 38no. residential units. The site is to be accessed via the existing access onto Northwood Road, with the new access road into the site looping around the site to create a circular access road, off which are a number of small cul-de-sacs. A full through route for vehicles is not provided, so vehicles will need to turn before exiting the site. However a through route for pedestrians and cyclists is provided.

The proposed units are a mix of detached, semi-detached and terraced units, with a detached flat block to the centre of the site. All of the units are setback from the road, with parking provided within the curtilage of the plots, in addition to soft landscaped frontages.

A row of detached and semi-detached units are provided along the southern boundary of the site fronting the road, with three of these fronting a small cul-de-sac road extension. These units back onto the neighbouring housing site, and will not therefore be viewed in the context of the neighbouring development when considering the design. They will be visible however from Fairlawn Road, and therefore maintaining a development of a similar scale is important. The proposed units that back onto the boundary are 2-3 storey in height, with the rear elevation provided with a 2-storey eaves level. There will be a distance of 10m from the proposed rear elevations to the rear boundary of the site, and a further 24m to the nearest existing property in Fairlawn Road. Unit 1 is located close to the entrance of the site to the south, and is a bungalow. Its setback from the access on land located to the rear of no.74 Northwood road. This unit would be close in proximity to the approved units on the neighbouring housing development, being located to the east of that development; however, the buildings on the neighbouring site, approved most recently, are also bungalows, so unit 1 will appear in keeping with the character of this part of the site with a similar scale development proposed.

Along the western boundary of the site two terraced blocks are proposed that front the main access road. These units back onto the commercial units. Being closest to the town centre the provision of terraced units in this location is considered to be appropriate.

The units along the northern and eastern boundaries consist of semi-detached and detached units with approximately 2m gaps in between. Garden depths of these units range from 10m-15m. On the eastern boundary the units back onto existing 2-storey properties and bungalows in Northwood Road. All of the proposed dwellings have a 2-storey eaves level to the rear, and therefore the scale of these units are considered acceptable when viewed in the context of existing surrounding development.

To the centre of the site and ring road, a 2-3 storey detached flat block is proposed. The building faces towards the access into the site, creating a prominent feature building when entering the site. The building is setback from all sides, creating a spacious setting for this building that is predominantly soft landscaped, with some parking provision provided.

The proposed development has a density of 29 dwellings per hectare. Whilst the site is an edge of centre site, and could therefore potentially accommodate a higher number of units, the site is also located in an area that has quite a suburban appearance, and therefore the number and density of development proposed is considered to be in keeping with the surrounding pattern of development and character of the area.

In terms of the design, the proposed development is quite modern in its appearance, although reference has been made to surrounding development meaning that pitched roofs have been maintained. Given that this site is quite isolated, and is setback from any existing housing development, an individual character for this development would be accepted.

A number of different unit types have been proposed, which will add interest to the overall appearance of the development. For the houses they are all pitched roofs, but the unit types vary between those with parapet projecting features to the front elevation, those with gable frontages and reduced staggered gable projections to the rear, and those with balconettes to the first floor front elevation. In the majority of cases the fenestration consists of large floor to ceiling windows, which lighten the appearance of the units. In terms of materials, an interesting and varied palette of material is proposed, consisting of yellow brick, darker brick stack facades, white render, timber vertical cladding, dark grey aluminium windows and doors, and slate tile roof.

The flat block is larger in scale than the houses, but as mentioned previously it is setback in the site and provided with a spacious setting around the building. Whilst large in size, the building is broken up into three elements, each of which differs in height and design. The largest element is 3-storey in height with full height glazing to the front elevation along with glazed balustrading that serve balconies. It has an asymmetrical shaped roof, which when viewed from the side elevation drops in height towards the rear. The side elevation contains a number of glazing panes, and is broken up with fibre cement panelling to the upper levels and brick at ground floor level. To the rear similar materials are used, in addition to timber panelling to the centre. The central element is setback from the front building line, and has a more traditional gable roof form, with brick, glazing and timber cladding. The ridge height of this element is lower than that of the southern element. The northern element has a roof ridge height that is lower again. This is again an asymmetrical roof, which projects forward in line with the southern elements' front building line. The design mimics the southern element, although only 2-storey in height. The side elevation to the 2-storey northern elements contains a projecting window, and to the rear a number of full height windows are again proposed. Overall the flat block achieves a well-designed unique building, with staggered form that breaks up its scale, and with each elevation providing an active and interesting design, which is necessary given the prominence of this building at the centre of the site.

In terms of trees and landscaping, concern has been raised by residents regarding the loss of trees on the site over the last few years. Since the application was submitted in 2021, a number of trees to the centre of the site have been removed, which was regrettable, however, they were also not protected and therefore such removal was not unlawful. When considering the application proposal, and the fact that the site is allocated for housing, the removal of some trees on the site was inevitable, however, this should have ideally been carried out as part of the planning process, and following an assessment of the trees. The applicant was advised that we would expect to see new tree planting through the application to compensate for the removed trees. Furthermore, the Arboricultural Officer has visited the site and assessed the remaining trees, and a Tree Preservation Order has been placed on four of the trees, including a large Sycamore close to the entrance of the site, a Sycamore and Hawthorn along the eastern boundary, and a Sycamore along the northern boundary.

A landscaping masterplan has been submitted with the application. The plan shows the retention of the four protected trees, and new tree planting in the form of both Street trees, and Woodland Copse tree planting. The landscape masterplan provides a framework for the intended landscaping, and therefore the exact number of new trees to be planted is not certain at this time; however, the landscape architect has advised that the masterplan is indicating approximately 47no. new street trees and 25no. new Native Woodland trees. In order to secure the planting of a high number of new trees within the site, the landscape condition requires the submitted landscape plan to include a minimum of 60no. new trees for planting within the site, which offsets those trees removed, and significantly increases the number of replacement trees.

In addition to this the landscaping plan shows the provision of new scrub/shrub planting, wildflower meadow grassland, native hedge and ornamental hedge, along with the retention of the existing hedge along the northern boundary. There are a number of open amenity areas around the development, including the area to the front and rear of the flat block, along with small pockets of land in corners and adjacent to parking areas. In order to maintain and safeguard these areas in the future, the landscaping plan shows the areas that will be maintained through a management company, which won't fall within individual site curtilages. Overall, whilst there has been a loss of trees on the site, the proposal seeks to retain the protected trees, and provide a substantial amount of new tree and shrub planting, which will soften and enhance the visual impact of the development, whilst providing biodiversity benefits.

In terms of the hard surfacing, the site layout finishes plan shows that there will be no tarmac within the site, other than at the initial entrance, and that the ring road, cul-de-sacs, pavements and parking spaces will all be block paved using four different shades. This treatment is supported.

Overall the proposed development is considered to provide a good quality layout, with buildings of an appropriate scale and interesting design. The number of units proposed comply with Policy HO1 of the Thanet Local Plan, and the surrounding pattern of development, and a substantial landscaping scheme has been proposed. The proposed development is therefore considered to comply with the character and appearance of the area, in accordance with Policy QD02 of the Thanet Local Plan.

Living Conditions

- *Neighbouring occupiers*

Policy QD03 outlines that new development must not lead to unacceptable living conditions through overlooking, noise, vibrations, light pollution, overshadowing, loss of natural light or a sense of enclosure.

Paragraph 119 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 130 states that decisions should ensure the development creates places that are inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users.

The existing residential properties that would be affected by the proposed development are those in Fairlawn Road, and those in Northwood Road. The nearest property in Fairlawn Road to the development is 34m away, so there will be no loss of light/outlook, or privacy for these residents at this distance.

In Northwood Road the existing properties are either 2-storey, or bungalows, although many of the bungalows contain rear dormer windows giving them a second floor of accommodation. The proposed development is oriented so that no.76 Northwood Road is the closest property to the development, and then the proposed dwellings move further from the eastern boundary, increasing the garden depths of the properties. At the same time the existing properties in Northwood Road also increase their distance to their rear boundary as you move further north, so the distance is at its greatest between no. 84 Northwood Road and plot number 29. At this point the distance between them is 42m. For no.78 there is a distance of 25.5m to the corner of their rear conservatory, and 30m to the corner of the main dwelling, and for no.76 there is a distance of 29.5m to their rear elevation. The existing tree line along this boundary will remain, including 2 TPO trees, providing some screening. Furthermore, the nearest proposed units have been amended so that there are no windows above 2-storey, other than velux windows. Given the distance, unit design, and presence of landscaping for screening, the impact upon the amenities of these properties along Northwood Road is considered to be acceptable, and in accordance with Policy QD03 of the Thanet local Plan.

- *Future Occupiers*

Within the proposed development the units have been assessed against Policy QD04, which states the minimum space requirements of the units in relation to the nationally described space standards. The smallest 1-bed unit is 55sqm, which exceeds the minimum requirement of 50sqm; the smallest 2-bed is 77sqm, which exceeds the minimum requirement of 61sqm; the smallest 3-bed is 96sqm, which exceeds the minimum requirement of 84sqm; and the smallest 4-bed unit is 171sqm, which exceeds the minimum requirement of 97sqm.

There is a requirement for each property to be required with secure doorstep playspace, as required by Policies QD03 and GI04 of the Thanet Local Plan. Each dwelling is provided with a garden area, and the block of flats is provided with a communal garden area. The proposal is considered to comply with Policies QD03 and GI04 for doorstep playspace.

The proposed dwellings to the west of the site back onto existing commercial units within the retail park, and therefore Environmental Health has advised that there is the potential for noise associated with goods deliveries and mechanical plant to impact on the new dwellings. Mitigation/sound reduction measures may need to be incorporated into the development, and therefore a noise assessment will be required to identify these, but this can be secured via condition.

Refuse stores and cycle stores are provided to the side of the flat blocks, the retention of which will be conditioned.

The impact upon the living conditions of future occupiers is therefore considered to be acceptable, and in accordance with Policies QD03, QD04, and GI04 of the Thanet Local Plan.

Transportation

The proposed development is utilising an existing vehicular access onto Northwood Road. The layout proposed a circular road within the site, although a full circular road for vehicles is not proposed and vehicles will need to turn within one of the cul-de-sac turning heads in order to exit the site in a forward gear. The proposed road will support pedestrian and cycle movement though and a further pedestrian connection point is provided in the north western corner of the site to enable a connection through the adjacent housing allocation site to the town centre. In terms of parking provision, two spaces per dwelling are proposed, along with 1no. Space per flat and 8no. visitor parking spaces.

A transport assessment has been submitted with the application. The assessment confirms that visibility splays of 2.4m x 43m at the access can be achieved; the nearest bus stops are on Northwood Road, a short distance from the site entrance; and Northwood Road has a low record of accidents, with only two recorded over the last five years.

In terms of parking, the initially submitted plans showed an undersupply of parking, but since the plans were amended and the unit numbers reduced, the proposed development now exceeds the car parking standards required for a suburban location. This is also the case for cycle parking, with space available in individual gardens, and storage indicated on the plan for cycle storage for flats.

A shared surface is being provided within the site of 5.5m wide. The proposal includes the widening of the existing access radii to 4.5m (from 2.5m). The shared surface is intended to lower speeds, making it safe for pedestrians and other road users, whilst maximising green space.

In terms of vehicle trips, the assessment states that the proposal is predicted to generate an increase of 19 and 20No. 2-way vehicle movements in the weekday AM and PM weekday peak hours respectively, which equates to on average one additional vehicle movement every 3 minutes during the peak hours. This increase would not have a severe impact on the highway network.

KCC Highways have been consulted on the application, and in response to the amended plans that have increased parking provision on the site, made visitor parking spaces more evenly spread across the site, and extended the formal footpath into the site, they now raise no objections to the proposal subject to safeguarding conditions.

Electric vehicle charging spaces have not been indicated on the plan, but can be secured by way of condition as required by planning policy.

Tracking plans for a 13m long vehicle have been provided within the transport assessment. The waste and recycling team has confirmed they have no objections to the proposed layout.

The Impact upon highway safety is considered to be acceptable, and in accordance with the NPPF.

Affordable Housing

Policy SP23 of the Thanet Local Plan states that 'residential development schemes for more than 10 dwelling units, including mixed use developments incorporating residential and developments with a combined gross floor area of more than 1,000 square metres shall be required to provide 30% of the dwellings as affordable housing. The affordable housing shall be provided in proportions set out in the Strategic Housing Market Assessment or successive documents'.

The application proposes 30% affordable housing, which equates to 11no. Units. Of these units, 70% will be affordable rent, and 30% will be first homes. Whilst one of the first homes units should have been a shared ownership unit, securing a housing provider that will take a single unit is likely to cause difficulties. First homes are a similar product to shared ownership units in that it provides affordable units at a reduced cost. Viability concerns have also been raised by the applicant, and the provision of all 30% units as first homes will help with viability and enable the 70% affordable rent units to be secured.

A plan has been submitted identifying the affordable units, which are adjacent to the western boundary of the site and include 4no. 1-bed flats, 4no. 2-bed houses, and 3no. 3-bed houses.

TDCs Strategic Housing Officer has been consulted on the application, and have advised that whilst the number of affordable units are acceptable, they should be spread across the site and integrated with the market units. Whilst this form of pepper potting is usually encouraged, this is quite a small scheme, and the units offered as affordable achieve the unit mix required and enable adequate management of the units. On balance the affordable housing provision is therefore considered to be acceptable and subject to the submission of a legal agreement securing the provision as identified above, the proposed development is considered to comply with Policy SP23 of the Thanet Local Plan and paragraph 65 of the NPPF.

Size and Type of Units

Policy SP22 of the Thanet Local Plan states that proposals for housing development will be expected to provide an appropriate mix of market and affordable housing types and sizes having regard to the SHMA recommendations as may be reviewed or superseded. It further states that the Council will encourage proposals for residential development to incorporate a higher ratio of houses to flats (as recommended in the SHMA).

A recent Local Housing Needs Assessment (Aug 2021) has been carried out that seeks to update the current recommendations for local housing need. The assessment has identified a shift in housing requirements, with a reduction in the need for 1-bed and 2-bed market units, and an increased need for 3-bed and 4-bed market units. For the affordable units the need remains very similar to the previous recommendation, with a very slight reduction in the

smaller 1-bed units, and a slight increase in all other unit sizes. This assessment is currently under consultation and is yet to be adopted, but provides an indication of the most recent evidence relating to housing needs.

The proposed development provides 38no. residential units, consisting of 4no. 1-bed flats, 4no. 2-bed flats, 4no. 2-bed dwellings, 1no. 3-bed flat, 8no 3-bed dwellings, and 17no 4-bed dwellings. A clear mix of unit types and sizes are provided throughout the scheme, which achieves good quality family accommodation, along with smaller affordable units of accommodation. The mix of units proposed is considered to be acceptable, and in accordance with Policy SP22 of the Thanet Local Plan.

Four accessible units have been provided, with two 1-bed and two 2-bed flats identified for this. The proposal therefore accords with Policy QD05 of the Thanet Local Plan.

Drainage

A flood risk and drainage strategy has been provided. The site is located within flood zone 1, and therefore has a low risk of flooding.

In terms of the proposed surface water drainage strategy, it has been determined that a review of the bedrock mapping shows that the site is unlikely to be suitable for infiltration as it had limited permeability. It is therefore proposed that the site connects to the existing public surface water sewer, and that the flow is restricted through a flow control such as Hydro-Brake. The strategy proposes that a geocellular attenuation tank be provided, which will secure storage sufficient for the 1:100-year event plus 45% climate change allowance. It is proposed that the connection to the public sewer is made via gravity, but this will be determined following investigations at the detailed design stage.

In terms of foul drainage, the strategy has identified an existing 225mm diameter combined sewer within Northwood Road and another combined sewer within Fairlawn Road. As there is no existing development within the site there is no existing foul water system. The proposal is for the foul network to serve the development to connect to the existing public combined sewer in Northwood Road.

The Environment Agency has confirmed they have no comments to make.

Southern Water has advised that their initial investigations indicate that there is the capacity to provide foul and surface water disposal to the combined sewer, and a water supply, to service the proposed development, and they therefore have no objections to the proposed drainage strategy, subject to a safeguarding condition securing the submission of the detailed drainage design.

KCC SUDs has advised that they would normally object to discharging into combined sewer systems, however, they are aware that desk based geology mapping shows this area to be underlain by superficial head deposits and the Thanet Formation, which may offer limited permeability and as such may be unsuitable for infiltrating features. Despite this KCC advise that further testing should be carried out to sufficiently rule out infiltration within the site for surface water. Further updates of the drainage strategy has been submitted, and the latest

version includes investigations that raise the possibility of the less permeable Thanet Formation overlain more permeable Margate Chalk formation, meaning there may be scope for higher rates of infiltration through the use of deep bore soakaways. KCC therefore recommends further testing be undertaken at greater depths within the Margate Chalk formation to confirm if infiltration is suitable. KCC are satisfied that this further testing can be carried out via a condition submission.

Subject to safeguarding conditions, the impact upon groundwater protection and flood risk is therefore considered to be acceptable, and in accordance with Policy CC02 of the Thanet Local Plan, which requires the provision of suitable surface water management.

Biodiversity

Policy SP30 of the Thanet Local Plan requires development proposals to make a positive contribution to the conservation, enhancement and management of biodiversity.

An Ecological Impact Assessment has been submitted as part of the application submission. The assessment concludes that no habitats were found on site that were likely to support notable plant species; there are no records of of great crested newts within 1km of the site, and there are no ponds within the site, no great crested newts are scoped out; grassland, hedgerow and scrub provide suitable habitat for reptiles so a presence/likely absence survey for reptiles was conducted in 2021 and again in 2023, and no reptiles were recorded; the site has negligible importance for bird species; on-site habitat is not connected to any extensive areas of off-site woodland or other suitable habitats within the wider landscape so hazel dormice are scoped out; suitable habitat for badger foraging and sett formation were found on site so a badger field sign survey was conducted in 2020 and again in 2023, but no evidence was found; hedgehogs and water vole have also been scoped out.

In terms of bats, the mixture of hedgerows, tree line, grassland, scrub and buildings provide suitable habitats for foraging, commuting and roosting bats, and therefore a bat emergence /re-entry survey of the buildings was carried out in 2021, but identified no bats. Treeline G16 was found to have high to moderate suitability for roosting bats, but lack of bat activity and the low suitability of features present indicated a likely absence of bats. A climbing inspection of the trees took place in 2021, with no evidence identified of roosting bats within the features found on the trees. Two of the trees were identified as having negligibly suitable features, but none of the trees were found to have any evidence of use by roosting bats at the time of the inspection. The line of trees was felled on 15th March 2022 after being checked and left in-situ for a minimum of 24 hours. The updated bat emergence survey undertaken between June and July 2023 did not record bats emerging from either on-site building. A likely absence of roosting bats from these buildings was therefore concluded. A further ground level tree assessment was undertaken on 18th July 2023 to further assess LT1, a line of poplar trees that are to be removed to facilitate development works. All trees within LT1 were classified as having 'negligible' suitability for roosting bats. The trees do support some ivy cover and there is a low-level risk that this could obscure some potential bat roost features. Therefore, as a precaution, the report recommends that these trees are subject to precautionary sectional felling with the timbers left on site overnight after cutting before being removed or processed. In order to compensate for the loss of suitable roosting features, the report recommends that six bat boxes be installed on suitable trees within the

retained hedgerows and on other existing on-Site trees. Common pipistrelle were recorded foraging across the Site during the bat survey in 2021 and 2023. Individual soprano pipistrelle were recorded in flight. Based on the amount of foraging habitat provided by the Site, the species of bat recorded, and the low number and frequency of bat passes recorded during the surveys, the report suggests that the site is of negligible importance for foraging bats. It is also proposed to remove LT1 and replace with a species rich, native hedgerow which will provide foraging and commuting habitat for bats.

In addition, as part of the amended scheme a detailed landscaping plan has been submitted, showing the location of existing boundary hedge to be retained, remaining trees to be retained, new native hedgerow planting, new mixed species ornamental hedge, pollen and nectar wildflower meadow grassland, comprising 80% grass species and 20% wild flowers, new woodland copse tree planting with associated wild flower mix and native shrub species, native shrub/scrub planting, and wildlife beneficial ornamental shrub and herbaceous planting. In addition 4no. timber log piles, 5no. bug hotels, 5no. Bat boxes, and 3no. Bird boxes are proposed.

KCC Biodiversity has been consulted, and advise that sufficient ecological information has been provided. No objections are raised to the proposed report and plan, but KCC recommend that a safeguarding condition be attached requiring that an Ecological Design Strategy be submitted to mitigate for the loss of biodiversity. The strategy would need to include details of initial aftercare and long-term maintenance, including monitoring proposals. Subject to this safeguarding condition, and a condition that secures the landscaping provision as shown, the impact upon biodiversity is considered to be acceptable and in accordance with Policy SP30 of the Thanet Local Plan.

The loss of trees within the site have been covered within the character and appearance section of this report, and details of the Tree Preservation Order that has been placed on four remaining trees has been provided. Further conditions required to retain existing trees include that requiring the provision of protective fencing during construction works, and that requiring details of long-term landscape management, similar to that required for the ecological enhancements.

Archaeology

Policy HE01 of the Thanet Local Plan requires the identification, recording, protection and enhancement of archaeological sites, with developers required to submit information with the application to enable an assessment of the site.

A desk based archaeological assessment has been submitted and KCC Archaeology has been consulted. KCC advises that the study provides a good account of the rich archaeological potential of the site and the surrounding area. It also illustrates 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. Other than the farm buildings in part of the site, it 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, KCC advise it would be appropriate to make provision in any forthcoming planning consent for a programme of archaeological works.

As such, no objections are raised to the proposed development subject to a safeguarding condition that requires the implementation of a programme of archaeological work to be carried out, followed by mitigation and/or further investigation as appropriate. Subject to this safeguarding condition the proposal is considered to comply with Policy HE01 of the Thanet Local Plan.

Contamination

A Phase 1 Geo-Environmental Risk Assessment has been submitted with the application. The Preliminary Risk Assessment has highlighted potential pollution linkages associated with identified contamination sources and the future end uses of the site, and therefore a Moderate risk has been assigned. The report recommends that a limited intrusive investigation be undertaken to assess if the potential risks identified are present and how these may impact on the redevelopment of the assessment site. The investigation works should primarily focus on the potential presence of contamination within the shallow soils beneath site, however investigation works also need to consider the potential impact on controlled waters and the potential for ground gas generation.

A subsequent ground investigation report has been submitted, which confirms that there are no contaminants on the site at unacceptable levels within the soils analysed that are likely to impact human health, and therefore the environmental risk is low.

Environmental Health has been consulted and advise that following the submission of these reports, the only safeguarding condition required is one that relates to unsuspected contamination. Subject to this safeguarding condition the impact upon future occupants from contamination is considered to be acceptable, and in accordance with Policy SE03 of the Thanet Local Plan.

Air Quality

An Air Quality Mitigation Assessment has been submitted. The report advises that the proposed development would generate approximately 230 daily vehicle movements, and therefore the total damage cost is calculated as £22,313 over five years, which is an estimate of the costs to society due to the impact of increases in emissions associated with the proposed development.

The report identifies mitigation measures for construction and operational activities. Environmental Health has been consulted and advises that an air quality impact assessment is not required as it doesn't meet relevant criteria set out in IAQM Planning for Air Quality or

TDC Technical Air Quality Guidance and there are no air quality exceedance areas nearby. They accept the methodology and conclusions within the Emissions Mitigation Assessment.

Following the submission of amended plans an updated Emissions Mitigation Assessment has been submitted, within which the total damage cost has been reduced to £9,638 over five years. The operational mitigation proposed includes a travel plan, welcome pack containing information on sustainable transport modes, car club provision. Improved cycle links, cycle storage, green infrastructure, and EV charging spaces. Environmental Health has advised that the revised damage costs are in accordance with DEFRA's AQ damage cost guidance (March 2023) and the proposed mitigation measures set out in 6.2 will offset the costs.

Subject to safeguarding conditions on electric vehicle charging, requiring the mitigation measures to be carried out as set out within section 6.2 of the Emissions mitigation Assessment, and the submission of an environmental construction management plan, the impact upon air quality is considered to be acceptable, and in accordance with Policy SE05 of the Thanet Local Plan.

Habitat Regulations

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 C3 units 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 unit, £424 per 3-bed units, and £530 per 4-bed (plus) unit. This mitigation means that the Council has accorded with the Habitat Regulations and an appropriate assessment has been undertaken. The applicant has agreed to the contributions, which will be secured through a signed legal agreement. An acceptable appropriate assessment has been carried out on this basis.

Financial Contributions and Obligations

Policy SP41 of the Thanet Local Plan requires that development only be permitted when provision is made to ensure the delivery of relevant and sufficient community and utility infrastructure; including, where appropriate, a contribution towards the provision of new, improved, upgraded or replacement infrastructure and facilities.

The following contributions are required:

- A contribution of £169,012.51 towards a new Thanet secondary school or the provision of additional secondary places within the Thanet District non-selective and selective planning group;
- A contribution of £70,495.83 towards secondary education in the form of a new Thanet secondary school land acquisition cost;
- A contribution of £16,934.87 towards the provision of additional SEND places and/or additional SEND facilities within Thanet District;
- A contribution of £1,299.98 towards community learning, to provide additional resources, equipment, and classes for the Adult Education Service in Thanet District to assist with the education and training of the new learners from this development;
- A contribution of £2,379.94 towards libraries, to provide additional resources, stock and services (including digital infrastructure and resources) at Broadstairs, Ramsgate and Newington Library;
- A contribution of £2,813.90 towards children's services, to provide additional resources for Integrated Children's Services to enable expansion of capacity within the hubs and provision of outreach work in the vicinity of the development;
- A contribution of £6,873.44 towards adult social care, in the form of specialist care housing provision in the district, adaptation of community facilities, technology to promote independence, multi-sensory facilities and changing place facilities in the vicinity of the development;
- A contribution of £1,976 towards waste services, to provide improvements at Thanet District HWRC to increase capacity;
- A contribution of £38,196 towards health provision, in the form of the refurbishment, reconfiguration and/or extension of Mocketts Wood Surgery within Margate PCN and/or Summerhill Surgery and/or Newington Road Surgery and/or Dashwood Medical Centre and/or The Grange Practice within Ramsgate PCN and/or towards new general practice premises development in the area;
- A contribution of £33,250 towards equipped play provision at Vincent Close playground;
- A contribution of £16,194 towards the Special Protection Area;
- Affordable housing in the form of 30% on site provision.

The applicant has agreed to these contributions and obligations, which have been secured through the submitted signed legal agreement.

Conclusion

The site is an allocated housing site within the urban confines. The number of units proposed does not exceed the notional number set out within Policy HO1, and the density of the development at 29 dwellings per hectare is considered suitable for this edge of centre site. The proposed layout consists of a mix of terraced, semi-detached and detached dwellings, along with a flat block, providing a mix of 1, 2, 3 and 4-bed units. The proposed pattern of development is not out of keeping with the surrounding area, and the scale and design of the proposal is considered to result in an acceptable impact upon visual amenity.

Concerns have been raised by residents regarding loss of trees and wildlife habitats, however, none of the trees removed were protected, and a detailed landscape masterplan

has been submitted showing how it is intended to replace and enhance landscaping on the site, and provide ecological enhancements to serve wildlife. Four trees have recently been protected by a Tree Preservation Order, and it is stated that these trees will be retained, along with a minimum 60no. replacement/new trees. Whilst the development of the site will result in an initial loss in biodiversity, this is expected as the site is allocated for housing, however with the provisions made within the proposal and through the use of planning conditions, the proposal would comply with Policy SP30

KCC raises no concerns on highway safety, and adequate visibility splays can be achieved, in addition to improvements to pedestrian and cycle movement to the town centre. Sufficient off-street parking has been provided and a shared surface has been provided within the site encouraging a reduction in vehicle speeds.

Given the distance to neighbouring properties, there is not considered to be an impact upon neighbouring living conditions.

Planning obligations include the provision of 30% on site affordable housing, and financial contributions to mitigate the harm of the development, which will be secured through a legal agreement.

The proposal provides family dwellings and smaller affordable units on an allocated housing site, which will contribute towards the Council's housing need, and thereby significant social and economic benefits are provided, which outweigh the limited environmental harm, which can be mitigated through the safeguarding conditions identified.

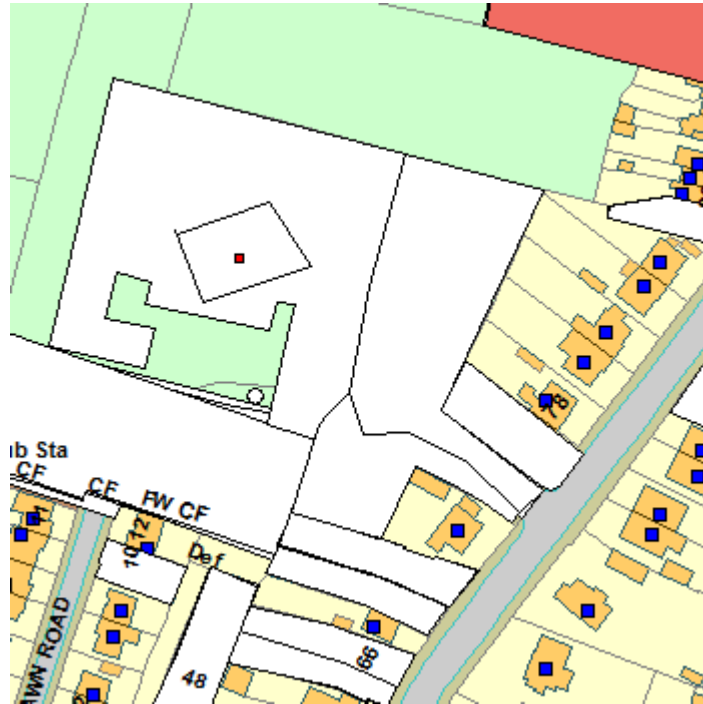
The proposal is therefore considered to be a sustainable form of development within the urban confines, and it is recommended that Members defer and delegate the application for approval subject to safeguarding conditions and the submission of a signed legal agreement securing the identified Heads of Terms.

Case Officer

Emma Fibbens

TITLE: F/TH/21/0671

Project Land To The North Of Fairlawn Road And The West Of Northwood Road
Broadstairs Kent



This page is intentionally left blank